

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No..... 52/2003
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SECTION OFFICER (Judl.)

Bahita
15/11/17

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 52/2003

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) M.P. Nongram

- Vs. -

Respondent (s) Debtors

Advocate for the applicant (s) Mr. M.Chanda & Mrs. S.Seal

Advocate for the respondent (s) CGSC

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Condemnation Petition is filed / not filed C.F. for Rs. 50/- deposited vide IPO/BD No. 702/607258 Dated 20/3/03.</p> <p><i>J. P. Sarkar</i> <i>By: Registrar.</i></p>	24.3.2003	<p>Heard Mr. M.Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. G.G.S.C. The application is admitted, call for the record.</p> <p>List the case on 28.4.2003 for order.</p>
<p>Steps taken:</p> <p><i>Notice</i> 21/3/03</p> <p>Notice prepared and sent to the respondent No. 1104 by Legal. A.I.S.</p> <p><i>20/3</i></p>	<p>bb</p> <p>28.4.2003</p>	<p>Member</p> <p>Vice-Chairman</p> <p>Put up again on 26.5.2003 to enable the respondents to file written statement.</p>
<p>D/No. 537 W 540 dd 27/3/03</p> <p>No. written statement has been filed.</p> <p><i>23</i> 26.5.03</p>	<p>mb</p>	<p>Vice-Chairman</p>

(2)

O.A. 52/2003

26.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Administrative Member.

No written statement has been filed

3
23.6.03.

No written statement so far filed by the respondents. Put up again on 24.6.2003 for written statement.

Member

mb

Vice-Chairman

24.6.2003 No written statement is forth coming. Put up again on 28.7.2003 for written statement.

4.9.03
W/S filed
by the Respondents.

mb

28.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. N.D. Dayal, Member (A).

The respondents are yet to file written statement. Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents stated that he has received the instruction. Accordingly the case is adjourned for four weeks for filing written statement.

List again on 26.8.2003 for orders.

Member

mb

Vice-Chairman

26.8.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. K.V. Prahaladan, Administrative Member.

~~W.L.S~~
W.L.S have been filed
by the respondent.

Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents stated that the respondents are filing written statement very soon and requires two weeks time to complete the process. List again on 23.9.2003 for written statement.

KV Prahaladan
Member

Vice-Chairman

mb

23.9.2003 Written statement has been filed. The case may now be listed for hearing on 12.11.2003. The applicant may file rejoinder, if any, within two ~~xxx~~ weeks from today.

KV Prahaladan
Member

Vice-Chairman

bb

*12-11-03 No Bench today.
Adjourn to 19-11-03.*

*By
Hon*

19.11.2003 Present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman. The Hon'ble Sri S.K. Naik, Administrative Member.

Mr. G.N. Chakrabarty, learned counsel on behalf of Mr. M. Chanda, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.

Reply affidavit is on record. At the request of learned proxy counsel for the applicant list the matter on 20.11.2003.

Member

Vice-Chairman

mb

20.11.2003 Present: Hon'ble Smt Lakshmi Swaminathan, Vice-Chairman Hon'ble Shri S.K. Naik, Administrative Member.

Shri M. Chanda, learned counsel for the applicant and Shri A. Deb Roy, learned Sr. C.G.S.C. for the respondents. Court time is over. List on 21.11.2003.

W.L.S. has been filed.

nkm

Member

Vice-Chairman

21.11.2003

22/11/04

Mr. M. Chanda, learned counsel for the applicant.

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

At the request of learned counsel for the applicant list on next Division Bench

Deb Roy
Member

J.S.
Vice-Chairman

bb

22.1.2004 Present: Hon'ble Shri Bharat Bhushan, Member (J)

Hon'ble Shri K.V. Prahladan, Member (A).

None for the applicant. Mr A. Deb Roy, learned Sr. C.G.S.C. is present. Mr A. Ahmed, learned Advocate submits that in the cause list his name has been wrongly shown as the learned counsel for the applicant as Mr M. Chanda is actually the counsel for the applicant. Registry to make necessary corrections and show the name of Mr M. Chanda as the counsel for the applicant instead of Mr A. Ahmed. List the matter for hearing on 25.2.04.

K.V. Prahladan
Member (A)

nkm

J.S.
Member (J)

2.4.04

Present: Hon'ble Mr. Kuldip Singh,
Member(J)

The Hon'ble Mr. K.V. Prahaladan,
Member(A)

NO rejoinder has
been filed by the
applicant.

WS
17/6/04.

On the prayer of Mr. M. Chanda
learned counsel for the applicant
the case is adjourned to next
Division Bench.

KV Prahaladan
Member(A)

Member(J)

pg

18.6.04

List before the next Division Bench.

Member(A)

Member(J)

pg

26.8.2004

Present: Hon'ble Shri D.C. Verma,
Vice-Chairman

Hon'ble Shri K.V. Prahaladan,
Administrative Member.

Heard Mr. M. Chanda, learned
counsel for the applicant and Mr. A.
Deb Roy, learned Sr. C.G.S.C. As per
separate orders the O.A. has been
decided.

Member

Vice-Chairman

nkm

8.9.04
Copy of the
judgment has been
sent to the Office
of the Secretary
as well as to the
S.C. & C.G.S.C.

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 1111 52 of 2003

DATE OF DECISION 26.8.2004

Ms. Madonna Francisca Nongrum

.....APPLICANT(S).

Mr. M. Chand and Mrs. S. Seal

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India and others

.....RESPONDENT(S)

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

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. SHRI D.C. VERMA, VICE-CHAIRMAN

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~~ Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.52 of 2003

Date of decision: This the 26th day of August 2004

The Hon'ble Shri D.C. Verma, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Ms Madonna Francisca Nongrum
D/o Mr H. Nongrum,
Presently working as Stenographer Grade-III
through Contract Labour under
Postal Civil Division,
Shillong, Meghalaya.Applicant
By Advocates Mr M. Chanda and Mrs S. Seal.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Chief Post Master General
N.E. Circle,
Shillong.
3. The Superintending Engineer
Postal Civil Circle
Yogayog Bhaban,
Kolkata.
4. The Executive Engineer,
Postal Civil Circle Division,
Shillong.Respondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

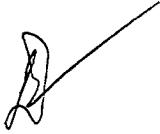
.....
O R D E R (ORAL)

D.C. VERMA, VICE-CHAIRMAN

By this O.A. the applicant has prayed that she be regularised in service in the vacant post of Stenographer Grade III with consequential service benefits and be paid pay in the scale of Rs.4000-6000 with other allowances.

