

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 139/02.....

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SECTION OFFICER (Judl.)

Copy to:-

- 1) The Superintending Engineer, W.R. & F.F. Circle, CWC, Ulubari, Sarania, Gauhati-7 for favour of his information please.
- 2) The A.E.E/A.E., (C)/A.E., (E)/E.A.D (Met)/Head Quarters Superver, WR&F Division-I/Sub-Division, C.W.C., Barpeta Road/Nalbari/Gauhati/Nowgong. The date of joining of the person concerned may be intimated in due course.
- 3) The Accounts Branch, W.R. & F.F. Division-I, CWC, Gauhati-3 for information and necessary action.
- 4) The Employment Officer, Employment Exchange, Barpeta Road/Nalbari/Bongaigaon/Dhubri/Nowgong/Gauhati for information with reference to his letter No.....
.....
- 5) Personal File.
- () Service Book

(D.D. SAHOO)
DEPUTY DIRECTOR
W.R. & F.F. DIVISION-I, CWC,
GAUHATI

Joining Date 20. 11. 83 FN.

GCD

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

ORDER SHEET

Original No. 139/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) Bhron Kanta Ligirica

Respondent(s) H. O. I. Joms

Advocate for Applicant(s) Mr. N. Bora, D. Bora

Advocate for Respondent(s) CG 8C.

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

8.5.02

Heard learned counsel for the parties

Application is admitted. Call for records.

Returnable by four weeks. List on 7.6.02
for orders.

Issue notice on the respondents as
to show cause as to why the interim order
as prayed for shall not be granted.

Vice-Chairman

lm

4.6.02

List on 10.7.02 to enable the respon
dents to file written statement.

Member

Vice-Chairman

lm

No written statement
has been filed.

9.7.02

139/2002

10.7.02

Heard learned counsel for the parties. On the prayer made on behalf of the respondents further four weeks time is allowed to the respondents to file written statement. List the case on 14.8.2002 for orders.

No. W/S has been
biked.

Rev
13-8-02

Member

Vice-Chairman

mb

14.8.2002

The case relates to conferment of temporary status. The respondents have filed written statements in O.A Nos. 364/2001, 120/2001, 298/2001, 403/2001, and in O.A. No. 163/2001, the Respondents have filed a Review application which will also be taken up together with the O.A. Since the matters are of similar nature, all the cases may be listed for hearing on 3.9.2002. In the other applications where written statements have not been filed, the respondents are directed to produce the records on the next date.

List on 3.9.2002 for hearing.

Member

Vice-Chairman

mb

Notes of the Registry

Date

Order of the Tribunal

3.9.2002

The case was posted for hearing today. Mr A. Deb Roy, learned Sr.C.G. S.C for the respondents stated that though it was ordered for production of record he could not obtain record. On the other hand he has received instruction from the authority that the respondents ~~xx~~ shall submit written statement and connected instructions. Considering all the facts we consider it fit to grant the respondents further time to file written statement.

List on 4.10.2002 for hearing.

K. K. Sharma
Member

Vice-Chairman

No. written statement
has been filed.

3.10.02

20/1/03

NO W/S has been
filed.

NS
20/1/03

pg

4.10.02

Prayer has been made on behalf of learned counsel for the applicant for adjournment the case. Accordingly, case is adjourned to 15.11.02 for hearing.

Member

Vice-Chairman

lm

15/11

Due to aircraft sitting at shillong, the case is adjourned to 25/11/2002.

25/11

Mr. Deb Roy did not appear today. The case is adjourned to 27/12/2002.

A. K. Roy
25/11

-4-

OA 139/2002

Notes of the Registry	Date	Order of the Tribunal
<u>20/1/03</u> NO WS has been bied WS 20/1/03	9.12.02 mb	None appears for the parties. List on 21.1.2003 for hearing. K. K. Shah Member
	21/1/2003	Single person did not get today. The case is adjourned to 21/2/2003. S/S for
	21.2.2003 nikm	List the matter for hearing on 4.4.2003 to enable Mr A. Deb Roy, learned Sr. C.G.S.C., to obtain instructions in the matter. Vice-Chairman
Re. counsel, order dtd 4.4.03. WS 7/4/03	4.4.2003 bb	Heard counsel for the parties. Jud- gment delivered in open Court, kept in separate sheets. The application is disposed in terms of the order. No order as to costs. Vice-Chairman
<u>10.4.2003</u> Copy of the Judgment has been sent to the D/Sec. for forwarding the same to the Applicant as well as to the R.C.S.C. etc		

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

6

O.A. / ~~XXX~~. No. 139. of 2002~~XX~~

DATE OF DECISION 4.4.2003.....
DATE OF JUDG

..... Sri Bhim Kanta Ligiria APPLICANT(S).

..... Mr.N.Bora & D.Bora. 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

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

Judgment delivered by Ho'ble Vice-Chairman.

1/92

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.139 of 2002.

Date of Order : This the 4th Day of April, 2003.

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

Sri Bhim Kanta Ligiria

S/o:- Sri Laba Kanta Ligiria

Vill:- Jorhatia Gaon

P.O:- Khalpur

Dist:- Lakhimpur, Assam.

