

50/100

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

6

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A.T.A No. 131/2006

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. O.A-131/2006 Pg. 1 to 5
2. Judgment/Order dtd. 02/01/2006 Pg. 1 to 2 *Dismissed*
3. Judgment & Order dtd. .... Received from H.C/Supreme Court
4. O.A. 131/2006 Pg. 1 to 71
5. E.P/M.P. .... Pg. .... to .....
6. R.A/C.P. .... Pg. .... to .....
7. W.S. .... Pg. .... to .....
8. Rejoinder. .... Pg. .... to .....
9. Reply. .... Pg. .... to .....
10. Any other Papers. .... Pg. .... to .....
11. Memo of Appearance. ....
12. Additional Affidavit. ....
13. Written Arguments. ....
14. Amendment Reply by Respondents. ....
15. Amendment Reply filed by the Applicant. ....
16. Counter Reply. ....

SECTION OFFICER (Judl.)

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

ORDER SHEET

131/04

Org. App./Misc Petn/Cont. Petn/Rev. Appl.

In O.A.

Name of the Applicant(s) ... Gogoi, Dewraja & Ors. (A)

Name of the Respondent(s) ... H.O. T. Ors.

Advocate for the Applicant : S. Sarma, Ms. U. Das, Ms. B. Devi

Counsel for the Railway/CGSC : A.K. Chaudhuri Addl. C.G.S.C.

OFFICE NOTE . . . . . DATE . . . . . ORDER OF THE TRIBUNAL

4.6.2004

The application is in fact  
is filed for  
deposited with  
No. 11G 389546  
Dated 26.5.04

Heard Ms. U. Das, learned counsel  
for the applicants and also Mr. A.K.  
Chaudhuri, learned Addl. C.G.S.C. for the  
respondents.

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

List on 8.7.2004 for orders.

Pendency of this application shall  
not be a bar to the respondents to  
consider the case of the applicants for  
grant of Temporary Status.

Steps taken with  
envelops.

[Signature]  
Dy. Secy.  
[Signature]  
3/6/04

[Signature]  
Member (A)

Notice & order  
sent to D/Section<sup>mb</sup>  
for issuing to  
respondent nos  
1 to 4, by regd.  
with A/D post.  
<sup>mb</sup>

List on 11.8.2004 for orders.

[Signature]  
Member (A)

[Signature]  
7/6/04.  
D/Memo No= 1032  
Ces to 1035, dt. 11/6/04.  
15/6/04.

11.8.2004

Since the matter involves the question of jurisdiction over BSNL, let the case be listed on 24.8.2004 before the Division Bench along with the connected matters.

A/D card returned from resp. No-4.

4/7/04

30-7-04

Notice duly served on R-4

No W/S has been filed

bb

24.8.2004 Present: The Hon'ble Shri D.C.Verma, Vice-Chairman (J).

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

Ms.U.Das, learned counsel for the applicants and Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents were present.

As prayed four weeks time is granted to the respondents to file reply.

List on 28.9.2004 for orders.

24-11-04

No W/S has been filed

K.V. Prahladan  
Member (A)

Vice-Chairman

bb

25.11.04

On the prayer of Mr A.K.Choudhury learned Addl.C.G.S.C six weeks time is granted to file written statement.

List on 17.1.05 for order.

15-2-05

Notice duly served

R-4

No W/S has been filed

pg

16.02.2005 Present : The Hon'ble Mr. M.K.Gupta, Judicial Member.

None appears for the respondents. No reply has been filed. In the interest of justice, time is extended for filing reply. List on 22.03.2005.

No reply has been filed

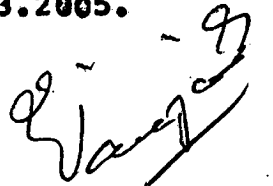
24.3.05

Member (J)

mb

28.3.2005 Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

At the request of Ms. B. Devi, learned counsel for the applicant the case is adjourned to 31.3.2005.

  
Vice-Chairman

mb

31.3.2005

Post on 27.4.2005.

  
Vice-Chairman

mb

27.4.2005

At the request of Ms. B. Devi, learned counsel for the applicant, the case is adjourned. List on 29.4.2005.

