

30/100

6

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 125/2004.....

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SECTION OFFICER (Judl.)

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

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl. .... 125/04  
In O.A. ....  
Name of the Applicant(s) ... B. Barfare ...  
Name of the Respondent(s) ... H.O.I. Garmy ...  
Advocate for the Applicant ... A. Ahmed ...  
Counsel for the Railway/CGSC. ....

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

25.5.2004

Heard Mr. A. Ahmed, learned counsel for the applicant.

The application is admitted, call for the records. Issue notice to the parties, returnable within four weeks.

List on 28.6.2004 for orders.

*[Signature]*  
Member (A)

Steps taken  
as per envelope.

mb

27.7.2004

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

List on 31.8.2004 for orders.

*[Signature]*  
Member (A)

Notice & order  
sent to D/Section  
for issuing to  
respondent nos 1 to 4,  
by regd. with A/D  
part.

bb

31.8.2004

On the prayer made by Mr. A.K. Chaudhuri learned Addl. C.G.S.C. four weeks time is allowed to the respondents to file written statement. List on 29.9.2004 for orders.

*[Signature]*  
Member (A)

28/5/04. D/Memo No = 941 to  
944, dt. 28/5/04. bb  
16/6/04.

29.09.2004 Present : The Hon'ble Mr.

Justice R.K. Batta,  
Vice-Chairman.

A/D card return  
from resp. No-3,4.

24/6/04

A/D card return  
from resp. No-1.

8/7/04

30-8-04

Notice duly served  
on R-no. 1, 3 & 4.  
No. 1/5 has been taken.

28.9.04

Ofs not yet  
filed.

mb

Recd copy  
6/10/04

mb  
10.11.2004

11.1.05

Ofs filed by the  
Respondent Nos. 1, 2, 3 & 4.

mb

19.1.05

Ofs filed by the Respondents

bb

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

Learned Addl. C.G.S.C. for the respondents seeks further ~~time~~ four weeks time to file written statement. Twice adjournment has already been granted. Last and final adjournment is granted to the respondents to file written statement. If written statement is not file and the matter is sought to be adjourned on that ground, costs shall <sup>be</sup> borne by the respondents which shall be recovered from the personal pocket of the officer who has to file written statement. Stand over to 10.11.2004. 2.30 P.M.

R  
Vice-Chairman

Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for respondent no.1 states that ~~the~~ in the absence of any notification under Section 14(2) of the Administrative Tribunals Act, this Tribunal will have no jurisdiction.

Learned Advocate for the applicant Mr. A. Ahmed states that the applicant had served from 1995 to 2001 with the Telecommunication Department, Govt. of India and as such he wishes to file an amendment application for which he seeks time of 6 weeks. Stand over to 10.1.2005. Any amendment is filed in the meantime, the same be listed alongwith this O.A.

R  
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p>12-2-05</p> <p>another clerk duty served. R.O. 1.3.89.</p> <p>W/S her - been filed.</p> <p><i>[Signature]</i></p>	19.01.2005	<p>Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.</p> <p>Mr. A. Ahmed, learned counsel for the applicant, seeks further time of four weeks to file amendment application. Stand over to 18.2.2005.</p> <p><i>[Signature]</i> Vice-Chairman</p>
	18.2.2005	<p>List on 25.3.2005 for orders.</p> <p><i>[Signature]</i> Member (A)</p>
<p>28-3-05</p> <p>W/S her - seen.</p> <p><i>[Signature]</i></p>	29.3.2005	<p>Present : The Hon'ble Mr. Justice G. Sivaraman, Vice-Chairman.</p> <p>Mr. A. Ahmed, learned counsel for the applicant is absent. post the matter on 27.4.2005 for hearing.</p> <p><i>[Signature]</i> Member (A)</p>
<p>W/S her - been filed.</p> <p><i>[Signature]</i></p>	27.4.2005	<p>At the request of Mr. A. Ahmed, learned counsel for the applicant the case is adjourned. List on 11.5.2005 for hearing.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>17.5.05</p> <p>Copy of the Judgment has been sent to the office for receipt the same to the applicant by post and handed over to the Addl. C. &amp; S. for the Registry.</p>	11.5.2005	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The O.A. is disposed of in terms of the order.</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry Date Order of the Tribunal

① Copy of order  
Dtd. 11.5.05 received  
by hand by the  
Adv. for the respondents,  
on 17.5.05.

② No. compliance report  
has been filed.

my  
10.8.05

CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

O.A. No. 125 of 2004.

DATE OF DECISION: 11.05.2005

Sri Brahmananda Basfore

APPLICANT

M.A.Ahmed

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A.K.Chaudhuri, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

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

5. Whether Reporters of local papers may be allowed to see the judgment?
6. To be referred to the Reporter or not ?
7. Whether their Lordships wish to see the fair copy of the judgment?
8. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

*G. Sivarajan*

2

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 125 of 2004.

Date of Order: This, the 11 th Day of May, 2005.

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

Sri Brahmananda Basfore  
Son of Late Gopi Chand Basfore  
Resident of Ulubari  
Dr.B.Barooah Road  
(Harizan Colony), P.S: Paltan Bazar  
Guwahati - 7.

..... Applicant.

By Advocate Mr. A. Ahmed.

- Versus -

1. The Union of India  
Represented by the Secretary to  
the Government of India  
Ministry of Communication  
New Delhi.
2. The Assistant Director General  
(STN), Bharat Sanchar Nigam Ltd.  
Sanchar Bhawan, 20, Ashoka Road  
New Delhi - 110 001.
3. The Chief General Manager Task Force  
Bharat Sanchar Nigam Ltd  
N. E. Telecom Region, Guwahati-1.
4. The Divisional Manager (Administration)  
Bharat Sanchar Nigam Ltd.  
N. E. Telecom Region  
Guwahati-1.