. . . . Applicant.

By Adovacates Mr.N.Bora & Mr.D.Bora.

- Versus -

1. Union of India

(Represented by the Secretary, Telecommunication
Sanchar Bhawan, New Delhi.

2. The Chairman-cum-Managing Director

Bharat Sanchar Nigam Ltd.
Sanchar Bhawan, New Delhi.

3. The Chief General Manager

Assam Circle, Telecommunication, Guwahati-7.

4. The Telecom District Manager

Tezpur SSA, Tezpur
Assam.

5. The Divisional Engineer Telecom

North Lakhimpur
Lakhimpur.

. . . Respondents.

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

O R D E R

CHOWDHURY J.(V.C.):

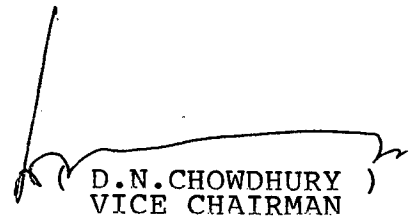
The issue relates to conferment of temporary status. Though opportunity granted, the respondents have not filed written statement.

I have heard Mr.N.Bora, learned counsel for the applicant at length and also Mr.A.Deb Roy, learned Sr.C.G.S.C.

Considering the facts and circumstances of the case, I am of the view that it is a case in which the authority is to look into the matter as to the eligibility of the applicant for conferment of temporary status in the light of the judgment and order dated 3.9.2002 passed in O.A.

Nos.289/2001, 364/2001, 366/2001, 372/2001 and in the like cases. The present application is disposed of directing the respondents authority to verify and scrutinise the case of the applicant for conferment of temporary status through a responsible committee and pass appropriate order thereon expeditiously preferably within a period of three months from the receipt of the order.

Subject to the observations made above, the application is disposed of. There shall, however, be no order as to costs.


D.N.CHOWDHURY)
VICE CHAIRMAN

bb

DISTRICT: KAMRUP

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

O.A NO...../2002

BETWEEN

Sri Bhim Kanta Ligiria.

...Applicant.

- Versus -

The Union of India and others.

...Respondents.

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7.	Vakalatnama	
8.	Notice	



(NIRAN BORAH)

Signature of the
Advocate.

For use in the Tribunals' Office.

Date of filling:

Registration No.:

Signature.

DISTRICT: LAKHIMPUR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH.

O.A. No..... /2002

IN THE MATTER OF: -

Sri Bhim Kanta Ligiria.

S/o - Sri Laba Kanta Ligiria,

Vill. - Jorhatia Gaon,

P.O.- Dhalpur,

Dist. - Lakhimpur, Assam.

LAST EMPLOYED:

As a Part time Casual Labour (2 hours daily) in the office of the SDOT/SD(P), North Lakhimpur 01-06-1997.

...Applicant.

- Versus -

1. The Union of India
(Represented by the Secretary, Telecommunication, Sanchar Bhawan, New Delhi)
2. The Chairman-cum-Managing Director, Bharat Sanchar Ltd., Sanchar Bhawan, New Delhi.

Contd..

*Filed by the applicant
Sri Bhim Kanta Ligiria
through Minar Band
Advocate
2/5/02
10*

- ### ... Respondents.

1. Particulars of the
against which
application is made.

2. Jurisdiction of the Tribunal.

:The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the

12
- 12/12/96 - 12/12/96

Hon'ble Tribunal.

3. Limitaion.

:The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE:

4(a) That, the applicant is a citizen of India and he is a permanent resident of village Jorhatia Gaon under Lakhimpur district. He belongs to the Ahom community and belongs to Other Backward Community.

4(b) That, the applicant was appointed since 01-06-1997 as a Part time Casual Labour in the office of the S.D.O.T./S.D.O.(P) North Lakhimpur since 01-06-1997 and received regular salaries from aforesaid office under the Telecom Department. The applicant works in the S.D.O.(P) office Lakhimpur from last several years.

The copies of the engagement of Casual labour and bill of areas Wages w.e.f. 01-06-1997 to 11-11-1998 in respect of D.R.M. of S.D.O.T. North Lakhimpur is annexed here to and marked as Annexure - 'A' series. (Page-11 ¹⁰³⁵)

4(c) That, similar situated casual labours of the Department of Telecommunication has moved this Hon'ble Tribunal for regularisation of their services by filing O.A. No.302/96 and O.A. No.299 / 96 (All India

Contd..

DISTRICT: LAKHIMPUR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH.

O.A. No..... /2002

IN THE MATTER OF: -

Sri Bhim Kanta Ligiria.
S/o - Sri Laba Kanta Ligiria,
Vill. - Jorhatia Gaon,
P.O.- Dhalpur,
Dist. - Lakhimpur, Assam.

LAST EMPLOYED:

As a Part time Casual Labour (2
hours daily) in the office of
the SDOT/SD(P), North Lakhimpur
01-06-1997.

...Applicant.

- Versus -

1. The Union of India
(Represented by the
Secretary, Telecommuni-
cation, Sanchar Bhawan,
New Delhi)
2. The Chairman-cum-Managing
Director, Bharat Sanchar
Ltd., Sanchar Bhawan, New
Delhi.

