

0/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 5

/2002

Applicant(s)

B Aburam Deka

Respondent(s)

CLOI 2 018

Advocate for Applicant(s) Mr M.Chanda, N.D.Goswami

G.N.Chakrabarty & H.Dutta

Advocate for Respondent(s)

Case -

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C. F. for Rs. 50/- deposited vide P/101 o 69.7.9.2001 Dated1.8.12.2001 Dy. Registrar</p> <p>VS 9/01/02</p> <p>Sets letter Nellig forwarded and sent to Dts for my the Exh. No 1 to 5 by Regd. A/S. Dr 7/6/1</p> <p>D/No 167 K.12/1 Dtd 24/1/02.</p>	10.1.02	<p>Heard Mr. M.Chanda, learned counsel for the applicant. Issue notice as to why the application shall not be admitted. Returnable by four weeks. Mr. A.Deb Roy, learned Sr. C.G.S.C. accepts notice on behalf of the respondents. List on 11.2.2002 for admission</p> <p>IC Usha Member</p>
	11.2.02	<p>Heard Mr. M.Chanda, learned counsel for the applicant and also Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents. The application is admitted. Call for the records. List on 11.3.2002 for order.</p> <p>IC Usha Member</p>
	mb	<p>Vice-Chairman</p> <p>Vice-Chairman</p>

(2)

14.3.2002 List the case on 12.4.2002 enabling the respondents to file written statement.

No written statement has been filed.

3/3
11.4.02

CC Usha
Member

Vice-Chairman

12.4.02 List on 7/5/2002 to enable the Respondents to file written statement.

No written statement has been filed.

3/3
6.5.02

mb

7.5.02 List again on 4/6/2002 to enable the Respondents to file written statement as prayed by Mr. B.C. Pathak, learned Addl. C.G.S.C. on behalf of Mr. A. Deb Roy, learned Sr. C.G.S.C.

No written statement has been filed.

3/3
3.6.02

mb

4.6.02

CC Usha
Member

Vice-Chairman

List on 27.6.02 to enable the respondents to file written statement.

21.6.2002

W/S Submitted
by the Respondents 27.6.02

CC Usha
Member

Vice-Chairman

Written statement has been filed. The case may now be listed for hearing on 8.8.02. The applicant may file rejoinder if any, within two weeks.

CC Usha
Member

Vice-Chairman

lm

8-8.

~~Postponed after hearing~~

W/S to be listed on 27/8/2002

mg
After
8/8/02

7.8.02

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

3/3

3
O.A.5/2002

Notes of the Registry

Date

Order of the Tribunal

27.8.2002

Heard counsel for the parties.

Judgment delivered in open Court, kept in separate sheets.

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

K. L. Sharma

Member



Vice-Chairman

bb

Judgment
Order dt 27/8/02 communicated
to the applicant & the parties
Courtney.
DR

*Received
Today 29/9/02*

Notes of the Registry

Date

Order of the Tribunal

DUC ->

Memo No. HCN XI 7734-39 R.M. 270 S. 5, 09,
received from the Ass'tt. Registrar (B),
Gauhati High Court, Gauhati.

The DUC may kindly be seen.

The Union of India has filed W.P.(c)
No. 2873 of 2003 before the Hon'ble Gauhati
High Court against the judgment/order
dt. 27.8.2002 passed in OA 5/2002.
The Hon'ble High Court allowed the
above mentioned W.P.(c) on 20.4.2007
as:

"In view of the above the direction
of the Tribunal in favour of the Applicant/
Respondent is not sustainable in law;
consequently, we set aside and quash
the aforesaid order dated 27.08.2002
passed by the Tribunal."

This may be placed before the
The Hon'ble Vice-Chairman for His
Lordship's kind perusal.

Submitted for favor & kind perusal
please.

11/5/09

Dr. M.
so/ce.

✓

Yes
As proposed

R. Sarmah
11.5.09

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

W. P. (C)

No

2823

of 200 3

Union of India and others Appellant

Appellant

Petitioner

Versus

Sn^o. Basu Ram Seka

Respondent

Appellant

For _____

Mr. M. Singh, Mrs. Gouri Singh Opposite Party

Respondent

For _____

Mr. B. K. Sarma, for the respect.

A 11

Opposite Party

Mo.-M.-Chu der, Ade

Noting by Officer or Advocate	Serial No:	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			<p style="text-align: center;"><u>WP(C) No.2873 OF 2003</u></p> <p style="text-align: center;">BEFORE</p> <p style="text-align: center;">THE HON'BLE MR.JUSTICE RANJAN GOGOI</p> <p style="text-align: center;">THE HON'BLE MR.JUSTICE BK SHARMA</p> <p><u>20-04-2009</u></p> <p><u>BK SHARMA J.-</u></p> <p>This Writ Petition is directed against the judgment and order dated 27.08.2002 passed by the learned Central Administrative Tribunal, Gauhati Bench, in Original Application No.5 of 2002. By the aforesaid judgment and order passed by the learned Tribunal the direction issued is to take steps for conferment of temporary status to the Applicant, who is the Respondent herein, in the light of the decision of the Full Bench of the Central Administrative Tribunal. By the said decision the Full Bench of the Tribunal held that the casual labourers, even if they had worked on part-time basis, are entitled to regularization on completion of the required number of days for conferment of temporary status and regularization of services thereafter. The said decision of the Full Bench of the Tribunal was carried on appeal before the Apex Court and the Apex Court by its judgment and order dated 24.10.1997 passed in Civil Appeal No.7457 of 1997 set aside the said Full Bench decision of the Tribunal. The Gauhati Bench of the Tribunal while</p>

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

passing the impugned judgment and order dated 27.08.2002 placed reliance on the Full Bench decision of the Tribunal without, however, taking into consideration the judgment and order passed by the Apex Court.

