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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 226/2003

R.A/C.P No.

E.P/M.A No. 113/03

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 226/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Roadip Bnyam

Respondants: - h. o. I Jom

Advocate for the Applicants: - Begum R.A. Sultana

Advocate for the Respondants: - CASE

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

16.12.2003

List on 19.12.2004 for admission.

K. B. B. B.
Member (A)

17.2.2004

Adjourned. List it on 25.2.04
before the Division Bench.

K. B. B. B.
Member

nkm

Steps taken along with
envelops

Adjourned. List on
21.11.03. for admission.

By order

25.2.2004 Present: The Hon'ble Sri Shanker Raju,
Judicial Member.

The Hon'ble Sri K.V. Prahladan
Administrative Member.

Heard learned counsel for the
parties.

The O.A. is disposed of for the
reasons passed in separate sheets.

K.V. Prahladan
Member (A)

h
Member (J)

bb

9.3.04

Copy of the judgment
has been sent to the
Dy. Sec. for issuing
the same to the
applicant as well
as to the Addl. Secy.
in the Regd.

*Received copy
Bibhash Pradhan
10/3/04*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 1111 226/2003

DATE OF DECISION 25.2.004.

.....Shri Pradip Bhuya.....APPLICANT(S).

.....Ms. B.R.A. Sultana.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....Union of India & Ors.....RESPONDENT(S)

.....Mr. B.C. Pathak, Addl. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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

✓ Judgment delivered by Hon'ble Member (J). ☒

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.226 of 2003.

Date of Order : This, the 25th Day of February, 2004.

THE HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Pradip Bhuya
S/o P.C.Bhuya

Resident of Dakhingaon, P.O: Dakhingaon
District: Kamrup.

. . . . Applicant.

By Advocate Ms.B.R.A.Sultana.

- Versus -

1. Union of India
Represented by the Chief General Manager
Assam Telecom Circle
Ulubari, Guwahati-7.
 2. Bharat Sanchar Nigam Limited
(BSNL) through the Chief General Manager
Guwahati.
 3. The Telecom District Manager
(P & A Section), Kamrup, Telecom District
Ulubari, Guwahati-781007.
 4. The Chief Superintendent
(At present newly designated as Divisional Engineer)
Central Telegraph Office, Panbazar
Guwahati-781001.
- . . . Respondents.

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


O R D E R (ORAL)


SHANKER RAJU, MEMBER (J):

We have heard Ms. B.R.A. Sultana, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.

2. The O.A. is disposed of with a direction to the respondents to verify the working period of the applicant and pass a reasoned order as the working period relates to the period when B.S.N.L. was not in existence. The order should be passed in consonance with the order of this Bench in O.A. 145/1998 & Others dated 31.8.1999.

The O.A. thus stands disposed of.

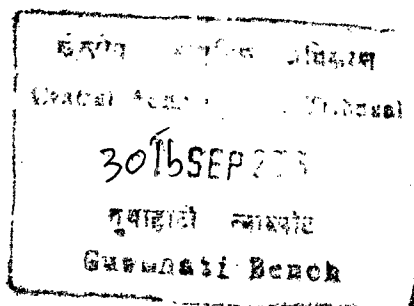

(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

8/A
14/10/03

6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH



O.A. NO. 226 OF 2003

Shri Pradip Bhuya .. Applicant.

-Vs-

Union of India & Ors. ...Respondent.

S Y N O P S I S

The case of the applicant is that he is an ex-casual Mazdoor appointed against certain vacant post under the deptt. of Telecommunication. On 7-10-96 he was appointed/engaged as casual Mazdoor and allowed to work under the Respondent No.4. He rendered service sincerely regularly till 1997. Like several employees he was retrenched the from service with effect from 30-9-97 as shown in the official record of the respondent. But the applicant was retrenched without serving any notice on him and he was not provided working certificates inspite of his several demands, his prayer for re-engagement was ^{not} considered inspite of his several request. Having no alternative remedy the applicant has come to your Tribunal to assail his relief through the aforesaid original application.

Filed by-

Begum Roushan Ara Sultana

Begum Roushan Ara Sultana
Advocate,

Date-30/9/03

X

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

O.A. NO.- 226 /2003.

Shri Pradip Bhuya

.. Applicant.

-Vs-

Union of India & Ors. ...

Respondents.