2. Facts in brief are:

That the applicant has been engaged as contract labourer under respondent 4. Service of Stenographer was



being taken by the respondents through agencies on contract basis. The applicant, as explained, is serving the respondents vide Contractor's letter dated 30.9.1997 till date in the Postal Civil Division (PCD for short), Shillong on 'No Work No Pay' basis. The applicant is a Graduate and has a Certificate of Stenography. Though the applicant has been working for such a long period she has not been regularised, so she has approached this Tribunal for the relief.

3. The respondents have filed their reply. In para 5 of the reply, it is stated that there is no vacancy in the post of Stenographer Grade III in the PCD, Shillong. It is also stated in the reply that as per the communication received from SE, PCC, Kolkata vide his letter No.16(31)/98/SE-P/Kol/356 dated 11.4.2003 six Nos. of posts of Stenographer Grade III under PCC, Kolkata (Civil Wing) which includes PCD, Shillong stand abolished by the Postal Directorate as per communication conveyed by CPMG, West Bengal Circle, Kolkata. The submission of the learned counsel for the respondents is that as the post itself has been abolished the applicant cannot be regularised. The learned counsel for the applicant submitted that some posts are still vacant and even if the applicant cannot be regularised in PCD, Shillong due to abolition of the post of Stenographer Grade III, the applicant may be considered for continuance of her engagement against other vacant post. The learned counsel for the applicant submitted that she will be satisfied if the appropriate authority considers the applicant's claim for engagement against available vacant post and that the applicant would not press the relief for regularisation claimed in the present O.A.



4. The learned counsel for the respondents, on the other hand submitted that so far the present relief of regularisation is concerned the applicant cannot get the relief, but if for any vacant post the applicant applies her case would be considered by the appropriate authority.

5. In view of the above, the O.A. is decided with the observation that for any vacant post of Stenographer to which the applicant may be eligible it is open to the applicant to apply for the same and for the respondents to examine and consider the claim of the applicant looking to her experience in the job.

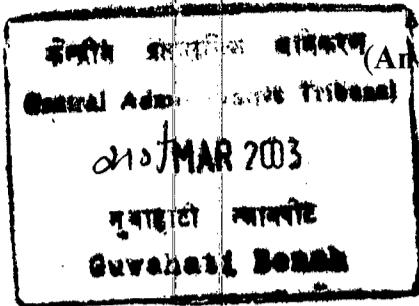
No order as to costs.

K. V. Prahladan
(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER

D. C. Verma
(D. C. VERMA)
VICE-CHAIRMAN

nkm

IN THE ADMINISTRATIVE TRIBUNAL



GUWAHATI BENCH: GUWAHATI
(An application under Section 19 of the Central
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 52 2003

Ms. Madona Francisca Nongram

Applicant

Vs
The Union of India & others

Respondents

LIST OF DATES AND SYNOPSIS

1992	Applicant passed B.A.Examination.
1993	Applicant obtain Diploma in Stenography
30-9-1997	Office of the Executive Engineer Postal Civil Division, Shillong Dept. Of Post Govt. Of India was need of stenographer; accordingly quotation was invited for supply of contract labour on the basis of daily wages Rs.90.
16-10-1997	Engagement of the applicant as contract Labour for the post of stenographer vide letter no.16 (8)88/SHPCD/745.
13-6-99	Govt.contractor wrote a letter to the Executive Engineer Postal Division, Shillong for enhancement of the wages of the applicant.
3-1-2002	The Executive Engineer Postal Civil Division,

Shillong vide his no.23/WO/PCD/SH/2001-2002 enhance the daily wages of the applicant Rs.190 per day.

25-3-2000,16-4-2000,
29-6-2001,19-6-2001,
26-9-2001,10-12-2001,
18-12-2001,11-3-2002.

Renewed of contract work in respect of stenographer time-to-time and extended the contract period by the Postal Civil Division, Shillong.

8-7-2002

The Executive Engineer Civil Division, Shillong
Shown in his official correspondence regarding Position of engagement of contingent paid worker, In the said report no particulars of the existing casual workers were shown as on 1-6-2002.

13-6-2002

Representation applicant for regularization of her Service as stenographer grade III.

2-8-2002

The Executive Engineer Postal Civil Division, Shillong strongly recommended The representation of the applicant for regularization of service.

DISTRICT:MEGHALAYA

IN THE ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Central
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 52 2003

Ms.Madona Francisca Nongram

Applicant

Vs

The Union of India & others

Respondents

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The photo Copy of the letter dated 30-9-97 and 16-10- 97.	
5. Annexure No.5& 6	11 - 12
Photocopy of the letter dated 12-6-99 and work order dated 3-1-2001.	
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Vakalatnama	
Notice	

Filed by (S SEAL)

ADVOCATE

IN THE ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Central
Administrative Tribunal Act, 1985)

Filed by the
Applicant
Ms. Madona Francisca Nongram
through
Rohit Leel
Advocate & Co
20-3-03

ORIGINAL APPLICATION NO. 2003

Ms. Madona Francisca Nongram

Applicant

Vs

The Union of India & others

Respondents

**PARTICULARS OF THE
APPLICANT**

Ms. Madona Francisca Nongram
D/O Mr. H. Nongram
R/O-'La I Jong'Lawjynriew
Lumbasuk near C R P F Campus
P.O.-Nongthymmai, Shillong-79014
Presently Working as
Stenographer, Grade-III through Contract
Labour under Postal Civil Division,
Shillong, Meghalaya.