Another aspect of the matter is that the scheme relating to conferment of temporary status was formulated in 1993 whereas the Applicant/Respondent was appointed as a Casual Labourer in the year 1995. It has been held by the Apex Court that the scheme is not an ongoing process and the scheme governs only those employees who were in employment on the date when the scheme came into force in September 1993.

In view of the above, the direction of the Tribunal in favour of the Applicant/Respondent is not sustainable in law. Consequently, we set aside and quash the aforesaid order dated 27.08.2002 passed by the Tribunal.

We accordingly allow the Writ Petition without, however, imposing any cost.

**Sd/- B K SHARMA
JUDGE**

**Sd/- RANJAN GOGOI
JUDGE**

Contd...

Central Administrative Tribunal
द्रीय प्रशासनिक न्याय

644
- 8 MAY 2009

Guwanati Bench
गुवाहाटी न्यायपीठ

WP(c) 2873/03

URGENT

M
6

BJ Note

7734-39

Memo No. HC XXI.

R.M. Dtd.

5/5/09

Copy forwarded for information and necessary action to:-

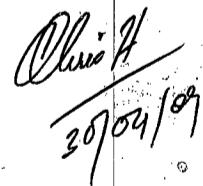
1. The Union of India, represented by the Secretary to the Govt. of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Assam Telecom Circle, Ulubari, Guwahati.
3. The Deputy General Manager (Admn.) Office of the Chief General Manager, Bharat Sanchar Nigam Limited (BSNL), Assam Circle, Guwahati.
4. The Chief Engineer, Bharat Sanchar Nigam Limited, Assam Civil Zone, Guwahati.
5. The Superintending Engineer (HQ) Office of the Civil Engineer(C) Bharat Sanchar Nigam Limited.
6. The Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati- 781005, He is requested to acknowledge the receipt of the following records. This has a reference to his letter No.16-3/02-JA/67 Date 29th January, 2007.

Enclo:-

1. O.A. 5/2002
Part 'A' file with Original
Judgment and order Sheets.

By order


Asstt. Registrar (B)
Gauhati High Court, Guwahati.


30/04/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /XXX. No. 5. of. 2002.XXX

DATE OF DECISION. 27.8.2002.....

Sri Basuaram Deka

APPLICANT(S)

Mr. M. Chanda, G. N. Chakraborty,
H. Dutta & Mrs. N. D. Goswami.

ADVOCATE FOR THE APPLICANT(S)

VERSUS

Union of India & Others.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.5 of 2002.

Date of Order : This the 27th Day of August, 2002.

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Sri Basuram Deka
S/o Late Hataru Deka
Resident of Village Athgaon
P.O:- Hinguli, P.S:- Kamalpur
District :- Kamrup, Assam.
Presently working as Part time Casual
Sweeper in the office of he CE(C)
Guwahati. Applicant.

By Advocates Mr.M.Chanda, G.N.Chakraborty
H.Dutta and Mrs.N.D.Goswami.

- Versus -

1. The Union of India

Represented by the Secretary to the
Government of India, Ministry of
Communication, Department of Telecom
Sanchar Bhawan, New Delhi.

2. The Chief General Manager

Assam Telecom Circle
Ulubari, Guwahati.

3. The Deputy General Manager (Admn.)

Office of the Chief General Manager
Bharat Sanchar Nigam Limited
Assam Circle, Guwahati.

4. The Chief Engineer

Bharat Sanchar Nigam Limited
Assam Civil Zone
Guwahati.

5. The Superintending Engineer (HQ)

Office of the Civil Engineer (C)
Bharat Sanchar Nigam Limited
Assam Civil Zone
Guwahati. Respondents.

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

Contd./2



O R D E R

CHOWDHURY J.(V.C.):

The issue relates to conferment of temporary status in the light of the Scheme known as Casual Labourers (Grant of Temporary Status and Regularisation Scheme of the Department of Telecommunication), 1989.

The facts not in dispute are narrated herein below :

1. The applicant is entrusted with the work of sweeping, cleaning of office, washing of floors and other miscellaneous work in the office of the Chief Engineer, Civil Telecom, N.E.Zone, Guwahati w.e.f.8.8.1995. He represented the authority for conferment of temporary status and regularisation. The respondents responded to it and by the letter dated 26.4.2001 the Superintending Engineer (HQ) forwarded its recommendation for taking further necessary action to the Deputy General Manager (Admn) pertaining to the conferment of temporary status to the applicant. The said memo was sent in pursuance to the communication sent from the Office of Chief General Manager (Admn.) D.O.T.letter No.269-13/99/STN/II dated 16.9.1999, T.O.letter No.1(40)/94/CE-ASM/GH/2384 dated 4.2.2000 and letter No.RETT-3/10/PTVI/III dated 5.2.2001. The case of the applicant was recommended accordingly. The said communication itself indicated that the applicant was engaged from 8.8.1995 on consolidated salary @ Rs.300/- for sweeping charged. The applicant was working

against a vacant post. Against the Column No.19 whether the applicant completed 240 days service in one year, the it was shown in affirmative and the applicant was shown to have worked in all working days from August, 1995 till the date of issue of the forwarding letter dated 24.6.2001. At the time of forwarding his application the applicant was drawing Rs.1700/- p.m. for working more than four hours per day and getting payment on monthly basis/ Though the said recommendation was sent to the competent authority as per forwarding letter dated 26.4.2001, since no action was taken the applicant moved this Tribunal for direction for confirmation of temporary status.

2. The respondents submitted its written statement and did not basically dispute on facts. The respondents in the written statement admitted that the applicant was engaged as part time casual sweeper from July, 1995 and worked upto July, 2001. It was also stated that the applicant was paid on hand receipt (ACG-17) from July, 1995, but from September, 1997 onward, sanction memo were issued as per departmental procedure to facilitate the payment. Regarding the assertion of the applicant of working hours 0600 hours to 1400 hours, the respondents disputed the same and stated that he completed his work before the working hours on each working day. It was also stated in the written statement that the time for sweeping and other activities is less than 8 hours.