..... Respondents.

By Mr. A. K. Chaudhuri, Addl. C. G. S. C.

**ORDER (ORAL)**

**SIVARAJAN, J. (V.C.):**

The applicant had worked as daily rated part-time casual labourer (Sweeper) in CGM Task Force office, Guwahati right from 1995 till 1999. Thereafter, it is stated, the applicant has been working on contract basis in the BSNL. According to the applicant, he is

h  
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entitled to ~~the~~ assignment of "temporary status" and regularization in service under the scheme.

2. Respondents have filed their written statement wherein the details of work done by the applicant during the year 1995 to 1999 are specified and on that basis it is stated that the applicant did not complete 240 days in any calendar year. In that view of the matter, it is stated that the applicant is not entitled to the reliefs sought for in this application.

3. Mr. A. Ahmed, learned counsel for the applicant submits that the applicant has got continuous service as a casual labourer of 240 days though not in a particular year and therefore, the applicant is entitled to the reliefs sought for. Mr. A. K. Chaudhuri, learned Addl.C.G.S.C. for the respondents submits that unless the applicant had worked 240 days continuously in a year he is not entitled to the reliefs sought for.

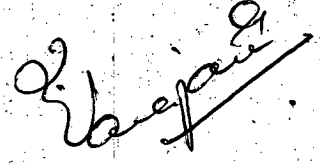
4. I do not propose to go into the disputed question of facts. There is a scheme for assigning temporary status/regularization of the service of the casual workers. It is for the respondents, with reference to the said scheme, to consider the entitlement of the applicant for the reliefs sought. In the circumstances, I direct the applicant to file a detailed representation pointing out the relevant provisions in the scheme and the factual situation which would fulfill the requirement of the scheme within a period of six weeks from today before the competent respondents. If any such representation is filed, the said authority will consider the same with reference to the relevant scheme and pass a speaking order within a period of three months thereafter.

5. The Original Application is disposed of as above.

*[Signature]*

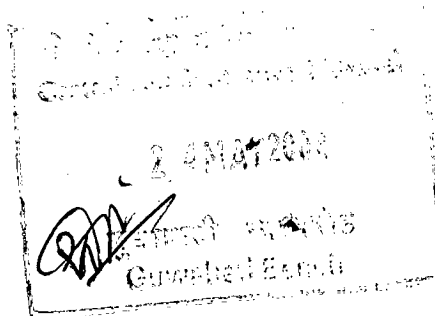


6. The applicant will produce this order along with the representation before the concerned respondents for compliance.



( G. SIVARAJAN )  
VICE CHAIRMAN

BB



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 125 OF 2004.

B E T W E E N

Sri Brahmananda Basfore

-Applicant

-Versus-

The Union of India & Ors.

-Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A & A/1 Photocopies of proforma of  
the applicant regarding his  
date of engagement, etc.

Annexure-B Photocopy of Letter No. TF/  
NE/Staff-45/Part Time/79 date  
09-04-2002.

Annexure-C Type copy of Casual Labourers'  
(Grant of temporary status and  
regularization) scheme issued vide  
No. 269-10/89-STN date 07-11-1989.

This Original application is made for seeking direction from this Hon'ble Tribunal for giving a direction to the Respondents to grant temporary status to the petitioner and also to direct the Respondents to regularize the service of the applicant as casual labour as per the scheme adopted by the Respondents vide letter No. 269-10/89-STN dated 07-11-1989. The applicant has served for more 9 years under the Respondents. The applicant accrued the right to get his service regularized under the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO.                      OF 2004.

B E T W E E N

Sri Brahmananda Basfore,  
Son of Late Gopi Chand Basfore,  
Resident of Ulubari,  
Dr. B. Barooah Road,  
(Harizan Colony), P.S.-Paltan  
Bazar, Guwahati-7.

-Applicant.

-Versus-

- 1] The Union of India,  
Represented by the Secretary to  
the Govt. of India Ministry of  
Communication, New Delhi.
- 2] The Assistant Director General,

Filed by  
Shri Brahmananda Basfore  
Applicant  
through [Signature]  
(Adm. Officer)  
2  
Admission

Basfore.

(STN), Bharat Sanchar Nigam Ltd.,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi-110001.

- 3] The Chief General Manager Task  
Force, Bharat Sanchar Nigam Ltd.,  
N.E. Telecom Region, Guwahati-1.
- 4] The Divisional Manager  
(Administration),  
Bharat Sanchar Nigam Ltd.,  
N.E. Telecom Region,  
Guwahati-1.

- Respondents.

DETAILS OF THE APPLICATION:

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

This application is made for granting temporary status and for regularization of the service of the applicant as casual labour as per the scheme adopted by the Respondents vide letter No. 269-10/89-STN dated 07-11-1989.

*My signature*

2] JURISDICTION OF THE TRIBUNAL

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

3] LIMITATION

The applicant further declare that the application is within the limitation period 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 as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India. He comes from a low-income group of Schedule caste family.

4.2 That your applicant was employed as casual labour under the respondents and he worked since August 1995 to March 1999. After that he worked on contract basis from

6/8/2002

April 1999 to till date. The details of the particulars of his service as follows:

In the year 1995 served for 99 days

In the year 1996 served for 165 days

In the year 1997 served for 186 days

In the year 1998 served for 148 days

In the year 1999 (up to March)

served for 20 days

On contract basis he served from April 1999 to December 1999 for 275 days. In the Year 2000 he served for 365 days, after that he is serving continuously on contract basis.