**PARTICULARS OF THE
RESPONDENTS;**

1. The Union of India,
Represented by the Secretary
To the Govt. of India, Ministry
Of Communication.
Department of Posts,
New Delhi--110001

2. The Chief Post Master General,
N.E. Circle, Shillong—793001.

3. The Superintending Engineer,
Postal Civil Circle,
Yogayog Bhaban,
Kolkata—700012.

4. The Executive Engineer,
Postal Civil Circle Division,
Shillong—739001.

Respondents.

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE:

This application is made praying for a direction upon the respondents for consideration of regular appointment / absorption of the applicant in the existing vacant post of Stenographer grade-III in the office of the Executive Engineer Postal Civil Division, Shillong.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

The applicant declares that the application is filed before this Hon'ble Tribunal within time limit prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

4.1) That the applicant is a citizen of India and is presently serving as stenographer grade-III through contract labour under the Respondent No. 4 since 16-10-97 continuously till date.

4.2) That your applicant is a bonifide local resident of Shillong, she passed her B.A. examination in the year 1992, she had also obtain diploma in stenography in the year 1993. That the office of the Executive Engineers Postal Civil Division, Dept. of Post Govt. of India was in need of a stenographer during the year 1997, accordingly quotation was invited for supply of contract labour for post of stenographer on the basis of daily wages at the rate of Rs.90 per day. Which would be evident from contractor's letter dated 30-9-97. Thereafter candidature of the applicant was accepted for the post of stenographer as contract labour w.e.f 1-10-97 on no work no pay basis. Such engagement of the applicant as contract labour for the post of stenographer would be evident from the letter bearing No.16 (8) 88/SHPCD/745, dated Shillong 16-10-97. The applicant thereafter continuously working as stenographer grade-III since 1-10-97 on daily wages basis.

The photocopy of the B.A. pass certificate and Stenography diploma certificate of the applicant are annexed herewith and marked as Annexure No.1 and 2.

The photocopy of the letter dated 30-9-97 and 16-10-97 are annexed herewith and marked as Annexure No.3 and 4.

4.3). That it is stated that on 19-6-99 Sri.H.S.Nongbri the Govt. contractor wrote a letter to the Executive Engineer Postal Civil Division for enhancement of the wages of the applicant due to rise of price level for essential commodities. However Executive Engineer vide his letter bearing No.23/WO/PCD/S/2001-2002 dated 3-1-2002 enhance the daily wages to the extend of Rs.190 per day.

The photocopy of the letter dated 12-6-99 and work order dated 3-1-2002 are annexed herewith and marked as Annexure No.5 and 6

4.4). That it is stated that on different occasion, after a regular interval the contract work in respect of stenographer, driver and wheelman used to be renewed time to time and some occasion the contract period used to be extended by the postal civil division, Shillong and in the said process the applicant is still working as contract labour in office of the Executive Engineer Postal Civil Division, Shillong, this fact would be evident from

the various correspondences which took place in between the contractor and civil postal division vide letter dated 25-3-2000, 16-4-2001, 29-6-2001, 19-9-2001, 26-9-2001, 10-12-2001, 18-12-2001 and 11-3-2002.

The photocopies of the letters dated 25-3-2000, 16-4-2000, 29-6-2001, 19-9-2001, 19-9-2001, 26-9-2001, 10-12-2001, 18-12-2001 and 11-3-2002 are annexed herewith and marked as Annexure No.7 series.

4.5). But surprisingly when the Executive Engineer Postal Civil Division, Shillong shown in his official correspondence regarding Position of engagement of contingent paid worker/ casual labourers, in the said report no particulars of the existing casual workers were shown as on 1-6-2002 vide his letter dated 8-7-2002 where as the present applicant in fact working as casual labour on contract basis, therefore Executive Engineer ought to have shown the name of the applicant as casual worker as on 1-6-2002, the arbitrary action of the Executive Engineer is made to deny the legitimate claim or benefit of the present applicant.

The photocopy of the letter dated 8-7-2002 is annexed herewith and marked as Annexure No.8.

4.6.). That it is stated that the applicant has been engaged in the post of stenographer on contract basis and the work entrusted to the applicant is of permanent nature as such there is a requirement of regular stenographer in the cadre of grade III and the applicant came to learn from a reliable source a sanction post of stenographer grade III is available and the same is vacant in the postal civil division, Shillong against which the applicant is temporarily engaged on contract basis by the respondents with the sole intention to deny the benefit of the regular pay scale ,other service benefit available to the regular stenographer and also with the intention to deny the benefit of absorption on regular basis, as such the said action of the respondents is highly arbitrary , illegal and unfair labour practice.

4.7.). That it is stated that the present applicant being a contract labour discharging her duties like any other regular stenographer and she is attending office regular and working full time work since October 1997 without any artificial break, but she is being denied to the benefit of regular pay scale and other allowances the said action of the respondent is highly arbitrary, violative of principle laid down in Article 14 of the Constitution of India.

4.8.). That your applicant further beg to state that in view of her long service on contract basis and also in view of the fact that a regular post of stenographer is still exist in postal civil division in Shillong, she acquired available legal right for regular absorption to the vacant post of stenographer grade-III in relaxation of recruitment Rule being in service candidate.

4.9. That your applicant submitted a detail representation to the Respondent No.3 through Respondent No.4 for regularization of her service as stenographer grade III on 13th July 2002, said representation of applicant the forwarded to the Respondent No. 3 by the Respondent No. 4 i.e. Executive Engineer Postal Civil Division, Shillong strongly recommended her case for regular absorption vide letter No.16 (8) 88/ SHPCD/610 dated Shillong 2-8-2002, where in it is specifically stated that a post of stenographer grade -III is still exist in postal civil division ,Shillong as per letter

dated 1-3-06 indicated in the recommendation letter dated 2-8-2002.