  
Vice-Chairman

mb

20.4.2005

Heard both the counsel for the parties. Post on 18.5.2005 for hearing. Written statement if any in the meantime.

  
Vice-Chairman

mb

26-4-05

No reply has been filed.



17-5-05

No reply has been filed.



18.5.05. Mr.B.C.Pathak and Ms.U.Das learned counsel appearing on behalf of the BSNL submits that ~~a preliminary main~~ <sup>an</sup> important question as to the jurisdiction of the Tribunal is involved and they would like to address on the said question as preliminary issue. Mr.M.Chanda learned counsel for the applicant in O.A.No.92 of 2004 submits that the facts and circumstances of the applicant in that case is different. Post these cases alongwith other cases in respect of which list is furnished by Mr.B.C.Pathak for hearing on 8.6.05.

  
Vice-Chairman

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

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 <sup>in of understanding the</sup> of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.

Post on 22.7.2005 for hearing.

  
Member

  
Vice-Chairman

22.7.2005

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

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

bb

10.8.2005

Post on 16.8.2005 at 2.30 P.M.

*[Signature]*  
Member

*[Signature]*  
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.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

22.11.2005

Post before the next Division Bench.

*[Signature]*  
Vice-Chairman

mb

2.1.2006

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed as without jurisdiction with liberty to the applicants to approach the appropriate forum.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

① No. Wb. has been filed.

*[Signature]*  
9.8.05

17.1.06

Copy of the judgment has been sent to the office for recording the same to the applicant as well as to the addl. G.S. & C. for the Registry.  
*[Signature]*

4

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. Nos. 131/2004

DATE OF DECISION: 02.01.2006

Sri G. Dewraja & Ors.

APPLICANT(S)

Mr. S. Sarma, Ms. B. Devi

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENT(S)

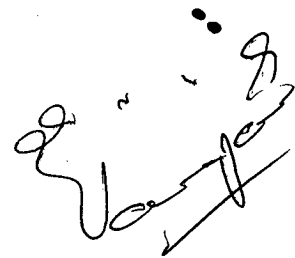
THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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.

no



.....

8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 131 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.

1. Sri Gojen Dewraja
2. Sri Gakul ch. Bora
3. Sri Dilip Borah
4. Sri Luit Kr. Gayan
5. Sri Tarun Kalita

All are working under the Department of Telecommunication  
Nagaon Telecom Division, Nagaon.

... Applicants

By Advocates Mr. S. Sarma and Ms. B. Devi.

- Versus -

1. The Union of India  
Represented by the Secretary to the  
Government of India,  
Ministry of Communication, New Delhi.
2. The Bharat Sanchar Nigam Limited,  
Represented by its Chairman  
New Delhi - 1.
3. The Chief General Manager,  
Assam Telecom Circle,  
Panbazar, Guwahati - 1.
4. The Telecom District Manager,  
Nagaon, Telecom Division,  
Nagaon.

... Respondents.

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



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

Heard Ms. B. Devi, learned counsel for the applicants and Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the BSNL.

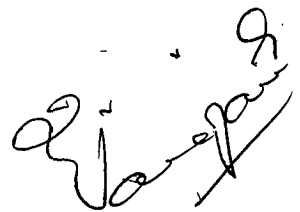
2. The matter relates to regularization of casual labours in the Bharat Sanchar Nigam Limited (BSNL for short). Mr. A.K. Chaudhuri, Addl. C.G.S.C. for the BSNL has raised a preliminary objection regarding jurisdiction in the written statement. He has also placed before us a decision of the Hon'ble Gauhati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

3. Ms. B. Devi, counsel for the applicants submits that she 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 applicants to approach the appropriate forum for relief.

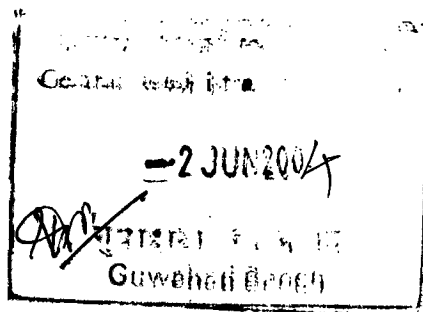
Issue copy to the counsel for the parties.