Contd..

Filed by the applicant
Sri Bhim Kanta Ligiria
through Niranjan Barua
Advocate
21/5/02
10
- 10/5/02 - 10/5/02

Telecom Employee Union Line and Staff & Group-D, Assam Circle Guwahati and others -Vs- The Union of India and others). The Hon'ble Tribunal in Judgment and order dated 18-8-97 has discussed the relevant notification issued by the Department of Telecommunication proposing to confer status of Temporary Employees to confirmed them phase wise and was please to pass interalia the following orders-

"I am of the opinion that the present applicants who are similarly situated are also entitled to get the benefit of the Scheme of Casual Labours (grant of temporary status and Regularisation) prepared by the Department of Telecom. Therefore, I direct the respondents to give the similar benefit as had been extended to the casual labours working under the Department of Post as per Annexure - 3 (in O.A. No.302/96) and Annexure - 4 (in O.A. No.299/96) to the applicants respectively and this must be done as early as possible and at any rate within a period of 3 months from the date of receipt of copy of this order".

A copy of the aforesaid order and judgment dated 18-8-97 is annexed here to and marked as Annexure - 'B'. (Page-36)

4(d) That, the applicant respectfully states that similar situated approach this Hon'ble Tribunal for redressal of their grievances. In O.A. No.184/99, (Sri Prabin Chandra Dolley and others - Vs - the Union of India) the applicant approaches this Hon'ble Tribunal for regularisation of their services in the same line

Contd..

12/8/97 file - reply

of the applicants in O.A. No.299/96 and O.A. No.302/96. Unfortunately the applicant could not approach the Hon'ble Tribunal due to the financial constraints as well as serious illness of his mother.

4(e) That, the applicant respectfully states that pursuant to the orders of this Hon'ble Tribunal dated 18-8-97 and others the applicants in O.A. No.302/96, 299/96 were regularised as D.R.M. and awarded Temporary Status.

4(f) That, the applicant respectfully states that despite clear direction of the Hon'ble Tribunal in O.A. No.299/96 and 302/96 for regularisation of the similarly situated persons including the applicant as D.R.M. (Temporary Status), the case of the petitioner has not been considered.

4(g) That, the applicant comes to know by his officials that the applicant has been terminated consequent upon a telephonic discussion on 25-8-98 and he has not received any termination letter till date. The applicant has been engaged informally.

4(h) That, the applicant respectfully states that he had submitted several representations before the authority for re-engagement as Casual Mazdoor, one such representation was submitted to the Telecom District Manager, Telegraph on 11-11-98. However, no action on his representations including that of 11-11-98 has been taken.

A copy of the aforesaid representation dated 11-11-98 is annexed hereto and marked as ANNEXURE - 'C'. (Page-39).

Contd..

12/5/99
F.V. - 12/5/99

4(i) That, the applicant respectfully states that he worked more than 240 days in every year since 1996 till 1998.

4(j) That, the applicant respectfully states that as per rules the Casual Workers (~~Part time 4 hours daily~~) who have been engaged for more than 240 days per year and are converted to be regularised as full time casual Mazdoor.

A copy of the similar situated Part time (4 hours daily) are converted as a full time Casual Labour are annexed hereto and marked as ANNEXURE - 'D'.

4(K) That, it may be mentioned that there are still 172 posts of Casual Labour is still there unfilled after accommodating about 672 Casual Labours, who are situated similarly to that of the applicant/petitioner.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that, prima-facie the action/inaction on the part of the Respondent is illegal so far as termination of the service of the applicant is concerned that too without assigning any reason and hence the same is liable to be set aside.

5.2. For that, denial of benefit of the Scheme to the Casual workers whom the applicant Union represent in the instant Case is prima-facie illegal and arbitrary and same is liable to be set aside.

5.3. For that, it is the settled law that for who some principles have been laid down in a Judgment extending certain set of employees, the said benefits are required

Contd..

5
- 12/10/1998
PAC - 19/10/1998
PAC

12/15/102 - P.K. 12/15/102

to be extended to the similarly situated employees without requiring them to approach the court again and again. The Central Government should set an example of a model employee by extending the said benefit to the applicants.

5.4. For that, the discrimination meted out to the member of the applicant is not extending the benefit of the scheme and in not treating him at par with Posted employee is violative of Act. 14 and 15 of the Constitution of India.

5.5. For that, the respondents could not have deprived of the benefits of aforesaid scheme which has been applicable to their fellow employees which is also violative of Act. 14 & 15 of the Constitution of India.

5.6. For that, the issuance of the order dated 8-4-2000 by the respondents so far it relates to retrenchment of the services of the applicant is illegal, arbitrary and violative of the principles of natural justice.

5.7. 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 be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That, the applicant declare that he have exhausted all the remedies available to him and there is no alternative remedy available to him.

Contd..