The photocopy of the representation of the applicant dated 30-6-2002 and recommendation dated 2-8-2002 are annexed herewith and marked as Annexure No.9 and 10.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- A) For that the applicant has been engaged as full time contract labour against the existing vacant post of stenographer grade III.
- B) For that the applicant is working on casual / contract basis for more than five years as such she has acquired valuable legal right for regular absorption in the said post of stenographer grade III.
- C) For that the applicant has been paid wages much less than the regular stenographer are enjoying in the Central Govt. Offices , thereby she has been discriminated in the matter of payment salary / wages .
- D) For that the applicant has attained required eligibility for regular absorption for stenographer grade III .
- E) For that the post which the applicant is engaged in contract basis is sanction post as such there is no difficulty on the part of respondents to absorb the applicant on regular basis .
- F) For that the case of applicant deserves to be consider for regular absorption in relaxation of the recruitment Rules.

6. DETAILS OF REMEDY EXHAUSTED.

The applicant has approached the Respondent No. 3 and 4 time to time with a prayer for redressal of his grievances and exhausted the remedies available to him .

7. MATTERS NOT PENDING IN ANY OTHER COURT OR TRIBUNAL:

The applicant declares that she has not filed any application, writ petition or suit etc. regarding this matter in any court of law or Tribunal and no case is pending before any court.

8. RELIEF SOUGHT FOR:

In view of the facts and circumstances narrated above, the applicant prays for the following reliefs: -

- i.) That the Respondents may be directed to regularize the service of the applicant in the vacant post of stenographer grade III with all consequential service benefit.
- ii.) To direct the Respondents to pay minimum of the pay scale of Rs.4000-6000 with other allowances including D.A. at least with effect from the date of her initial appointment with all consequential monitory benefit.
- iii.) That any other relief or reliefs entitled by the applicant and this Hon'ble Tribunal fit and proper.

9. INTERIM RELIEF IF ANY PRAYED FOR: -

That the applicant prays that pending disposal of this application –

- i.) That the Respondents may be directed to regularize the service of the applicant in the vacant post of stenographer grade III with all consequential service benefit.
- ii.) That the applicant may not be ousted from service and be allowed to continue in the post of stenographer grade III till she is given regular appointment in the interest of justice.

9. DETAILS OF POSTAL ORDER:

Postal Order No.	: IPO No. 762607258 Rs.50/-
Date of Issue.	: Dated 20-3-2003
Issued from:	: G. P. O. Guwahati
Payable at	: Guwahati.

10. LIST OF ENCLOSURES:

As per Index.

VERIFICATION

I, Ms.Madona Francisca Nongram D/O Mr. H. Nongram

R/O-'LA I Jong'Lawjynriew Lumbasuk near C R P F

Campus P.O.-Nongthymmai, Shillong-793014Presently

Working as Stenographer, Grade-III through Contract

Labour under Postal Civil Division, Shillong, Meghalaya do

hereby verify that the contents made in paragraphs

1,2,3,4,5,6,7,10 and 11 are true to my personal knowledge

and paragraph 5,8 and 9 are believed to be true as legal

advice and I have not suppressed any material facts

DATE: 20-3-2003

PLACE: GUWAHATI.

Signature of the Applicant *MADONNA F. NONGRAM*

Reg. No. 125

NORTH-EASTERN HILL UNIVERSITY

HEAD QUARTERS: SHILLONG

SECOND CLASS

B.A (Three-Year) DEGREE HONOURS EXAMINATIONS MARKS, 1992

The following are the marks obtained by Madonna. Framusco. Nongrum Roll No. 10374

Of St. Mary's College at the B.A. (Three Year) Degree examination in 1992

Subject: Khasi

SECOND YEAR			HONOURS (THIRD YEAR)								
PAPER - I	PAPER - II	PAPER - III	PAPER - IV	PAPER - V	PAPER - VI	PAPER - VII	PAPER - VIII				
MAX. MARKS	MAX. MARKS	MAX. MARKS	MAX. MARKS	MAX. MARKS	MAX. MARKS	MAX. MARKS	MAX. MARKS	TOTAL	GRAND TOTAL	RESULT	Minimum for a FIRST CLASS SECOND CLASS
COURSE	COURSE	COURSE	COURSE	COURSE	COURSE	COURSE	COURSE				
57	48	55	160	48	54	49	62	56	269	429	71

First Tabulator

Date: 20/5/92

Second Tabulator

Date.....

Asstt. Registrar (Examinations)

Examinations

At Shillong

Mr. Accounts Officer
Postal Civil Division
Shillong.

Attested
S. & S. and
Associate

THE INSTITUTE OF SHORTHAND AND TYPEWRITING, NONGTHYMMAI SHILLONG - 14

(Cleared by the Directorate of Employment & Craftsmen
Training, Deptt. of Labour, Govt. of Meghalaya vide
their No. DET (M) JT-15/83/45/4579 dt. 5.5.1991)

CERTIFICATE OF EFFICIENCY

This is to certify that Shri/Smti. Madonna Francisca Nongneng
son/daughter of Shri. M. B. Nongneng..... has attended full
course in Shorthand / Typewriting in this Institute. He / She has been tested and
found qualified to receive a Certificate of Proficiency in Shorthand / Typewriting and
attained a speed of 94 wpm and 45 wpp
words per minute respectively.

He/She is known to me for sometime past and during the period of
Training, he/she has been found to be very attentive in her
training and the person from a good family
Family possession of a good moral character.

I wish all the best in her future prosperous
life. (B. Nongneng)
INSTRUCTOR

Date: 28/10/93.

Attested
S. Seal
Advocate
at the end of
Ass't. Emb.
Deputation
Shillong

H. S. NONGBRI
GOVERNMENT CONTRACTORS AND ORDER SUPPLIERS
Upper Nongthymmai, Shillong-14

Anx. No. 3

Ref. No.

Date 30/9/97

S/o,

The Executive Engineer
 Posts & Civil Revision
 Shillong.

Sub: Contract labour for the Post of
 (i) Stenographers.

Sir,

As per your notice inviting Quotation
 I do hereby quote my rates as
 follows:-

(i) Stenographers: Rs. 11/- per day. (Rs. 30/-)
 (Ninety rupees) per day.

Ans
30/9/97

Thanking you

Yrs faithfully

S/ S. Nongbri
 (H. S. NONGBRI)

Attested
 S. S. S.
 Advocate

Ans. No. 3

Volume QIV-22
Copy-22

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

प्रियक
From

रोका मं

58

Shri H.S.Nongbri,
Upper Nongthymmai,
Shillong-793014.

