

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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

ORDER SHEET

Orginal No. 138/2002
 Misc. Petition No. /
 Contempt Petition No. /
 Review Application No. /

Applicant(s) Tankeswar Tamukden

Respondent(s) U.O. I 90M

Advocate for Applicant(s) Mr. S. Sarma, Mrs. U. Deka

Advocate for Respondent(s) CGSC

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
29/5/02	9.5.02	Heard Mr. S. Sarma, learned counsel for the Applicant.
30/4/02		The application is admitted. Call for the records.
		List on 7.6.2002 for orders.
Slips taken. Notice served and sent to DLS for giving the respondent No 1 to 3 by Regd Ad.	4.6.02	LL Usha Member
14/6		Vice-Chairman
D/No 1504/ln/7506	1m	LL Usha Member
1st 27/5/02		Vice-Chairman

(2)
12.7.2002

At the request made by Mr.A.Deb Roy

learned Sr.C.G.S.C for the respondents
the four weeks time is allowed to the res-
pondents to file written statement.

List the case again for order on

16.8.2002.

WB
14/8/02

ICU Shary
Member

bb

16.8.02

Written statement has not been

filed. Four weeks time is allowed to
file written statement. List on 13.9.02
for orders.

No Writen Statement
has been filed.

Zy
12.9.02

ICU Shary
Member

lm

13.9.02

On the prayer of Mr A.Deb Roy

further four weeks allowed to the respon-
dents to file written statement.

List on 11.10.02 for order.

Zy
10.10.02

Vice-Chairman

pg

11.10.02

The applicant has claimed

for granting of temporary status and regularisation his service with retrospective effect.

Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents.

Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents informed that the applicant's case has been recommended for granting temporary status. The information has been sent to the BSNL, HQ for approval and ^U the approval will be received shortly.

Mr. A.Deb Roy, learned Sr. C.G.S.C. placed before me a communication sent by BSNL vide letter No, STES-21/352/13 dated 26.08.2002 and ^{a copy of} the same is placed on records

Since a decision had already been taken by the respondents for granting temporary status to the applicant, the application has become infructuous. The respondents are directed to complete the process by the end of November, 2002.

The application is accordingly disposed of. No order as to costs.

K. IC Sharma
Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : D.A. No. of 2002 138

BETWEEN

Shri Tankeswar Talukdar Applicant.

AND

Union of India & ors..... Respondents.

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Filed by :

Moshu Das, Advocate

Regn. No. :

File : TANKESWAR-1

Date :

0
Filed by
Applicant through
Alphard
Date
29/4/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

138
O.A.No. of 2002

BETWEEN

Shri Tankeswar Talukdar
S/o Late Dutiram Talukdar
R/o/P.O.-Kamarkuchi
Vill: Raitkuchi
Dist: Nalbari, Assam.
..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Communication,
Sanchar Bhawan,
New Delhi-1.
2. The Chief General Manager, Telecom
Assam Circle, Ulubari,
Guwahati-7.
3. The Deputy General Manager (Installation)
Office of the CGMT, Assam Circle
Ulubari, Guwahati-7.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is ...not directed against any particular order but has been made seeking an appropriate direction towards the respondents granting temporary status to the applicant who has fulfilled the eligibility criteria laid down in the scheme of 1989 and it's subsequent clarification issued time to time. The applicant earlier preferred OA No.293/98 and his name appeared at serial No.27 of the list of applicants. The said OA was disposed of vide



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order dated 31.8.99 and the Hon'ble Tribunal issued a direction towards the respondents to scrutinize their cases in the light of the Apex Court judgement on the subject as well as the scheme of 1989. Accordingly, respondents verified the records of the applicant and from the said records it is clear that the applicant has completed the requisite number of continuous service that is 240 days in a particular year. Almost 750 similarly situated employees like that of the present applicant have been given the benefit of the said scheme but has been kept pending by the respondents for reasons best known to them. Till date applicant has been intimated by the respondents regarding the benefit of the scheme nor they have disposed of his representation preferred pursuant to the aforesaid judgement and order dated 31.8.99.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

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4.2. That the applicant join the services under the respondents as casual worker in the month of June 1996. Prior to his aforesaid appointment the applicant had occasion to work under the respondents as Muster Roll Worker since 1992. The Respondents thereafter w.e.f. 1996 time utilised the service of the applicant as casual worker and paid him his wages under ACG-17 pay slips which in the prescribed pay slip meant for departmental Mazdoors,. The said appointment of the applicant is still containing till date.

4.3. That the applicant begs to state that as per the scheme of 1989 for grant of Temporary Status and Regularisation, which was preferred by the Respondents pursuant to a judgement of the Hon'ble Apex Court, he is entitled to get the benefit of the said scheme. As per the said scheme of 1989 as casual worker who has completed 240 days continuous service in a particular year is entitled to get the benefit of the said scheme and thereafter he will be designated as a Temporary Status Mazdoor. After serving 3 years of continuous service as a Temporary status Mazdoor his case for permanent absorption will be considered. It is pertinent to mention here that on getting Temporary Status an employee (casual worker) is also get certain other benefits like prescribed pay scale, DA and other admissible allowances and virtually they will be treated at par with the regular Group-D Staff with the minimum of their pay scale.

A copy of the said scheme of 1989 is annexed herewith and marked as Annexure-1.

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4.4. That the aforesaid Annexure-1 scheme has been subjected to number of subsequent modification in respect of its cut off date and finally by an order dated 1.9.99 the said scheme has been modified and the cut off date of the said scheme has been finally extended and made applicable to the recruits up to 1.8.98. The present applicant as on 1.8.98 has completed the requisite 240 days of continuous service and as such he is entitled to get the benefit of the said scheme.