Annexure-A and A/1 are the photocopies of proforma of the applicant regarding his date of engagement, etc.

- 4.3 That your applicants beg to state that the Office of the Respondent No. 3 vide his letter No. TF/NE/Staff-45/ Part Time/79 dated 09-04-2002 (Reminder No.1) requested the Respondent No.2 for approval of the case of the applicant for Part Time Casual

*As per*

Labour to full time casual labourers as per BSNL 269-10/89-STN dated 07-11-1989. In this letter the office of the Respondent No. 3 stated the applicant's case is a left out case for conversion of part time Casual Labour to Full Time Casual Labour. The office of the Respondent No.3 also stated that the applicant qualifies the eligibility criteria to come under the scheme of conversion of part time casual labours into full time casual labour. In this way the Office of the Respondent No.3 strongly recommended the case of the applicant to the Respondent No.2.

Annexure-B is the photocopy of Letter No. TF/NE/Staff-45/ Part Time/79 dated 09-04-2002.

Annexure-C is the type copy of Casual Labourers' (Grant of temporary status and regularization) scheme issued vide No. 269-10/89-STN date 07-11-1989.

- 4.4 That your applicants beg to state that the Respondents have admitted in their letter

*Abdullah*



dated 09-04-2002 at Annexure-B of the instant application that your applicant qualifies the eligibility criteria to come under the scheme of conversion of part time casual labours into full time casual labours. Hence, there is no dispute regarding granting temporary status and regularization of service of the applicant by the Respondents.

4.5 That your applicants beg to state that the Respondents are depriving the applicant by not granting temporary status and regularization and the Respondent authority have forced the applicant to work under contractors. As such, it is a fit case where this Hon'ble Tribunal may be pleased to intervene into the matter and on admitting the application further be pleased to call the records of the case of the applicant.

4.5<sup>e</sup> That your applicant begs to state that he is a very poor person and belongs to a backward class. He was working under the Respondents very sincerely and honestly.

BB/2

Till now he is working on contract basis without any blemish in his service.

4.7 That the applicant begs to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to applicant.

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

5] GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

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.

5.2] For that the action of the Respondents are mala fide and illegal and with a motive behind.

5.3] For that the Respondents have already admitted that the applicant's case is genuine one and it is a left out case as such, the Respondents cannot deny

the benefit for granting temporary status to the applicant and also subsequent regularization of service of the applicant.

- 5.4] For that the applicant having worked for a considerable long period, i.e., from 9 years, therefore, he is entitled for granting temporary status and also regularization of his service.
- 5.5] For that fresh recruitment of Group D post in supersession of the claim of the applicant is hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.
- 5.6] For that the applicant have become over aged for other employment.
- 5.7] For that it is not just and fair to terminate the services of the applicants only because he was initially recruited on casual basis.

*As before.*

- 5.8] For that he has gathered experience of different works in the establishment.
- 5.9] For that the nature of work entrusted to the applicant was of permanent nature and therefore he is entitled to be regularised.
- 5.10] For that the applicant working as Casual Worker for several years in under the Respondents, therefore, he is legally entitled to be regularised.
- 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 to granting temporary status and subsequent regularization of the applicant.
- 5.13] For that there are existing vacancies of Group D post under the Respondents.

*Madan.*

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

6] DETAIL OF REMEDIES EXHAUSTED:

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

7] MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE 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 or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

13/3/80

8] RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordships may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal 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 give temporary status to the applicant and subsequent regularization of service of the applicant in the existing vacancies on priority basis with all consequential service benefit including monetary benefits from the date of engagement.

8.2 Cost of the application.

9] INTERIM ORDER PRAYED FOR:

*By order.*

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

- 9.1 That the Respondents may be directed to re-appoint the applicant in the existing vacancies on regular basis and also not to terminate the service of the applicant till final disposal of the Original Application.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

11] PARTICULARS OF I.P.O.

I.P.O. No.

Date of Issue

Issued from

Payable at

→ R20/ 220/  
: 28F091055, 28F091054,  
42E919505 → R20/  
: 18.5.2004  
: Guwahati G.P.O.  
: Guwahati

12] LIST OF ENCLOSURES:

As stated above.

-Verification.

Verification

I, Sri Brahmananda Basfore, Son of Late Gopi Chand Basfore, Resident of Ulubari, Dr. B. Barooah Road, (Harizan Colony), P.S.-Paltan Bazar, Guwahati-7  
I am the applicant of the instant application and as such I am acquainted with the facts and circumstances of the case and I do hereby verify the statements made in accompanying application and in paragraphs 4.1, 4.4, 4.5, 4.6, are true to my knowledge and those made in paragraphs 4.2, 4.3,                      are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

I signed this verification on 24th this day of May 2004 at Guwahati.

*Brahmananda Basfore.*



(Proforma-A)

- 14 -

ANNEXURE - A<sup>25</sup>

1. Name of Part Time Casual Labour : Shri Brahmananda Basfore
2. Father's name : Late Gopi Chand Basfore
3. Date of initial engagement and No. of hours duty performed per day : 01-08-95 @ 6 hrs. per day.
4. Name of unit in which engaged : CGM Task Force, Silpukhuri, Guwahati.
5. Name of the head of the unit at the relevant period : DE (Admn) O/o the CGM (TF)/ Guwahati.
6. Particulars of service rendered since engagement.