( N. D. DAYAL )  
ADMINISTRATIVE MEMBER



( G. SIVARAMAN )  
VICE CHAIRMAN



-20-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : Q.A. No. 131 of 2004

BETWEEN

Shri Gojen Dewraja & Ors. .... Applicants.

AND

Union of India & ors. .... Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 18
2.	Verification	18A
3A.	Annexure-I A (colly)	19 to 35
4.	Annexure-2	36, 37
5.	Annexure-3	38-42
6.	Annexure-4	43
7.	Annexure-5	44-46
8.	Annexure-6	47-54
9.	Annexure-7	55
10.	Annexure-8	56
11.	Annexure-9	57-59
12.	Annexure-10	60
13.	Annexure-11	61-67
14.	Annexure-12	68-71

\*\*\*\*\*

Filed by : Alsha Das  
File : ci\W57\

Date :

Regn.No.:

-21-  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 13 / .. of 2004

Shri Gojen Dewraja & Ors. .... Applicants.

AND

Union of India & ors..... Respondents.

SYNOPSIS

All the applicants are working as casual worker under the Telecom District Manager, Nagaon, Telecom Division, Nagaon. They are aggrieved by the action of the Respondents in not extending the benefit of the Apex Court's judgment pursuant to which a scheme has been prepared for confirmment of temporary status to the Casual Worker. The applicants alongwith other had approached the Hon'ble Tribunal by way of filing OA No.316/2000 seeking direction towards the Respondents for grant of temporary status. The Hon'ble Tribunal was please to allow the aforesaid OA as regard the applicants became they have completed 240 days in a year. The Respondents, in the name of reverification have tried to frustrate the claim of the applicants by issuing the order dated 13.8.01. This Hon'ble Central Administrative Tribunal, Guwahati Bench was pleased to pass a judgment in run by the judgment and order dated 3.9.02 in OA No.297/01 & ors. by which the Hon'ble Tribunal directed Respondents to constitute a responsible committee for verification of all the casual labour. The applicants are now aggrieved by the Respondents in not granting the Temporary Status in spite of clear cut direction issued by the Hon'ble Tribunal by the judgemtn and order dated 28.9.01 passed in OA No.316/2000, Hence this application.

"Filed by  
the applicants through  
Alsha Das.  
Advocate  
21/5/04

Dewraja

Filed by  
The applicants through  
Usha Das  
Advocate  
2/6/04

-1-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

O.A.No. ... 131 ... of 2004

BETWEEN

1. Sri Gojen Dewraja
2. Sri Sakul Ch. Bora
3. Sri Dilip Borah
4. Sri Luit Kr. Gayan
5. Sri Tarun Kalita.

All are working under the Department of Telecommunication, Nagaon Telecom Division, Nagaon.

..... Applicants.

- AND -

1. The Union of India.  
Represented by Secretary to the  
Govt. of India.  
Ministry of Communication, New Delhi.
2. The Bharat Sansar Nigam Limited,  
represented by its Chairman,  
New Delhi-1.
3. The Chief General Manager,  
Assam Telecom Circle,  
Panbazar, Guwahati-1.
4. The Telecom District Manager,  
Nagaon, Telecom Division.  
Nagaon.

..... Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION  
IS MADE:

This application is made against the action on the part of the respondents in not granting the temporary status and subsequent regularisation in the light of the judgment passed by the Apex Court and the scheme made for casual labourer.

*Gojen Dewraja*

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That in the instant application, the applicant are casual worker presently holding the post of casual worker under the T & M Nagaon. Accordingly the cause of action and relief sought for by the applicants are similar hence, pray that they may be allowed to join together in a single application invoking rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 to minimise the number of litigation as well as the cost of the application.

4.3. That the applicants are presently working as casual workers and all of them were appointed in various dates ranging from 1987-89 on casual basis. The applicants

George

are at present drawing their wages under departmental pay slips, which will show that they are casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

For better appreciation of the factual position the applicants crave leave of the Hon'ble Tribunal to annex all their certificates as Annexure-A colly. They are still continuing in their respective posts as stated above.