I N D E X

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4.	Annexure-B	13, 14,
5.	Annexure-C, D, E,	15-20,
6.		
7.	Vakalatnama	
8.	Notice-	

Filed by-

Begum Roushan Ara Sultana
Begum Roushan Ara Sultana
Advocate.

- 1 -

Filed by
Beyun Ramkan Singh
Sutaria
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Application Under Section 19
of the Central Administrative Tribunal
Act-1985.

Date of Filing :-

Registration No. :-

Signature :-

Registrar :-

Sri pradip Bhuyan.

CONTD - 2 .

1. Shri Pradip Bhuya

son of P.C. Bhuya

resident of- Dakhingaon .

District - Kamrup

P.O.- Dakhingaon .

... Applicant

-Versus-

1. Union of India,

represented by the Chief General

Manager, Assam Telecom Circle,

Ulubari, Guwahati-7.

2. Bharat Sanchar Nigam Limited,

(BSNL) through the Chief General Manager,

Guwahati.

3. The Telecom District Manager (P & A Section),

Kamrup, Telecom District,

Ulubari, Guwahati-781007.

4. The Chief Superintendent,

(At present newly designated as Divisional Engineer)

Central Telegraph Office, Panbazar,

Guwahati-781001.

.... Respondent.

contd.. 3

Sri pradip Bhuyan.

-3-

1. Particulars of the Applicant :-

- 1) Name : Shri Pradip Bhuya
- ii) Father's name : P.C. Bhuya
- iii) Designation & Office : Ex-casual Mazdoor Office of the
which employed- Chief Superintendent, Central
Telegraph Office, Panbazar,
Guwahati-1.
- iv) Address for service : As at (ii) above.
of all notice-

2. Particulars of the Respondents :-

- i) Name and designation
of the Respondents- : The Union of India, represented
by the Chief General Manager,
Assam Telecom Circle, Assam,
Ulubari, Guwahati-7.
- ii) Bharat Sanchar Nigam Ltd.,
(BSNL), Through the Chief General
Manager, Guwahati.
- iii) The Telecom District Manager,
(P & A-Section), Kamrup, Telecom
District, Ulubari, Guwahati-7.
- iv) The Chief Superintendent, (at
present newly designated as
Divisional Engineer) Central Telegraph
Office, Panbazar, Guwahati-1.

Sri Pradip Bhuyan.

contd..2.

(2)

ii) Office address of the Respondent : - As above -

iii) Address for service of all notice: - As above -

3. Particulars of the order against which this Application is made :-

Illegal disengagement from service and non absorption inspite of several representation of the applicant.

4. Jurisdiction of the Tribunal :-

The applicant declare that the subject matter of the application is within the jurisdiction of this Tribunal.

5. Limitation :-

The applicant further declare that the application is made within the limitation prescribed in Section 21 of the Central Administrative Tribunal.

6. Facts of the Case :-

a) That the applicant is a citizen of India by birth and a permanent resident of the aforesaid locality. He is a little educated unemployed coming from a poor family in the district of Assam. The applicant while in search of his livelihood came to know that there were certain posts for Mazdoors were lying vacant under the Respondent No.4. Having knowledge about it, the applicant approached the Respondent No.4 and submitted application of / his absorption in the aforesaid post so that he may earn his livelihood. The applicant is qualified for holding that post.

(5)

b) That on being approached as above, the Respondent No -4 allowed him to work and on 7-10-96 the Respondent No.4 engaged the applicant as casual Mazdoor in the Telegraph Activity Area under Kamrup SSA as per instruction of the ~~Respondent~~ Respondent No.1 vide letter No. PRFC-18/RE dtd.23-12-92 and No. TTUI/3/95-96 dtd. 18-4-95.

c) That the engagement of the applicant was mentioned and recorded in the forwarding letter of the Respondent No.3 vide No. STA-SI/CL/96-97/04 dtd. at Guwahati 30-10-96 with a list of 22 numbers of Casual Mazdoor to run the smooth functioning of works of different units of Telegraph Activity area under district Kamrup.

Copy of the letter No. STA-SI/CL/96-97/04 dt. at Guwahati 30-10-96 of the Respondent No.4 and the list of Casual Mazdoor wherein the applicant's name is mentioned and recorded in serial No.21 are annexed as Annexure-A₁ & A₂.

d) That the applicant respectfully beg to state that he had rendered service very sincerely regularly and honestly from the date of his engagement during the course of his official duty. While he performed his duties suddenly his work was stopped like many other casual Mazdoors in the year 1997. He requested the Respondent authority to re-engage in service and also prayed for issuance of working certificates .