A copy of the order dated 1.9.99 is annexed herewith and marked as Annexure-2.

4.5. That the applicant begs to state that inspite of clear cut instruction contained in Annexure-1 and 2 the respondents denied the benefit of the said scheme to the casual worker similarly situated like that of him. Espousing the cause of the casual mazdoors the union took up the matter and made representations to the concerned authority including various agitation steps but nothing came out positive and finally they were constrained to move the Hon'ble Tribunal by way of filing various OAs before this Hon'ble Tribunal. The applicant also being a member of the said union preferred OA No.293/98 before this Hon'ble Tribunal along with some similarly situated employees and in the said Original Application his name appeared at Sl.No.27 of list containing the names of the applicants. This Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose the said OA directing the respondents to examine their cases individually in consultation with the records and their after to pass a speaking order after

considering the respective representations of each applicant.

A copy of the aforesaid judgement and order dated 31.8.99 is annexed herewith and marked as Annexure-3.

4.6. That pursuant to the aforesaid judgement and order dated 31.8.99, the applicant preferred a representation to the concerned authority requesting his absorption and regularisation under the scheme of 1989. The said representation was preferred by the applicant to the respondent No.2 through his departmental channel and same was duly received by the respondent No.2.

A copy of the representation is annexed herewith and marked as Annexure-4.

4.7. That on receipt of the aforesaid Annexure-3 judgement and order dated 31.8.99 the respondents constitute screening committee at various level and started scrutiny the cases of the casual workers. During the scrutiny the respondents took into consideration the payment particulars of each casual mazdoor and according to the said payment particulars in case any casual mazdoor who has completed 240 days of continuous service is entitled to get the benefit of the said scheme. To that effect the concerned authority issued various orders to the local head offices for transmission of service particulars of casual workers. In the instant case the DET (Installation) and the SDET (Installation), office of the CGMT, Guwahati sent the

payment particulars of the applicant to the Accounts Officer (Cash) ,GM/DR showing his service breakout w.e.f. 16.8.96 to 15.12.98. In the said particulars the respondents also indicated the Account No.that is their Departmental Account No.(ACE-2). From the said record it is clear that the applicant has completed 115 days in 1996, 243 days in 1997 and 271 days in 1998.

A copy of the said payment particulars is annexed herewith and marked as Annexure-5.

4.8. That the applicant begs to state that as stated above after the judgement and order dated 31.8.99 the respondents constituted a screening committee for verification of records and to find out the eligible casual workers for grant of temporary status under the scheme of 1989. It is pertinent to mention here that the said screening committee found it difficult to verify the payment records as the records are maintained in respective offices. In fact, under the Divisional Engineer (Installation) numbers of casual workers engaged during the installation process carried out at different places. The Deputy General Manager (Admn) issued a letter dated 25.5.2000 violating the aforesaid fact and forwarded 3 names including the name of the applicant.

A copy of the said letter dated 25.5.2000 is annexed herewith and marked as Annexure-6.

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4.9. That the aforesaid Annexure-6 letter dated 25.5.2000 was followed by another letter dated 31.5.2000 enclosing a list of ACE-2 Accounts submitted by the officers of the circle of Installation Division, Guwahati-7. In the said list of ACE-2 Accounts the accounts pertaining to the present applicant which he submitted through ACG-17 were available.

A copy of the said letter dated 31.5.2000 is annexed here with and marked as Annexure-7.

4.10. That on receipt of all these payment particulars the verification committee after verification made a remark in respect of present applicant that his case can not be recommended due to non availability of requisite number of payment vouchers, but eligible as he was engaged for 243 days in a previous calender year. In fact, in terms of order dated 1.9.99 the applicant is eligible as on 1.8.98 because both in the year 1997 and 1998 he has completed more than 240 days. Apart from that the verification committee only took into account the payment particulars upto December 1998 and as per the payment particulars in both years he has completed 240 days of continuous service.

An extract of the said recommendation of the verification committee is annexed herewith and marked as Annexure-8.

4.11. That the applicant begs to state that the verification committee in it's remark made it clear that

some of the records of the applicant were not available and on basing of such non-availability, recommendation was rejected. However, the said committee itself made a remark that the applicant is eligible for grant of temporary status under the scheme as he was engaged more than 240 days in the previous calender year. It is further stated tat after the aforesaid verification some of the missing payment vouchers could be made available by the concerned Divisional Engineer (Installation) before the AGM (Admn) for necessary action. To that effect letters dated 21.12.00 and 27.12.2000 issued by the DE (Installation) may be referred to.

Copies of the said letters dated 21.12.00 and 27.2.00 are annexed herewith and marked as Annexure-9 and 10 respectively.

4.12. That the applicant begs to state that after resubmission of the missing payment vouchers the verification committee verified the said records and by letter dated 11.12.01 same was communicated to the respondents for taking further necessary action.

A copy of the said letter dated 11.12.01 is annexed herewith and marked as Annexure-11.

4.13. That the applicant begs to state that admittedly he has completed 240 days of continuous service both in 1997 and 1998 and as such he is entitled to get the benefit of the said scheme of 1989 for grant of temporary status and

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subsequent regularisation. The verification committee verified the records of the applicant and the said committee has come to the conclusion that he has completed 240 days of continuous service. It is pertinent to mention here that after the aforesaid scrutiny, the respondents found out some more materials and from the said materials if it is taken into consideration it reveals that he has completed more than 300 days of continuous work in a particular year.