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN OTHER COURT:

That, the applicant further, declare that some similarly situated casual labours of the Department of Telecommunication has moved this Hon'ble Tribunal for regularisation of this services by filling O.A 184/99 (Sri Prabin Doley and others -Vs- the Union of India). The Hon'ble Tribunal by Judgment and order dated 18-8-97, has discussed the relevant notification issued by the Department of Telecommunication proposing to confer status of Temporary employees and confirm them phase wise and also relied on the Judgment of the Apex Court. Thereafter, the some of the employees were regularized by terminating services of the applicant in a most illegal and arbitrary manner. The applicant due to illness of his mother and due to his financial constraint could not file any case earlier along with some of his colleagues. But still the petitioner is not late in preferring the appeal as he is pursuing the matter with the Department.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be submitted, records be called for and after hearing the parties of the cause or causes that may be shown and on perusal of the records, be grant the following relieves to the applicant.

8.1. To direct the respondents to extend the benefits of the applicant and to regularise his service.

8.2. To direct the respondents to allow the applicant to continue in his respective service.

Contd..

10/15/97-184/99
Pr

8.3. To direct the respondents to extent the benefits of the scheme to the applicant particularly who have joined in the year 1996 taking in the consideration the Hon'ble Ernakulam Bench Judgment and to regularise his service.

8.4. Cost of application.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicant prays for an interim order directing the respondents to allow the applicant to continue in his post of casual labour in the Telecommunication Department as Night Guard till the disposal of this Original Application or keep one post vacant to accommodate the petitioner as the applicant's post is not filled up till date.

10.

11. PARTICULARS OF IPO:

1. I.P.O. No.: - 76549683
2. DATE : - 2-4-2002
3. PAYABLE AT: - GUWAHATI.

12. LIST OF ENCLOSURE:

As stated in the 'INDEX'.

Contd.. VERIFICATION.

18/12/02
PRM - 14/02/02

VERIFICATION:

I, Sri Bhim Kanta Ligiria, S/o - Sri Laba Kanta Ligiria, aged about 30 years, working as a Casual Mazdoor in the office of the S.D.O. (Phone) Telecommunication Department, North Lakhimpur, do hereby solemn verify that the statements made in paragraphs 4(a, d, e, f, g, h, i, j, k) are true to my knowledge, and those made in paragraphs 4(b, c, e, f, g, h) are being matters of records, which I believe to be true and rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification, on this day of 2nd March 2002, at Guwahati.

[Signature]

APPLICANT.

— 11 —
DEPARTMENT OF TELECOMMUNICATIONS

Office of the

To

S. D. O. Phonea
North Lakhimpur

THU 7.11.14

TELEPHONE-784007

No. E-10/97-98/6 dtd at NMT on 11-5-9
Sub:- P.T. statement for the month
of July 197.

Kindly find enclosed herewith
the P.T. worker statement for the
month of July 197 for forward of
kind disposal.

Encl-2

S. D. O. Phonea
North Lakhimpur

certified to be
true copy

Sh
Advocate.

FDX-03712-2019

2007

Allemande. A. C.

UNION TELECOM

DOJ & PRISON

(1)(2)(3)

NORTH CAROLINA.

VIN- 78222

Accruals of 100 (Cash) 100

[illegible]

2/9/55 - 9/8/55 - Old cvt. Nostrick - Ek Group - 162/171

Surat Absence Statement of Part Time

W. S. J. ~~comptroller~~ for the month of July '97

For absence of balance P.T. KUMAR AND page 13 and further

1. Mr. J. P. [illegible]	1 Hr.	100 days	100 Hrs.
2. Mr. [illegible]	2 Hrs.	31 days	62 Hrs.
3. Mr. [illegible]			
4. Mr. [illegible]			
5. Mr. [illegible]			
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99. Mr. [illegible]			
100. Mr. [illegible]			

SENIOR TELECOM OFFICER
C-DOT & PHONIX (O-T-1000)
NORTH HAMPTON
TEL- 187001

A. E. O'Connell
Bureau of Labor

continued to be
the only

21
Schweden

P.T. Statement for the month of July: 97

S. No.	Name of P.T. Workers	No. of present ^{days}	Rate/ hrs.	Engaged ^{per day} Amount	Full Add.
1.	Sri Pulim Kanter Lizim	31 days	Rs. 8.22 per hrs.	2 hrs clearly 8.22 x 62" Rs. Rs. 509 = 64 Say Rs 510/-	Vill - Jonheta gelikigara P.O. Chhatpur Dist. N.L.

continued to be
the way

[Signature]
S. S. S. S.

[Signature]
A. B. C. Pheno
North Lakshadweep

- 11-3

Annexure - A (Serials)

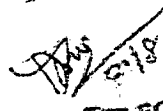
Dept of Telecom.

JUNIOR TELECOM OFFICER
C-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN - 787001


To
The Account Officer (cash)
C/o The T.D.M. Tegpur.

NO E 2/92-98/7 dttd at ^{the} N. Lakhimpur - 31-8-97
Subj: Absentee Statement of part time
visiting for the month of August 1997.

Sl No	Name of Part Time employee	Hrs	No's of days	Total Hrs.
1)	Sri Bhim Kant Singh	2 Hrs.	31 days	62 Hrs.