Copy of the last representation dtd.- 9-5-03 of the applicant asking for issuance of working days certificate is annexed herewith and marked as Annexure-B.

Sri. pradip Bhuyan

(6)

(d-d) That the applicant respectfully beg to state that the Govt. of India, Ministry of Communication, Deptt., of Telecom-STM-11(Pt) dtd. 8-2-2002 sanctioned 672 post for grant of temporary status amongst the existing casual workers and it is also stated in the letter dtd. 9-2-2000 that all other conditions contained in the letter dtd. 12-2-89 remain unchanged. The C.G.M., Assam, Telecom Circle then distributed some posts for grant of temporary status in his Circle. The applicant came to know about the availability of the sanctioned post and by operation of law the applicant is entitled to acquire the benefit of the scheme.

Copy of the sanction order dtd. 9-2-2000 under the grant of temporary status and regularisation scheme 1989 is annexed herewith and marked as Annexure-C.

(d-d-d) That the applicant begs to state that he came to know from reliable source that present there one lots of post lying vacant in the Deptt. of Respondent under the Telegraph Activity Area. The applicant who was appointed against the vacancies of Group-D cadre was engaged in T.O. Ulubari. But it is a matter of grievance of the applicant that inspite of sanctioned post lying vacant the Respondent has neglected the applicant to absorb in the vacant post.

Copy of the vacancy lying under the Telegraph Activity Area is Annexed and marked as Annexure- C₂.

Sri pradiip Bhuyan,

14
(7)

e) That the applicant respectfully begs to state that in case of other casual Mazdoors who were similarly engaged as shown in the Annexure-A2 with this applicant, your Hon'ble Tribunal has pleased to pass a satisfactory order in case of those applicants regarding re-engagement in service and confirmation of temporary status Sri Pankaj Bora, Sri Nayan Jyoti Dutta, and Shri Ramoni Ch. Nidhi are some of the nearest employees of the applicant who already approached this Hon'ble Tribunal their different original application.

Copy of the order in O.A. No.467/01
Shri Pankaj Bora-Vs-Union of India & Ors.
and copy of the orders in O.A. No.296/02
Sri Nayan Jyoti Dutta-Vs-Union of India
and Ors. are enclosed herewith and
marked as Annexure- D & E.

f) That the applicant respectfully states that in spite of his several request for re-engagement in service. The Respondent has not considered his prayer. But in case of few employees who were similarly engaged had adopted a discriminatory method by allowing them to continue in service.

g) That the applicant beg to state that the Respondent had also adopted another discriminatory method by refusing to issue working days certificate in case of the present applicant and thus prevented him from approaching the court/tribunal at appropriate time in spite of his several request.

Sri Pradip Bhuyan.

contd..g.

h) That the applicant is retrenched his service with effect from 30-9-97 prepared by the Respondent authority with mainly other casual employee similarly appointed like the applicant but was neither given any opportunity by being heard not he was served any notice before retrenchment.

i) That this sort of whimsical, illegal arbitrary action on the part of the Respondent No.3 is has violated the principles of Natural Justice, violates the rule of administrative fair play and also against the fundamental rights of the applicant guranted under Article 14, and 16 of the constitution of India and as such the order of the Respondent No.3 is required to be struck down and quashed by this Hon'ble Tribunal.

7. RELIEF SOUGHT :

i) The applicant therefore, pray that he shall be allowed to continue in his post of casual Mazdoor/casual labour.

ii) The Respondents may be directed by the Hon'ble Tribunal to give temporary status to the applicant and to reappoint the applicant and the service of the applicant be regularised in the existing vacancies on priority basis with all consequential service benefit including monetary benefit from the respective date of engagement immediately.

iii) That the Respondents be directed to pay salary and allowances in the appropriate scale from the date of engagement.

iv) To direct the respondents to extent the similar benefits as has been granted to the employee under the Department of the post.

v) Cost of the case.

contd...9.

Sri pradipto Bhuyan

vi) Any other relief/reliefs to which the applicant is entitled to and as may be deemed fit and proper by this Hon'ble Tribunal.

8. REMEDIES EXHAUSTED :

The applicant further declare that he has no any other alternative remedy except filing this application before this Tribunal.

