

50/100

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 122/2004

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SECTION OFFICER (Judl.)

FORM No.4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org. App./Misopetn/Cont. Petn/Rev. Appl. 122/2004

In O.A.

Name of the Applicant(s) Md. M. Ahmed

Name of the Respondent(s) M. O. I. & Ors.

Advocate for the Applicant Mr. A. Ahmed

Counsel for the Railway/CGSC Mr. A.K. Chaudhuri, Addl. C.G.S.C.
B.C. Pathak, B. Pathak for Request No. 2 & 4 (BSNL)

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

This application is in form
is in J.C.F. for Rs. 50/-
deposited vide IPC/BD
No.
Dated

19.05.2004

Heard Mr. A. Ahmed, learned
counsel for the applicant and also Mr.
A.K. Chaudhuri, learned Addl. C.G.S.C.
for the respondents.

The application is admitted.
Issue notice to the parties,
returnable within four weeks. List on
25.6.2004 for orders.

Dy. Registrar

10/5/04
Member (A)

Steps taken
with encls.

mb
26.7.2004

Four weeks time is granted to the
respondents to file written statement as
prayer by Mr. A.K. Chaudhuri, learned Addl.
C.G.S.C.

List on 27.8.2004 for orders.

10/5/04
Member (A)

Notice & order
sent to D/Section
for issuing to
respondent no. 1 to 4
by regd. with A/D
post.

bb

24/5/04
vide memo No = 927 to 930
Dt = 26/5/04
26/5/04

5/7/04

Respondent NO 4 notice
Received back due to
NOT known.

NTGma
5/11/04

31.8.2004. Prayer was made on behalf of Mr.
B.C.Pathak, learned Addl.C.G.S.C.
for four weeks time to file written
statement.

Allowed. List on 30.9.2004 for
orders.

30-8-04

NO W/S has been filed

Q

bb

Member (A)

23-11-04

NO W/S has been

filed

Q

24.11.04.

Present: Hon'ble Mr.K.V.Prahla-
dan, Administrative Member.

On the prayer of learned
counsel for the Respondens six
weeks time is allowed to file
written statement. List on 11.1.05
for filing of written statement
and further orders.

Member

19-1-05

lm

① Notice read back from
the R-4 with the ^{part} remarks
that "NOT known".

19.1.2005 Present: The Hon'ble Mr.Justice R.K.
Batta, Vice-Chairman.

② NO W/S filed.

Q

Mr.A.Ahmed, learned counsel for
the applicant. Mr.D.Barua, learned
counsel seeks two weeks time on behalf
of Mr.B.C.Pathak, learned counsel for
the respondents to file written state-
ment. No further adjournment shall be
granted in the matter. Stand over to
4.2.2005 for written statement.

Q

Vice-Chairman

bb

18.2.2005

List on 15.3.2005 for orders.

NO W/S has been filed

Q

NO W/S has been

filed

Q
15-3-

mb

Member (A)

07-122/2004

3

Notes of the Registry Date

Order of the Tribunal

16.3.05

Mr A.Ahmed, learned counsel for the applicant informed this Tribunal that he will not be available till 18.3.05. Mr D.Barua on behalf of Mr B.C.Pathak learned Addl.C.G.S.C submits that the respondents require four weeks time to file reply. Time allowed.

List on 13.4.05 for order.

Vice-Chairman

pg

13.04.2005

Mr.B.C.Pathak, learned counsel for the respondents submits that in view of the certain developments respondents requires some time to file written statement. Hence post on 11.5.2005.

Vice-Chairman

bb

11.5.2005

Respondents have filed their written statement. Post on 8.6.2005 for hearing. Rejoinder, if any, in the meantime.

Vice-Chairman

bb

8.6.05

Since the jurisdiction aspect regarding maintainability of the application against the BSNL, as respondent is raised in the application, I am of the view that the matter must be heard by the Division Bench.

Post on 16.6.05 before Division Bench.

Vice-Chairman

pg

12-4-05

no reply has been
filed.

pg

10-5-05

no cr/s has been
filed.

pg

12.5.05

W/S filed by the

Respondents:

14-6-05

no rejoinder has been
filed.

pg

(4)

122/04

Notes of the Registry Date Order of the Tribunal

16.6.05

After hearing the counsel for the parties at some length on the question of preliminary jurisdiction we feel that the parties have not placed all the relevant records before us. In the circumstances we direct the parties to file all the relevant papers memoranda ^{understanding etc} of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.

Post on 22.7.2005 for hearing.

K. B. Pathak
Member

V. V. Rao
Vice-Chairman

pg

22.07.2005

Since Mr. B. C. Pathak, learned counsel for the BSNL is unwell post on 10.8.2005.

K. B. Pathak
Member

V. V. Rao
Vice-Chairman

bb

10.8.2005

Post this case on 16.8.2005 at 2.30 P.M.

K. B. Pathak
Member

V. V. Rao
Vice-Chairman

mb

16.8.05.

Mr. B. C. Pathak learned counsel appearing on behalf of BSNL submits that he is not well and requires time to fully recover. Therefore, all these matters has to be adjourned to another date.

Post the matter on 22.11.05.

K. B. Pathak
Member

V. V. Rao
Vice-Chairman

lm

1) Wls him been b'lect

2) No. Responder him been b'lect.

MA
9.8.05

22.11.2005

Post before the next
Division Bench.

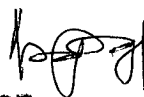


Vice-Chairman

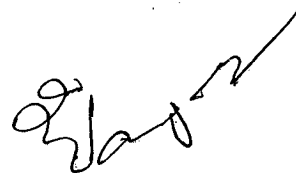
mb

2.1.2006

Heard learned counsel for the
parties. Hearing concluded. Judge-
ment delivered in open Court, kept
in separate sheets. The application
is dismissed as without jurisdiction



Member



Vice-Chairman

mb

17.1.06

Copy of the
judgment has been
sent to the office
for issuing the
docket to the applicant
as well as to the
L/A for the
response
etc

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos. 122/2004

DATE OF DECISION: 02.01.2006

Sri M. Ahmed

APPLICANT(S)

Mr. Adil Ahmed

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. B.C. Pathak

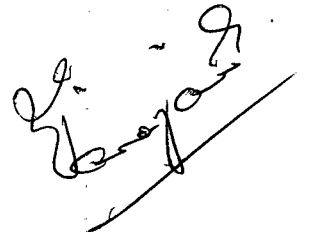
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.



.....

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 122 of 2004

Date of Order : This the 2nd January 2006.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Mr. N.D. Dayal, Administrative Member.

Shri Mojimuddin Ahmed
Son of Basiruddin Ahmed
Village - Mokhanea
P.O. - Borauboi, P. S. - Hajo
District - Kamrup (Rural).

... Applicant

By Advocate Mr. Adil Ahmed.

- Versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication, New Delhi - 1.
2. The Chief General Manager,
Telecom, Assam Circle, Ulubari, Guwahati - 7.
3. The Sub-Divisional Officer, Telecommunication
P.O. - Rangia, District - Kamrup (Rural), Assam.
4. The Sub-Divisional Officer
Tezpur Telephone Exchange,
P.O. - Tezpur,
District - Sonitpur, Assam.

... Respondents

By Advocate Mr. B.C. Pathak.