JUNIOR TELECOM OFFICER
C-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN - 787001

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copy.


Advocate

Dept of Telecom.


From JUNIOR TELECOM OFFICER
C/O R.G.DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 787001

To The SDO (P) N. Lakhimpur


NO E2/97-98/11 dtd at the North Lakhimpur. 30-9-97

Subj:- Absentee statement of Port Time
Vastay for the month of Sept 97

Sl No	Name of Official	Hrs	No of days	Total Hrs.
(1)	Sri Bhim Kanta Ligera	2 Hrs	20 days	60 Hrs.


JUNIOR TELECOM OFFICER
C/O R.G.DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 787001

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True copy.


Advocate

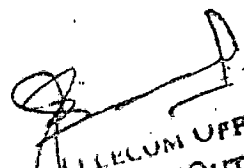
From
o/o The TELECOM OFFICER
(OUTDOOR)
NORTH LAKHIMPUR
PIN- 787001

To
The SDO(P)/NMP.


E 2-92-98/14 dt 16 North Lakhimpur - 30-10-1992

Subj: Absence statement of Part Time
Vetstry for the month of Oct'92

Sl No	Name of Official	Hrs	No's of days	Total Hrs.
(1)	Sri Bhim Kanta Ligira	2 Hrs	31 days	62 Hrs.


TELECOM OFFICER
(OUTDOOR)
NORTH LAKHIMPUR
PIN- 787001

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True copy.


Sd/- Advocate

Corr.-7

DEPARTMENT OF TELECOMMUNICATIONS


Office of the
To JUNIOR TELECOM OFFICER
C.DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 787003

To
The SDO (P)/NMP.


E-2/97-98/19 dtd 11-11-97 at the N. Lakhimpur - 30-11-97.

Sub:- Absence Statement of Part Time visiting
for the month of NOV 97

Sl No	Name of Official	Hrs	No of days	Total Hrs.
9)	Sri Bhim Kanta Lagira	2 hrs	30 days	60 hrs.


JUNIOR TELECOM OFFICER
C.DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 787003

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Advocate

Corr-7

DEPARTMENT OF TELECOMMUNICATIONS

E.D.O. PHOENIX
North Lakeland

Office of the

To

The T.D.M.

TE2PW-784001

No. E-10/97-98/17 dtd at NMP the 1-12-97

Sub: - P.T. Statement for the month of Nov/97

Kindly find enclosed herewith
the P.T. work stt. for Nov/97 for
forward of kind disposed.

Encl-9.9

E.D.O. PHOENIX
North Lakeland

Certified to be
true copy

Advocate

- 16 -
 I.T Statement for the month ... NOV/97 ...

Name of P.T. workers	NO. days of present	Rate/Hrs.	Engaged per day	Amount	Full add.
(2)	(3)	(4)	(5)	(6)	(7)
1. Sri Glim Kante Ligira	30 days	Rs 12=00	2 hrs daily	12 X 60 = 720/-	V.N. - Jorhatia Galeki gaon PO. Dhalpur Dist. - N.L.

S. D. S. Phouca
 North Lakhimpur

certified to be
 true copy
 J
 Sewan

17 - 29
Cont.-7

DEPARTMENT OF TELECOMMUNICATIONS
SENIOR TELECOM OFFICER
Office of the SDO & PHONES (OUTDOOR)
NORTH LAKHIMPUR
To
SAC SDO(P)/ NORTH Lakhimpur.

NO= E-2/97-98/23 dtd at North Lakhimpur the 31-12-97.

Subj: Absentee Statement of Part time Vistary
for the month of Dec' 97.

Sl NO	Name of Official	Hrs.	NO of days	Total Hrs.
(1)	Sri = Bhim Kanta Lagira.	2 Hrs	31 days	62 Hrs.

[Signature]
SENIOR TELECOM OFFICER
SDO & PHONES (OUTDOOR)
NORTH LAKHIMPUR
TIS-787000

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OR)

certified to be
true copy -

[Signature]
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Corr. 7

DEPARTMENT OF TELECOMMUNICATIONS

Office of the

A. D. O. Phonos

To

Thy T D M
Recd - 784001

No. E-10/97-98/21 dtd at NMF Lin 31-12-97

Sub: - P.T. Stt. for the month of Dec/97.

Kindly find enclosed herewith
the P.T. monthly Stt. for Dec/97
for forward of kind disposal.

Encls - 09

A. D. O. Phonos
Muz Lakhani

JK

certified to be
true copy.
By
signature

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DEPARTMENT OF TELECOMMUNICATIONS
JUNIOR TELECOM OFFICER
Office of C-DOT & PHONES (OUTDOOR)

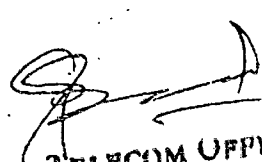
To NORTH LAKHIMPUR

The S.O. North Lakhimpur.

NO = E-2/97-98/27, dtd. at North Lakhimpur = 31-1-1998

Sub: Absentee Statement of Part Time Vdstry
for the month of January 98.