4.14. That the applicant begs to state that matter pertaining to the eligibility of the applicant for grant of temporary status is crystal clear, but the verification committee in it's report (Annexure-8) made a remark recommended by the verification committee due to non-availability of requisite number payment vouchers but eligible as he was engaged for 243 days in previous calendar year. It is stated that admittedly applicant has completed 240 days of continuous service as required and the said committee is therefore bound to recommend his case for grant of temporary status. In fact, the respondents later on traced out the missing payment voucher and same has been verified by the committee once again. Now the verification committee is bent upon not to recommend his case and the applicant having no other alternative has come before this Hon'ble Tribunal seeking an appropriate direction towards the respondents for grant of temporary status under the scheme through this application.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the denial of the benefit of the scheme to the present applicant is illegal, arbitrary and violative

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of Article 14 and 16 of the Constitution of India and laws framed thereunder.

5.2. For that the applicant admittedly has completed 240 days of continuous service in a particular year and such he is eligible to get the benefit under the scheme of 1989, but the respondents for the reasons best known to them have denied the said benefit which is per-se-illegal and arbitrary.

5.3. For that the verification committee was set up for verification of the records and found that the applicant has completed 243 days in previous year, but even than his case was not recommended for want of payment vouchers, later on which were traced out and reverified. The respondents thereafter did not take any steps towards finalising the case of the applicant and same has resulted tremendous injustice to the present applicant.

5.4. For that the Hon'ble Tribunal vide it's judgement and order dated 31.8.99 issued direction towards the respondents to finalise the screening process within 6 months but the respondents have failed to comply with the said direction and therefore appropriate direction need be issued to the respondents for completion of the screening process as well as the implementation part within a stipulated time frame.

5.5. For that the respondents have acted illegally in not granting temporary status to the present applicant even though he fulfills the requisite qualification as per the

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scheme and as such appropriate direction need be issued to the respondents to grant temporary status to the present applicant.

5.6. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown

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and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the respondents to grant temporary status to the present applicant and to regularise his service with retrospective effect with fullback wages.

8.2. To reinstate the applicant with immediate effect and to grant him all the consequential benefits as described in the said scheme of 1989 with retrospective effect.

8.3. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents to allow the applicant to continue as casual worker.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 76549483

2. Date : 30/4/02

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Shri Tankeswar Talukdar, son of Late Duti Ram Talukdar, aged about 29 years, resident of Kamarkuchi, Vill-Raitkuchi, Dist-Nalbari, do hereby solemnly affirm and verify that the statements made in paragraphs 1-3, 41, 42, and 5 to 12..... are true to my knowledge and those made in paragraphs 43, 44, 46-413..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 29th day of April, of 2002.

Sri Tankeswar Talukdar
Signature.

ANNEXURE-1

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles
M.T.H.I New Delhi/Bombay, Metro Dist.Madras/
Calcutta.
Heads of all other Administrative Units.

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

Subsequent to the issue of instruction regarding
regularisation of casual labourers vide this office letter
No.269-29/87-STC dated 18.11.88 a scheme for conferring
temporary status on casual labourers who are currently
employed and have rendered a continuous service of at least
one year has been approved by the Telecom Commission.
Details of the scheme are furnished in the Annexure.

2. Immediate action may kindly be taken to confer
temporary status on all eligible casual labourers in
accordance with the above scheme.

3. In this connection, your kind attention is
invited to letter No.270-6/84-STN dated 30.5.85 wherein
instructions were issued to stop fresh recruitment and
employment of casual labourers for any type of work in
Telecom Circles/Districts. Casual labourers could be engaged
after 30.3.85 in projects and Electrification circles only
for specific works and on completion of the work the casual
labourers so engaged were required to be retrenched. These
instructions were reiterated in D.O letters No.270-6/84-STN
dated 22.4.87 and 22.5.87 from member(pors.)and Secretary of
the Telecom Department) respectively. According to the
instructions subsequently issued vide this office letter
No.270-6/84-STN dated 22.6.88 fresh specific periods in
Projects and Electrification Circles also should not be
resorted to.

3.2. In view of the above instructions normally no
casual labourers engaged after 30.3.85 would be available
for consideration for conferring temporary status. In the
unlikely event of there being any case of casual labourers
engaged after 30.3.85 requiring consideration for conferment
of temporary status. Such cases should be referred to the
Telecom Commission with relevant details and particulars
regarding the action taken against the officer under whose
authorisation/approval the irregular engagement/non
retrenchment was resorted to.

Attested
By
Our
Advocate

3.3. No Casual Labourer who has been recruited after 30.3.85 should be granted temporary status without specific approval from this office.

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No SMF/78/98 dated 27.9.89.

5. Necessary instructions for expeditious implementation of the scheme may kindly be issued and payment for arrears of wages relating to the period from 1.10.89 arranged before 31.12.89.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

Member (S) / Adviser (HRD), GM (IR) for information.
MCG/SEA/TE -II/IPS/Admn. I/CSE/PAT/SPB-I/SR Secs.

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

*Arrested
W.D.
Advocate.*

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

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

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

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

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

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

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

Temporary Status.

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

Arrested

Arvind
Advocate.

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

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

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

6. Temporary status would entitle the casual labourers to the following benefits :

i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr,D officials including DA,HRA, and CCA.

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

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

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

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

Attested

W.Dem
Advocate.

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

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

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

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

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Arrested
V. S. N.
Advocate.