9. MATTER NOT PENDING WITH ANY OTHER COURT :

The applicant further declare that the matter regarding this application has not been pending in any other court of law or Tribunal.

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

i) Number of the IPO. - 96685323

ii) Name of the issuing post office. G.P.O

iii) Post office at which payable. G.P.O.

11. DETAILS OF INDEX :

An Index consisting the details of documents to be relied upon is enclosed.

12. LIST OF ENCLOSERS :

As stated above.

Sri pradiip Bhuyan

17
-10-

VERIFICATION

I, Shri Pradip Bhuya son of Shri P.C. Bhuya,
resident of- *Daklingaon* P.S. *Dispur* P.O.-*Daklingaon*
in the district of *Kamrup* working an Ex-casual employee
under the establishment of Chief Supdt.(Divisional Engineer,
CTO., Guwahati do hereby verify that the statement made in
paragraph 1 to 10 above are true to my knowledge and belief
and I have not suppressed any material facts. I verify
the statements on this *30th* day of September, 2003 at Guwahati.

Shri Pradip Bhuya
✓
Signature

Govt. of India,
Department of Telecommunications,
Office of the Chief Superintendent, CTO, Guwahati
....

NO. STA-51/CL/96-97/04 Dated at Guwahati, the 30-10-96

To
The Telecom District Manager,
(P & A Section), Kamrup Telecom District,
Ulubari, Guwahati-781007:

(For attn. of Sri M.C. Baruah, D.E. (P&A) pl.)

Subj:- Engagement of Casual Labours.

Ref:- Your letter No. TDM/EST-179/96-97/45 dtd. 25-9-96

A list of Casual Labours engaged in the Telegraph Activity Area under Kamrup SSA is furnished ~~below~~ under enclosed Annexure-I.

In view of the acute shortage of Group-D staff as furnished below, only 22 Casual Labours have been engaged to run the smooth functioning of works of different units of Telegraph activity area under Kamrup SSA (CTO/4 T.Os & 7 T/Cs).

- | | |
|---|------------|
| i) T/Man(O/D) & (I/D), Gateman & RM (Engg.), | = 19 |
| shortage as per sanctioned strength. | |
| ii) T/Man(O/D) & (I/D) in T.O. Ulubari as per | = 5 |
| justification but not yet sanctioned. | |
| iii) RM (TFC) as per CGMT/Guwahati letter No. TTUI- | = 19 |
| 1/3/95-96 dtd. RM 18-4-95 (Copy enclosed) | |
| for 7 Telecom Centres viz, Dimpur, GH Rly. Station | |
| Station, Borjhar Arrival Terminal & Departure | |
| Terminal, Kahilipara, Panbazar & Gauhati High | |
| Court & 3 T.Os viz; Maligaon, Noonmati & | |
| Ulubari. | Total = 43 |

- | | |
|---|------|
| (iv) Anticipated vacancy after training & posting | |
| of Group-D staff as Phone Mechanics | = 64 |

All the 43 posts of Group-D staff are lying vacant in this Telegraph activity area under Kamrup SSA.

In this connection, it may be stated that the Casual Mazdoors under Srl No. 1 to 6 of Annexure-I have been engaged to meet up the acute shortage of GP-D staff in CTO/T.Os & T.Cs prior to January/93. Now, their engagement have been confirmed w.e.f. 01-01-93 as per instructions contained vide CGMT/Guwa. letter No. RRFC-18/RE dtd. 23-12-93 and No. TTUI-1/3/95-96 dtd. 18-4-95 (Copies enclosed).

Casual Mazdoors under Srl. No. 7 to 22 of Annexure-I have been engaged as per instructions of CGMT/Guwahati letters cited above to meet up the requirement of work load due to a paucity of GP-D staff.

Apart from the above vacancies, another 64 posts ~~under~~ ~~the~~ Group-D are likely to be vacant after appointment of qualified staff for Phone Mechanics.

"Certified that the minimum Casual Mazdoors engaged in CTO/T.Os & T.Cs of this Telegraph activity area under Kamrup SSA are essential for smooth functioning of works of the said units".

Certified to be
true Copy
B.R.A. Luitong
Advocate

Encl:- 1) Annexure-I.

Let the A.O. CTO/GH

Chief Superintendent
C.T.O. Guwahati-781007

Govt. of India,
Department of Telecommunications,
Office of the Chief Superintendent, CTO, Guwahati.