Sl. NO	Name of Official.	Hrs.	NO of days.	Total Hrs
1.)	Sri = Bhim Kanta Ligira.	2 Hrs	31 days	62 Hrs


JUNIOR TELECOM OFFICER
C-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 784001

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True Copy



Advocate

Com-7

DEPARTMENT OF TELECOMMUNICATIONS

Office of the

To

The T. I. M

S D O Phone
North Lakhimpur
Pin-781 001
Tele : 42814

Te2PM-781001
x

No. E-10/97-98/25 dtl NMP thr 2-2-98
Sub:- P.T. Stt. for the month of Jan/98

Kindly find enclosed herewith
the P.T. Worker Stt. for Jan/98
for favour of kind disposal.

Encl - 01

S D O Phone
North Lakhimpur
Pin-781 001
Tele : 42814

Certified to be
True copy
Sh
Sahu

21-
P.T. Statement for the month - Jan/98

Name of P.T. Worker	No. of days Present	Rate / Hrs	Engaged Per day	Amount	Full Add:-
2	3	4	5	6	7
Sri Bhim Kanti Ligira	31 days	Rs. 12-00	2 hrs daily	12 X 62 = 744/-	Vill- Jorhatia Gelekigaon P.O. Jhalpa Dist- N C

Certified to be
True copy:-

[Signature]

Secretary

[Signature]
S.D.O. Purnea
North Lakhimpur
Pin-854 001
Date: 22/1/98

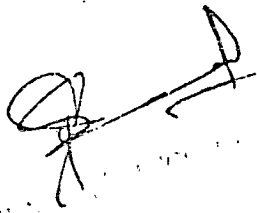
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DEPARTMENT OF TELECOMMUNICATIONS
Office of the ~~Joint~~ ^{Joint} ~~Telecom~~ ^{Telecom} ~~Director~~ ^{Director}
To ~~Joint~~ ^{Joint} ~~Telecom~~ ^{Telecom} ~~Director~~ ^{Director}
The S.D.O./North Lakhimpur.


NO-E-2/8-98/29 add at North Lakhimpur the 28-2-98

Sub: Absence Statement of Part Time visiting
for the month of February '98

SL NO	Name of Official.	Hrs	NO of days	Total Hrs
1)	Sri Ishin Kanta ligera.	2 Hrs	28 days	56 Hrs.



Certified to be
true copy.


Secretary

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DEPARTMENT OF TELECOMMUNICATIONS

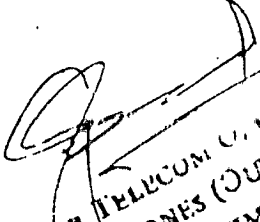
Office of the JUNIOR TELECOM OFFICER
C-DOT & PHONES (OUTDOOR),
NORTH LAKHIMPUR
PIN-787002

To
The S.O.O./North Lakhimpur.


NO-E-2/97-98/34 dtd at North Lakhimpur the 31-3-1998

Sub:- Absentee Statement of Post Time Visitor
for the month of Feb March '98.

Sl NO	Name of Official	Hrs	NO of days	Total Hrs.
1	Sri Bhim Kanta Ligera.	2 Hrs	31 days	62 Hrs.


JUNIOR TELECOM OFFICER
C-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN-787002

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Sd/-

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DEPARTMENT OF TELECOMMUNICATIONS

Office of the JUNIOR TELECOM OFFICER
C/DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR

The S. 20 (B) / North Lakhimpur

NO: E-2/98-99/29 dtd at North Lakhimpur the 30-4-98
Sub - Absence Statement of Part time
Victory for the month of April/98

Sl no	Name of Official	Hrs	NO of days	Total Hrs
(1)	Sr. Peha Kanta ligira	2 Hrs	30 days.	60 Hrs.

JUNIOR TELECOM OFFICER
C/DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
13. 12. 98

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Signature

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DEPARTMENT OF TELECOMMUNICATIONS
SENIOR TELECOM OFFICER
Office of the S.D. & PHONES (OUTDOOR)
To NORTH LAKHIMPUR
The S.D. & PHONES North Lakhimpur.

NO E-2/98-99/42 dtd at North Lakhimpur the 1-6-98
Subj: Absence Statement of Post Time
Vistry for the month of May 1998

SL NO	Name of Official.	Hrs	No of days	Total Hrs.
(1)	Sri. Bhim Kanta ligira	2 Hrs	31 days	62 Hrs.

SENIOR TELECOM OFFICER
S.D. & PHON. (OUTDOOR)
NORTH LAKHIMPUR
15. 11. 98

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Advocate

-26-

Part time Statement for the month of May '98

Name of PT. WORKER	No's of Days Present	Rate of 4 hrs	Engaged Per day	Total Amount	Full address
1	2	3	4	5	6
Blison Xh. Ligira	30 days	RS. 12 1/2	2 Hrs daily	RS. 744 1/2	Jorhafia gelehi gaon P.O. Ohalpur. Dist. Lakhimpur

Certified to be

True & correct

[Signature]

[Signature]

S D O Prose
North Lakhimpur
Pin-787 001
Tele : 42510

Cmt-7

DEPARTMENT OF TELECOMMUNICATIONS
JUNIOR TELECOM OFFICER

Office of the S-DOT & PHONES (OUTDOOR)

To NORTH LAKHIMPUR

PIE-1222
The S & O Phones North Lakhimpur.