....

ORDER (ORAL)SIVARAJAN. J. (V.C.)

Heard Mr. A. Ahmed, learned counsel for the applicant and Mr. B.C. Pathak, learned counsel for the BSNL.

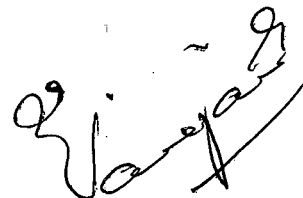
2. The matter relates to regularization of casual labours in the Bharat Sanchar Nigam Limited (BSNL for short). Mr. B.C. Pathak, counsel for the BSNL has raised a preliminary objection regarding jurisdiction in the written statement. He has also placed before us a decision of the Hon'ble Gauhati High Court rendered in W.P. (C) No. 1603/2004 and connected cases decided on 28.09.2005 in support.

3. Mr. A. Ahmed, counsel for the applicant submits that he is aware of the said decision. We find that the Gauhati High Court in the above mentioned decision, in regard to the regularization of the casual labours in the BSNL, has held that in the absence of a notification under Section 14(2) of the Administrative Tribunals Act 1985 this Tribunal is not having jurisdiction over matters relating to BSNL. Admittedly, there is no such notification. In the light of the above, we hold that this application is not maintainable. Accordingly, the application is dismissed as without jurisdiction with liberty to the applicant to approach the appropriate forum for relief.

Issue copy to the counsel for the parties.



(N. D. DAYAL)
ADMINISTRATIVE MEMBER



(G. SIVARAJAN)
VICE CHAIRMAN

18 MAY 2004

गुवाहाटी ब्याच
Guwahati Bench

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 122 OF 2004.

BETWEEN

Shri Mojimuddin Ahmed

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of the Experience Certificate issued to the applicant.

Annexure-B is the photocopy of judgment & order dated 26th September 2001 pass in Original Application No.320 of 2000.

Annexure-C is the photocopy of Representation dated 18-10-2001 filed by the applicant before the Respondents.

Annexure-D is the photocopy of Rejection letter No.STES-21/308/36 dated 27/06/2002 issued by the Respondent No.2.

Annexure-E is the photocopy of Order passed by the Hon'ble Tribunal in Contempt petition No.24 of 2002.

This Original Application is made for seeking a direction from this Hon'ble Tribunal to the Respondents for granting temporary status to the applicant and also to reappoint him as Casual Mazdoor as he have worked for a long period as Casual Mazdoor under the Respondetns. The applicant was appointed as Casual Mazdoor in the year 1994 and he worked under the Respondents till 1998 but the Respondents did not take

Shmud

any steps for granting temporary status and regularisation of the service of the applicant. Being aggrieved by this he filed an Original Application No.320 of 2000 along with others before this Hon'ble Tribunal for granting temporary status and regularisation of his service. The Hon'ble Tribunal vide its order dated 26th September 2001 directed the applicant to submit representation before the Respondents giving details of his working period if such representation is filed by the applicant the Respondents shall after due enquiry into the matter and scrutinizing all the documents to pass a reason order to the applicant. The Respondents vide its order dated 27-06-2002 rejected the applicant's claim in a very casual and mechanical manner. The applicant also filed a Contempt petition No.24 of 2002 in O.A.No.320 of 2000 before this Hon'ble Tribunal. The Hon'ble Tribunal vide its order pass in Contempt petition No.24 Of 2002 stated that the Respondents have already rejected the claim of the applicant and same was communicated to them, as such the applicant can challenge the said order if they so advice according to law. Accordingly the rule was dismissed. As such the applicant has approached this Hon'ble Tribunal against the Respondents for not granting temporary status and regularisation of the service of the applicant.

N. Ahmed.

- 1 -

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

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 122 OF 2004.

BETWEEN

Shri Mojimuddin Ahmed
Son of Basiruddin Ahmed
Village-Mokhanea
P.O.-Borauboi
P.S.-Hajo
District-Kamrup(Rural)

... Applicant

-AND-

1. The Union of India represented by the
Secretary to the Govt. of India,
Ministry Of Communication, New Delhi-1.
2. The Chief General Manager,
Telecom, Assam Circle, Ulubari,
Guwahati-7.
3. The Sub-Divisional Officer,
Telecommunication,
P.O.-Rangia,
Dist.-Kamrup(Rural).
Assam.

Filed by
Md. Mojimuddin Ahmed
Applicant
Through J.S. 1
(Adv. AHMSO)
-2
Advocate

Ahmed.

4. The Sub Divisional Officer,
Tezpur Telephone Exchange,
P.O.-Tezpur,
District-Sonitpur,
Assam.

... Respondents

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made for grant of temporary status and regularization of the applicant in the post of Casual Mazdoor under the Respondents.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicant begs to state that he was engaged as Casual Mazdoor in daily wage basis under the Respondents in the year 1994. He had worked as Casual Worker under the Respondents till June 1998. The details of engagement period of the applicant are given below for kind perusal of this Hon'ble Tribunal.

Ahmed.

- 3 -

DETAILS OF WORKING DAYS ARE GIVEN BELLOW

<u>YEAR</u>	<u>MONTH</u>	<u>DAYS</u>
1994	January to December	241 Days
1995	January to December	255 Days
1996	January to December	265 Days
1997	January to December	269 Days
1998	January to July	196 Days
		Total= 1226 Days

Annexure-A is the photocopy of the Experience Certificate issued to the applicant.

4.3) That your applicant begs to state that he was employed on daily wage basis at the different rate per working day on no work no pay basis.

4.4) That your applicant begs to state that he had worked for four years continuously as Casual Mazdoor under the Respondents but he has been deprived from regular pay scale, service benefits, dearness allowance, house rent, medical allowance and not even minimum pay scale was granted to him. He had already served a considerable long period under the Respondents and he is now over aged for other government or semi government jobs.

4.5) That your applicant begs to state that the Respondents has assured the applicant that his service will be regularised within a short span of time but the assurance given to the applicant by the Respondents has not been materialized and he was disengaged by the Respondents by verbal order.

4.6) That your applicant begs to state that there were number of Central Government Scheme for regularization of Casual Workers who continued for long time as Casual Worker, some of the Scheme were issued under the O.M. dated 07-06-1988 and another Scheme for grant of temporary status and regularization was issued in the year 1993.

Shmeel.

15

- 4 -

4.7) That your applicant begs to state that being aggrieved by the termination of his service as Casual Labour by verbal order, the applicant and other eight similarly situated persons filed an Original Application 320 of 2000 before the Central Administrative Tribunal, Guwahati Bench. The said Case was finally heard on 26th September 2001 and the Hon'ble Tribunal was pleased to direct the applicants who are nine in number to make fresh representations before the Chief General Manager, Telecommunication along with the materials available in support of their claim. The applicant may submit detail representation individually within two weeks from today. If such representations are filed by the applicants, the Chief General Manager, Telecommunication shall cause an enquiry into the matter and after scrutinizing all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made and the Case of the applicants were examined, the respondents need not go into the fresh exercise, but, instead they should communicate the decision to the applicants.

Annexure-B is the photocopy of judgment & order dated 26th September 2001 pass in Original Application No.320 of 2000.