3. We have heard Mr.M.Chanda, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents at length. Mr.Deb Roy stated and contended that since the applicant was rendering his service as part time casual labourer he was not conferred with the temporary status. Mr.Deb Roy particularly drawn our attention to the Clause -2 of the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme" and submitted that casual workers engaged for full working hours, namely, 8 hours are only eligible for consideration of temporary status. Since the applicant was a part timer, his case was not considered on that ground. Counteracting the submission of Mr.Deb Roy, Mr.M.Chanda, learned counsel for the applicant brought our attention to the Full Bench decision of the CAT, Hyderabad Bench in O.A.No.912 of 1992 (Sakkubai & N.J.Ramula -vs- Secretary, Ministry of Communications etc. and four others) decided on 7.6.1993 reported in Full Bench Judgments (CAT) Vol.III. Page 209. The Full Bench upheld the decision of Ernakulam Bench of CAT wherein the Ernakulam Bench took note of Govt. Circular for the purpose of computation of eligible service, double the service rendered by part time casual labourers would be taken into account. As per the a part time casual labourer served for 480 days in a period of two years he would be treated to have completed one

year of service as full time casual labourers. The Ernakulam Bench held that if in respect of part time casual labourers the requirement of double the service rendered by full time casual labourers would be stipulated for the purpose of consideration for absorption in service. There was no reason why the same formula would not be observed in granting of a lesser benefit pertaining to temporary status. The Full Bench held that the Ernakulam Bench took a just and equitable decision to those who was rendering their services for years together.

4. We have given our anxious consideration on the matter. On the own showing of the respondents the applicant continuously served from 8.8.1995 till 26 4.2001 i.e. five years without any break as a part time casual labourer. The object of the Scheme was to confer temporary status upon those casual labourers who had rendered their services for a considerable period, namely the period is treated as 240 days for a whole time worker. Assumingly the applicant did not work like the whole time workers as mentioned in the written statement on their own showing the applicant worked, as per the recommendation, four hours per day and was getting payment on monthly basis. As eluded the Scheme was made to dispense justice to those casual labourers who were rendering services without improvement of their service conditions. In the light of the order of

the Ernakulam affirmed by the Full Bench, we are of the opinion that the applicant is also entitled for similar treatment in conformity with justice and equity. The respondents are accordingly directed to take necessary steps for confirmation of temporary status to the above applicant in the light of the observation made and to pass appropriate order as per law as expeditiously as possible preferably within a period of two months from the date of receipt of the order.

Subject to the observation made above, the application is allowed.

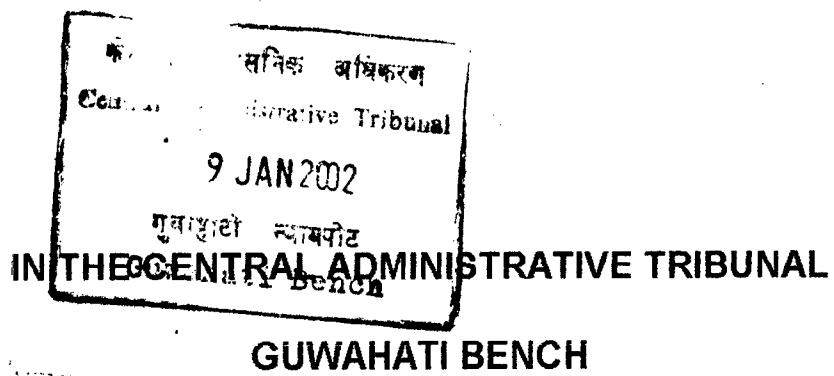
There, shall, however, be no order as to costs.

KC (Sharma)
(K.K.SHARMA)

ADMINISTRATIVE MEMBER

D.N.Chowdhury
(D.N.CHOWDHURY)
VICE CHAIRMAN

bb



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

Title of the case : O.A. No. 5/2001
 Sri Sasuram Deka : Applicant
 Versus -
 Union of India & Others: Respondents.

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Filed by

Date

Advocate

Filed by the applicant
through advocate Sri
G. K. Chakravarty, by 27/1/02

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

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

O.A. No. /2001

BETWEEN

Sri Basuram Deka
S/o late Hataru Deka
Resident of Village Athgaon
P.O. Hinguli, P.S. Kamalpur
District Kamrup, Assam
Presently working as Parttime Causal
Sweeper in the office of the CE(C)
Guwahati.

.....Applicant

-AND-

¶

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of
Communication, Department of Telecom,
Sanchar Bhawan, New Delhi.
2. The Chief General Manager,
Assam telecom Circle,
Ulubari,
Guwahati-7.

Basuram Deka

3. The Deputy General Manager (Admn.),
Office of the Chief General Manager,
Bharat Sanchar Nigam Limited,
Assam Circle, Guwahati.
4. The Chief Engineer,
Bharat Sanchar Nigam Limited,
Assam Civil Zone
Guwahati.
5. The Superintending Engineer (Hq)
Office of the Civil Engineer (C)
Bharat Sanchar Nigam Limited
Assam Civil Zone
Guwahati.

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is made by the applicant for non consideration of his representations for granting him the benefits and facilities of temporary status as entitled under the scheme named as "Casual Labourers (Grant of Temporary Status and Regularisation Scheme of the Department of Telecommunications) 1989) and also praying for a direction upon the respondents for regulation of the service of the applicant and for grant of temporary status.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares 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 applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant was initially appointed as Casual sweeper in the office of the Chief Engineer (Civil), Assam Civil Zone, Guwahati in the month of August 1995 against a regular vacancy and continuing in the said office as Casual Sweeper till date.