E-2/98-99/47 dtd at North Lakhimpur the 30-6-1998

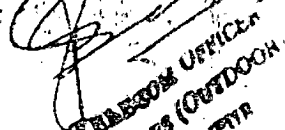
Sub - Absence statement of Part Time
~~master~~ Vistroy for 1st month of June'98

SL NO	Name of official.	Hrs	No of days	Total Hrs
(1)	Sri - Bhim kanta ligim	2 Hrs	30 days	60 Hrs

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Advocate.


JUNIOR TELECOM OFFICER
S-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIE-1222

Gettr?

DEPARTMENT OF TELECOMMUNICATIONS

Office of the C.DOT & PHONES (C. & P.)

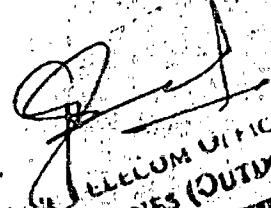
To NORTH LAKHIMPUR

The SDO ~~PHONES~~ North Lakhimpur.


NO E-2/98-99/51 dtd at North Lakhimpur the - 31-7-98

Subject: Absentee statement Part time Visting
for the month of July '98.

Sl no.	Name of Official	Hrs	No of days	Total Hrs
1)	Sri: Bhim Kanta Ligira.	2 Hrs.	31 days	62 Hrs.


TELECOM OFFICER
C.DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PIN- 725000

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Advocate

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DEPARTMENT OF TELECOMMUNICATIONS

JUNIOR TELECOM OFFICE

Office of the C-DOT & PHONES (OUTDOOR)

To NORTH LAKHIMPUR

The SDO PHONES North Lakhimpur.

No B-2/98-99/55 dtd 2 North Lakhimpur dt-1-9-98

Subject: Absence statement of Mr. Victory for the month of August 98

Sl no	Name of Officer	Hrs	No of days	Total Hrs
1	Sri: Bhim Kanta Ligira.	2 Hrs.	31 days	62 Hrs.

JUNIOR TELECOM OFFICE
C-DOT & PHONES (OUTDOOR)
NORTH LAKHIMPUR
JUL-98

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True copy.
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DEPARTMENT OF TELECOMMUNICATIONS
Office of the North Lakhimpur
Pin-787 001
To the TDM-T2

No. F-16/98-99/52 dtd the 1-9-98

Subj:- P.T. S.I. for Aug' 98.

Readily find enclosed h/n the
P.T. S.I. for the month of Aug' 98 for
favour of further a/c

Encl. a/c

DD Phone
North Lakhimpur
Pin-787 001
tele / 45514

Certified to be
True copy.

Sh
Advocate

Part time statement for the month of Aug 98

Sl No.	Name of P.T. Worker	No. of days present	Rate of Hrs.	Engaged per day	Total Amount	Full address
	Sri Bhion Kt. Ligira	31 days	RS. 12 1/2	2 Hrs daily	RS. 744/-	Joshatia Beleri gaon. P.O. Balpur Dist. N.L.

31-

ETC

✓
B B Phone
North Lakhimpur
Pin-787 001
Tele : 45514

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Advocate

Corr.-7

DEPARTMENT OF TELECOMMUNICATIONS
JUNIOR TELECOM OFFICE
Office of the S.D.O & PHONES (OUTDOOR)
To NORTH LAKHIMPUR
PER-7100

The S.D.O Phones North Lakhimpur,
 NO-E-2/98-9-58 dtd at North Lakhimpur the -30-9-98


Sub:- Absence Statement ~~Particulars~~
 History for the month of Sept 98

~~Sept 98~~

Sl NO	Name of Officials	Hrs	NO of days	Total Hrs.
1)	Sri Bhim Kr. Ligira	24 Hrs.	30 days	60 Hrs.


JUNIOR TELECOM OFFICE
S.D.O & PHONES (OUTDOOR)
NORTH LAKHIMPUR
PER-7100

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 Advocate

- 33 -

011-7

DEPARTMENT OF TELECOMMUNICATIONS
Office of the North Lakhimpur
Pin-787 001
To
Date: 1/10/98

The T&M-T2
NO. E-10/98-99/54 dtd the 30-9-98.
Subj: P.T. absentee state for the
month of Sep'98.

readily find enclosed - R/N in
P.T. statement for the month of Sep
for favours of further n/a ll.

Encl: a.a

2/10/98
D D Phone
North Lakhimpur
Pin-787 001
Date: 1/10/98

Certified to be
true copy.

Sh

Advocate

Part time absentee statement for the month of Sept 48

No.	Name PT workss.	No. of days present	Rate of Hrs.	Engaged per day	Total Amount	Full address
1.	Sri Bhim Kt. Ligou	30 days	Rs 12/-	2 Hrs. daily	Rs. 720/-	Joshatia Geleki goar P.O. - Dhampur Dist. - Lucknow N. Lakhimpur

O/c

D. C. Sharma
North Lakhimpur
P.O. - 242 001
P.O. - 242 001

Certified to be
true copy.