ANNEXURE-A₂

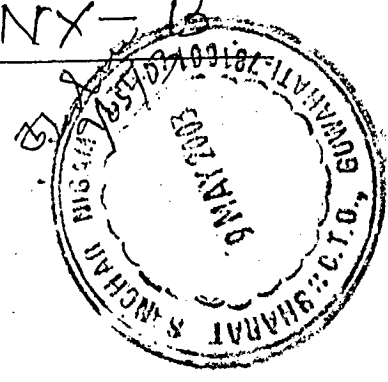
List of Casual Mazdoors/Labours engaged in Telegraph activity area of Kamrup SSA.

No.	Name of the Casual Labour	Comm- nity.	Date of birth.	Date of engagement	Engaged by	Place of engagement.	Engaged against.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Sri Dhaniram Deka ..	CC	24-2-67	01-01-90	C.S.CTO, GH	T/C, Panbazar Farash-cum-W/Man	Engaged as per instruc-	
2.	" Champak Talukdar ..	CC	01-3-71	01-05-90	-do-	T.O. Noonmati	-do-	tructions of the CGMT/GH
3.	" Sachin Das ..	SC	30-1-41	01-02-91	-do-	T.O. Maligaon Night-Guard	-do-	letter No. RRFC-18/RS dtd.
4.	" Kulen Das ..	SC	01-3-72	01-07-91	-do-	T/C Dispur	-do-	23-12-92 & No. TTUI-1/3/95-
5.	" Subhash Barman ..	CC	28-2-67	11-11-91	-do-	T/C Rly. Stn.	-do-	dtd. 18-4-95.
6.	" Niranjan Malakar ..	SC	01-11-71	26-02-92	-do-	T/C Rly. Stn. Farash-cum-W/Man.	-do-	-do-
7.	" Sarju Basfore ..	SC	01-7-63	21-06-93	-do-	T.O. Noonmati Safaiwala	-do-	-do-
8.	" Santu Chakraborty ..	CC	01-5-73	01-11-93	-do-	T/C Kahilipara W/Man-cum-Farash	-do-	-do-
9.	" Kameswar Kardong ..	ST	01-10-69	05-11-93	SDE(E) I/D	CTO Guwahati Electrical Labour	-do-	-do-
10.	" Birbal Basfore ..	SC	08-11-75	01-12-93	C.S.CTO, GH	T.O. Ulubari Safaiwala	-do-	-do-
11.	" Kiron Ch: Boro, ..	ST	29-9-73	01-04-94	-do-	T/C Kahilipara Night Guard	-do-	-do-
12.	" Enjoy Boro ..	ST	25-8-71	15-07-94	-do-	T.O. Assam Sachi-Farash-cum-W/Man	-do-	-do-
13.	" Rabin Ch: Boro ..	ST	31-10-72	03-05-95	-do-	valaya.	-do-	-do-
14.	Smti Kiran Kalita ..	CC	24-7-70	16-7-95	-do-	T/C Dispur	-do-	-do-
15.	Sri Sanjay Shaw ..	CC	10-2-78	01-03-96	-do-	T.O. Maligaon	-do-	-do-
16.	" Ramoni Madhi ..	CC	24-2-73	01-08-96	-do-	T/C GH High Court	-do-	-do-
17.	" Nayan Jyoti Dutta ..	CC	01-01-75	13-08-96	-do-	T/C Borjhar Arr/Ter.	-do-	-do-
18.	Miss Musfika Sultana ..	CC	10-12-75	26-08-96	SDE(G), CTO	T/C Borjhar Dep/Ter.	-do-	-do-
19.	Sri Jagat Ch: Brahma ..	ST	01-01-69	28-08-96	C.S., CTO/GH	C.T.O. Guwahati As Peon of SDE(G)	-do-	-do-
20.	" Mohan Kr. Brahma ..	ST	23-9-77	03-10-96	-do-	T.O. Maligaon Delivery of Telegrams & Telephone Bills	-do-	-do-
21.	" Pradip Bhuyan ..	CC	31-12-77	07-10-96	-do-	T.O. Noonmati	-do-	-do-
22.	" Pankaj Bora ..	CC	01-01-77	05-08-96	-do-	T.O. Ulubari	-do-	-do-
						T.C. ASSAM Sachivalaya	-do-	-do-

Original to
be kept Copy
B.R.A. Sultana
Advocate.