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition and issued certain directions in regard to regularisation as well as grant of temporary status to those casual labourers of the Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (c) No.1288/89 (Ram Gopal & Ors. Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme court was pleased to pass a similar direction to the respondents authority to prepare a scheme on a rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt. of India, Ministry of

Devi Singh

5

-4--

Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" and the same was communicated vide letter no.269-10/89-STN dated 7.11.89. In the scheme certain benefits granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

Copies of the Apex Court Judgment and the above mentioned scheme is annexed herewith and marked as Annexure 1 and 2.

4.5. That as per the Annexure-2 scheme as well as the directions issued by the Hon'ble Supreme Court (Annexure-1) in the cases mentioned above, the applicants are entitled to the benefits described in the scheme. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the aforesaid verdict of the Hon'ble Supreme Court, and more specifically in the dates described in the Annexure-A may be referred to for the better appreciation of the factual position.

4.6. That the respondents after issuance of the aforesaid scheme, issued further clarification from time to time of which mention may be made of letter no.269-4/93-STN-II dated 17.12.93 by which it was stipulated that the benefits of the scheme should be conferred to the casual labourers who were engaged during the period from 13.3.85 to 22.6.88.

to produce the application under the provisions of the Hearing To be made case.

*G. Deenaya*

The applicants crave leave of the Hon'ble Tribunal to produce the said order at the time of hearing of the case.

4.7. That on the other hand casual workers of the Deptt. of Posts who were employed on 29.11.89 were eligible to be conferred the temporary status on satisfying other eligible conditions. The stipulated date 29.11.89 has now further been extended up to 10.9.93 pursuant to a judgment of the Ernakulam Bench of the Hon'ble Tribunal delivered on 13.3.95 in DA No. 750/94. Pursuant to the said judgment delivered by the Ernakulam Bench, Govt of India, Ministry of Communication issued letter No.66-52/92-SPD-I dated 1.11.95 by which the benefits of conferring temporary status to the Casual labourers have been extended up to the recruitees up to the 10.9.93.

A copy of the aforesaid letter dated 1.11.95 as annexed herewith and marked as Annexure-3.

The applicants have not been able to get hold of an authentic copy of the said letter and accordingly they pray for a direction to produce an authenticated copy of the same at the time of hearing of the instant application.

4.8. That the benefits of the aforesaid judgment and circular of Govt. of India is required to be extended to the applicants in the instant application more so when they are similarly circumstance with that of the casual workers to whom posts. As stated above both the Deptts are under the same Ministry i.e. the Ministry of Communication, and the

Georgina



Scheme were pursuant to the Supreme Court's Judgment as mentioned above. There can not be any earthly reason as to why the applicants shall not be extended the same benefits as have been granted to the casual labourers working in the Deptt. of Posts.

4.9. That the applicants state that the casual labourers working in the Deptt of Telecommunication are similarly situated like that of the casual workers working in the Deptt. of Posts. In both the cases relevant schemes was prepared as per the direction of the Hon'ble Court delivered their judgment in respect of the casual workers in the Deptt. of Telecommunication following the judgment delivered in respect of casual workers in the Deptt. of Posts. As stated earlier both the Deptts. are the same Ministry i.e. Ministry of Communication. Therefore, there is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. It is pertinent to mention here that the casual workers of the Deptt of Posts on obtaining the Temporary Status are granted much more benefited than the casual workers of the Deptt. of Telecommunication. Similar benefits are required to be extended to the casual workers of the Deptt. of Telecommunication having regard to the facts both the Deptts are under the same ministry and the basic foundation of the scheme for both the Deptts. are Supreme Court's judgement referred to above. If the casual workers of the Deptt of Posts can be granted with the benefits as enumerated above based on Supreme Court's verdict, there is no earthly reason as to why the casual workers of the Deptt. of Telecommunication should not be extended with the similar benefits.

Geetha

-7-

4.10. That the applicants beg to state that making a similar prayer a group of casual workers working under Assam Circle had approached this Hon'ble Tribunal by way of filing OA No.299/96 and 302/96 and this Hon'ble Tribunal pleased to allow the aforesaid application on 13.8.97 by a common judgment and order.

A copy of the said order dated 13.8.97 is annexed herewith and marked as Annexure-4.