[Signature]
Deevid

Corr-7

DEPARTMENT OF TELECOMMUNICATIONS

Office of the S. D. A. V. (A) 1000

To ^{World Lab Division}
The TDM/Telecom
Po Telecom

No-E-39/98-99/91 - dtl - 11th Nov/98

Subject:- Application for
engagement of P/T workers

Kindly find enclosed h/w the
application of Rohan Kt. Lijira
in respect his engagement P/T
workers for favour of your to n/a
Pl-

Encl- a/a

47
S. D. A. Telecom
World Lab Division

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true copy.

21

Adelaide

They are also similarly situated with their counter parts in the postal Department. They are working as casual labourers. However, the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the Judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in Sec. 122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgement of Daily Rated Casual Labourers (Supra). The Apex Court after considering the entire matter directed the Department to give the same similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation) Scheme" on 7.11.89. Under the said scheme certain benefits had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pays scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Sriakulam Bench of the Tribunal dated 13.3.1995 passed in O.A. No. 750/94. Pursuant to that judgement, the Govt. of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1993 before the Chairman Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 299 of 1996.

and

302 of 1996

Date of Order: This the 18th day of August, 1997.

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

O.A. No. 299 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others.

... Applicants.

- Versus -

Union of India & Ors.

... Respondents.

O.A. No. 302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others.

.. Applicants.

- Versus -

Union of India & Ors.

... Respondents.

Advocate for the applicants: Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents: Shri A.K. Choudhury

Adl.C.C.S.C.

ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have prayed for a direction to the respondents to give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

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

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

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

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

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

Sd/- Vice Chairman.

To
 The TDM/Tezpur -
 Po. Tezpur -
 Through proper channel -
 Dated at Nimp The 11th Nov/98 -
 Sub: - Prayer for re-engagement
 for part time labour -

Sir,
 With due respect I beg to state
 the following few lines for your kind
 consideration and necessary action
 please -

Sir I Shri Bhim Kanta Ligira
 was ~~employed~~ as part time labour for
 2 (two) hrs. daily under SDO/SDO(P)
 North Lakhimpur since 1st June/96
 to 30th June/97 and payment was made
 by A/c-17 that period ^{and} from 1st July/97
 to 31st Aug/98 allotted same 2 (two) hrs
 per day and the payment was made
 by A/Roll. But I sorry to inform you
 Sir from the month of Sept/98 no
 any payment is made though I
 continuing the same part time work.

Therefore I request your honor
 kindly look into the matter for which
 act of remission ever grateful to you
 Sir

Part time casual labour statement

Yours faithfully
 श्री भिम कान्त लिगिरा

Certified to be
 true copy
 J.B.
 Khosla

- 40 -

Amended

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM
ASSAM CIRCLE - DIBRUGARH - GUWAHATI

NO. ESTT - 9/12/P1-1/C

Dated at Guwahati, the 04-11-99

In accordance with the instructions contained in D.O.T. New Delhi letter NO. 209-13/99 - SIN dated 16-09-99, the head of concerned district / S.S.A. is hereby authorized to convert the part-time casual labourers presently working for 04 hours or more a day who have worked for atleast 240 days in the preceding 12 months into full time casual labourers. This will be applicable only to the extent of the number shown below against respective S.S.A. / District :-

1. Kamrup Telecom District	:: 02 (Two)
2. Nowgong S.S.A.	:: 04 (Four)
3. Tezpur S.S.A.	:: 09 (Nine)
4. Dibrugarh S.S.A.	:: 03 (Three)
5. Dongaigaon S.S.A.	:: 06 (Six)
6. Jorhat S.S.A.	:: 12 (Twelve)
TOTAL	:: 36 (Thirty-six)

The conversion of the part time casual labourers into full time casual labours as above will be further subject to the following :-

- (a) As a one-time relaxation, part time casual labourers with 04 or more hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the numbers indicated against respective field units in the Annexure.
- They should be engaged as casual labourers subject to suitability.
- They should be engaged as casual labourers only where there is shortage of Group 'D' staff (i.e., existence of vacant Group 'D' posts after accounting for all T.S.M.s and existing full time casual labourers) and no posts should be created for the purpose.
- In the event, there is no shortage in Group 'D' at the station where the part time casual labourer is to be engaged to work as full time casual labourers, the part time casual labourers will not be converted into full time casual labourers.
- Appointment to the above casual labourers may be made as provided for under Rule 351 of I.E.T. R.M.B. Vol. I. Under no circumstances should they be paid through muster roll.
- The part time casual labourers will be engaged hereafter and any violation will result in disciplinary action.

(B. C. PAL)
Asstt. Director Telecom (E&R)

The General Manager, Kamrup Telephones, Guwahati.
The Telecom District Manager,
Jorhat / Nowgong / Tezpur / Dongaigaon.

(B. C. PAL)
Asstt. Director Telecom (E&R)

forwarded to all Group 'B' officers
for information, guidance and necessary action
to be registered to send
report on the matter
to this office

Confirmed to be
true copy