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ANNEXURE.2.

No.269-13/99-STN-II
Government of India
Department of Telecommunications
Sanchar Bhawan
STN-II Section
New Delhi

Dated 1.9.99.

To

All Chief General Managers Telecom Circles,
All Chief General Managers Telephones District,
All Heads of other Administrative Offices
All the IFAs in Telecom. Circles/Districts and
other Administrative Units.

Sub: Regularisation/grant of temporary status to Casual
Labourers regarding.

Sir,

I am directed to refer to letter No.269-4/93-STN-II
dated 12.2.99 circulated with letter No.269-13/99-STN-II
dated 12.2.99 on the subject mentioned above.

In the above referred letter this office has conveyed
approval on the two items, one is grant of temporary status
to the Casual Labourers eligible as on 1.8.98 and another on
regularisation of Casual Labourers with temporary status who
are eligible as on 31.3.97. Some doubts have been raised
regarding date of effect of these decision. It is therefore
clarified that in case of grant of temporary status to the
Casual Labourers, the order dated 12.2.99 will be effected
w.e.f. the date of issue of this order and in case of
regularisation to the temporary status Mazdoors eligible as
on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

Attested
W.D.
Associate.

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ANNEXURE-3.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.107 of 1998 and others.
Date of decision : This the 31 st day of August 1999.

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

The Hon'ble Mr.G.L.Sanglyine, Administrative Member.

1. O.A. No.107/1998

Shri Subal Nath and 27 others. Applicants.
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda

- versus -

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

2. O.A. No.112/1998

All India Telecom Employees Union,
Line Staff and Group- D and another..... Applicants.
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.

- versus -

Union of India and others. Respondents.
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.

3. O.A.No. 114/1998

All India Telecom Employees Union
Line Staff and Group-D and another. Applicants.
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.

- versus -

The Union of India and others Respondents.
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.

4. O.A.No.118/1998

Shri Bhuban Kalita and 4 others. Applicants.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
and Ms.N.D. Goswami.

- versus -

The Union of India and others. Respondents.
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.

5. O.A.No.120/1998

Shri Kamala Kanta Das and 6 others Applicant.

By Advocates Mr. J.L. Sarkar, Mr. M. Chanda
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. Pathak, Addl. C.G.S.C.

7. O.A. No. 135/98

All India Telecom Employees Union
Line Staff and Group-D and 6 others Applicants.

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

- versus -

The Union of India and others Respondents.
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

8. O.A. No. 136/1998

All India Telecom Employees Union,
Line Staff and Group-D and 6 others Applicants.

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

- versus -

The Union of India and others Respondents.
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

9. O.A. No. 141/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants.

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

- versus -

The Union of India and others Respondents.
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

10. O.A. No. 142/1998

All India Telecom Employees Union,
Civil Wing Branch Applicants.

By Advocate Mr. B. Malakar

- versus -

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

11. O.A. No. 145/1998

Shri Dhani Ram Deka and 10 others Applicants

By Advocate Mr. I. Hussain.

- versus -

The Union of India and others Respondents.
By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

W.D.

W.D.
Advocate

12. O.A.No. 192/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By Advocates Mr.B.K. Sharma, Mr.S.Sarma
and Mr.U.K.Nair.

-versus-

The Union of India and others..... Respondents
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

13. O.A.No.223/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma.

- versus -

The Union of India and others .. Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

14. O.A.No.269/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
Mr.U.K.nair and Mr.D.K.Sharma

- versus -

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

15. O.A.No.293/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
and Mr.D.K.Sharma.

- versus -

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

ORDER

BARUAH.J. (V.C.)

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

2. The All India Telecom Employees Union is a
recognised union of the Telecommunication Department. This
union takes up the cause of the members of the said union.
Some of the applicants were submitted by the said union,
namely the Line Staff and Group-D employees and some other

Attested

Deb Roy
Advocate.

application were filed by the casual employees individually. Those applications were filed as the casual employees engaged in the Telecommunication Department came to know that the services of the casual Mazdoors under the respondents were likely to be terminated with effect from 1.6.1998. The applicants in these applications, pray that the respondents be directed not to implement the decision of terminating the services of the casual Mazdoors but to grant them similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s, however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt. of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme,

Affested
N.D.M.
Advocate.

such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits were further extended to the casual labourers of the Department of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. Nos. 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.A.s.

Attested

W.D. M.

Advocate.

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.As is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become members or office bearers to the staff union. Further, the respondents have stated that the names of the casual employees furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As 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 can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants 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 application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

6. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I. Hussain and Mr.B.Malakar, learned counsel appearing on behalf of the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. and Mr.B.C. Pathak, learned Sr.C.G.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counser for the applicants also submits that the respondents can not put any

cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued direction for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

7. On hearing the learned counsel for the parties we feel that the applications require further examination regarding the factual position. Due to the paucity of material it is not possible for this Tribunal to come to a definite conclusion. We, therefore, feel that the matter should be re-examined by the respondents themselves taking in to consideration of the submissions of the learned counsel for the applicants.

8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually, the respondents shall scrutinise and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

Approved
V. K. N.
Secretary

To
6^{get} The Chief General Manager,
Assam Telecom Circle,
Ujbari, Guwahati-781007.

- 28 -

ANNEXURE

(Through proper Channel)

Sub : Prayer for grant of Temporary Status/Regularisation into the Service.

Ref : - CAT, Guwahati, Order dated 31-8-99 on Change of Casual Mazdoors.