S/No.	Year	Total No. of days
(1)	1995	99 days
(2)	1996	168 days
(3)	1997	186 days
(4)	1998	140 days
(5)	March, 1999	20 days
	<u>On contract Basis</u>	
	April, '99 to Dec. '99	275 days
(6)	2000	365 days
(7)	2001 (Up to May)	151 days
7. Date on which discharged/ retrenched : 1-4-99 and then after engaged on contract basis.
8. Officer/official who engaged the casual mazdoor : DE (Admn) O/o CGM (TF), Guwahati.
9. Date of sponsorship : Nil

*Handwritten signature and stamp*  
Advocate

- 15 -  
(PROFORMA-A)

77/C

26

1. Name of Part Time Casual Labour : Shri Brahmananda Basfore
2. Father's name : Late Gopi Chand Basfore
3. Date of initial engagement and No. of hours duty performed per day : 01-08-95 @ 6 hrs. per day.
4. Name of unit in which engaged : CGM Task Force, Silpukhuri, Guwahati.
5. Name of the head of the unit at the relevant period. : DE (Admn) O/o CGM (TF)/ Guwahati.

6. Particulars of service rendered since engagement.

Sl.No.	Year	Total No. of days
--------	------	-------------------

1.	August, 95	: 19 days
2.	September, 95	: 20 days
3.	October, 95	: 18 days
4.	November, 95	: 21 days
5.	December, 95	: 20 days
6.	January, 96	: 21 days
7.	February, 96	: 20 days
8.	March, 96	: 22 days
9.	April, 96	: Nil
10.	May, 96	: 20 days
11.	June, 96	: 20 days
12.	July, 96	: Nil

**Total : 201 days**

1.	October, 96	: 19 days
2.	November, 96	: Nil
3.	December, 96	: 21 days
4.	January, 97	: 20 days
5.	February, 97	: 20 days
6.	March, 97	: 20 days
7.	April, 97	: 20 days
8.	May, 97	: 21 days
9.	June, 97	: 20 days
10.	July, 97	: 23 days
11.	August, 97	: 20 days
12.	September, 97	: 22 days

**Total : 226 days**

1.	October, 97	: Nil
2.	November, 97	: Nil
3.	December, 97	: Nil
4.	January, 98	: Nil
5.	February, 98	: Nil
6.	March, 98	: Nil
7.	April, 98	: 17 days
8.	May, 98	: 19 days
9.	June, 98	: 22 days
10.	July, 98	: Nil
11.	August, 98	: Nil
12.	September, 98	: 22 days

**Total : 80 days**

Attested  
[Signature]  
[Signature]

206  
226  
226  
226  
226

16 -  
REMINDER-I

ANNEXURE-B

**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
OFFICE OF THE CHIEF GENERAL MANAGER, TASK FORCE  
NE TELECOM REGION, GUWAHATI-1.

No.TF/NE/Staff-45/Part Time/79

Dated-09-04-2002

To

The Asstt. Director General (STN)  
Bharat Sanchar Nigam Limited  
Sanchar Bhawan, 20, Ashoka Road,  
New-Delhi-110 001.

Sub:-

Conversion of Part-Time Casual Labourers to Full-Time Casual Labourers.

Ref:-

This office letter No. TF/NE/Staff-45/Part Time/78 dt.13-12-2001.

With reference to the letter cited above on the subject, I am directed to intimate that, it is a left out case for conversion of Part-Time Casual Labourers to Full-Time Casual Labourers in respect of Shri Brahmananda Basfore.

Shri Brahmananda Basfore was engaged as a Part-Time Casual Labourer in the office of Chief General Manager, Task Force, NE Telecom Region, Guwahati for the purpose of sweeping and cleaning lavatory from August, 1995 to March, 1999. On 1<sup>st</sup> of April, 1999, he was retrenched from the job and henceforth, cleaning and sweeping works were done by the labour supplied by contractor. He worked in this office for more than 206 days during the period of 1996 to 1997 (Proforma "A" enclosed) herewith. In the BSNL letter No.1269-13/99-STN-II dt.16-09-99, it is not stipulated about 6 days week and 5 days week, whereas, in BSNL letter No.269-10/89-STN dt.07-11-89, the conferment of Temporary Status to the Casual Labourer is clearly stipulated. So, in fact, there arises some confusion. It is not clear that, whether in case of Part Time Casual Labourers, 6 days week or 5 days week is counted or not. If it is counted, Shri Brahmananda Basfore qualifies the eligibility criteria to come under the scheme of conversion of Part Time Casual Labourers into Full-Time Casual Labourer.

It may be brought to your kind notice that he comes of a low income group Schedule Caste family. Moreover, he is very obedient and polite. Therefore, his case is forwarded to you alongwith all available records for favour of your information and approval for conversion to Full-Time Casual Labourer as one time relaxation at the earliest possible.

Encl:-

As above.

DE (Estt.)  
O/o CGM Task Force,  
Guwahati-1.

17-

28

Annexure- C

CIRCULAR NO.. 1

GOVERNMENT OF INDIA

DEPARTMENT OF TELECOMMUNICATION.

STN SECTION.

No. 269-10/89-STN New Delhi-711-89.

To

The Chief General Manager, Telecom Circles  
M.T.H.I. New Delhi/Bombay. Metro Dist.  
Madras/Calcutta.

Heads of all other Administrative Units.

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

Subsequent to the issue of instruction regarding regularization of casual labourers vide this Office Letter No. 269-29/87-STC dated 18-11-88 a scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom Commission. Details of the scheme are furnished in the Annexure.

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A. J.  
A. G.

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

3] In this connection, your kind attention is invited to Letter No. 270-6/84- STN dated 30-05-05 wherein instructions were issued to stop fresh recruitment and employment of casual laborers for any type of work in Telecom Circles/Districts. Casual Laborers could be engaged after 30-03-85 in projects and Electrification circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in D.O. letters No. 270-6/84-STN dated 22-04-87 and 22-05-87 from member (pers. And Secretary of the Telecom Department) respectively. According to the instructions subsequently issued vide this office letter No. 270-6/84-STN dated 22-06-88 fresh specific periods in Projects and Electrification Circles also should not be resorted to.