4.11. That the applicants state that it is settled position of law that when some principles have laid down in a given case those principles are required to be made applicable to other similarly situated cases without requiring them to approach the Hon'ble Court again and again. But in a nutshell case in spite of casual labourers of Deptt. of Posts, the Deptt. of Telocommunication under the same ministry has not yet extended the benefits to the casual labourers working under them.

4.12. That the applicants state that in a nutshell their whole grievances are that to extend the benefit of the aforesaid scheme as well as similar treatment as has been granted to the casual workers working under Deptt. of Posts in regard to treating the cut of date of engagement as has been modified from time to time by issuing various orders, of which mention may be made of order dated 1.9.99 by which the benefit of the scheme has been extended to the recruitees up to 1998.

G. D. H. J.

-8-

A copy of the order dated 1.9.99 is annexed herewith as Annexure-5.

4.13. That the applicant begs to state that highlighting their grievance, they had approached the Hon'ble Tribunal by way of filing OA No.192/98 praying for grant of temporary status and regularisation. The Hon'ble Tribunal was pleased to dispose of the said OA along with other connected matters vide its order dated 31.8.99 with a direction to the respondents to consider their cases after due scrutinise of the documents.

A copy of the order dated 31.8.99 is annexed herewith and marked as Annexure-6.

4.14. That the applicants beg to state that prusuant to the aforesaid order dated 31.8.99, the higher authorities of the respondents have issued various orders to the Divisional authorities for furnishing documents/certification to ascertain the facts. To that effect mention may be made of order dated 9.11.99 issued by the respondent no.3 asking for documents and certificates.

4.15. That the applicants beg to state that after the judgment and order dated 31.8.99, they have submitted representations individually highlighting their date of appointment as well as number of working days etc. in other divisions, the casual workers, who were also asked to to appear in interview held by the respondent. However, the respondents did not held any interview in respect of the present applicants. Suddely the respondent no.3 issued the identical orders dated 14.7.2000 which

*6/10/2000*

representations filed by the applicants have been disposed of.

A copy of such orders dated 14.7.2000 is annexed herewith and marked as Annexure-7.

4.16. That the applicants beg to state that barring the cases of the present applicants, in all other cases interviews have been held for scrutinising the records but only the present applicants have been debarred for the same. The respondents have treated the present applicants differently violating Article 14 and 16 of the Constitution of India all the other similarly placed employees (Casual Workers) have been given chance to point out personally the facts and figures pertaining to their service particulars but the said opportunity has not been granted to the present applicants. Hence the action on the part of the respondents are illegal and violative of Article 14 and 16 of the constitution of India.

4.17. That the applicants alongwith 16 others aggrieved by the inaction/action of the respondents in not granting the temporary status which has been granted to the similarly situated employees, even to the juniors once again approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of filing OA No.316/2000. The Hon'ble Tribunal after hearing both the parties and on perusal of records submitted by the respondents was pleased to allow the application in regard to the present applicants (applicant no.4,5,12,15, 19 to the OA No.316/2000). Since they have completed requisite number of days for confirmation of temporary status and in case of Mrs. Devi Rani Pal

G. D. Regia

(applicant no.14 of the OA No.316/2000) the application was disposed of.

A copy of the judgment and order dated 28.9.01 passed in OA NO.316/2000 is annexed herewith and marked as Annexure-8.

4.18. That the Respondents have constituted a verification committee for verification of engagement particulars in pursuance of court case no. OA No.316/2000 and issued an identical order to all the applicants dated 15.6.2001 directing the applicants to appear before the verification committee with all relevant documents (if any) on 22.6.2001 during office hours at T.D.M. office Nagaon. It is pertinent to mention here that the direction for reverification was given by the Hon'ble Tribunal in case of other applicants to the OA No.316/2000 not in case of the present applicants, because in regard to the present applicants. The OA was allowed and direction was given to grant temporary status to them after observing the formalities.

A copy of one of the said identical order dated 15.6.2001 is annexed herewith and marked as Annexure-9.

4.19. That after verification of the records of the applicants the respondents have issued again an identical impugned orders to all the applicants on 13.8.01 rejecting the claims of the applicants taking note that the applicants have not been in engagement under the department since June, 1998, and hence they could not satisfy the eligibility criteria as laid down in the scheme for conferment of

G. Debnaja

-11-

TSM/regularisation, their cases could not be considered favourably. The applicants beg to state that the Respondents have issued the order dated 13.8.01 without applying their mind and only to frustrate the hence they have violated willfully and deliberately the direction issued by the Hon'ble Tribunal in case of the present applicant.