4.3 That it is stated that the applicant is entrusted with the work of Sweeping, cleaning of office, washing of floors and other miscellaneous work since his joining in the office of the Chief Engineer, civil Telecom, N.E. Zone, Guwahati with effect from 8.8.1995. It is relevant to mention here that sanction was conveyed from time to time against the vacancy and for authorisation of payment against the engagement of the applicant by the office of the Chief Engineer (Civil), Telecom, N.E. Zone, Guwahati. The applicant normally attends office at 06.00 hrs. in the morning and used to work upto 14.00 hrs each and every working day. Initially the

payment was made to the applicant at the rate of Rs. 300/- per month. Thereafter it was enhanced to Rs. 1000/- to 1500/- per month. However, subsequently the wages has been revised by the respondents. Now the applicant is receiving wages @ Rs. 1700/-per month. Sanction from time to time would be evident from Sanction Memo enclosed as Annexure 1 series regarding the rate of wages to the applicant.

A few copies of sanction memo ~~are~~ annexed hereto and the same are marked as **Annexure-1** series.

4.4 That the job which is entrusted to the applicant is of permanent nature. Therefore the applicant approached the respondent authority for grant of temporary status from time to time but to no result. It is pertinent to mention here that in some of the Sanction Memos although there is a mention that payment of wages is made to the applicant on part time basis but in fact the applicant normally discharged the duties like other casual workers and working period sometime goes beyond 8 hours. However the applicant without any hesitation carried out the duties with the expectation that the authority would be kind enough to grant him temporary status at some point of time as a reward of his hard and sincere work.

It is needless to mention here that the local authorities also were kind enough to take up his case for consideration for grant of temporary status and they have duly recommended his case to the higher authority for grant of temporary status under the relevant scheme.

4.5 That the applicant also submitted representations on 26.12.2000 and also on 30.8.2001 praying inter alia for grant of temporary status. The representation dated

26.12.2000 was addressed to the Executive Engineer (Hqrs.), Office of the Chief Engineer, BSNL, Assam Zone, Guwahati and the representation dated 30.8.2001 was addressed to the DGM (Admn), office of the Chief General Manager, BSNL, Assam, Circle, Guwahati. In the aforesaid representations the applicant categorically stated that in spite of the heavy load of works which include Sweeping of 20 rooms, cleaning 28 tables, 78 chairs,, 31 telephones, 8 computers, 9 bathrooms, 8 toilets in addition to sweeping of Garage and also the responsibility of looking into the management of drinking water and serving of drinking water to the office staff daily, opening of windows and sweeping and cleaning of 20 office rooms also entrusted to the applicant in addition to the other normal works, but the respondents are now paying only Rs. 1700/- as wages per month. It is further stated by the applicant in the said representations ^{that} he is facing extreme financial hardships to support his family which includes his wife and children. However, the respondents in pursuance to the aforesaid representations duly recommended the case of the applicant for conferment of temporary status to the applicant by the office of the Chief Engineer (Civil) Assam Civil Zone, Guwahati vide letter bearing No. 1(no)/2001/ASM/Gu/672 dated 26.4.2001. The said recommendation along with detailed particulars containing service records of the applicant forwarded to ~~the~~ Deputy General Manager (Admn), office of the Chief General Manager, BSNL, Ulubari, guwahati, way back in April 2001, but surprisingly no further action is intimated to the applicant for grant of temporary status.

A copy of the representation dated 26.12.2000, 30.8.2001 and recommendation letter dated 26.4.2001 annexed as **Annexures-2,3, and 4** respectively.

4.6 That since his engagement the applicant has already worked more than 6 years that too without any break. It is categorically submitted that the applicant has performed his duty more than 240 days in each calendar year since his engagement and has been attending to the jobs of regular nature which have been doing by regular Mazdoors or other casual workers working under the respondents which would be evident from the detailed particulars enclosed as on 31.7.2000 along with the recommendation letter dated 26.4.2001.

4.7 That the Department of Telecommunications formulated a scheme for conferring Temporary Status on casual labourers who are currently employed and have rendered continuous service for at least one year. The scheme is named as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989" which became effective from 1.10.1989. The provisions of Temporary Status laid down under Paragraph 5 of the said Scheme is reproduced 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 certain/availability of regular Group "D" posts. No change of duties.

93 to 2000
5.

Bish Ram Doh

In view of the above provisions, the applicant of this application is fully entitled to get temporary status since he is currently employed and has been working for a long period of more than 6 years by now, working continuously for 300 days or more per year as evident from the records.

4.8 That it is stated that it is clearly evident from the preceding paragraphs that the applicant has served more than 6 years, rendering services for 240 or more in each calendar year and as such he has fulfilled all the eligibility criteria for grant of temporary status as laid down under Pare 5 (I), (II) of the Casual Labourers (Grant of temporary status and regularisation)Scheme, 1989 framed by the respondent Department. It is relevant to mention here that all the casual workers similarly situated, have been granted the temporary status by the respondents but the claim of the present applicant having the same merit, has not been considered by the respondents thus depriving him of his legitimate rights and benefits which the other similarly situated casual workers have been enjoying. Such action of the respondents is arbitrary, discriminatory, violative of Article 14 and 16 of the Constitution and amounts to unfair labour practice.

4.9 That this application is made bonafide and for the cause of justice.

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

5.1 For that the applicant has acquired a valuable and legal right for grant of temporary status in terms of "casual labourers (Grant of Temporary Stays and Regularisation) scheme, 1989" of the Respondent Department.

5.2 For that the applicant has been working as casual labourer since 1989 without any break and rendering services for the required number of days each year and has been fulfilled the eligibility criteria for grant of temporary status as laid down under the Scheme aforesaid.

5.3 For that the works performed by the applicant are of permanent and regular nature.

5.4 For that the benefit of grant of temporary status have been conferred on other similarly situated casual workers including even those who joined after the present applicant by the respondents.