*Attested*  
*[Signature]*  
*[Signature]*

- 19 -

3.2] In view of the above instructions normally no casual laborers engaged after 30-03-85 would be available for consideration for conferring temporary status. In the unlikely event of there being any case of casual laborers engaged after 30-03-85 requiring consideration for conferment of temporary status. Such cases should be referred to the Telecom commission with relevant details and particulars regarding the action taken against the officer under whose authorization/ approval the irregular engagement/non retrenchment was resorted to.

3.3] No Casual Laborer who has been recruited after 30-03-85 should be granted temporary status without specific approval from the Officer.

4] The Scheme finalized in the Annexures has the concurrence of Member (Finance) of the Telecom Commission vide No. SMF/78/98 dated 27-09-89.

5] Necessary instructions for expeditious implementation of the scheme may kindly be

Attest  
Jil  
Date

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- 26 -

issued and payment for arrears of wages relating to the period from 01-10-89 arranged before 31-12-89.

Copy to.

P.S. to MDB, (C).

P.S. to Chairman commission.

Member (S)/ Advisor (ARD)GM(IR) for information MCG/SEA/TE-II/IPS/Admn. I/CSE/PAT/SPB-1/SR Soc.

All recognized Union/Associations/Federations.

Sd/- illegible

ASSISTANT DIRECTOR GENERAL (STN).

*Attended*  
*J.S.*  
*Private*

Annexure-

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

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

2] This Scheme will come in force with effect from 01-10-1989 onwards.

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

4] The provisions in the scheme would be as under:

A] Vacancies in the Group D Cadres in various offices of the Department of Telecommunications would be exclusively filled by regularization of casual labourers and no outsiders would be appointed to the cadre except in the case of appointment on compassionate grounds, till the absorption of

Attested  
J.S. /  
H.M.C.



all existing casual labourers fulfilling the eligibility qualification prescribed in the relevant Recruitment Rules. However, regular Group-D Staff rendered surplus for any reason will have prior claim for absorption against the existing/future vacancies. In the case of illiterate casual labourers, the regularization will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties. They would be allowed age relaxation equivalent to the period for which they had worked continuously as actual labour for the purpose of the age limit prescribed for appointment to the group D cadre, if required. Outside recruitment for filling up the vacancies in Gr-D will be permitted only under the condition when eligible casual labourers are NOT available.

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

Attested  
Sd/-  
Advocate

Temporary Status:

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

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

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

\_\_\_\_\_ Labourers who acquire temporary status will not be selected through regular selection process for Gr. Posts.

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

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

ii] Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.

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

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

*Attended*  
*Admitted*

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

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

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

viii] Despite conferment of temporary status, the offices of an casual labour may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947 on the ground of availability of work. A casual

Attended  
J.S. /  
Adm. G.

-26-

labourer with temporary status can quite service by giving one months notice.

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

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

@@@

Attended  
by /  
Adm.

10 JAN 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH::GUWAHATI

38  
Filed by:-  
Anup Kumar Choudhary  
11/1/05  
Govt. Standing Counsel  
C. A. T.  
Guwahati

In the matter of -

O.A. No.125 of 2004

B. Basfore ...Applicant

-Versus-

Union of India & Ors.

...Respondents

WRITTEN STATEMENTS FOR AND ON BEHALF  
OF RESPONDENTS NO.1,2,3 & 4.

I, Purna Boro, Vigilance Officer, Office of the Chief General Manager, Task Force, NE Telecom, Region, H.C.Road, Uzanbazar,Guwahati-1, do hereby solemnly affirm and say as follows :-

1. That I am the Vigilance Officer, Office of the Chief General Manager, Task Force, NE Telecom, Region, H.C. Road, Uzanbazar, Guwahati-1 and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I am authorised to file the written statement on behalf of all the respondents.
2. That the respondents have no comments to the statements made in paragraph 1 of the application.
3. That with regard to the statements made in paragraph 2 of the application, the respondents beg to state that the Hon'ble Central Administrative Tribunal does not have jurisdiction to handle the cases of BSNL. In this regard, it is cited CAT Ernakulam Bench order dated 28-11-2002 in O.A. No.811/2002 - annexure-I and CAT Allahbad Bench order dated 30-10-2003 in OA No.176/2003 - Annexure-II as BSNL has been not notified under the Administrative Tribunal Act under the Section 14(2). Hence petition liable to be rejected.
4. That the respondents have no comments to the statements made in paragraph 3 and 4.1 of the application.

5. That with regard to the statements made in paragraph 4.2 of the application, the respondents beg to state that as per records of the applicant was working as daily rated parttime casual labourer (Sweeper) in CGM NE Task Force Office, Guwahati. His working particular is as follows :-

It is agreed that he worked in

1995 for 98 days ✓

1996 for 168 days ✓

1997 for 186 days

1998 for 140 days

1999 for 20 days

It is seen that he did not complete 240 days in any calendar year. Therefore, he is not entitled for conversion to full-time casual labourer. In the contract basis, a person is not liable for conversion from part-time to full time as the contract is on the basis of job.

6. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that the applicant did not work for 240 days in NE Task Force in any Calendar year which is required for conversion from part-time to full time casual labourer as per DOT letter No.269-13/99-STN-II dated 16-09-99 and 25-08-2000. The letter No.TF/NE/Staff-45/Part-time/79, dated 09-04-2002 was issued to the BSNL Corporate Office, New Delhi asking clarification whether in case of Part-time casual labourer while processing the case of conversion to full-time casual labourer, 6 days or 5 week are counted or not.