A copy of the said impugned order dated 13/8/01 is annexed herewith and marked as Annexure-10.

4.20. That against the illegal action of the respondents in verifying and scrutinising the records of the casual workers number of OAs were filed before the Central Administrative Tribunal, Guwahati Bench. Since cause of action and relief sought for by the applicants to those OAs were same, the Hon'ble Tribunal after going through the records of those OAs was pleased to dispose of the OAs by a common judgment and order dated 3.9.02 wherein the Hon'ble Tribunal found no confirmity with the findings reached by the authority alongwith the records produced regarding their engagements. In some cases records indicated that they were engaged for more than 240 days, whereas in the finding they were shown that they did not served for 240 days. The Hon'ble Tribunal felt that the matters requires a fresh re-consideration by a responsible authority so that cases of eligible casual labourers were fairly considered. The Hon'ble Tribunal was further pleased to issue appropriate direction to the department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for considering the case of these applicants afresh by constituting a responsible committee to go through it for

Gee Anja

once for all and scan their records and if in the end it found these people really fulfilled the requirement it would issue appropriate direction to the concerned authority for confirmation of temporary status and their absorption as per the scheme.

A copy of the said judgment and order dated 3.9.02 in OA No.289/01 & ors passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench and annexed herewith and marked as Annexure-11.

4.21. That the applicant begs to state that the Respondents acting on the directives given by the Hon'ble Central Administrative Tribunal, Guwahati Bench in OA No.289/01 re-verified all the cases of the labourers except the cases of the present applicants. After re-verification the Respondents have issued an order no.RECTT-3/10/PT-1/83 dated 16/2/04 by which the Respondent have regularised the services 61 TSMs and 27 full time casual labourers working in the different SSAs. By the said order the service of Mrs. Devi Rani Pal has also been granted temporary status who was applicant no.14 in OA No.316/2000. But the present applicants have not been granted with temporary status inspite of the clear direction from this Hon'ble Tribunal.

A copy of the said order dated 16.2.2004 is annexed herewith and marked as Annexure-12.

4.22. That the applicants beg to state that the judgment and order dated 3.9.02 passed in OA Nos.289/01 & Ors passed by this Hon'ble Tribunal is a judgment in rem and

Gedruja

-13-

the directions given to the respondents are equally applicable to all the casual workers working under them. The direction of the Hon'ble Tribunal is very clear and unambiguous. After considering all the aspect of the matter the Hon'ble Tribunal was pleased to issue appropriate direction to the Department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for examination of all the cases of left out casual workers. The above judgment and order dated 3.9.82 is equally applicable to all the applicants.

4.23. That the applicant begs to state that the applicants are still continuing in their respective services and they have qualified all required qualification as per scheme prior to 1998, but for the reason best known to the Respondents their cases have not been considered for grant not been considered which has been granted to the similarly situated employees. The aforesaid action of respondents in not granting the temporary status which has been granted to the similarly situated employees and even to the juniors is per se illegal, arbitrary and liable to be set aside and quashed.

4.24. That the applicants beg to state that they are still continuing in their respective posts without any termination. On the other hand the respondents are now granting the temporary status to the juniors of the applicants, even some of the outsiders have also been granted with the benefits of the temporary statuts.

The applicants in view of the aforesaid facts and

Gedraja

direction to the respondents



The applicants in view of the aforesaid facts and circumstances have prayed for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

4.25. That the applicants begs to state that the respondents are now granting the said benefits and filling up all posts of DRM without considering their cases. The applicants are now in employment as casual workers but in view of the aforesaid order dated 13.8.01 their services may be discontinued without giving them any opportunity of hearing. In that view of the matter the applicants prays for an interim order directing the respondents not to disengage them from their present employments and not to fill up the posts of DRM till the disposal of the case. In case the interim order is not granted the applicants will suffer irreparable loss and injury.

4.26. That this application have been filed bonafide and to secure ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the denial of benefit of the scheme to the casual labourers whom the applicants union represent in the instant case is prima-facie illegal and arbitrary and same are liable to be set aside and quashed.