4.8) That your applicant begs to state that he has filed his representation before the Respondents on 18-10-2001 as per direction passed by the Hon'ble Tribunal in O.A.No.320 of 2000. In the said representation he has also annexed his engagement letter and also copy of his earlier representation.

Annexure-C is the photocopy of Representation dated 18-10-2001 filed by the applicant before the Respondents.

4.9) That your applicant begs to state that the Office of the Respondent No.2 rejected the claim of the applicant in a very casual manner and mechanical manner vide their rejection letter No. STES-21/308/36 dated 27/06/2002.

Annexure-D is the photocopy of Rejection letter No. STES-21/308/36 dated 27/06/2002 issued by the Respondent No.2.

2. Ahmed.

4.10) That your applicant begs to state that he along with other applicant of Original Application No. Of 320 of 2000 filed a Contempt petition No.24/2002 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati against the Respondents. The Hon'ble Tribunal vide its order dated 6-1-2003 in the said contempt petition stated that the Respondent have already rejected the claim of the applicants and same was communicated to them, as such the applicants, can challenged the said order if they so advice in accordance to law. Accordingly rule was discharged. Hence finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal again for challenging the rejection of the claim of the applicant regarding his appointment in any Group-D post by the Respondents.

Annexure-E is the photocopy of judgment and order passed in Contempt petition No.24 of 2002.

4.11) That your applicant begs to state that Respondents can easily absorb the applicant in the Group-D post. From this it is very clear that Respondents for their personal gains rejected the applicant's legal claim of appointment.

4.12) That your applicant begs to state that he is a poor person and he has worked under the Respondents very sincerely and honestly. Now suddenly he has been unemployed and the family member of the applicant is suffering from mental and financial anxiety. Hence the Hon'ble Tribunal may be pleased to protect the applicant and his family member from starvation.

4.13) That this application is filed bona fide for the ends of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, on the reason and facts which are narrated above the action of the Respondents is prima facie illegal and without jurisdiction.

M. Ahmed.

5.3) For that, the action of the Respondents are mala fide and illegal and with a motive behind. As such the impugned rejection order dated 27-06-2002 is liable to be set aside and quashed.

5.4) For that the applicant had worked for a considerably long period i.e for 5 years, therefore he is entitled for temporary status and subsequent regularisation in any Group-D post.

5.5) For that, the applicant had worked for a considerable long period, therefore, he is entitled to be regularised in Group-D posts.

5.6) For that fresh recruitment of Group-D post in suppression of the claim of the applicants are hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.

5.7) For that the applicants have become over aged for other employment.

5.8) For that it is not just and fair to terminate the service of the applicants only because he was initially recruited on casual basis.

5.9) For that he has gathered experience of different works in the establishment.

5.10) For that the nature of work entrusted to the applicant is of permanent nature and therefore he is entitled to be regularised in his post.

5.11) For that the applicant has got no alternative means of livelihood.

5.12) For that the Central Government being a model employer cannot be allowed to adopt a differential treatment as regard payment of wages to the applicant.

5.13) For that there are existing vacancies of Group-D post under the Respondents.

M. Ahmed.

19

- 7 -

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following reliefs.

- 8.1) That the Respondents may be directed by the Hon'ble Tribunal to regularise the service of the applicant in the Group-D posts with effect from the date of his joining and also to set aside the impugned order of Rejection letter No. STES-21/308/36 dated 27/06/2002 issued by the Respondent No.2.

M. Ahmed.

8.2) Cost of the application.

9) **INTERIM ORDER PRAYED FOR:**

Pending final decision of this application the applicants seek issue of the interim order:

9.1) That the Respondents may be directed by this Hon'ble Tribunal to reappoint the applicant in the existing vacancies on regular basis till final disposal of this Original Application.

10) **THIS APPLICATION IS FILED THROUGH ADVOCATE.**

11) **PARTICULARS OF L.P.O.**

L.P.O. No. : 116 389 303
Date of Issue : 6.5.2004
Issued from : Guwahati G.P.O.
Payable at : Guwahati

12) **LIST OF ENCLOSURES:**

As stated above.

Verification

- 9 -

VERIFICATION

I, Shri Mojimuddin Ahmed, Son of Basiruddin Ahmed, Village-Mokhanea, P.O.-Borauboi, P.S.-Hajo, District-Kamrup(Rural), do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.3, 4.4, 4.5, 4.6, 4.11, 4.12 are true to my knowledge, those made in paragraph nos. 4.2, 4.7, 4.8, 4.9, 4.10, are being matter of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 18th day of May 2004
at Guwahati.

Mol. Mojimuddin Ahmed.

TO WHOME IT MAY CONCERN

2)

I here by certifier to Mr. Majimuddin Ahmed
 S/O Mr. Bashisuddin Ahmed Village Mokhania
 Post Baramboi P/S Hajo
 Dist Kamrup was working in the Telecom
 Department as daily rated labourers since 1994 to July/98
 His payment was made on ACG - 17.

DETAILS OF WORKING DAYS ARE GIVEN BELLOW

<u>YEAR</u>	<u>MONTH</u>	<u>DAYS</u>
1994	January to December	241 Days
1995	January to December	255 Days
1996	January to December	265 Days
1997	January to December	269 Days
1998	January to July	196 Days

TO WHOME IT MAY CONCERN

This is to certified that
 S/O Village
 Post P/S Dist
 Has been working in the Department of Telecom as casual
 Labourer under my control for maintenance / construction
 works since to and
 was made on ACG - 17 .

Signature of the controlling
 officer

N. Singh, S.I.
 27.7.2001

M. D. S. S.
 S. D. S. S.

Attended
 Sd/-
 Admote

L.V.-

11

B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE - B

Original Application No.320 of 2000

Date of decision: This the 26th day of September 2001

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

1. Md. Mozammel Ali
2. Md. Islam Ali
3. Jan Mahammad Ali
4. Md. Abul Hussain
5. Md. Mojibuddin Ahmed
6. Md. Zakir Ali
7. Md. Abul Ali
8. Shri Bipul Batahyu
9. Md. Khabir Ali

By Advocate Mr B. Malakar.

.....Applicants

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
 2. The Chief General Manager, Telecommunication, Guwahati.
 3. The Sub-Divisional Officer, Telecommunication, Tezpur,
- Advocate Mr A. Deb Roy, Sr. C.G.S.C. and
Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O R D E R (ORAL)

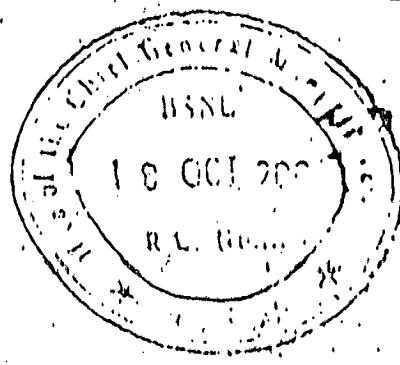
CHOWDHURY, J. (V.C.)

The only issue involved in this application pertains to conferment of temporary status as per the Scheme under the Department of Telecommunication.

2. I have heard Mr B. Malakar, learned counsel for the Applicants and also Mr B.C. Pathak, learned Addl. C.G.S.C. To adjudicate the claim of the applicants, one is to make an evaluation of the facts by scrutinising

Attended
Al - Akmal

Annex - ANNEXURE - C



The Chief General Manager (Telecom)
Annam Circle, S.R. Neta Lane, Ulubari,
Guwahati.