If, 6 day week/ 5day week norm is counted and if, number of working days from Oct. '96 to Sept. '97 is counted (though normally calendar year is counted), the applicant completed 226 days.

Normally, in a week, working day of the office is 6 days. But in DOT's time some offices functioned 5 days week also. The CGM NE Task Force Office where the applicant worked was 5 days week.

For granting temporary status of the casual labourer 6'5 day week are taken into account. (Ref. DOT letter No.269-10/89STN dated 7-11-89)-Annexure-III. But, in case of conversion of Part-time casual labourer into full-time casual labourer 6 day week only is taken into account. Therefore, the letter dated 09-04-2002 was issued for clarification & for 6/5 day week in connection with the case of the applicant.

Contd..p/3-

7. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that eligibility criteria for conversion of part-time casual labour to full-time casual labourer depends upon the 4 hours of duty per day who have worked for 240 days. Ref. DOT letter No.269-13/99-STN-II dated 16-9-99 Annexure-IV and 25-08-2000 Annexure-V enclosed herewith. He did not have the continuity in the service also. Therefore, he will not be entitled for conversion to full-time casual labourer unless special consideration is there from BSNL Corporate Office, New Delhi. This was the reason of writing the letter dated 9-4-2002.
8. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that it is a conversion case from Part-time into full-time casual labourer not the granting of temporary status. The department has no authority to force the non-departmental person to work. The BSNL enters into a contract for getting a job done by any person under the contract.
9. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that he was working upto March, 1999. He is not engaged afterwards.
10. That the respondents have no comments to the statements made in paragraph 4.7 and 4.8 of the application.
11. That with regard to the statements made in paragraph 5.1 of the application, the respondents beg to state that the same are not correct.
12. That with regard to the statements made in paragraph 5.2 of the application, the respondents beg to state that the same are not correct. The action of BSNL is as per rules and regulations in force.
13. That with regard to the statements made in paragraph 5.3 of the application, the respondents beg to state that it is not the case of granting temporary status. It is a case of conversion from Par-time into full-time casual labourer.
14. That with regard to the statements made in paragraph 5.4 of the application, the respondents beg to state that this is case of conversion, not granting temporary status. As per records, the applicant worked in 5 years without the continuity in the service and without completion of 240 days in any Calendar year. So, he is not entitled for conversion from Part-time to full-time.



15. That with regard to the statements made in paragraph 5.5 of the application, the respondents beg to state that this department never recruited fresh Grp.-D.

16. That the respondents have no comments to the statements made in paragraph 5.6 of the application.

17. That with regard to the statements made in paragraph 5.7 of the application, the respondents beg to state that eligible Part-time casual labourer were converted to full-time. The applicant did not complete 240 days in any year and those are not entitled they have been disengaged as per the guideline from BSNL Corporate office.

18. That the respondents have no comments to the statements made in paragraph 5.8 of the application.

19. That with regard to the statements made in paragraph 5.9 of the application, the respondents beg to state that the nature of works does not justify the appointment.

20. That the respondents have no comments to the statements made in paragraph 5.11 of the application.

21. That with regard to the statements made in paragraph 5.12 of the application, the respondents beg to state that the department is working within the frameworks of certain Rules and Regulation. There is no place of injustice and differential treatment.

22. That with regard to the statements made in paragraph 5.13 of the application, the respondents beg to state that the eligibility criteria is the main factor in this case.

23. That with regard to the statements made in paragraph 6 of the application, the respondents beg to state that the Hon'ble Tribunal has no jurisdiction to handle the cases of BSNL.

24. That the respondents have no comments to the statements made in paragraph 7 of the application.

25. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

( 5 )

V E R I F I C A T I O N

I, Purna Boro, presently working as Vigilance Officer, Office of the Chief General Manager, Task Force NE Region, H.C. Road, Uzanbazar, Guwahati-1 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraph                      of the application are true to my knowledge and belief, those made in paragraphs                      being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the // th day  
of Jan., 2005

*Purna Boro*

DEPONENT  
~~Vigilance Officer.~~  
O/O the C.G.M. Task Force,  
N. E. Telecom Region.  
Guwahati.

-0000-

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.811/2002

Thursday this the 28th day of November, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

J.Sasisadharan Pillai,  
S/o Janardhan Pillai  
Staff No.3358, Senior Telecom Operating  
Assistant (P), Telephone Exchange,  
Elampalloor, Kundara  
residing at Krishnavilasom Veedu,  
Ambipoika, Kundara.

...Applicant

(By Advocate Mr.Vishnu S.Chempazhanthiyil)  
V.

1. Assistant General Manager (Admn)  
Office of the General Manager (Telecom)  
District, BSNL, Kollam.
2. General Manager, Telecom District,  
BSNL, Kollam.
3. The Director General,  
Telecom Department, New Delhi.
4. Union of India, rep. by its  
Secretary, Ministry of communications,  
New Delhi.
5. K.M.Georgekutty  
Senior TOA(P),  
Telephone Exchange, Pathanapuram.

..Respondents

(By Advocate Mr. K. Kedavankutty, ACGSC - R1 - 4)

The application having been heard on 28.11.2002, the  
Tribunal on the same day delivered the following:

Contd....



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.2.  
ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant working as Senior Telecom Operating Assistant (P) under the Bharat Sanchar Nigam Limited (BSNL—~~for short~~) has filed this application challenging the order dated 1.8.2002 by which the applicant's posting has been changed from Kundara to Pathanapuram, order dated 7.8.2002 (A6) by which the 5th respondent has been posted to Kundara and the A9 order dated 21.11.2002 by which his representation for retention at Kundara or at Kottiyam has been rejected.