Sir,

With due respect and humble submission and as desired by the Honourable CAT, Guwahati, I do hereby submit my ~~request~~ application as follows : -

1. That Sir, I shri Jankeswar Jankadhar ~~bel~~ to ~~bel~~ that I am working in your Department as a Casual Mazdoor since 1992 and by this time I have completed more than till date years of service, and my name listed in CAT OA. No. 298/98 Serial No. 27 I am working ~~in~~ ~~for~~ 240 days in a year.

2. Hence I do hereby request you kindly to regularise me as Temporary Status Mazdoor as per existing order of Department.

I therefore fervently request you kindly to accept me and regularise my service in this Department. For this act of kindness I shall remain ever grateful to you.

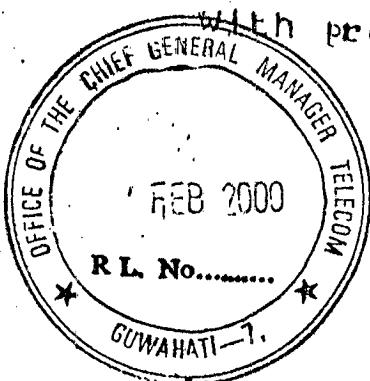
With profound respect,

Yours faithfully,

Sri Jankeswar Jankadhar
S/o H. Dutiram Jankadhar
Village- Raikuchi

P.O. Kamarkuchi
P.S. do.

District- Nalbari
Working under DE T.P.-I, G.I.G.S.



Received
Today
7/2/2000

Attested
by
Advocate.

To, A.O (cash), G.M.T/DR

- 29 -

ANNEXURE

5

Sri Tankeswar Talukdar

Sl. No.	ACE-2 A/C No.	P/E	Name of the work	D/Est No.	Name of the SSA	A/C submitted by	No. of days	From	To	Remarks
1	3/96-97	16.08.96	Installation of Bihpuria-North lakhimpur 30 chl (D) system	500F(b)/96-97	Tezpur	P.C.DAS SDE(Instl.)	30	1.5.96	30.5.96	verified
2	- do -	- do -	- do -	- do -	- do -	- do -	30	1.6.96	30.6.96	verified
3	- do -	- do -	- do -	- do -	- do -	- do -	30	1.7.96	30.7.96	verified
4	4/96-97	30.9.96	Installation of Kathalguri Hoogrijan 10 chl (D) UHF system	7047F(b)/96-97	Dibrugarh	*	- do -	25	19.8.96	12.9.96 Not traceable

Total no. of working days = 115

A/C Charged
vide V.R.M/463
dt 8/11/96

5	5/96-97	29.3.97	Installation of CDOT MBM exch. at Sibsagar	9572F(b)/96-97	Jorhat	-do-	5	25.2.97	1.3.97	verified
6	-do-	-do-	-do-	-do-	-do-	-do-	5	6.3.97	10.3.97	verified
7	-do-	-do-	-do-	-do-	-do-	-do-	15	11.3.97	25.3.97	verified
8	1/97-98	8.5.97	-do-	-do-	-do-	-do-	30	1.4.97	30.4.97	Not traceable
9	1/97-98	20.9.97	-do-	-do-	-do-	D.N.Pegu SDE(Instl.)	37	1.5.97	6.6.97	Not traceable
10	1/97-98	5.7.97	Installation of CDOT SBM exch. at Rangia	3724F(b)/96-97	Kamrup	S.S.Das JTO(Instl)	17	19.6.97	5.7.97	Not traceable
11	3/97-98	6.9.97	-do-	3724F(b)/96-97	-do-	-do-	31	1.8.97	31.8.97	Not traceable
12	4/97-98	8.10.97	-do-	3724F(b)/96-97	-do-	-do-	30	1.9.97	30.9.97	Not traceable
13	5/97-98	1.11.97	-do-	3724F(b)/96-97	-do-	-do-	31	1.10.97	31.10.97	verified
14	6/97-98	31.12.97	Installation of CDOT SBM exch. at Lalabazar	4338F(b)/96-97	Silchar	-do-	30	20.11.97	19.12.97	verified
15	-do-	-do-	-do-	-do-	-do-	-do-	12	20.12.97	31.12.97	verified

Total no. of working days = 243

Amritsar
Advocate

D. B. Talukdar
(Installation)
c/o the C.G.M.T. Guwahati
Rajbari Road.

Counter signed by
Jain
27/12/2000
S.E.T. (Signature)
C.P. (Signature)
C.P. (Signature)