SUB : MANUFACTURE OF CASUAL HANDOOR.

Sir,
I was engaged as casual labourer by the cable splicer, Tazpur in January, 1994 and I continued as such till July, 1998 when my engagement was discontinued. I represented to the authority for giving me benefit of temporary status as I had work more than 240 days in a year. The representation dt. 28-06-99 was not considered.

Particulars of my engagement are as under : -

1994	---	241	days
1995	---	255	"
1996	---	265	"
1997	---	269	"
1998	---	196	"

Sir, as my case was not considered, I filed an application in the CAT, Guwahati which was registered as OA320/2000 which was disposed on 26-09-2001 wherein honorable Tribunal has directed to consider my case. -

I am enclosing herewith a copy of the order passed by the Tribunal and requested you to consider my case for grant of Temporary status.

And for this, I shall remain ever grateful to you.

Yours faithfully

Enc. ---

1. Tribunal's order
2. Engagement letter
3. Representation.

Name Mr. Mujumdar in Ahmed.

1. Name - NORMA

Post - Boranbar.

*Thana - Hajo
District - Kamrup, Assam.*

Admitted

ANNEXURE-D

U. E / GUTMIOFWP16

- 14 -

Registered 2/11/11

BIHARAT SANCHAR NIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)
O/O THE CHIEF GENERAL MANAGER
ASSAM CIRCLE: ULUBARI: GUWAHATI-781007

No. STES-21/398/36

Dated at Guwahati the 27/06/2002

To
Md. Mojimuddin Ahmed,
Son of Late Harimuj Ali, Md. B. A. (son of late Harimuj Ali),
Village: Baramboi, P.O. Baramboi,
Dist: Kamrup, Assam

Sub: Regularization of casual labourer.

Ref: Your representation on the above subject.

With reference to your representation on the above mentioned subject it is to be informed that the matter has been thoroughly examined and it transpires as follows.

1. You were not engaged for any work either in Rangiya Sub-Division or Tezpur Sub-Division.
2. The engagement Certificate purportedly issued by Shri B. Rai and submitted to support your claim is false and fabricated. Shri Rai has examined the certificate before the Departmental Committee and asserted that he had not issued such certificate.
3. Despite clear instructions you have omitted to appear before the Departmental Verification Committee on 24.01.2002 in the office chamber of DE (P & A), office of TDM, Tezpur to present your case.
4. Shri Baiju Roy is a cable splicer working all along in Tezpur SSA. He has no reason to associate himself in the work of Rangia Sub-Division, which is a part of Kamrup Telecom District. It is untenable that Shri Roy could engaged you for work in Rangia Sub-Division that too for such a long duration.

In the fact and circumstances as above it is concluded that your claim is fake. The same is accordingly rejected.

Please note that no further correspondence on the subject from you will be entertained.

(S. C. Das)

Asstt. Director Telecom (Legal)
For Chief General Manager

Attended
Admitted

ORDER SHEET

Original Application No. _____
Misc Petition No. _____
Contempt Petition No. 21 / 2002 (CA 320/2000)
Review Application No. _____

Applicant Md. Mozamil Ali & Ors.

Respondent(s) Sri G.S. Grover.

Advocate for the Applicant(s) Mr. B. Mallick, R. Das.

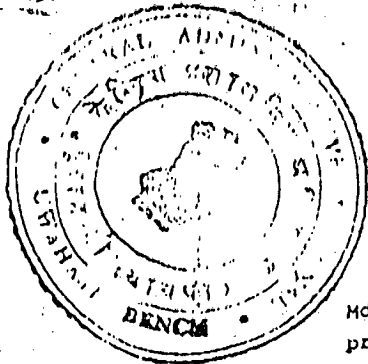
Advocate for the Respondent(s) B.S. Sharma, for Contempt No. 1.

Notes of the Registry Date _____ Order of the Tribunal _____

6.1.03 present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman
The Hon'ble Mr K.K. Sharma, Member(A).

This Tribunal had disposed of C.A.320/2000 on 26.9.2001. The operative part of the order passed by this Tribunal reads as under:

"The applicants may submit detailed representation individually within two weeks from today. If such representations are filed by the applicants, the Chief General Manager, Telecommunication shall cause and enquiry into the matter and after scrutinising all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made and the case of the applicants were examined, the respondents need not go into the fresh exercise, but, instead they should communicate the decision to the applicants."



Md Mozamil Ali and ~~four~~ others presented the present Contempt Petition complaining about disobedience of the direction given by this Tribunal. Today when the matter has been called there is no appearance on behalf of the applicants. Learned counsel for the respondents intimated us that the claim of the applicants has been rejected and an order to this effect has already been passed on 27.6.02 and the same has been communicated to the applicants. This perhaps may well be the reason for non appearance of the applicants or of their counsel. The fact remains that when one decision has been taken on the representation of the applicants dated 27.6.02, necessarily no further direction is called for. The applicants, if they so advised may challenge the said order in accordance with law.

Accordingly for the aforesaid reason the rule is discharged.

Verified by the Court Clerk
Sd/-

Sd/-
20/11/04
Section Officer (A)
C.A.T. GUWAHATI BENCH
Guwahati-781005

Sd/- Chairman
Sd/- Member (A).

Attended
As per
Signature

1 MAY 2005

गुवाहाटी बेंच

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: AT GUWAHATI

Filed by: 28
Dilip Baruah
Advocate
11/5/05

O.A. NO.122/2004

Md. Mojimuddin Ahmed

...Applicant

-vs-

Union of India & Another

...Respondents

(Written statements filed by the Bharat
Sanchar Nigam Limited, Respondent No. 2 to 4)

The written statements of the above respondents are
as follows:

1. That a copy of the Original Application No. 122/2004 (hereinafter referred to as the "application") has been served on the answering respondents. The respondents have gone through the same and understood the contents thereof.
2. That save and except those statements made in the application, which are specifically admitted, all other statements are hereby denied.
3. That the application is barred by limitation. The alleged cause of action arose as on 1994/1998 or 27.6.2002 when the speaking order was passed and on 6.1.2003, when the contempt petition No.24/2002 was discharged.
4. That the application is liable to be dismissed as the same has been filed without implicating the necessary party, namely, Sri N Singh, who has allegedly issued the certificate on the basis of which the present application has been filed.
5. That the application is also not maintainable so far as the answering respondent NO. 2, 3 and 4 are

concerned. The respondent No.2, 3 and 4 are the officers of the Bharat Sanchar Nigam Ltd. (in short 'BSNL'). The law is well settled that the BSNL is not amenable to the jurisdiction of this Hon'ble tribunal as the BSNL has not yet been notified by the govt. as required under the provisions of Section 14(2) of the Administrative Tribunals Act, 1985.