The applicant claimed that he being an ex-territorial army man he is entitled to a posting in a choice station and that the order turning down the request is unsustainable.

2. Shri K. Kesavankutty took notice for official respondents. He argued that the application may not be entertained as the applicant being an employee of the BSNL and as the BSNL has not been notified under the Administrative Tribunals Act, the Tribunal does not have jurisdiction. On the facts the counsel argued that the applicant having ceased to be a member of the territorial army in the year 1999 he is not entitled to any benefit and he supports the impugned order on the ground that it was issued on exigencies of service.

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.3.

3. We have considered the question of jurisdiction of the Tribunal to entertain this application. Since the applicant has been absorbed as an employee of the BSNL he is no more an employee of the Telecom Department. As the BSNL has not been notified under the Administrative Tribunals Act, this Tribunal cannot exercise jurisdiction in regard to service matters of such employees of BSNL. The applicant being one who has been absorbed we find that this Tribunal does not have jurisdiction to entertain this application.

4. In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 28th day of November, 2002

Sd/-  
(T.N.T.NAYAR)  
ADMINISTRATIVE MEMBER

Sd/-  
(A.V.HARIDASAN)  
VICE CHAIRMAN



4/5

CIVIL MISC. CONTEMPT APPLICATION NO. 176 OF 2003

IN

ORIGINAL APPLICATION/DIARY NO. 4605 OF 2002  
ALLAHABAD THIS THE 30th DAY OF OCTOBER, 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A  
HON'BLE MR. A. K. DHATNAGAR, MEMBER-B

1. R.A. Patel, Junior Telecom Officer.
2. Ram Swaroop, Line Man.
3. Mewa Lal, Telecom Technical Assistant.
4. Kamlesh Kumar Mishra, Regular Mazdoor.
5. Ram Sahivan Patel, Regular Mazdoor.
6. Shanker Lal, Regular Mazdoor.

All posted at Telephone Exchange Saran,  
District-Allahabad.

7. Chandrajant, Phone Mechanic.
8. Awadh Rao, Phone Mechanic.
9. Ganesh Chandra, Phone Mechanic.
10. Baladeen, Regular Mazdoor.
11. Radha Devi, Regular Mazdoor.

12. Anoop Kumar, Regular Mazdoor.
- All posted at Karchhana Telephone Exchange,  
District-Allahabad.

13. Raja Ram, Phone Mechanic,  
Posted as Jagra Exchange, District Allahabad.

14. B.G. Singh, Junior Telecom Officer.
15. Madho Prasad, Phone Mechanic Posted at Choorpur,  
Telephone Exchange, Allahabad.

.....Applicants

( By Advocate Shri R.G. Singh )

Verous

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30/12

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C.I. (Legal)  
Accession/17

Return copy to  
petitioner

2/10/03

14 October 2003  
Rajiv Singh, C.I.D. Bharti Saran  
Nigam Ltd.  
Allahabad

1. Sri Prithvipal Singh,  
CMO, Bharat Sanchar Nigam Ltd.,  
New Delhi.
2. Sri V.K. Shukla,  
Chief General Manager, U.P. at Lucknow.

.....Respondents

( By Advocate ----- )

O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

This Contempt Petition is filed against the officers of Bharat Sanchar Nigam Limited a newly constituted corporation. Since no notification under section 14(2) have been issued in respect of this newly constituted corporation i.e., B.S.N.L. This Contempt Petition is not maintainable before this Tribunal.

2. The legal position has been well settled in this regard by the Judgments of Division Bench of Hon'ble Delhi High Court in Ram Gopal Verma Vs. U.O.I. and Ors A.I.S.L.J. 2002(1) 352 and Hon'ble Bombay High Court in B.S.N.L. Vs. A.R. Patil and Ors. etc 2002 (3) 1.

3. In view of the above, the contempt petition is rejected as not maintainable with liberty to the applicant to approach the appropriate forum.

TRUE  
COPY

Secretary  
Central Admin. Tribunal  
Allahabad

ANNALS - III

CIRCULAR NO. 1300/11/1990  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

No. 269-10/80-8TN

New Delhi 7.11.88

ASSISTANT DIRECTOR GENERAL

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

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

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

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

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

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

3.3. No Casual Labourer who has been recruited after 30.3.65 should be granted temporary status without specific approval from this office.

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No



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

ASSISTANT DIRECTOR GENERAL (STN)

P.S. to MDS (C).

Member (S) / Adviser (HRD). GM (IR) for information.

All recognised Unions/Associations/Federations.

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ASSISTANT DIRECTOR GENERAL (STN)

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Adj. C. G. S. 64

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

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

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

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

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

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

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

## Temporary Status.

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

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

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

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

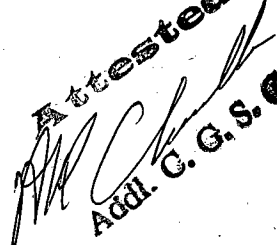
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- i). Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.
- ii). Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (200 days in administrative office observing 5 days week) in the year.
- iii). Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.
- iv). Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.
- v). After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.
- vi). Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.
7. No benefits other than the specified above will be admissible to casual labourers with temporary status.
8. Despite conferment of temporary status, the offices of casual labour may be dispensed within accordance with the relevant provisions of the Industrial Disputes Act. 1947 on the ground of availability of work. A casual labourer with temporary status can quit service by giving one months notice.
9. If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefit of encasement of leave on termination of services.
10. The Department of Telecommunications will have the power to make amendments in the scheme and/or to issue instructions in details within the framing of the scheme.

e e e

**Attested**  
  
**Addl. C. G. S. O.**

Андреев-ТВ

20 SEP 1999

To, Sir, I am pleased to hear that you are well and hope you are enjoying your trip to the States. I am sure you will have a very successful one. I am sure you will have a very successful one. I am sure you will have a very successful one.