5.5 For that the judgment and order dated 24.3.1999 passed in O.A. No. 100 of 1997 by this Hon'ble Tribunal supports the grant of temporary status in favour of the applicant.

5.6 For that where the temporary status has been granted to all other similarly situated casual labourers, the denial of the same to the present applicant is violative of Article 14 and 16 of the Constitution of India and amounts to unfair labour practice.

6. Details of remedies exhausted:

The applicant states that he has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal. Representations dated 26.12.2000 and 30.8.2001 were submitted to the Executive Engineer, (Admn), Office of the Chief Engineer, BSNL, Assam Zone, Ulubari, Guwahati and to the

Deputy General Manager (Admn), office of the Chief Generalmanger, BSNL, ASS Circle, Guwahati with a prayer to grant the temporary status and regularisation of his services but with no result. Under the compelling circumstances he is approaching the Hon'ble Tribunal without awaiting the disposal of the said representation.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) 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 :

- 8.1 That the respondents be directed to confer temporary status to the applicant in terms of the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989" framed by the respondents department with immediate effect.
- 8.3 To pass any other order or orders as deemed fit and proper by the Hon'ble Tribunal.
- 8.4 Costs of the Application.

9. Interim relief prayed for :

During pendency of this application, the applicant prays for the following relief :

Pending disposal of this application an observation be made that Pendency of this application shall not be a bar to appoint the applicant in the post as prayed for.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. No. : 66790464
- ii) Date of issue : 19-12-2001.
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures

As stated in the index.

VERIFICATION

I, Sri Basuram Deka, Son of Late Hataru Deka, aged about 24 years, resident of village Athgaon, P.O. Hirguli, P.S. Kamalpur, District Kamrup, Assam, Presently working as part time Casual Sweeper in the office of C.E(C), Guwahati 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.

And I sign this verification on this the ^{3rd} 18th day of
January, 2002

December, 2001. 2002

Basuram Deka

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (c), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/337

Dated 1.12.97

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of November 1997.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati-7.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible

1.12.97

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*Certified to
 you only
 Mr. J. C. Deka*

Basu Ram Deka

Annexure-1 (Series)

GOVT. OF INDIA
DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE CHIEF ENGINEER (C), NORTH EAST ZONE, GUWAHATI.

No. 1 (14)97/CE-NEZ/GH/345

Dated 2.4.1998

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of March, 1998.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-

Executive Engineer (HQ)
O/o the Chief Engineer (C),
N.E. Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E. Zone, Guwahati.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible 2.4.98

Executive Engineer (HQ)
O/o the Chief Engineer (C),
N.E. Zone, Telecom, Guwahati.

*certified to
be true copy
by
Advocate*

Basu Ram Deka

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (C), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/667

Dated 3.7.98

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of June, 1998.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible 3.7.98

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*Certified to
 be true copy
 Jev.
 Advocate*

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (c), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/785

Dated 3.8.98

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of July, 1998.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E. Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E. Zone, Guwahati.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible 3.8.98

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E. Zone, Telecom, Guwahati.

*certified copy
 by me
 Dr. P. Deka*

13954 RIM Deka

Annexure-1(Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (c), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/16

Dated 5.1.99

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of December 1998.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*certified copy
 to be true copy
 Mr. Advocate*

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (c), NORTH EAST ZONE, GUWAHATI.

No. 1 (14)97/CE-NEZ/GH/110

Dated 1.2.99

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of January 1999.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*Certified
 Free from error
 for Advocate*

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (C), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/262

Dated 8.3.99

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of February, 1999.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible

8.3.99

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*certified 15
 for law copy
 for Advocate*

Annexure-1(Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATIONS
 OFFICE OF THE CHIEF ENGINEER CIVIL, NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/915

Dated 16.6.99

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1500/- (One thousand five hundred) only as Sweeping charge including wet cleaning twice in a month to Shri Basu Ram Deka, Sweeper w.e.f. 1.4.1999

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-
 Superintending Engineer(HQ)
 O/o the Chief Engineer(C),
 Telecom, N.E.Zone, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible

Superintending Engineer(HQ)
 O/o the Chief Engineer(C),
 Telecom, N.E.Zone, Guwahati.

*certified 15
 by Saurav Dasgupta
 for Pervenati*

Annexure-1 (Series)

GOVT. OF INDIA
 DEPARTMENT OF TELECOMMUNICATION
 OFFICE OF THE CHIEF ENGINEER (c), NORTH EAST ZONE, GUWAHATI.

No.1 (14)97/CE-NEZ/GH/595

Dated 4.5.99

SANCTION MEMO

Sanction of the Chief Engineer (C), Telecom, N.E. zone, Guwahati is hereby conveyed for grant of Rs. 1000/- (One thousand) only as Sweeping charge to Shri Basu Ram Deka, Sweeper for the month of April 1999.

The expenditure is to be debit able to the Head of Account "Wages".

Sd/-

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

Copy to:

1. The Executive Engineer (C), Telecom Civil Division, Guwahati.
2. The Accounts Officer, Telecom Civil Division, Guwahati.
3. The Cashier, O/o the Chief Engineer (C), Telecom, N.E.Zone, Guwahti.
4. Shri Basu Ram Deka, Sweeper.

Sd/- Illegible 4.5.99

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

*Certified
 True copy
 K. J. Deka*

GOVT. OF INDIA
 (A Government of India Enterprise)
 OFFICE OF THE CHIEF ENGINEER (C), ASSAM, GUWAHATI-781007

No. 1 (14)2000/CE-ASM/GH/20

Dated 5.10.2000

SANCTION MEMO

Sanction of the Superintending Engineer (HQ), O/o the Chief Engineer (C), BSNL, Assam, Guwahati is hereby conveyed for grant of Rs. 1700/- (Rs. One thousand seven hundred) only as Sweeping, cleaning and mopping charges (Part time basis) to Shri Basu Ram Deka, Sweeper for the month of September, 2000.