અગ રંધ્યા
No. 16(8)88/SHP/CD/ ૪૧૫

Dated at Shillong the 1 C. / 19 / 27

ନିର୍ଦ୍ଦୟ

Subject

Subject: - Contract Labour for the post of Stenographer.

Dear Sir,

The Contract Labour for the post of Stenographer, is hereby accepted by the undersigned w.e.f. 1.10.97 @ Rs. 90/- (Rupees ninety per day) on no work no pay basis.

You are requested to kindly give details of the person whom you will deposit for working in this office. -

Yours faithfully,

(A. CHOURHURI)
Executive Engineer,
Postal Civil Division,
Shillong.

Copy to :-

1. The Accounts Officer, Postal Civil Division for information. & n/a
2. The Head Clerk.
3. The concerned file.

Executive Engineer,
Postal Civil Division,
Shillong.

Affected
J. Seal
Advocate

~~JHC~~
Delete
11/11/11

11-
H. S. NONGBRI

Govt. Regd. Contractor Class I & Order Suppliers
UPPER NONGTHYMMAI, SHILLONG - 793014

0:231

Anx. No. 5

Date.. 12-6-99

Ref. No.....

To,

The Executive Engineer
Postal Civil Division,
Shillong.

Subject:- Contract labour for the Post of Stone Driver and wheelman

Sir,

Kindly refer to my letter no. H. S. dated 4.5.98 on the subject cited above

In this connection it is stated that above said all labour have been working in your establishment for more than one year on the same rates which were fixed at the time of engagement. Now due to the rise in prices of all commodities of the essential goods they are pressing hard for enhancement of their wages accordingly.

Therefore, you are requested to enhance the wages of above said labour to a reasonable level

Attested
S. Seal
Advocate

Yours faithfully

S. Seal
H. S. NONGBRI
Contractor

Name of work :- Supplying labour for working as Stenographer, Driver and Wheelman under Postal Civil Division, Shillong.

P.W.D.H.

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT

State **MEGHALAYA**
Branch **CIVIL WING**
No : **23/WO/PCD/SH/2001/2002/**

WORK ORDERDated **03.01.2002**

Division **Postal Civil**
Sub division **Postal Civil**
Sub-Divn. **Shillong.**

Order for work described below given to **Shri Boson Chetri**
to be executed as per conditions on the reverse and **Shri. ~~Amrit Singh~~** specified below:—

Contractor

Description of work	Qty.	Unit	Rate	Amount.
1. Supplying labour (skilled/ unskilled as required) for working under Postal Civil Division, Shillong for the posts as follows (Payment to be made for each labourer per each working day):—				
I) Stenographer	1	Each person		
	Person	per working day	Rs.190/-	Rs.190/-
II) Driver	1	Each person		
	Person	per working day.	Rs.145/-	Rs.145/-
III) Wheelman	1	Each person		
	Person	per working day.	Rs.123/-	Rs.123/-

Attested
S. Seal
Advocate

5.1.02
Executive Engineer
Postal Civil Division
Shillong.

MN/2

5.1.02
Executive Engineer
Postal Civil Division
Shillong.

- 13 -

Ans. No. 7 ^{Series} Phone No. 231679
226023 (3)

H. S. NONGBRI

Govt. Regd. Contractor Class I & Order Supplier
Upper Nongthymmai, Shillong - 793 014

REF. NO.

DATE 25/7/2000

To,

The Executive Engineer
Postal Civil Division
Shillong-793 001.

Sub: Contract Staffs for the post of Steno, Driver and Wheelman.

Sir,

Kindly refer to my letter no. Nil dated 13.06.99 on the subject cited above.

In this connection I have learnt that Office of the Chief Postmaster General, N.E. Circle, Shillong is paying their daily rated Mazdoor on the basis of Basic Pay plus D.A. of the post on which they are working. But in your office, Steno, Driver and Wheelman are paid on the basis of contract rates. The aforesaid staffs have been working in your establishment for more than two years. Due to rise in prices of all commodities of essential goods they are pressing hard for the payment at par with the daily rated staffs working in Circle Office.

Therefore, you are requested to kindly consider the case and pass order for payment at par with the staffs working in Circle Office.

Dated 25.07.2000

Yours faithfully,


(H.S. NONGBRI)

Attested
S. Seal
Advocate

14-
Anx. No. 7 (contd.) (42)
DEPARTMENT OF POSTS: INDIA
OFFICE OF THE EXECUTIVE ENGINEER: POSTAL CIVIL DIVISION:
SHILLONG - 793001

16(8) 88/SHP/CD/S/

Dated at Shillong the 16/04/2001

Sri H.S. Nongbri
Upper Nongthymmai
Shillong -14.

Sub:- Renewal of contract in respect of Stenographer, Driver & Wheelman

Dear Sir,

The Contract labour for the posts of Stenographer, Driver and Wheelman is hereby renewed for a period of 89 days w.e.f. 1.4.2001 to 28.6.2001 at the existing rates on no work no pay basis.

Other terms & conditions will remain same as previous order.

This is for your information and necessary action please.

Yours faithfully,

16/4
(R.K. Gangopadhyay)
Executive Engineer,
Postal Civil Division,
Shillong.

Copy to:-

- 1) The Accounts Officer, Postal Civil Division, Shillong.
- 2) The Head Clerk, Postal Civil Division, Shillong.
- 3) The Assistant Engineer, Postal Civil Sub-Division, Shillong. He is requested to monitor the working of Driver and Wheelman & report.
- 4) Concerned File.

*Attested
S. S. Sen
Advocate*

16/4/c-p
Executive Engineer,
Postal Civil Division,
Shillong.

15- Ans. No. 7 Series
DEPARTMENT OF POSTS (INDIA)
O/o THE EXECUTIVE ENGINEER: POTAL CIVIL DIVISION:
SHILLONG - 1.

No 16 (8) 88/SHP/CD/ 378(A) Dated at Shillong, 29-6-2001

To

Sri H. S. Nongbri,
Upper Nongthymmai,
Shillong - 14.