Sl. No.	ACE-2 A/C No.	P/E	Name of the work	D/Est-No.	Name of the SSA	A/C submitted by	No. of days	From	To	Remarks
16	7/97-98	5.2.98	Installation of CDOT SBM exch. at Haflong	4362F(b)/97-98	-do-	-do-	21	16.1.98	5.2.98	verified
17	9/97-98	25.3.98	-do-	-do-	-do-	-do-	23	6.2.98	28.2.98	verified
18	-do-	-do-	-do-	-do-	-do-	-do-	24	1.3.98	24.3.98	verified
19	2/97-98	26.3.98	Installation of CDOT SBM exch. at Pathsala	3719F(b)/97-98	Bongaigaon	S.N.Chakravarty JTO(Instl.)	4	23.3.98	26.3.98	verified
20	3/98-99	31.7.98	-do-	-do-	-do-	-do-	7	1.4.98	7.4.98	verified
21	-do-	-do-	-do-	-do-	-do-	-do-	6	8.4.98	13.4.98	verified
22	-do-	-do-	-do-	-do-	-do-	-do-	7	14.4.98	20.4.98	verified
23	-do-	-do-	-do-	-do-	-do-	-do-	10	21.4.98	30.4.98	verified
24	-do-	-do-	-do-	-do-	-do-	-do-	10	1.5.98	10.5.98	verified
25	-do-	-do-	-do-	-do-	-do-	-do-	21	11.5.98	31.5.98	verified
26	-do-	-do-	-do-	-do-	-do-	-do-	10	22.7.98	31.7.98	verified
27	4/98-99	21.12.98	Installation of CDOT SBM exch. at Pathsala	-do-	-do-	-do-	3	16.10.98	18.10.98	verified
28	1/98-99	16.9.98	Installation of CDOT MBM exch. at Bongaigaon	3745F(b)/97-98	Bongaigaon	D.N.Pegu SDE(Instl.)	21	1.7.98	21.7.98	verified
29	-do-	-do-	-do-	-do-	-do-	-do-	14	18.8.98	31.8.98	verified
30	2/98-99	16.12.98	-do-	-do-	-do-	-do-	45	1.9.98	15.10.98	verified
31	4/98-99	3.12.98	Installation of CDOT MBM exch. at Hojai	8637F(b)/98-99	Nagaon	B.K.Sarma JTO(Instl.)	33	1.11.98	3.12.98	verified
32	5/98-99	15.12.98	-do-	-do-	-do-	-do-	12	4.12.98	15.12.98	verified

Total no. of working days = 271

Attested
By
Advocate
S. D. E. Tolaram
(Installation)
C/o Mr. C G M. T. Guwahati
Rajbari Road.

Counter signed by
C. P. D. Tolaram
R.C.C. Road, Guwahati
35

GOVT OF INDIA
DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM
ASSAM CIRCLE, GUWAHATI.

No. 4-6 m/1/c.m /Verification/216

28 -
Dtd 24.5.2000

To

Shri Mahesh Shukla
Deputy General Manager(Admin)
O/O CGMT/GH

Sub: Verification Casual Labour's working under DE(Installation)

Ref: Your letter No. ESTT-9/I2/Part-I/ dtd 10.4.2000 on the subject.

The committee constituted as per above mentioned letter under reference after investigating the details of engagement particulars of C/Ls reportedly working under DE(Inst) C.O. has observed that the following C/Ls were engaged time to time at installation sites. They were reported engaged at different installation sites by the installation team and their engagement particulars and payment documents are available at different SSAs corresponding to installation works carried out at those SSAs.

Therefore, this committee is of opinion that the verification process can not be carried out because of non-availability of payment particulars of following C/Ls reportedly working under DE(Inst) in this office and accounts are being maintained & booked under different SSAs.

Name

CAT Case No.

1. Sri Duloi Dey
2. Sri Janakeswar Jhukela
3. Sri Mukul Kakati

Advocate
S. Das
Advocate

03842 - 48377

- 32 -

Kind Attn. M. G. C. Deena
A-DET (12.1)

ANNEXURE-7

Government of India
Department of Telecommunications
O/O the CGM Telecom, S.R. Bora Road, Ulubari
Guwahati-781007

No. G/DI-GH/8-6/ESTT/269

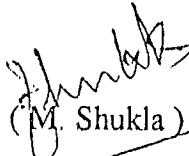
dtd. Guwahati, 31.05.2000

To

1. The GMT(Silchar)/GMT(Kamrup)/GMT(Dibrugarh)
2. The TDM(Bongaigaon)/TDM(Tezpur)/TDM(Nagaon)/TDM(Jorhat)

Sub: Verification of Casual labours

Please find enclosed herewith a list of ACE-2 accounts submitted by the officials of Circle Installation Division, Ghy-7, for executing several installation projects under your jurisdiction. These accounts are required by a committee in this Office for verification of some casual labours who worked in these projects. Kindly instruct the Account Officers to find out the bills with complete vouchers and send them to Shri A. K. Chelleng, AGM (Admn), O/O the CGMT without delay.


(M. Shukla)

Dy. General Manager (Admn)
O/O the CGMT, Assam, Guwahati-7

Attested
John
Advocate

Sl. No.	ACE-2 A/C	Period Ending	NAME OF THE WORK	D/ESTIMATE NO.	SSA	A/C SUBMITTED BY
1.	3/96-97	16.8.96	Installation of Bihpuria -north lakhimpur 30chl(D) system	500F(b)/96-97	Tezpur	P.C.Das SDE(inst)
2.	4/96-97	30.9.96	Installation of Kathalguri-Hoogrijan 10 chl. UHF system	7047F(b)/96-97	Dibrugarh	P.C.Das SDE(inst)
3.	5/96-97	29.3.97	Installation of CDOT MBM Exchange at Sibsagar	9572F(b)/96-97	Jorhat	P.C.Das SDE(inst)
4.	1/97-98	8.5.97	Installation of CDOT MBM Exchange at Sibsagar	9572F(b)/96-97	Jorhat	P.C.Das SDE(inst)
5.	1/97-98	20.9.97	Installation of CDOT MBM Exchange at Sibsagar	9572F(b)/96-97	Jorhat	D.N.Pegu SDE(inst)
6.	6/97-98	31.12.97	Installation of CDOT SBM Exchange at Lalabazar	4338F(b)/96-97	Silchar	S.S.Das JTO(inst)
7.	7/97-98	5.2.98	Installation of CDOT SBM Exchange at Lalabazar	4338F(b)/96-97	Silchar	S.S.Das JTO(inst)
8.	9/97-98	25.3.98	Installation of CDOT SBM Exchange at Haflong	4362F(b)/96-97	Silchar	S.S.Das JTO(inst)

Attestation
by
Advocate.