6. That before traversing the different paragraphs made in the application, the respondents give a brief history of the facts and circumstances of the case as under:
 - (a) That prior to filing of this application the applicant alongwith 8 others filed another application vide OA. No. 320/2000. In the said application the name of the applicant was allegedly wrongly written as Md. Mojibur Rahman. The said mistake was corrected subsequently by the applicant by filing a Misc. Application which was registered as Misc. Application No. 127/2001.. By the said application the said applicant sought correction of the name and to be replaced by the name Md. Mojimuddin Ahmed, son of Basiruddin Ahmed, village-Mokhanea, PO- Borauboi and accordingly the same was corrected by inserting his name at Sl. No. 5 of the applicants in OA No. 320/2000. The said application was heard by this Hon'ble Tribunal and finally disposed of vide order dated 26.9.2001. By the said order this Hon'ble Tribunal directed the applicants to make fresh representations before the Chief General Manager along with materials available in support of their claims and such representations was directed to be filed within 2 weeks from the date of the order. It was further directed that on submission of such representation the respondents were to cause an enquiry into the matter and after scrutinizing all the materials on records and then to pass a reasoned order. By the said order, it was

further observed by this Hon'ble Tribunal that in case such exercise was already made and the case of the applicants were examined, the respondents need not go into the fresh exercise and instead the respondents would communicate the decisions to the applicants.

The copies of the Misc. Application No. 127/2001 and the copy of the order dated 26.9.2001 passed in OA No. 320/2000 are annexed as Annexure R1 and R2 respectively.

- (b) That in compliance to the said direction given by this Hon'ble Tribunal the respective authorities started the process of enquiry/ investigation of the matter. On scrutiny, it was detected that the certificates on the basis of which the applicants raised their claims were found to be issued by the Cable Splicer, Tezpur. Accordingly, communication was made vide Letter No. GM(K)/Court Case/OA-320/2000/11 dated 21.6.2002. Enquiry was also made to locate as to in which place the applicants were engaged as alleged which was reflected in the internal communication of the respondents made vide No. X-1/DE(Ext)III/01-02/07 dated 18.7.2001. Ultimately, the Verification Committee examined the S.D.O.T (Rangia), S.D.O.P (Tezpur) and Sri B.Rai, the Cable Splicer, S.D.O.P, Tezpur who allegedly issued the engagement certificates. The SDOT (Rangia), SDOP (Tezpur) and Sri B.Rai unequivocally stated that the applicants had never been engaged as casual labourer. Sri B.Rai in his answer to the queries made to him categorically denied that he had ever issued any such certificates or that the signatures given in the certificates were his own. He stated that he never knew any of the applicants. The Verification Committee also issued the letters individually to the applicants through registered

post. But none of them appeared before the Verification Committee. Accordingly, the Verification Committee found that none of the applicants had ever worked under the respondents.

The copies of the letter dated 21.6.2002, 18.7.2001, minutes of the Verification Committee dated 27.1.2002, statements of SDOT (Rangia), SDOP (Tezpur) and the answer to the queries by Sri B.Rai, the registered Postal Receipts are annexed as Annexure R3, R4, R5, R6, R7, R8 and R9 respectively.

- (c) That thereafter, the competent authority informed the applicants individually about the findings of the Verification Committee and informed that their claims were fake. This was done vide letter No. STES-21/398/36 dated 27.6.2002 through Registered A/D post. The present applicant received the said communication on 2.7.2002.

The copies of the said letter dated 27.6.2002 and the duly acknowledged A/D card are annexed as Annexure R10 and R11 respectively.

- (d) That while the process of Verification Committee was going on, the applicants in OA No. 320/2000 filed a contempt petition before this Hon'ble Tribunal alleging contempt of court which was registered as CP No. 24/2002. The said contempt petition was heard on 6.1.2003 but there was no representation from the side of the contempt petitioner. This Hon'ble Tribunal therefore

recorded this in the order sheet itself. Accordingly the rule was discharged.

The copy of the order dated 6.1.2003 passed in CP.No. 24/2002, is annexed hereto as Annexure R12.

- (e) That as explicit from the records, the present applicant was the applicant No.5 in the OA No. 320/2000 where the alleged engagement particulars annexed thereto were in the name of Majibur Rahman and were replaced and considered as those of Md. Majimuddin Ahmed. According to the said particulars of engagement, the applicant showed himself to be engaged as under:

1994	-	203 days
1995	-	265 days
1996	-	275 days
1997	-	271 days
1998	-	120 days

Those engagement particulars were supported by the certificate allegedly issued by one B.Rai, Cable Splicer. Whereas, in the instant application, the engagement particulars of the applicant has been shown as:

<u>Year</u>	<u>Month</u>	<u>Days</u>
1994	Jan to Dec	241 days
1995	-do-	255 days
1996	-do-	265 days
1997	-do-	263 days
1998	Jan to July	196 days

Such alleged engagement are supported by a certificate allegedly issued by one N.Singh, S.I (as in Annexure A of the OA).

From the records it is apparent that there are 2 different sets of certificates issued by 2 different persons and both certifying the engagement period from 1994 to 1998 with different No. of days. Such certificates cannot therefore be accepted under any circumstances and the answering respondents express their doubt over the genuineness of the Annexure A certificate. In this connection the answering respondents also state that as the applicant has solely based his claim on the basis of the said alleged certificate at Annexure A, the person allegedly issuing such certificate should have been implicated as a necessary party to the application in order to establish the genuineness of the certificate and the engagement particulars. In absence of such party no decision can be arrived at with regard to the engagement particulars of the applicant. The answering respondents therefore crave the leave of this Hon'ble Tribunal to direct the applicant to implicate Sri. N. Singh as a necessary party and due notice should be sent to him for proper adjudication of the matter. That applicant further may be directed to produce the original certificate for proper scrutiny by the respondents and of this Hon'ble Tribunal so as the genuineness of the said Annexure A certificate could be established.

The copy of the certificate annexed by the applicant in OA No. 320/2000 is annexed hereto as Annexure R13.

7. That with regard to this statement made in the **para 1** of the application the answering respondents state that as explained hereinabove and under the facts and circumstances of the case there is no cause of action to justify the filing of the instant application.

8. That with regard to this statement made in the **para 2** of the application the answering respondents state that the respondent No. 2 to 4 are the authorities of the Bharat Sanchar Nigam Ltd. (hereinafter referred to as the "BSNL"), a Company duly registered under the Companies Act, 1956 and a State within the meaning of Article 12 of the Constitution of India and the authorities under it. The BSNL is not yet brought under the jurisdiction of the Hon'ble Tribunal by notification to be issued by the Govt. of India as required under Section 14(2) of the Central Administrative Tribunal Act, 1985 (hereinafter referred to as the "Act"). Unless such notification is issued as required by law, no direction or order could be passed/ issued against the BSNL and the authorities under it. Hence, the application is liable to be dismissed for the want of jurisdiction atleast against the answering respondents.
9. That with regard to the statements made in **para 3** of the application, the answering respondents state reiterate and reassert the foregoing statements made in these written statements and state that the application is not maintainable and is liable to be dismissed as it is barred by limitation as provided under Section 20 and 21 of the Administrative Tribunals Act, 1985.
10. That the answering respondents have no comment to offer to the statements made in **para 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 and 4.10** of the application, the answering respondents state that as stated hereinabove the claim of the applicant is false, baseless and an attempt made for wrongful gain. The respondents in this regard reassert and

reiterate the foregoing statements made in this written statements and deny the correctness of those statements made by the applicant for far the claim of the alleged engagement of the applicant as casual labour is concerned. It is also pertinent to point out here that the engagement particulars of the applicant are not only doubtful but also contradictory on the face of the records. The inconsistent and bogus nature of the claim of the petitioner is evident from the fact that the applicant himself has made a statement in Para 4.2 of the application that he was engaged upto June 1998 whereas in the same para he has again stated that he was engaged upto July 1998. This is a clear instance which shows how the statements are false and fabricated.