Sub: - Extension of contract in respect of Stenographer, Driver
and Wheelman.

Dear Sir,

The contract labour for the post of Stenographer, Driver and Wheelman is hereby extended for a period of 89 days w.e.f. 29-6-2001 to 25-9-2001 at the existing rates and on the same terms and conditions as previous order.

This is for your information and necessary action
please.

Yours faithfully,

29/6/01
Executive Engineer,
Postal Civil division,
Shillong.

Copy for information to:

1. The Accounts Office, Postal civil division, Shillong.
2. The Head Clerk, Postal Civil division, Shillong.
3. The Asstt. Engineer, Postal Civil Division, Shillong. He is requested to monitor the working of Driver and Wheelman and submit the duty chart on monthly basis to the undersigned for necessary action at this end.

29/6/01
Executive engineer,
Postal Civil Division,
Shillong.

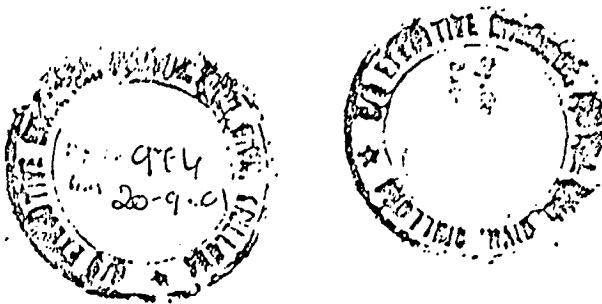
*Attested
S. S. S.
Advocate*

AC

Dated at Shillong, the September, 2001.

To,

The Executive Engineer,
Postal Civil Division,
Shillong.



Subject:- Contract Labour for the posts of Stenographer, Driver and Wheelman.

Reference:- Your office letter No.16(8)SS/SHPCD/378(A) dated 29-06-01.

Sir,

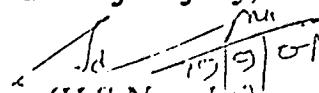
With reference to your letter stated above, I express my gratitude to you for extending the contract for supply of labour for the posts of Stenographer, Driver and Wheelman up to 25-09-2001. But unavoidable circumstances have rendered it impossible for me to continue in the said contract. Hence, further extension of the contract after the extended date i.e. after 26-09-2001 would not be possible for me.

I therefore humbly request you to kindly release me from the contract from 26-09-01 onwards.

For which act of kindness I shall remain ever grateful to you.

Thanking you.

Yours faithfully,


(H.S. Nongbri)
Contractor

Copy to :-

1. The Assistant Engineer, Postal Civil Sub Division, Shillong.

1-9-01
30-9-01

(H.S. Nongbri)
Contractor

Bil
26/9

Affested
S. S. S.
Advocate

Aux. No. 7 series Immediate

DEPARTMENT OF POSTS (INDIA)
THE EXECUTIVE ENGINEER ;; POSTAL CIVIL DIVISION ;;
SHILLONG-1

No. 16(8)88/SHPCD/ 691

Dated at Shillong..... 26/9/01

To

Sri J. Saha,
Assistant Engineer,
Postal Civil Sub-Division,
Shillong.

Sub:- Contract Labour for the posts of Stenographer, Driver and
Wheelman.

Kindly refer to Sri H. S. Nongbri, Contractor's letter No. NIL
dated 19-9-01 on the subject cited above. In this regard, you are requested to
call quotation immediately for the posts of Stenographer, Driver and
Wheelman w.e.f. 27-9-01 for the coming 89 (Eighty-nine) days and forward
the same to this office for necessary action by this end.

Enclo:- Xerox copy of the letter received from
H. S. Nongbri, Contractor, for ready
reference.

26/9/01

Executive Engineer,
Postal Civil Division,
Shillong.

61C

115

Attested
S. Seal
Advocate

DEPARTMENT OF POSTS (INDIA)
O/o THE EXECUTIVE ENGINEER :: POSTAL CIVIL DIVISION:
SHILLONG-1.

No. 16(8)88/SI(PGD) 10-04 Dated at Shillong, 10/12/01

To

The Assistant Engineer,
Postal Civil Sub-Division,
Shillong.

Sub:- Engagement of Stenographer, Driver and Wheelman.

As the period of 89(Eighty nine) days will expire after 24-12-01,
you are requested to call fresh quotation and submit the same to the
undersigned for doing needful by this end.

This may be treated as most urgent.

10/12/01

Executive Engineer,
Postal Civil Division,
Shillong.

AC

Attested
S. Seal
Advocate

Anx No. 7 serial

197

DEPARTMENT OF POSTS
OFFICE OF THE ASSISTANT ENGINEER::POSTAL CIVIL SUB-DIVISION
SHILLONG

NO:-SHSD/12/Quotation/869

Date:18/12/2001

-/ QUOTATION /-

Sealed quotations are invited by the Assistant Engineer, Postal Civil Sub-Division, Shillong on behalf of the President of India, from authorized contractors for the works given below -

Sl No	Name of work
-------	--------------

1. Supplying labour for working as Stenographer, Driver and Wheelman under Postal Civil Division, Shillong.

The quotations will be received in the office of the undersigned on 19-12-2001 up to 15.00 hours and will be opened on the same day at 15.30 hours.

Sl. No.	Item	Quantity	Unit	Time of completion
As per schedule attached				

CONDITION:-

1. The Assistant Engineer, Postal Civil Sub-Division, Shillong has the right to reject or accept any or all the quotations without assigning any reason thereof

/
 Assistant Engine
 Postal Civil Sub-Division
 Shillong

Copy to

1. The Executive Engineer, Postal Civil Division, Shillong
2. The Ass'tt. Engineer (MCW), O/O the Chief Postmaster General, N.E. Circle, Shillong
3. The Ass'tt. Engineer, BSNL Civil Sub-Divn-I/II, Shillong
4. The Junior Engineer, Postal Civil Sub-Division, Shillong
5. The NOTICE BOARD

/
 Assistant Engineer
 Postal Civil Sub-Division, Shillong

O/o, the EE (C)	
EE, Shillong	
EE, PWD Shillong	/ > /
3. 1/2000 PCB, Shillong	

E/2
18/12/01

Affested
S. Saha
Advocate

— 20 — Anx No. 7 Series 3
DEPARTMENT OF POSTS (INDIA)
OFFICE OF THE EXECUTIVE ENGINEER: POSTAL CIVIL DIVISION:
SHILLONG.