9.	2/97-98	26.3.98	Installation of CDOT SBM Exchange at Pathsala	3719F(b)/97-98	Bongaigaon	S.N.Chakraborty JTO(inst)
10.	3/98-99	31.7.98	Installation of CDOT SBM Exchange at Pathsala	3719F(b)/97-98	Bongaigaon	S.N.Chakraborty JTO(inst)
11.	4/98-99	21.12.98	Installation of CDOT SBM Exchange at Pathsala	3719F(b)/97-98	Bongaigaon	S.N.Chakraborty JTO(inst)
12.	1/98-99	16.9.98	Installation of CDOT MBM Exchange at Bongaigaon	3745F(b)/97-98	Bongaigaon	D.N.Pegu SDE(inst)
13.	1/98-99	1.5.98	Installation of CDOT SBM at Goalpara	3256F(b)/95-96	Bongaigaon	B.K.Sarma JTO(inst)
14.	2/98-99	9.6.98	Installation of CDOT SBM at Goalpara	3256F(b)/95-96	Bongaigaon	B.K.Sarma JTO(inst)
15.	2/98-99	16.12.98	Installation of CDOT MBM Exchange at Bongaigaon	3745F(b)/97-98	Bongaigaon	D.N.Pegu SDE(inst)
16.	4/98-99	3.12.98	Installation of CDOT MBM Exchange at Hojai	8637F(b)/98-99	Nagaon	B.K.Sharma JTO(inst)
17.	5/98-99	15.12.98	Installation of CDOT MBM at Hojai	8637F(b)/98-99	Nagaon	B.K.Sarma JTO(inst)
18.	1/97-98	5.7.97	Installation of CDOT	3712F(b)/96-97	Kamrup	S.S. Das JTO(Inst)

*Attested
S. Das
Advocate.*

		8.97	SBM Exchange at Rangia	3724F(b) 96-97	Kamrup	S.S. Das JTO(inst)
19.	3/97-98	6.9.97	Installation of CDOT SBM Exchange at Rangia	3724F(b)/96-97	Kamrup	S.S. Das JTO(inst)
20.	4/97-98	8.10.97	Installation of CDOT SBM Exchange at Rangia	3724F(b)/96-97	Kamrup	S.S. Das JTO(inst)
21.	5/97-98	1.11.97	Installation of CDOT SBM Exchange at Rangia	3724F(b)/96-97	Kamrup	S.S. Das JTO(inst)
22.	2/97-98	31.7.97	Expansion of 2k RLU At ULUBARI	3699F(b)/96-97	Kamrup	K. Barua JTO(inst)
23.	3/97-98	2.9.97	Installation of 2k RLU at Kalapahar	3808F(b)/97-98	Kamrup	K. Barua JTO(inst)
24.	4/97-98	18.9.97	Expansion of 2k RLU at Ulubari	3699F(b)/97-98	Kamrup	K. Barua JTO(inst)
25.	6/97-98	6.11.97	Installation of 2k RLU at Kalapahar	3808F(b)/97-98	Kamrup	K. Barua JTO(inst)
26.	1/98-99	18.11.97	Installation of 2k RSU at Basistha	3989F(b)/97-98	Kamrup	K. Barua JTO(inst)
27.	7/97-98	8.1.98	Installation of 2k RLU at Kalapahar	3808F(b)/97-98	Kamrup	K. Barua JTO(inst)

Attested
Chowdhury

ANNEXURE—

8

EXTRACT

- 36 -

Sl. No.	Name of casual labourers	Date of initial engagement	Whether actually engaged on and eligible for temporary status as on 1.8.98	Reasons for not sending the case earlier	Remarks/ Any other information
1.	Sri Mukul Kakoti	1.7.97	Recommended by the verification committee for Ty. Status	Already sent	Ty. Status under consideration of Circle office
2.	Sri Dulal Dey	24.6.97	-do-	-do-	-do-
3.	Sri Tankeswar Talukder	1.5.96	Not recommended by the verification committee due to non Availability of requisite number of payment vouchers, but eligible as he was engaged for 243 days in previous calender year	-do-	-do-
4.	Sri Dijen Talukder	1.1.98	Not eligible as on 1.8.98 due to non completion of 240 days	Under court case	He has been disengaged w.e.f 20.2.01

Attested
V. Sen
Advocate.

- 37 -

BHARAT SANCHAR NIGAM LTD.
(Assam Telecom Circle)

To

AGM(Admin.)
o/o the CGMT, Assam Telecom Circle

Sub:- Engagement of casual labours.

Ref. your letter no. Estt-3/10/PT.VI/Loose/80 dtd. at Guwahati 07/12/2000

No.DI-GH/8-6/Estt/vol-II/51 dtd. at Guwahati 21/12/2000

Please find enclosed herewith the engagement particulars of Shri Tankeswar Talukdar and Shri Dijen Talukdar, both casual mazdoors in Circle Installation Division.

In respect of Shri Tankeswar Talukdar, the accounts bearing sl. no.4,5,6,7&8 could not be traced in the account section in the respective TDM's office. However, the duplicate ACE-2 statements are available. Photocopies of them are enclosed herewith for your reference.

In respect of Shri Dijen Talukdar the particulars of payment are available in account section of the CGMT's office.