Sd/-
 Executive Engineer (HQ)
 O/o the Chief Engineer (C),
 BSNL, Assam, Guwahati.

Copy to:

1. The Accounts Officer, Telecom Civil Division, Guwahati.
2. Shri Basu Ram Deka, Sweeper.
3. The Cashier, O/o the Chief Engineer (C), BSNL, Assam, Guwahati.

Sd/- Illegible 4.x.2000
 Executive Engineer (HQ)
 O/o the Chief Engineer (C),
 N.E. Zone, Telecom, Guwahati.

*Certified
 to be true to the best of my
 knowledge & belief*

GOVT. OF INDIA
 (A Government of India Enterprise)
 OFFICE OF THE CHIEF ENGINEER (C), ASSAM, GUWAHATI-781007

No. 1 (14)2000/CE-ASM/GH/190

Dated 3.11.2000

SANCTION MEMO

Sanction of the Superintending Engineer (HQ), o/o the Chief Engineer (C), BSNL, Assam, Guwahati is hereby conveyed for grant of Rs. 1700/- (Rs. One thousand seven hundred) only as Sweeping, cleaning and mopping charges (Part time basis) to Shri Basu Ram Deka, Sweeper for the month of October, 2000.

Sd/- 3.xi.2000
 Executive Engineer(HQ)
 o/o the Chief Engineer(C),
 BSNL, Assam, Guwahati.

Copy to:

1. The Accounts Officer, Telecom Civil Division, Guwahati.
2. Shri Basu Ram Deka, Sweeper.
3. The Cashier, o/o the Chief Engineer (C), BSNL, Assam, Guwahati.

Sd/- Illegible 3.xi.2000
 Executive Engineer(HQ)
 o/o the Chief Engineer(C),
 N.E. Zone, Telecom, Guwahati.

*certified
 to be true copy
 for Advocate*

GOVT. OF INDIA

(A Government of India Enterprise)

OFFICE OF THE CHIEF ENGINEER (C), ASSAM, GUWAHATI-781007

No.1 (14)2000/CE/ASM/GH/3635

Dated 4.9.2000

SANCTION MEMO

Sanction of the Superintending Engineer (HQ), O/o the Chief Engineer (C), BSNL, Assam, Guwahati is hereby conveyed for grant of Rs. 1700/- (Rs. One thousand seven hundred) only as Sweeping, cleaning and mopping charges (Part time basis) to Shri Basu Ram Deka, Sweeper for the month of August, 2000.

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 BSNL, Assam, Guwahati.

Copy to:

1. The Accounts Officer, Telecom Civil Division, Guwahati.
2. Shri Basu Ram Deka, Sweeper.
3. The Cashier, O/o the Chief Engineer (C), BSNL, Assam, Guwahati.

Sd/- Illegible

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E.Zone, Telecom, Guwahati.

15
 Certified copy
 Attn: *Advocate*

GOVT. OF INDIA
 (A Government of India Enterprise)
 OFFICE OF THE CHIEF ENGINEER (C), ASSAM, GUWAHATI-781007

No.1 (14)2000/CE-ASM/GH/26

Dated 3.01.2001

SANCTION MEMO

Sanction of the Executive Engineer (HQ), O/o the Chief Engineer (C), BSNL, Assam, Guwahati is hereby conveyed for grant of Rs. 1700/- (Rs. One thousand seven hundred) only as Sweeping, cleaning and mopping charges (Part time basis) to Shri Basu Ram Deka, Sweeper for the month of December, 2000.

Sd/- 3.1.01
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 BSNL, Assam, Guwahati.

Copy to:

1. The Accounts Officer, Telecom Civil Division, Guwahati.
2. Shri Basu Ram Deka, Sweeper.
3. The Cashier, O/o the Chief Engineer (C), BSNL, Assam, Guwahati.

Sd/- Illegible 4.x.2000
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E. Zone, Telecom, Guwahati.

certified 15
 true copy
 Mr. Jev.
 Advocate

GOVT. OF INDIA
 (A Government of India Enterprise)
 OFFICE OF THE CHIEF ENGINEER (C), ASSAM, GUWAHATI-781007

No.1 (14)2000/CE-ASM/GH/1048

Dated 6.08.2000

SANCTION MEMO

Sanction of the Superintending Engineer (HQ), O/o the Chief Engineer (C), BSNL, Assam, Guwahati is hereby conveyed for grant of Rs. 1700/- (Rs. One thousand seven hundred) only as Sweeping, cleaning and mopping charges (Part time basis) to Shri Basu Ram Deka, Sweeper for the month of July, 2000.

Sd/-
 Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 BSNL, Assam, Guwahati.

Copy to:

1. The Accounts Officer, Telecom Civil Division, Guwahati.
2. Shri Basu Ram Deka, Sweeper.
3. The Cashier, O/o the Chief Engineer (C), BSNL, Assam, Guwahati.

Sd/- Illegible 4.x.2000

Executive Engineer(HQ)
 O/o the Chief Engineer(C),
 N.E. Zone, Telecom, Guwahati.

*Caribbed true copy
 to Mr. J. C. Devadoss*

From:

Sri Basu Ram Deka
Sweeper
O/o the Chief Engineer (C),
BSNL, Assam Civil Zone,
Ulubari, Guwahati.

To:

The Executive Engineer (HQ) (Admn.)
O/o the Chief Engineer,
BSNL, Assam Zone,
Ulubari, Guwahati-781007

(THROUGH PROPER CHANNEL)

Sub : {Prayer for Placement in TSM Status.

I have the honour to submit the following few lines for your kind consideration and favourable order.