- 13 -

ANX-2



2

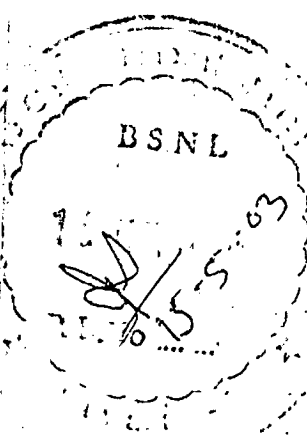
TO
The Chief Superintendent,
Central Telegraph Office,
Panbazar, Guwahati-781001.

Sub : Prayer for issuance of Working
Certificate.

Sir,

With due respect I beg to state that I was a
Casual Mazdoor appointed against certain posts lying
vacant under your establishment.

That on 7-10-96 I was engaged by your authority,
and allowed to work as casual Mazdoor in the Telegraph
Activity Area under Kamrup SSA as per instruction of
the Chief General Manager, Assam Telecom Circle, Assam,
Ulubari, Guwahati-7 vide letter No- PRFC-18/RE dtd.
23-12-92 and No. TTDI/3/95-96 dtd. 18-4-95.



That my engagement was mentioned and recorded
in the forwarding letter of the Telecom District Manager
(P & A- Section), Kamrup, Telecom District, Ulubari,
Guwahati-7 vide No. STA-SI/CL/96-97/04 dtd. at Guwahati
30-10-96 with a list of 22 numbers of casual Mazdoor
wherein my name is recorded in Sl.No. 21 of the list.

Copy of the engagement letter are enclosed
herewith and as marked as Annexure-A₁ & A₂.

That unfortunately I was retrenched from service
with effect from 30-9-97 with many other casual Mazdoor
engaged under your establishment.

That thereafter I came to your establishment with a
request to re-join me in service.

Despatch / Receipt

স্বাক্ষরিত
১৩/১০/৯৬
১৩/১০/৯৬

That I approached several times to your authority
with a prayer to issue my working certificate rendered
under your establishment w.e.f. 07-10-96 till the day of
retrenchment. But the same is not provided to me till date.

Certified to be True Copy
B.R.A. Jaitana
Advocate

contd..2.

(2)

That the issuance of my working Certificate is very urgent and necessary.

So, I kindly request you to issue my working days certificate rendered under your establishment w.e.f. 07-10-96 till the date of retrenchment as early as possible.

Yours faithfully,

Sri. Pradip Bhuya

Shri Pradip Bhuya.

son of P.C. Bhuya,
Ex-Casual Employee, Office
of the Chief Superintendent,
Central Telegraph Office,
Panbazar, Guwahati-1.

Copy to :-

Date - 09.05.03

1. The Chief General Manager,
Assam Telecom Circle, Assam, Ulubari, Guwahati-7.
2. The Telecom District Manager (P & A-Section),
Kamrup, Telecom District, Ulubari, Guwahati-7.

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B.R.A. Sultane
Advocate.

- 15 -

ANX-C₁

Govt. of India
Ministry of Communications
Department of Telecom. Services

General Manager,
New Delhi-110001.

No. -4 3-STD- II (91.)

date 3-2-29/31.

TO

The Chief General Manager Telecom.
Assam Telecom Circle,
Guwahati.

Sub : Sanction of posts of Regular Landcorn for regularisation of Temp. status casual Landcorn as on 31-3-57 and grant of Temp. status to casual lab. workers as on 1-5-58 case of Assam Circle.

Sir,

I am directed to invite your attention to the letter No. 269-4/53-STD-II dt. 12-2-29 on the above subject and to say that the matter has been considered by the competent authority and decided to further delegate the powers to CGMC, Assam to create posts of regular Landcorn regularising 13 Temp. status Landcorn who have completed 10 years of service as on 31-3-57 and to grant Temp. status to 672 casual lab. workers. All other conditions stipulated in the letter dt. 12-2-29 remains unchanged.

This issued with the concurrence of Internal Finance Deptt. of Telecom vide their No. .

No.

Yours faithfully,

(Sd/-) (Sd/-)
Asstt. Director General

*Certified to be true copy
B.R.A. Sultan
Advocate*

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
Office of the Divisional Engineer, CTO, Guwahati.