All Heads of other Administrative offices,  
All the IFAs in Telecom Circles/Districts and  
other Administrative Units.

Subject: Conversion of Part Time Casual Labourers working with 4 or more hours per day into full time casual labourers.

Sir,

I am directed to refer to this office letter No. 59-10/89-STN dated 14.8.98 on the above mentioned subject. The matter has been examined in consultation with Telecom Finance and it has been decided as below:-

As a one-time relaxation, part time casual labourers with 4 or more hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the numbers indicated against respective field units in the Annexure.

- ii) They should be engaged as casual labourers subject to suitability.
- iii) They should be engaged as casual labourers only where there is shortage of Group D staff (i.e, existence of vacant Group D posts after accounting for all TSMs and existing full time Casual Labourers) and no posts should be created for the purpose.
- iv) In the event, there is no shortage in Group D at the station where the part time casual labourer is to be engaged to work as full time casual labourers, the part time casual labourers will not be converted into full time casual labourers.

---Contd---

Attested  
Addl. C. G. S. C.

TELECOM FINANCE  
1.1.1999

53

- v) Payment to the above casual labourers may be made as provided for under Rule 331 of P&T FHB Vol.I Under no circumstances should they are paid through muster-roll.
- vi) No part time casual labourers will be engaged hereafter and any violation will result in disciplinary action.
- vii) Orders will take effect from the date of issue.

This issues with the concurrence of Telecom Finance vide their diary No. 2409/99-FAD dated 8.9.99.

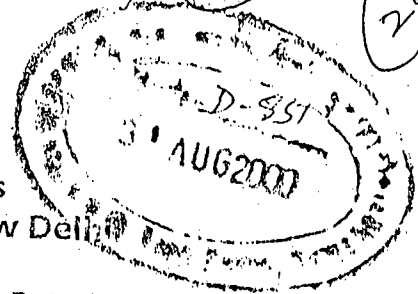
Yours faithfully,

14/9/99

(HARDAS SINGH)  
ASSTT. DIRECTOR GENERAL (STN)

ANNEXURE - V

No. 269-13/99-STN-II  
Government of India  
Department of Telecom Services  
Sanchar Bhawan, 20, Ashoka Road, New Delhi  
(STN-II Section)



Dated : 25.08.2000

To

All CGM, Telecom. Circles,  
All CGM, Telephone Districts,  
All Heads of Other Administrative Offices,  
All the IFA's in Telecom. Circles/Districts and other Administrative Units.

**Sub: Conversion of Part Time Casual Labourers working for less than 4 hours per day into full time casual Labourers.**

Sir,

I am directed to refer to this office letter No. 269-10/89-STN dated 14.8.98 ( Copy enclosed ) on the above mentioned subject. The issue of conversion of Casual Labourers working for less than four hours per day into full time casual labourers has been examined in consultation with Telecom. Finance and it has been decided as indicated below :-

- i) As one time relaxation, Part Time Casual Labourers with less than 4 hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the numbers indicated against respective field units in the Annexure (the figures are based on the information furnished by the Circles themselves) and it will further be subject to the conditions mentioned in the following paragraphs.
- ii) They should be engaged as casual Labourers subject to suitability and qualifications.
- iii) They should be engaged as casual Labourers only where there is shortage of Gr.'D' staff ( i.e. existence of vacant Gr.'D' posts after accounting for all temporary status mazdoors (TSMs) and existing full time casual labourers and no posts should be created for this purpose).
- iv) In the event, there is no shortage in Gr.'D' at the station where the part time casual labourers are working, the part time casual labourers will not be converted into full time casual labourers.

DE (E) (E) (E)  
ALL D's (E) (E)  
In circulation  
5/9/2000

Attested  
Add. C. G. S. ( )

- v) They will not be entitled for grant of Temporary Status and thereafter regularisation as mentioned in letter No. 269-10/89-STN dated 14.8.98.
- vi) Payment to the above casual labourers may be made as provided for under Rule 331 of P&T FHB Vol. I . Under no circumstances should they be paid through muster roll.
- vii) They would be given jobs as per their suitability and qualifications.
- viii) No part time casual labourers will be engaged hereafter and any violation will result in disciplinary action.
- ix) These orders will take effect from the date of issue of this letter.

This issues with the concurrence of Telecom. Finance vide their diary No. 3128/FA-1/2000 Dated 25.8.2000.

Yours faithfully,

(HARDAS SINGH)

ASSISTANT DIRECTOR GENERAL (STN)

Tel : 371 6723

Copy to:-

- 1) P to MOC/ MOS(C)
- 2) Advisor (HRD)
- 3) I G(Pers.) / (E) / (EF) / (SR)
- 4) D ST-I / (F-I)
- 5) All recognised Associations/ Unions / Federations
- 6) TE I / STN-I / SR / SCT Sections
- 7) Guard file.

(Vinod Kumar Sharma)  
Section Officer (STN-II)

Enclosed No. TF/NE/STN/45/Part in CM/Part.

Copy to:-

1. All Directors in Task Force.
2. All DEs in Task Force.
3. All AOs in Task Force.

Sub-Divisional Engineer (Admin)  
C/O the C.G.M. Task Force  
M. E. Telecom Region Guwahati-3.