No. 16 (8) 88/SHIPCD/1444

Dated at Shillong, the 1/3/02.

47

To,

The Assistant Engineer,
Postal Civil Sub-Division
Shillong.

Sub:- Engagement of Stenographer and Beldar/wheelman.

As the period of 89(Eighty nine) days will expire after 24.3.02, you are requested to call fresh quotation for engagement of Stenographer and Beldar/wheelman (Sri L.Deka) and submit the same to the undersigned for doing the needful at this end.

This may be treated as most urgent.

5/3/02

Executive Engineer
Postal Civil Division
Shillong.

Attested
S. Seal
Advocate

Anx. No. 8

POSITION OF ENGAGEMENT OF CONTINGENT PAID WORKERS/CASUAL LABOURERS

(a) Casual Labourers

Position as on 1-6-2002

No. of full time casual labourers approved for engagement	No. of part time casual labourers approved for engagement	No. of full time casual labourers engaged	No. of part time casual labourers engaged
1	2	3	4
NIL	NIL	NIL	NIL

(b) Contingent Paid Staff

No. of full time contingent paid staff approved for engagement	No. of part time contingent paid staff approved for engagement	No. of full time contingent paid staff engaged	No. of part time contingent paid staff engaged
1	2	3	4
1	NIL	3	NIL

21/6/02

Attested
S. Seal
Advocate

Executive Engineer,
Postal Civil Division,
O/P Shillong.



The Superintending Engineer,
Postal Civil, Circle
Kolkata-12

(Through: - Executive Engineer, Postal Civil Division, Shillong)

Sub: - In the matter of regularization of my service as Steno
Grade- III

Respected Sir,

With due respect and humble submission, the humble petitioner begs to approach your honour as under: -

I was appointed as steno Grade III in your Office wef 5.10.1997 vide appointment order no 16 (88/SHP/CD/745 dated 16.10.1997) on contract basis. During my last five years of service I have performed my duty with full devotion and there is no any adverse report against me. It has been known that there is a sanctioned post of Stenographer Gr-III in the Postal Civil Division, Shillong.

It is needless to mention here that my old parents have tired from their service and the small pension is not sufficient for my family. As I am the only earning member and suffering from financial ncture of life.

Therefore I request your honour kindly consider my case sympathetically and regularize my service as Stenographer Gr-III. I and my family will be grateful for this act of your kindness.

Yours faithfully

M. Nongrum
(MADONNA NONGRUM)
Stenographer Gr-III
(on contract)
PCD Shillong - 793 001

To: -

The Chief Postmaster General, North East Circle, Shillong.

The Chief Engineer, Department of Posts, South East Zone,
Bangalore.

s. the E&C	
Shillong	
O/AO	
Shillong	

M. Nongrum
(MADONNA NONGRUM)

Attested
S. Seal
Advocate

30/7/02

— → (18) 6
Anx No. 10
56

- 23 -

DEPARTMENT OF POSTS :: INDIA ::
OFFICE OF THE EXECUTIVE ENGINEER :: POSTAL CIVIL DIVISION ::
SHILLONG - 793001.

No: 16(8)88/SHPCD/610

Dated at Shillong the, 02/08/2002

To

The Superintending Engineer
 Postal Civil Circle
 Yogayog Bhavan (4th floor)
 Kolkata - 700012.

Sub :- Regularisation of service as Stenographer Grade -III in favour of
 Smt. Madonna Nongrum.

I am enclosing herewith a copy of the representation received by this office from Smt. Madonna Nongrum which is self explanatory. From the records of this office, it is seen that the applicant was engaged originally by the contractor Shri H.S. Nongbri, Shillong - 793014 on contract basis in the year 1997. Subsequently with the change of the contractor now she is being engaged by Shri Boson Chetri.

Considering the service of Stenographer which is **very essential** in day-to-day routine official work her case is recommended for consideration, if deemed fit.

In this connection, it is mentioned that retention of the post of 1(one) No. Stenographer Gr-III exist for this division as per your letter No:16(5)96/SE(P)/KOL/281 dt.1.3.06 which is upto the period 28.2.03.

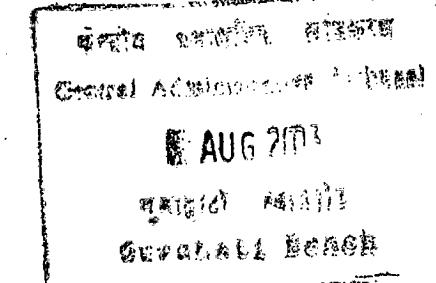
Enclo :- As above.

A
— 218102

Executive Engineer
 Postal Civil Division
 Shillong
 07

MN/-

Attested
 S. Seal
 Advocate



Recd 9 Aug 4/9/03
A. T. Guwahati Bench
S. C. C. S.
A. T. Guwahati Bench
32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

O.A. NO. 52 OF 2003

Ms. Madona Francisca Nongram

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

In the matter of :

Written statement submitted by the
respondents.

The humble respondents beg to submit the para-wise
written statement as follows :-

1. That with regard to paras 1, 2 and 3 of the application the respondents beg to offer no comments.
2. That with regard to the statement made in paras 4.1 & 4.2 of the application the respondents beg to state that, the applicant has been engaged as contract labour under the respondent No.4 as on no work no pay basis as and when required.
3. That with regard to paras 4.3 and 4.4 of the application the respondents beg to offer no comments.

-2-

4. That with regard to the statement made in para 4.5, of the application the respondents beg to state that as the service of Stenographer is taken from the agency on contract basis, so showing such person as casual labourer does not arise in the official correspondence.