5.2. For that it is the settled law that when some principles have been laid down in a judgment extending certain benefits to a certain set of employees, the said

Adewale

-15-

benefits are required to be extended with the similarly situated employee without requiring them to approach Hon'ble the court again and again. The Central Govt. should set an example of a model employer by extending the said benefit to the applicants.

5.3. For that the discrimination meted out to the members of the applicants in not extending the benefits of the scheme and in not treating them at par with postal employees is violative of Articles 14 and 16 of the Constitution of India.

5.4. For that the respondents could not have deprived of the benefits of the aforesaid scheme which has been applicable to their fellow employees which is also violative of Article 14 and 16 of the Constitution of India.

5.5. For that the action of the respondents in not granting the temporary status to the present applicant as per the directives given by this Hon'ble Tribunal vide judgment and order dated 28.7.01 passed in OA No.316/2000 as has been done in case of Mrs. Devi Rani Pal who was also an applicant in the aforesaid OA. The aforesaid action of the respondents is per se illegal arbitrary and violative of Article 14 and 16 of Constitution of India hence liable to be set aside and quash.

5.6. For that the impugned order dated 13.8.01 has been passed by the Respondent without verifying the service records of the present applicants and without applying their mind which is also violative of direction passed by the

Gdearaja

Hon'ble Tribunal in judgment and order dated 28.9.01 passed in OA No. 316/2000 in case of the present applicants. Hence the impugned order dated 13.8.01 is per se illegal and bad in law and liable to be set aside and quash.

5.7. For that the action of the Respondents in not complying with direction of the the judgment and order dated 3.9.2002 passed in OA Nos 289/2001 & ors passed by this Hon'ble Tribunal in case of the present applicant which is a judgment in rem is per se illegal, arbitrary and violative of Article 14 & 16 of the Constitution of India.

5.8. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

4. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other

*Deogreja*

-17-

Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

B. RELIEF SOUGHT FOR:

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

8.1. To direct the Respondents to comply with the judgment and order dated 29.9.2001 passed in OA No.316/00 within a stipulated time frame as has been done in case of Smti Devi Rani Pal..

8.2. To set aside and quash the impugned order dated 13.8.01.

8.3. To direct the respondents to extend the benefits of the said scheme to present applicants and to regularised their services.

8.4. To direct the Respondents to comply with the direction of the judgment and order dated 3.9.2002 passed in OA Nos 289/2001 & Ors passed by this Hon'ble Tribunal in case of the present applicants.

8.5. Cost of the application.

8.6. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Gdewreja

29

-18-

Pending disposal of this application the applicants pray for an interim order directing the respondents not to fill up any vacant posts of Daily Rated Mazdoors without first considering the case of the applicants. The applicants further pray for an interim order direction the respondents not to disturb their services and to allow them to continue in their respective posts during the pendency of the case.

10. ....

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

1. I.P.O. No. : 116 3895 46  
2. Date : 26/5/04  
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

GideDnyja



ANNEXURE

Details of findings by the verification committee of NAGALAND SSA in case of

Date of engagement	Authority of engagement	No. of days engaged (A) (B) Date - year/ 1.8.98 for or normal the case cases	Proof of payment document ary.	Name & designation of verification	Reasons in brief of ineligibility.	Remark
1	2	3	4	5	6	7

Eng' 88, in S.K. Das - 1988 = 121 (1/2)  
 1991 = 122 (1/2)  
 1991 = 122 (1/2)  
 1995 = 128 (1/2)  
 1996 = 225 (1/2)

1) Shri K. K. Das,  
 ADP (S. A.)  
 ADP (S. A.)  
 2) Shri D. D. Das,  
 ADP (S. A.)  
 ADP (S. A.)  
 3) Shri D. D. Das,  
 ADP (S. A.)  
 ADP (S. A.)

Not completed  
 and done in  
 any working  
 year.

Official Certificate (P.O.)  
 D/O the U.P.A. Nagaland  
 Nagaland 781001

Attest.  
 Advocate.





ANNEXURE.

Details of findings by the verification committee of NAGAOB SSA in case of  
Srl. Gokul Ch. Bora in the unit/office.....