1. That I have been performing the duty of fourth grade employees as a Sweeper in your esteemed office since 1st July 1985 on Casual basis.
2. That I have since been performing my sundry duties assigned to me by your office and I may be permitted to mention that in spite of the heavy load of work which includes sweeping 20 rooms, cleaning 28 table, 78 chairs, 31 telephones, 8 computers, Seeping bath rooms 9 nos.) toilets (8 Nos.) sweeping the garage etc.., I am executing my duty too the utmost satisfaction of the office staff daily. Opening of the windows, sweeping the ceiling of 20 rooms of the office are additional work that have been assigned to me. It is needless to mention here that I am trying to perform all the duties with perfection to the best of my ability.

*Certified
to be true
Copy
B. D. Deka*

3. That I am a very poor person having a family of a wife and three children and your honour would kindly appreciate that I am undergoing great financial hardship in maintaining my family with my humble salary of Rs. 1700/- only per month.

Under these circumstances, I pray that your honour may kindly be pleased to consider my case for giving me TSM status as has been done to other fourth grade employees of the office.

Yours faithfully,

Sd/-Basu Ram Deka

*1. Certified copy
2. True copy
3. for approval*

Annexure-3

From

Sri Basu Ram Deka
 Sweeper
 O/o the Chief Engineer (C),
 BSNL, Assam Civil Zone,
 Guwahati.

To

The Deputy General Manager (Admn.)
 O/o the Chief General Manager,
 BSNL, Assam Circle,
 Guwahati.

(THROUGH PROPER CHANNEL)

Sub : {Prayer for conferment of TSM Status.

Sir,

With due respect it is to inform you once again I am working in the O/o the Chief Engineer(C), BSNL, Civil Assam Zone, Guwahati with effect from 7/95 and my case was forwarded by Superintending Engineer (HQ), O/o the Chief Engineer (C), BSNL, Civil Assam Zone, Guwahati vide letter No. 1 (40)/2001/CE-ASM/672 dated 27.04.2001 with due recommendation.

In this connection I have the honour to state that I have fulfilled all the requisite conditions for conferment of T.S.M. status as per requirement of 1989 "Regularisation of Casual Labour Scheme."

In this circumstances I fervently appeal to you for considering my case for conferment of T.S.M. Status at an early date for which act of kindness I shall ever pray.

Yours faithfully,

Sd/-Basu Ram Deka

30.8.2001

*Certified
 To be true
 Copy for Advocate*

BIHAR SANCHAR NIGAM LIMITED (BSNL)
 (A Government of India Enterprise)
OFFICE OF THE CHIEF ENGINEER(C), ASSAM CIVIL ZONE,
MITRA BUILDING, ULUBARI, GUWAHATI-781007

No:-1(40)/2001/CE-ASM/GH/ 670

Dated:- 26.04.2001.

To

**The Deputy General Manager(Admin.),
 O/o the Chief General Manager,
 BSNL, Assam Circle,
 Guwahati.**

26.4.

Sub:- Conferring T.S.M status to Part-time Casual worker-case of Sri Basu Ram Deka.

Ref:-

- (i) Your letter No:-RETT-3/10/PT VI/111 dated:- 05-02-2001
- (ii) T.O.letter No:- 1(40)/94/CE-ASM/GH/2384 dated:- 04-02-2000
- (iii) DOT letter No:-269-13/99/STN/II dt. 16-09-99 (copy enclosed)

In continuation of this office letter even No:-2384 dt. 05-02-2000 and reference to the above circulars the case of Sri Basu Ram Deka part-time sweeper alongwith Annexure-I working in the O/o the CEO, BSNL, Assam Civil Zone, Guwahati on the above mentioned subject is forwarded with due recommendation for taking further necessary action at your end please.

Enclo:-As above.

26.4
 Supdt. Engineer(HQ),
 O/o the Chief Engineer(C),
 BSNL, Assam Civil Zone,
 Guwahati.

*Alles best
 Alles gut
 Alles gut*

4

30

(Particular of Part-time Casual labour(Sweeper) who have completed 240 days as on 31-07-2001.)

Sub-division :-

Division :-

Circle :-CE(C), BSNL, Guwahati.

Zone :-Assam Civil Zone.

Sl. No.	Particulars	
1	Name of the part-time Casual worker (See note 1 below)	Sri Basu Ram Deka
2	Father's name	Late Hataru Deka
3	Date of birth	01-01-1980
4	Full Postal Address	Vill:- Athgaon. P.S:-Kamalpur P.O:- Hinguli. Dist:-Kamrup. State:-Assam
5	Educational Qualification	Passed -VII.
6	Whether worker was engaged through employment exchange or directly	Direct Hand receipt through ACG-17.
7	Other qualification like typing, shorthand, computer-operation, driving etc.	D/N/A
8	Date of initial engagement with the Department(since working)	8/95
9	Name of the AE who engaged the worker initially for the first time:	Sri A.K.Sur. Section Officer, O/o the CE(C), Guwahati.
10	Name of the EE who passed the first voucher for payment to the worker	Passed by Sri V.K.Jain, SE(HQ),
11	Name of the AO who first time released the payment to the worker	D/N/A
12	Cash voucher No.date & amount for first time payment	Vr No:-7 dated 08-08-95 @ 300/- (three hundred only) for sweeping charges.
13	Whether the casual worker is still being continued, if not then what was the last date of his/her working	Yes.
14	Name of the AE at the time of the termination of the casual worker	D/N/A.
15	Name of the EE at the termination of the casual worker	D/N/A.
16	Name of the AO at the time of termination	D/N/A.
17	Specific nature of work being done/by the casual worker	Sweeping, cleaning of office, Washing of floor etc.
18	Whether the worker was/has been engaged against the sanctioned but vacant post if so	Vacant post.