ANX-C₂

CATEGORY-WISE STAFF STATISTICS OF TELEGRAPH ACTIVITY AREA
UNDER KAMRUP SSA AS ON 31-08-2002

S1 No	Designat or	Scale of pay	Sanctioned strength.	Working strength	Vacancy
<u>GROUP - A</u>					
01.	Sr. Time Scale	10000-15200	1	1	
	Total:-		1	1	
<u>GROUP - B</u>					
01.	Accounts Officer	7500-12000	1	1	-
02.	Supdt. Tele-Tfc.	7500-12000	4	3	1
03.	Jr. Telecom Officer	6500-10500	22	2	20
	Total:-		27	6	21
<u>GROUP - C</u>					
01.	Chief T.M.	6500-10500	1	1	
02.	Chief S.S.	6500-10500	1	1	
03.	Sr. T.M.	5000-8000	8	4	4
04.	Sr. S.S.	5000-8000	8	3	5
05.	T.M.(T)	5000-8000	13	5	8
06.	Sr. TODA(T)	4000-6000	50	46	4
07.	Sr. TODA(TG)	4000-6000	52	37	15
08.	Telegraphist	3200-4900	-	4	-
09.	Telegraph Asstt.	3200-4900	7	19	
10.	Town Inspector(T)	3200-4900	2	-	2
11.	Technician	3200-4000	10	1	9
12.	Sr. Accountant	5000-8000	1	1	-
13.	Telecom Mechanic	3200-4900	16	16	-
14.	Telegraph Overseer	4000-6000	6	2	4
15.	Jamadar(Regular)	3200-4900	2	1	1
16.	Telegraphman(I/D)	3050-4590	36	17	19 ✓
17.	Telegraphman(O/D)	3050-4590	71	16	55 ✓
18.	Gateman ..	3050-4590	4	2	2 ✓
19.	Orderly ..	3050-4590	6	4	2 ✓
20.	Record Keeper	2610-3540	2	-	2
21.	Manager	4000-6000	1	1	-
22.	Asstt. Manager	3200-4900	1	1	-
23.	Coupon Clerk	3050-4590	1	1	-
	Total:-		299	183	(13 2-16)=

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B.R.A. Subana
Adisocali.*

Sl No	Designation	Scale of pay	Sanctioned strength.	Working strength.	Vacancy
	<u>GROUP-D</u>				
01.	Regular Mazdoor	2550-3200	8	8	
02.	Night Guard	2550-3200	2	1	1
03.	Safaiwala	2550-3200	7	5	2
04.	Ayah ..	2550-3200	3	3	
05.	Farash ..	2550-3200	2	2	
06.	Waterman ..	2550-3200	4	4	
07.	T.S. Mazdoor		-	2	
08.	Casual Labour		-	10	
09.	Batteryman	2550-3200	1	1	
10.	Cleaner	2550-3200	2	1	1
11.	Canteen Staff		6	6	
	Total:-		35	43	4

SUMMARY

GROUP	Sanctioned Strength.	Working Strength	Vacancy
GROUP - A	1	1	-
GROUP - B	27	6	21
GROUP - C	299	183	116
GROUP - D	35	43	
TOTAL:-	362	233	129

No. STA-23/MS/I

Dated at Guwahati, the 02-09-200201. Submitted to the General Manager, BSNL, (Estb. Sec.),
Kamrup District, Guwahati-781007.

02. The I/C, Divn., CTO, Guwahati

03. O/C

M. P. S.
Divisional Engineer,
C.T.O. Guwahati-781001.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 467 of 2001.

Date of Order : This the 26th Day of August, 2002.

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

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

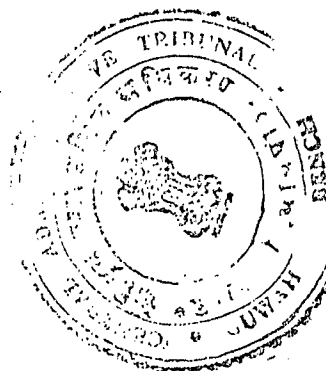
Sri Pankaj Bora,
Son of late Baburam Rora,
Resident of village Bhakatgaon,
P.O. Nabhanga, Golaghat.

...Applicant

By Advocate Sri A.Dasgupta.

- Versus -

1. Union of India,
represented by the Secretary,
Government of India,
Ministry of Communication,
New Delhi.
2. The Director General,
Department of Telecommunications,
New Delhi.
3. Chairman,
Telecom Commission,
New Delhi.
4. The Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati-7.
5. General Manager (Telecom),
Kamrup, Guwahati.
6. Divisional Engineer,
Central Telegraph Office,
Guwahati.
7. Divisional Engineer (Admn.)
G.M., Telecom,
Kamrup Telecom District.