M. Jain
Divisional Engineer (Instl.)
o/o the CGMT, Assam Circle,
RGB Road, Ganeshguri, Ghy-5

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Arrested
Concave

BHARAT SANCHAR NIGAM LTD.
(Assam Telecom Circle)

To

AGM(Admin.)
o/o the CGMT, Assam Telecom Circle

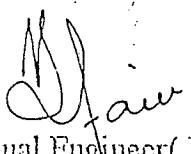
Sub:-Grant of Temporary status:-Case of Shri Tankeswar Talukdar.

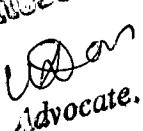
Ref. your letter no.Estt-3/10/PT.VI/Loose/80 dtd. at Guwahati 07/12/2000

No.DI-GB/8-6/Estt/vol-II/52 dtd. at Guwahati 27/12/2000

Please find enclosed herewith the engagement particulars of Shri Tankeswar Talukdar ,casual mazdoor in Circle Installation Division.

In respect of Shri Tankeswar Talukdar , the accounts bearing sl. no.4,8,9,10, 11& 12 in sheets enclosed could not be traced in the account section in the respective TIDM's office. However ,the duplicate ACE-2 statements are available. Photocopies of those are enclosed herewith for your reference.


Divisional Engineer(Instl.)
o/o the CGMT , Assam Circle,
RGB Road, Ganeshguri, Ghy-5


Affested
W. D. Baru
Advocate.

BHARAT SANCHAR NIGAM LIMITED
(A GOVT OF INDIA ENTERPRISE)
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM.
ASSAM CIRCLE, GUWAHATI-7

No. CO/RVC/CL/2001-2002/3

Dtd. 11.12.2001

To

- 1) Sri T. Mug DGM(Installation)
- 2) Sri P.C. Das DE(TP), GM, Kamrup
- 3) Sri D.N. Pegu SDE(Installation)
- 4) Sri S.S. Das JTO(Installation)

Sub: Reverification of engagement particulars in respect of Sri Tankeswar Talukdar, Casual Labour working under D.E. Installation, Circle Office, Guwahati.

In pursuance of Circle Office memo no. ESTT-9/12/CO/36 dtd 28.11.2001 you are requested to appear before the verification Committee on 19.12.2001 at the chamber of AGM(Admn) C.O./GH with the office copy of the ACE-2 A/C and engagement particulars as details below:

1. Engagement particular records in respect of Sri Tankeswar Talukdar(casual Labour) prepared and checked by SDE(Installation) and Countersigned by DE(Installation) on 27.12.2000.
2. A/C No. 04/96-97 P/E 30.9.96 of Sri P.C. Das SDE(Installation)
3. A/C No. 01/97-98 P/E 8.5.97 of Sri P.C. Das SDE(Installation).
4. A/C No. 01/97-98 P/E 20.9.97 of Sri D.N. Pegu SDE(Installation)
5. A/C No. 1/97-98 P/E 5.7.97 of Sri S.S. Das JTO(Installation)
6. A/C No. 3/97-98 P/E 6.9.97 of Sri S.S. Das JTO(Installation)
7. A/C No. 4/97-98 P/E 8-10-97 of Sri S.S. Das JTO(Installation)

(A.K. Chileng)
AGM(Admn)
Member

(B. Deb)
ACAO(TR)
Member

(G.C. Das)
ADT(TFC)
Member

Approved
V. D. Das

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No :

Misc. Petition No.

Contempt Petition No.

Review Application No.

3/03 in O.A 138/02

Applicant(s):

Tankeswar Talukdar

- Vs. -

Respondent(s):

H. O. P. Ioms

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

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

Notes of the Registry	Date	Order of the Tribunal
This Contempt petition has been filed by the counsel for the petitioner praying for drawing up of Contempt proceeding against the Contemner for wilful and deliberate violation of the judgment and order dt. 11.10.02 passed by this Hon'ble Tribunal in O.A 138/2002.	21.01.2003	Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Administrative Member.
Filed before the Hon'ble Court for further order.	mb	Heard Mr. S. Sarma, learned counsel for the applicant.
		Issue notice to show cause as to why the contempt proceeding shall not be initiated.
		List on 24.2.2003 for orders.
<i>7/1/03 for Section Officer</i>		<i>for Member</i>
<i>7/1/03 for Section Officer</i>		<i>Vice-Chairman</i>

Steps taken: Notice prepared and sent to D13 for issuing direction No 1. by Regd. A.D.O. *28/1*

D/No 11 Attd. 11/11/2003

-No reply has been
billed.

20
21.2.83,

No reply has been
buked

My
SICBDB

mb

Vice-Chairman

24.3.2003

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

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

Heard Mr.S.Sarma, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl.C.G.S.C. appearing on behalf of respondent No.2. Mr.Pathak stated that the order of the Tribunal dated 11.10.2002 passed in O.A.138/2002 is duly complied with and to that effect he has produced a communication dated 7.3.2003 from the Asstt.General Manager (Admn), Office of the Chief General Manager Telecom, Assam Circle to the General Manager Telecom, Kamrup Telecom District, Guwahati convening the approval of the CGMT Assam Circle conferring temporary status to the applicant Shri Tankeswar Talukdar. Mr. B.C.Pathak submitted that pursuant to the order dated 7.3.2003 the applicant, in fact, assumed the Office and he has been working as such. A copy of the said order is placed on record.

The Contempt Proceeding thus stands dropped.

S. B. J.
Member

Vice-Chairman

bb

26.7.2003
copy of the order
has been sent to the
officer for issuing
the same to the D/SAs
for the parking.

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