11. That with regard to the statements made in **para 4.11, 4.12 and 4.13** the answering respondents state that under no circumstances of provisions of la/rules, the case of the applicant could be considered as the contentions of the applicant are not made bonafide.
12. That with regard to the statements made in **para 5.1 to 5.13**, the answering respondents state under the given facts and circumstances of the instant case and the settled provisions of law, the grounds shown to justify the interference by this Hon'ble Tribunal are not maintainable and tenable in law and as such the application is liable to be dismissed with cost.
13. That with regard to the statements made in **para 6 and 7** of the application, the answering respondents state that the entire matter has been finally heard

between the same parties and by this Hon'ble Tribunal itself and hence the present application is barred by the doctrine of res judicata. The respondents also state that the declaration made in para 7 of the application is misleading and amounts to suppression of material facts as explicit from the records itself and the same matter was brought before this Hon'ble tribunal vide OA No. 320/2000 and CP No. 24/2002. The present application is therefore liable to be dismissed on this count alone.

14. That with regard to the statements made in **para 8.1, 8.2 and 9.1**, the answering respondents state that in any view of the matter and the facts and circumstances of the case, the relevant records and under the provisions of law, the applicant is not entitled to any relief, whatsoever, and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall also be pleased to dismiss the application with cost.

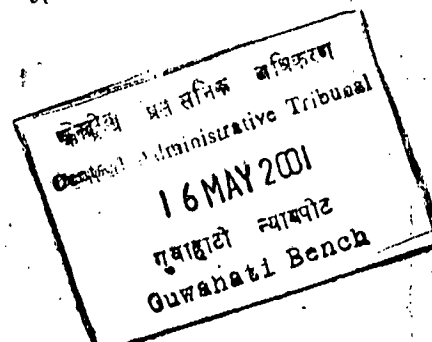
Verification

I, Shri Shankar Chandra Das S/o Late Gopinam Das, aged about 57 yrs.
 as Assistant Director (Legal) in the
 office of the Chief General Manager, Bharat Sanchar
 Nigam Ltd., Assam Circle, Guwahati, being competent
 and duly authorized to sign this verification do
 hereby solemnly affirm and state that the
 statements made in para 1, 2, 3, 4, 5, 7, 8 and 13 are
 true to my knowledge and belief, those made in para
6 being matter of records are
 true to my information derived therefrom and the
 rest are my humble submission before this Hon'ble
 Tribunal. I have not suppressed any material fact.

And I sign this verification on this 11th day of
 May, 2005 at Guwahati.

Shankar Chandra Das
DEPONENT

Assistant Director Telecom (Legal)
 O/o the Chief General Manager
 Assam Telecom Circle, Guwahati-7



ANNEKURE: R1

37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:
AT GUWAHATI

Misc. Application No. 127 /2001

(In O A No. 320/2000)

Md Mozammil Ali & ors...Applicants

-VS-

Union of India & ors --.Respondents

In the matter of :

Correction of name of
applicant No.5 in the O.A.

-AND-

In the matter of :

Md Mojimuddin Ahmed,
s/o Bagiruddin Ahmed,
vill- Mokhanea
P.O- Borauboi

...Petitioner

-VS-

The Union of India & ors

....Respondents

The humble application of
the Petitioner above named:

Certified to be true Copy.

Dilip Baruah
Advocate

-2-

RESPECTFULLY SHEWETH:

1. That the Petitioner was one of the applicants who filed O.A. No.320/2000 before the Hon'ble Tribunal
2. That in sl No.5 under column Particulars of 'the applicants' the Petitioner's name has been wrongly entered and his name and particulars has been wrongly shown by mistake. In fact no such person was engaged by the Respondents.
3. That the sl No.5 should have contained the name of the Petitioner who was engaged by the Respondent from January/94 to July/98 and thereafter. The Petitioner having worked for more than 4 years in is entitled to regularisation.
4. That the mistake of non appearance of the Petitioner's name in sl No.5 was through oversight as much as there was no such person engaged as casual labourers by the Respondent.
5. That in view of the above the sl No.5 of the O A be replaced by Petitioner.

It is therefore prayed that the Hon'ble Tribunal be pleased to admit this application and allow Petitioner's name to be inserted in sl No.5 deleting the same.

And for this act of kindness, Petitioner shall duty bound ever pray.

-VERIFICATION-

I, Md Majimuddin Ahmed, Petitioner above named,
do hereby verify that the statement made above
in this application are true to my knowledge and
belief.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.320 of 2000

Date of decision: This the 26th day of September 2001

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

1. Md. Mozammel Ali
 2. Md. Islam Ali
 3. Jun Mahammad Ali
 4. Md. Abul Hussain
 5. Md. Mojumuddin Ahmed
 6. Md. Zakir Ali
 7. Md. Abul Ali
 8. Shri Bipul Battachya
 9. Md. Khabir Ali
- By Advocate Mr B. Malakar.

.....Applicants

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
 2. The Chief General Manager, Telecommunication, Guwahati.
 3. The Sub-Divisional Officer, Telecommunication, Tezpur,
- By Advocate Mr A. Deb Roy, Sr. C.G.S.C. and Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

ORDER (ORAL)

CHOWDHURY, J. (V.C.)

Certified to be true Copy.
DILIP Bandy
Advocate

The only issue involved in this application pertains to conferment of temporary status as per the Scheme under the Department of Telecommunication.

2. I have heard Mr B. Malakar, learned counsel for the applicants and also Mr B.C. Pathak, learned Addl. C.G.S.C. To adjudicate the claim of the applicants.

• • •

4

•

43-2110(2001)

463101201

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
O/o the General Manager, Kamrup District,
ulubari :: Guwahati

No:-GM(K)/Court case/OA-320/2000/11

Dated at Guwahati the 21-6-2002.

To
The Asstt. Director Telecom (Legal).
O/O the C.G.M.T./Guwahati.
Assam Circle. Boraservice. Guwahati-7.

Subject:- CAT/Guwahati OA. No. 320/2000 order dated 26th Sept.2001-Implementation reg.

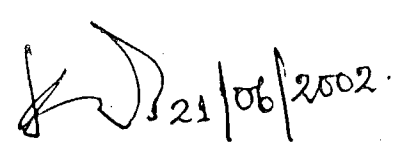
Ref:-Your letter No. STES-21/290/32 dated 03-05-2002.

Please refer to your above mentioned letter on the subject cited above. In this connection it is intimated that the applicants of above OA were neither worked under the Rangia subdivision nor any records available at Adabari as informd by D.E. (Extl.-III)/Adabari. According to OA the certificates issued by cable splicer Tezpur. So the records may be available at Tezpur subdivision.

Inview of the reports of the D.E.(Extl-III) the engagement of these Mazdoors under SDOP/Rangia was denied. As no records available in Kamrup SSA, this office cannot enquire or scrutinise of their engagement particulars as per CAT judgement.