*After fed
After fed
After fed
After fed
After fed*

21

	please mentioned the designation of such post		
19	Whether the worker completed 240 days service in one year(calender or otherwise if so please mentioned the periods(giving dates) between which the worker completed 240 days service in 1 year	Yes, 8/95(D.O.B) 96- 97- 98- 99- 2000-	Since he has been paid monthly basis he has worked in all working days from 8/95 to till date
20	Mode of employment i.e whether through muster roll/hand receipt/direct-contract basis? Please see note below.	Hand receipt	
21	Present office & place of working	O/o the CE(C), BSNL, Assam Civil zone, Guwahati.	
22	Present monthly amount being paid to the worker/last amount paid to the worker	@1700/-P.M.	
23	Whether the worker is willing for temporary status in Group "D" category.	Yes	
24	Whether the worker is physically fit and sound.	Seems to be fit.	
25	Any other information	The worker is working more than 4 hours per day, and getting payment monthly basis.	

Notes:-

- 1). Only the casual workers directly engaged and paid directly by the Department through muster-roll/hand receipt/contract etc. to be included. The workers engaged & paid through a third party contract are not included in the above list.
- 2). Only the details of those workers who have completed 240 days in a year should be given in the Annexure-1. The details of workers who have not completed 240 days in a year should be given in separate list in Annexure-2.

Certificates:-

- 1). This is to certify that the above information is true to the best of my knowledge.
- 2). This is also to certify that as on date there are no more casual workers other than those listed above in Annexure-1 and 2.

ASW(A-II) 27/17

CAO

EE(HQ)

Abul Kader
Jr. Advocate

21.7.02
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A.NO. 5 OF 2002

Shri Basuram Deka

- VS -

1.8.98
Union of India & Ors.

- And -

IN THE MATTER OF ::

Written statement submitted
by the respondents.

The Respondents beg to submit written statement
as follows :-

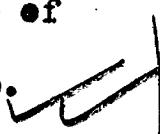
1. That with regard to para - 4.1 of OA, the respondents beg to offer no comments.
2. That with regard to para - 4.2 of OA, the respondents beg to state that the applicant engaged as part time casual sweeper from July 1995 and worked up to July 2001. It is not correct that he was appointed against a regular vacancy in the month of August 1995.
3. That with regard to para - 4.3 of OA, the respondents beg to state that the applicant was engaged as part time casual sweeper from July 1995 and payment were made on hand receipt (ACG-17) but from Sept 97 onward, sanction memo were issued as per departmental procedure to facilitate the payment.

Working hours 0600 hours to 1400 hrs is not correct as he was engaged on part time basis for completing the task of cleaning a sweeping the Office before working hours on each working day.

The change in amount paid per month was due to (i) Revision of fair wages (ii) Coverage of More floor area and (iii) inclusion of more activities like cleaning of files, windows etc.

4. That with regard to para - 4.4 of O.A., the respondents beg to state that the time for ~~in~~ sweeping and other activities takes less than 8 hrs. as per standard and hence part time casual labourer was engaged.

5. That with regard to para - 4.5 of O.A., the respondents beg to state that the change in amount paid per month was due to (i) Revision of fair wages (ii) Coverage of more floor area (iii) inclusion of more activities like files windows etc.

6. That with regard to para - 4.6 of O.A., the respondents beg to state that the applicant was working from July 95 but sanction were issued from Sept 97 onwards, prior to that payments were made on hand receipts (ACG-17), The particulars sent on 31.07.2000, specially mentioned that the applicant was a part time casual sweeper. Sanction memo of 8/2000 also specifies part time nature of Job. 

7. That with regard to para - 4.7 of O.A the respondents beg to state that the applicant beg to state that the applicant was working as part time casual sweeper working for about 4 hours a day.

8. That with regard to para - 4.8 of O.A.
the respondents beg to state that the applicant
was working as part time casual sweeper working
for about 4 hours a day.

9. That with regard to para - 4.9 of O.A,
the respcenctd beg to offer no comments.

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

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

I, Sri Shankar Chandra Das presently working as Asstt. Director Telecom (Legal) be duly authorised and competent to sign this verification, do hereby solemnly affirm and declare that the statements made in para

are true to my knowledge and belief, these made in para

being matter of record, are true to my information ~~as~~ derived therefrom and the rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material facts.

And I sign this verification on this 19th day of June 2002

Shankar Chandra Das

Declarant (Signature)
Asstt. Director Telecom (Legal)
कामांक, दुध रोड, गुवाहाटी,
On The Chief Engineer, Assam Telecom
असम टेलिकॉम एजेंसी, गुवाहाटी,
Assam Telecom Circle, Guwahati

7 AUG 2002

GUWAHATI BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A. No. 5 of 2002

Shri Basuram Deka

-vs-

Union of India & Ors.

And

In the matter of :

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

The applicant above named most humbly and respectfully
begs to state as under :

1. That the applicant categorically denies the statements made in paragraphs 2,3,4 and 5 of the written statement and begs to state that the applicant was engaged as casual sweeper against regular vacancy only and he attends duty from 06.00 hrs. to 14.00 hrs. on each working day like other casual workers. His wages were also enhanced from time to time and being paidas per the sanction memo issued for that purpose only.
2. That the applicant categorically denies the statements made in paragraphs 6,7 and 8 of the written statement and begs to state that the applicant is attending works for 8 hrs. on each working day like other casual

Filed by the applicant
through Enr. G. N. S.
Chakravarthy Deka on
7-8-2002

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workers and not as a part time casual worker since his engagement in 1995.

3. That in the facts and circumstances stated above, the application deserves to be allowed with costs.

VERIFICATION

I, Sri Basuram Deka, Son of Late Hataru Deka, aged about 25 years, resident of village Athgaon, P.O. Hirguli, P.S. Kamalpur, District Kamrup, Assam. Presently working as part time Casual Sweeper in the office of C.E(C), Guwahati do hereby verify that the statements made in Paragraph 1 to 3 of this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 7th day of August, 2002.

SRI BASURAM DEKA