...Respondents

By Sri 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. Series of Original Applications were preferred

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B.R.A. Sultana
Advocate*

before this Tribunal seeking for a direction for conferment of temporary status. The Tribunal after hearing the parties disposed the Original applications directed the authorities to consider the case of the applicants for conferment of temporary status. Sequal to the order of the Tribunal the authority considered the case of the applicants through Verification Committee and on consideration the respondents authority did not consider the case of the applicant and rejected the same vide Memo dated 27.12.2000. Hence this application assailing the legitimacy of the order of the respondents in rejecting his claim.

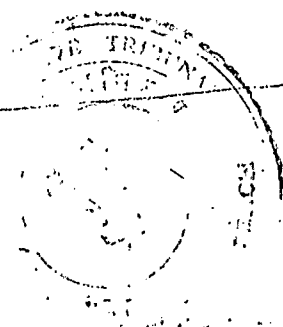
2. We have heard Mr A. Dasgupta, learned counsel appearing for the applicant and also Mr A. Deb Roy, learned Sr.C.G.S.C appearing on behalf of the respondents. On the own showing of the respondents the applicant was engaged for about 312 days from October 1996 to September 1997. Mr A. Deb Roy, learned Sr.C.G.S.C stated that 240 days is to be computed in one calender year and not in a year as argued by the learned counsel for the applicant. We have perused the scheme of Conferment of Temporary Status which speaks about the employment for at least one year, which means that they must have been engaged for a period of at least 240 days during the relevant period. Therefore question of not giving temporary status did not arise, since the applicant duly completed 240 days under the respondents it was incumbent on the part of the authority

to confer him temporary status in the light of the scheme.

3. For the reasons stated above, the impugned order dated 27.12.2000 issued by the Divisional Engineer (Admn.) is set aside and the respondents are directed to pass appropriate order for conferment of temporary status to the applicant in the light of the observations made above within one month from the date of receipt of this order.

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

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Sd/VICE CHAIRMAN
Sd/MEMBER (A)

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Section Officer (A)
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- 219 -

ANX-E.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 296 of 2002.

Date of Order : This the 2nd Day of May, 2003.

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

Shri Nayan Jyoti Dutta,
son of Sri Jiten Dutta,
resident of Dhirenpara (Raghunath Path)
Guwahati, P.O. Dhirenpara,
Dist. Kamrup (Assam)

...Applicant

By Advocate Begum Raushan Ara Sultana.

- Versus -

1. Union of India,
represented by the Chief General Manager,
Assam Telecom Circle,, Ulubari,
Guwahati-7.
2. Bharat Sanchar Nigam Limited (B.S.N.L),
through the Chief General Manager,
Guwahati.
3. The Telecom District Manager (P&A Section),
Kamrup Telecom District,
Ulubari, Guwahati-781007.
4. The Chief Superintendent,
(at present newly designated as
Divisional Engineering Central Telegraph Office,
Panbazar, Guwahati-781001.

...Respondents

By Sri A.K.Choudhury, Addl.C.G.S.C.

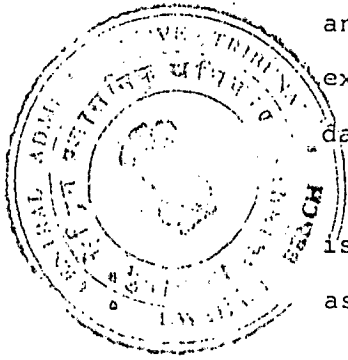
ORDER

CHOWDHURY J.(V.C)

It is also a case for conferment of temporary status. Heard Begum Raushan Ara Sultana, learned counsel appearing for the applicant as well as Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents at length.

In the light of the order passed by this Tribunal in O.A.205/2002 and more particularly in the light of the order passed in O.A.289/2002, the applicant is directed to make a fresh representation narrating all the facts before the respondents for conferment of temporary status within a month from today. If such representation is made the respondents shall consider the case of this applicant also fairly and in the light of the directions issued in similar cases.

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B. R. A. Sultana
Advocate*



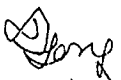
and pass appropriate order thereon as per law with expedition preferably within three months from the date of receipt of the representation.

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

Sd/VICE CHAIRMAN

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Deputy Registrar (A)
Central Administrative Tribunal
Guwahati