A copy of the letter received from D.E.(Extl-III)/Adabari is enclosed herewith for your information and necessary action please.

Encl:-As stated above.


Sub-Divisional Engineer (Legal)
O/O GMT /KTD/GH-781007.

Certified to be true Copy.
Dilip Kumar
Advocate

Corr-22

भारत संचार निगम लिमिटेड

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)



प्रेषक
From

Divisional Engineer (Ext-III)
Kamrup Telecom District
Guwahati-781012

सेवा में
To

V The DE (op)
o/o GM/KTD

क्रम संख्या

No. X-1/AS (EXT) 1/01-02/07

दिनांक

Dated at Guwahati 12-07-2001

विषय : Puranise Comments of
Subject : OA NO 320/2000- filed
by Md. Mozammel Ali &
others.
at 05-07-01.

With ref. to the above cited court case it is
to inform you that no office records are available
against their names either in the office of DE (EXT) III
attached or in the office of SDO/Kamrup or SDO (op)
Borjhar. The number of working days mentioned
w.e.f 1994 to 1998 w.e. under TEZPUR sub-division.
Hence records may be available at Tezpur which
may be called for.

This is for favour of your information
and necessary action please.

DE (op)
AD/CL
for info,
23/7/2001

23/7/01
YD/CL
Kamrup Telecom District
Guwahati-781012

Certified to be true Copy.

Dilip Bora
Advocate

Minutes of the meeting of the verification committee held in the chamber of
DE(P&A), O/o TDM, Tezpur on 22-01-2002 at 11.00 hrs.

The meeting was held as schedule in this office memo number X-1/VC/320/01-02/6 dated 24-12-2001 with the following members :

1. Shri J.N.Deori, DE(P&A) – Chairman
2. Shri P.C.Daimari, DE (Mtce.), Mongoldoi.
3. Shri S.S.P.Singha, DE M/W, Tezpur.
4. Shri S.Chakraborty, SDE(HRD)/Tezpur.

In addition the following officers/officials were also present :

1. Shri M.Bhuyan, SDOP-I/Tezpur.
2. Shri T.Ahmed, SDOT/Rangia.
3. Shri Baiju Roy, T/M.

The meeting started duly and a statement of Shri B.Roy, T/M was recorded.

A statement of Shri T.Ahmed, SDOT/Rangia was also recorded. The applicants of the concerned case laying before CATs, Guwahati Branch were also called to appear before the committee by letter through SDOT/Rangia but none of them turned up before the committee, and as such their statement could not be recorded. SDOT/Rangia informed before the committee that said letters were sent to the addresses through postal service.

Therefore, it appears that the applicants namely Md. Mozamil Ali and eight others do not work under SDOT/Rangia nor did they work under SDOP-I/Tezpur. Also the applicants did not appear before the committee to establish their claims or to identify the person, issuing certificate.

1. J. N. DEORI Chairman - *[Signature]* 22.01.02
2. S. S. P. SINHA - MEMBER - *[Signature]*
3. P. C. Daimari - Member - *[Signature]* 22.01.02
4. S. CHAKRABORTY Member - *[Signature]* 22.01.02

Certified to be true Copy.

[Signature]
Advocate

Pa S.N.L.
 No. 500 Telegraphs, Rergia
 E-1/Rergia/0102
 Dated at Tzpur 22/12/02

To, The DE (P.A.)
 70 T.D. Tzpur

Subj. - Verification Report.

Ref. - Your letter no. X-1/VC/320/01-02/1 dt 24-12-01

With reference to your above cited letter it is intimated that no records are available in the office of The S.D.O. Rergia regarding working under Rergia Sub-Dir. in the following persons.

1. Md. Mozammel Ali
2. Md. Islam Ali
3. Jan Mohammad Ali
4. Md. Abdul Hussain
5. Md. Nazim Rahman
6. Md. Zahir Ali
7. Md. Abdul Ali
8. Sa' Pratul Baidya
9. Md. Khabir Ali

Moreover I do not know about the persons mentioned above regarding their working under my Sub-Dir.

Certified to be true Copy.
 Dilip Anand
 Advocate

K. Anand
 (Zaddan Ahmed)
 S.D.O. Rergia,
 P.S.N.L. Rergia Sub-Dir.
 22/01/02

Statement of Sri M Bhuyan SDOP-1 Tazpur in the (14)
meeting of the verification committee in the chamber
of DE (P.A) to the TDM/TL on 22.1.02 in
connection with letter No X-1/VL/320/01-02/3
dated 3.12.2001

Md. Mozammit Ali, and eight other applicants
as mentioned in O.A. No 320/2001 of central
Administrative Tribunal, Bhubaneswar were not
working under SDOP-1 Tazpur for the
period mentioned in the certificates.

(M. BHUYAN)
SDOP-1 Tazpur

Certified to be true Copy.
Dilip Bandyopadhyay
Advocate

Q1. Showing the Certificate reported to be issued by Shri Baigun Roy, to Md. Musammit Ali and eight other applicants, were these Certificate issued by you ?

Q2. (जो सभी सर्टिफिकेट दिखाया गया है कि श्री. बैंगुन राय के द्वारा मुं मुजम्मिल अली और आठ दूसरे लोगों को दिया गया है यह सभी सर्टिफिकेट आपके द्वारा जारी किया गया है या नहीं ?)

Ans. जो हमारे माँह में लिखा जा रहा है मुं मुजम्मिल और दूध आठ माफूमि को सर्टिफिकेट दिलाया है जो हमने इन सभी को माफूमि को सर्टिफिकेट नदि दिलाया है

Q2. Where Md. Musammit Ali & eight others were known to you ?
(क्या आप मुं मुजम्मिल अली और आठ दूसरे को जानते हैं ?)

Ans. मुं माफूमि मुजम्मिल माफूमि और आठ माफूमि को हमने पहचानने की नदि है जो कदापि सोम किया है

Q3. Can you identify the Signature made in the Certificate ?
(जरी फिरे गये सर्टिफिकेट पर फिरे गये हस्ताक्षर को आप पहचान सकते हैं या नहीं ?)

Ans. हमने सभी सर्टिफिकेट को देखा, मेरा हस्ताक्षर नदि है और मैं इस सर्टिफिकेट को नदि पहचानने

Certified to be true Copy.

Dilip Bhowmik

Advocate

Baigun Roy, P/O-
22/11/02

21/378/36 27/1/2012
बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. 25 P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered* Md. Khabib A
पानेवाले का नाम
Addressed to Sumpul
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8707
तारीख मोहर
Date Stamp

बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. 25 P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered* Md. Abdul A
पानेवाले का नाम
Addressed to Dagaria (Kulhan)
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8708
तारीख मोहर
Date Stamp

बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. 25 P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered* Md. M. A
पानेवाले का नाम
Addressed to Makhania
Sist kmp.
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8709
तारीख मोहर
Date Stamp

बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered*
पानेवाले का नाम
Addressed to
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8710
तारीख मोहर
Date Stamp

बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered*
पानेवाले का नाम
Addressed to
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8711
तारीख मोहर
Date Stamp

बीमा नहीं NOT INSURED
लगाने गये डाक टिकटों का मूल्य रु. P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्र* प्राप्त किया
Received a Registered*
पानेवाले का नाम
Addressed to
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer
क्रमांक No. 8712
तारीख मोहर
Date Stamp

Certified to be true Copy.
Dilip Bann
Advocate

Registered 20/1/02

BIHARAT SANCHAR NIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)
O/O THE CHIEF GENERAL MANAGER
ASSAM CIRCLE: ULUBARI: GUWAHATI-781007

No. STES-21/398/36

Dated at Guwahati the 27/06/2002

To
Md. Mojimuddin Ahmed,
S/o Late Harraj Ali, Md. Baidaruddin Ahmed,
Village: Barambol, P.O. Barambol,
Dist. Kamrup, Assam

Sub:- Regularization of casual labourer.