5. That with regard to the statement made in paras 4.6, 4.7, 4.8 and 4.9, of the application the respondents beg to state that there is no vacancy in the post of Stenographer Gr. III in PCD, Shillong against which the applicant can be regularised.

It is furtinent to state that as per communication received from SE, PCC, Kolkata vide his letter No. 16(31)/98/SE-P/Kol/356 dated 11.4.2003 & it is clear that 6(six) Nos. of the posts of Stenographer Grade-III under PCC, Kolkata/Civil Wing which includes PCD, Shillong also stand abolished by Postal Directorate as per communication conveyed by CPMG, W.B. Circle, Kolkata vide No Recruitment/R-8/Annual direct recruitment plan/abolition of Post dated 28.1.2003 . So long she was engaged as contract labour as on no work no pay basis.

Copy of letter dated 11.4.2003 is annexed as

Annexure - 1.

Copy of letter dated 28.1.2003 is annexed hereto and marked as Annexure - 2.

-4-

6. That with regard to the statement made in para 5(A) to (F), of the application the respondents beg to state that the post of Stenographer has been abolished. The applicant was engaged on contract basis time to time by different agencies and she has been paid as per rate quoted by the agency only .

Verification.....

-4-

VERIFICATION

I, Robin Kumar Gangopadhyay office of
the Executive Engineer Postal civil Division/ Shillong.
being authorised do hereby solemnly affirm and declare that
the statements made in paragraphs 1 to 4 and 6 of this
written statement are true to my knowledge, those made in
paragraph 5 being matters of record are true to my
information derived therefrom and those made in the rest
are humble submission before the Hon'ble Tribunal.

And I sign this verification on this th day of
August, 2003.

(Robin Kumar Gangopadhyay)

(Robin Kumar Gangopadhyay)

Deponent.

Executive Engineer
Postal Civil Division
Shillong- 793001.

28

63 (108)

(N)

RECORDED

Annexure-B

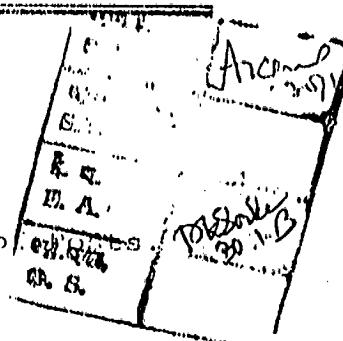
Department of Posts, India
Office of the Chief Postmaster General, West Bengal Circle
Kolkata 700012

To

1. All Heads of Units under West Bengal Circle
2. S.E., Postal Civil Circle, Kolkata.
3. The APMG (Staff), CO, Kolkata.

No. Recrt/R-8/Annual Direct Recrt Plan/Abolition of Posts.

Dated at Kol.12 the 28-1-2003.



Sub: Optimisation of direct recruitment to civilian Posts.

In pursuance of the Postal Dte. communication no. 60-29/98-SPB-I (Pt-II) dated 11-6-2002, certain vacancies meant for Direct recruitment and which were not cleared by the Screening Committee will not be filled up by promotion or otherwise and these posts will stand abolished.

2. Divisions/Unit-wise list of posts which are to be abolished is given in the Annexure. Heads of Divisions/Units will intimate the names of the office where reduction has been made. They will also intimate the details of such abolition to the undersigned by name latest by February 15, 2003 so as to communicate the same to the Postal Directorate.

Encl. As stated.

S. C. BOSE
(S. C. Bose)
ADPS (Recrt)

Copy to :

1. Shri R. N. Samanta, ADPS (ESTB & PN), CO, Kolkata with a copy of Annexure for information and necessary action.

S. C. BOSE
(S. C. Bose)
ADPS (Recrt)

Shri R. N. Samanta, ADPS (ESTB & PN), CO, Kolkata
Postal Civil Circle, Kolkata
Dy. No. 287
Date 26/1/03

ANNEXURE - A

Name of the Unit	Steno Gr.III (CO.AO)	PA(PO)	SA (RMS)	Postman (PO)	Mailguard (RMS)	Gr.D	Mailman (RMS)	Tech. Supervisor	Driver (MMS)	Jr. Hindi Translator
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
DAP, Kolkata										
Civil Wing	6									
PSD, Kolkata										1
PMG, SB Rgn										1
PMG, NB	1				2					2
Kol. GPO		58		30		18				
Central Kol		20		25		16				
East Kol		12		20		13				
North Kol.		14		20		14				
South Kolkata		20		20		18				
Barabazar HO		8		10		5				
Alipore HO		5		4		6				
PSD, Siliguri	1					1				1
PSD, Kolkata		2				4				
CSD, Kol						1				
A&N Islands		2		1		2				
N. Presy.		14		19		11				
South Presy.		9		13		9				
Barasat		10		11		8				
Nadia (South)		8		7		5				
Nadia (North)		8		7		5				
Murshidabad		10		13		10				
Howrah		10		22		12				
South Hooghly		8		10		6				
North Hooghly		8		7		7				
Tamluk		7		5		5				
Contai		7		3		5				

K.T.O.

29 (107)

Name of the Unit	Steno Gr.III (CO,AO)	PA(PO)	SA (RMS)	Postman (PO)	Mailguard (RMS)	Gr.D	Mailman (RMS)	Tech. Super- visor	Driver (MMS)	Jr. Hindi Translator
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Mishmopore				12		10				
Bankura				8		6				
Pinudia				6		5				
Asansol				11		12				
Burdwan				9		12				
Rishra				6		12				
Maldi				5		3				
Jalpaiguri				6		9				
Darjeeling				7		6				
Cooch-Behar				6		8				
Dinajpur				5		5				
SBP				2		2				
Loc. MP (Po)				20		1		1		
Loc. P.M.P.				20		8		36		
MP. W.I.D.D.				30				9		
MP. J.H.D.				20				9		
MP. H. D.				13		1		3		
MP. C. D.				17		4		3		
MP. C. D.				10		4		3		
MMPS (Po)				16			8			
Loc. D.P.O.				16			39			
R.D.O.				13			1			
S.P.C.O.				23						
C.P.O.				32			9			
Total :	9	355	10	332	20	326	137	1	3	5