Ref:- Your representation on the above subject.

With reference to your representation on the above mentioned subject it is to be informed that the matter has been thoroughly examined and it transpires as follows.

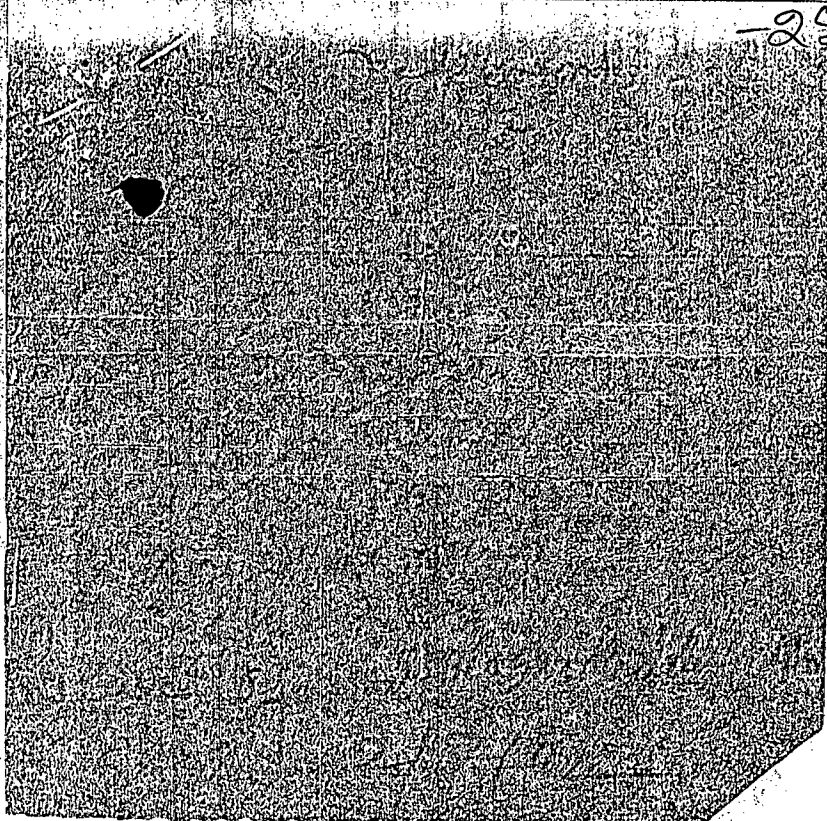
1. You were not engaged for any work either in Rangiya Sub-Division or Tezpur Sub-Division.
2. The engagement Certificate purportedly issued by Shri B. Rai and submitted to support your claim is false and fabricated. Shri Rai has examined the certificate before the Departmental Committee and asserted that he had not issued such certificate.
3. Despite clear instructions you have omitted to appear before the Departmental Verification Committee on 24.01.2002 in the office chamber of DE (P & A), office of TDM, Tezpur to present your case.
4. Shri Baiju Roy is a cable splicer working all along in Tezpur SSA. He has no reason to associate himself in the work of Rangia Sub-Division, which is a part of Kamrup Telecom District. It is untenable that Shri Roy could engaged you for work in Rangia Sub-Division that too for such a long duration.

In the fact and circumstances as above it is concluded that your claim is fake. The same is accordingly rejected.

Please note that no further correspondence on the subject from you will be entertained.

Certified to be true Copy.
Dilip Barua
Advocate

(S. C. Das)
Asstt. Director Telecom (Legal)
For Chief General Manager



Certified to be true Copy.
Dilip Bandyopadhyay
Advocate

SUBJECT SHEET

Original Application No. _____
Misc Petition No. _____
Contempt Petition No. 21/12002 (CA 2000/2000)
Review Application No. _____

Applicant: Hd. Mozamil Ali & Co.

Respondent(s): Sri G.S. Grover.

Advocate for the Applicant(s): Mr. B. Mallick, R. Das.

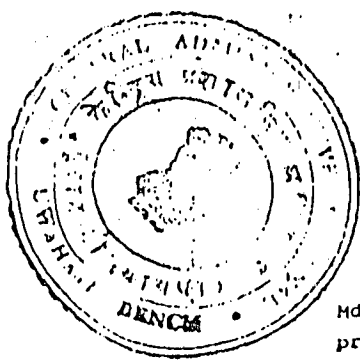
Advocate for the Respondent(s): B. S. Mishra, A. S. Choudhary.

Notes of the Registry: Date: _____ Order of the Tribunal: _____

6.1.03 Present: The Hon'ble Mr Justice V.S. Agarwal, Chairman
The Hon'ble Mr K.K. Sharma, Member(A).

This Tribunal had disposed of C.A.320/2000 on 26.9.2001. The operative part of the order passed by this Tribunal reads as under:

"The applicants may submit detailed representation individually within two weeks from today. If such representations are filed by the applicants, the Chief General Manager, Telecommunication shall cause and enquire into the matter and after scrutinising all the materials on record pass a reasoned order on the representations. Needless to state that if already such exercise was made and the case of the applicants were examined, the respondents need not go into the fresh exercise, but, instead they should communicate the decision to the applicants."



Hd Mozamil Ali and four others presented the present Contempt Petition complaining about disobedience of the direction given by this Tribunal. Today when the matter has been called there is no appearance on behalf of the applicants. Learned counsel for the respondents intimated us that the claim of the applicants has been rejected and an order to this effect has already been passed on 27.6.02 and the same has been communicated to the applicants. This perhaps may well be the reason for non appearance of the applicants or by their counsel. The fact remains that when one decision has been taken on the representation of the applicants dated 27.6.02, necessarily no further direction is called for. The applicants, if they so advised may challenge the said order in accordance with law.

Accordingly for the aforesaid reason the rule is discharged.

Certified to be true Copy
20/11/04

Section Officer (A)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

Sd. Chairman
Sd. Member (A)

Certified to be true Copy.
Dilip Barua
Advocate

TO WHOME IT MAY CONCERN

This is to certify that Md Majibur Rahman
S/O Late Harmaj Ali Village. Barambei Post. Barambei
S/S Hajo District-Kamrup(Assam) was working as daily
rated mazdeer in the Telecom Department for construction/
Maintenance works etc. He was working under me since
April/94 to December/98.

PARTICULARS ARE GIVEN BELOW

Year	Months	Working days
1994	April to December	203 days
1995	Jan to December	265 "
1996	Jan to December	275 "
1997	Jan to December	271 "
1998	Jan to December	120 "

For EIS H.
B. HAJ
Cable Splicer
O/S SHOP TEZPUR.

Certified to be true Copy.
Dilip Barmah
Advocate