Date of engagement.	Authority of engagement.	No. of days engaged. (A) (B) Upto 1.8.93 days for normal the case because stay/ status given/not to dis-engage from order by Honble Tribunal	Proof of payment document any.	Name & designation of members of verification committee	Reasons in brief of ineligibility.	Remark
1	2	3	4	5	6	7

Jan/90 MKD 1990=147 days ACB-IT. D/s K. K. Das. Not completed  
 SDV/Ngg. 1991=113 " " DE(P.A)/Ngg. 240 days in any working years.  
 1992=142 " " 2) D.N. Borishya. ADT(MIS) SH.  
 1993=188 " " 3) M.R. Choudhury. SR AO (C)/Ngg.  
 1994=234 " " 1995=219 " " 1996=227 " " 1997=205 " "  
 upto May/1998=111 " "

R.H.  
 District Engineer (FOA)  
 G.O. No T.D. 13 14.00  
 Dated 15.05.98

All  
 u/s  
 Adv.

-25-

Entered in March 92 to Dec 92

U.S. District Court  
Southern District of New York

Jan to Dec 92

Accepted by  
Senior Telecom Officer  
(West)

Jan 92

25-	1	SS - Nassau	8
25-	2	SS - Nassau	8
25-	3	SS - Nassau	8
25-	4	SS - Nassau	8
25-	5	SS - Nassau	8
25-	6	SS - Nassau	8
25-	7	SS - Nassau	8
25-	8	SS - Nassau	8
25-	9	SS - Nassau	8
25-	10	SS - Nassau	8
25-	11	SS - Nassau	8
25-	12	SS - Nassau	8
25-	13	SS - Nassau	8
25-	14	SS - Nassau	8
25-	15	SS - Nassau	8
25-	16	SS - Nassau	8
25-	17	SS - Nassau	8
25-	18	SS - Nassau	8
25-	19	SS - Nassau	8
25-	20	SS - Nassau	8
25-	21	SS - Nassau	8
25-	22	SS - Nassau	8
25-	23	SS - Nassau	8
25-	24	SS - Nassau	8
25-	25	SS - Nassau	8
25-	26	SS - Nassau	8
25-	27	SS - Nassau	8
25-	28	SS - Nassau	8
25-	29	SS - Nassau	8
25-	30	SS - Nassau	8
25-	31	SS - Nassau	8

Attested  
Wan  
Advocate.

Certified that Sri. Ganukul Chandra Bora  
 son of Sri/Late Barjendra Chandra Bora an inhabitant  
Kamrup A.C. P.O. Nijhargal  
 P.S. Kamrup Dist. Nagaon Assam.

He is working in the Telecom Department as  
 Casual Mazdoor on A.C.G. - 17 since from  
 His presence is above 240 days every year during this period as  
 following :-

No. of days present on A.C.G. - 12

January, 1989 - nil	January, 1990 - 25	January, 1991 - 25
February 1989 - 25	February, 1990 - 22	February, 1991 - 24
March, 1989 - 23	March, 1990 - 23	March, 1991 - 25
April, 1989 - 26	April, 1990 - 26	April, 1991 - 25
May, 1989 - 22	May, 1990 - 25	May, 1991 - 26
June, 1989 - 21	June, 1990 - 26	June, 1991 - 23
July, 1989 - 25	July, 1990 - 24	July, 1991 - 23
August, 1989 - 23	August, 1990 - 26	August, 1991 - 24
Sept. 1989 - 24	Sept. 1990 - 27	Sept. 1991 - 25
Oct. 1989 - 24	Oct. 1990 - 20	Oct. 1991 - 22
Dec. 1989 - 28	Nov. 1990 - 15	Nov. 1991 - nil
	Dec. 1990 - 12	Dec. 1991 - nil

Total - 263 days

Total - 272 days

Total - 242 days

January 1992 - 23	January, 1993 - 25	January 1994 - 29
February 1992 - 24	February 1993 - 23	February 1994 - 23
March 1992 - 25	March 1993 - 25	March 1994 - 22
April 1992 - 25	April 1993 - 25	April 1994 - 19
May 1992 - 24	May 1993 - 24	May 1994 - nil
June 1992 - 25	June 1993 - 21	June 1994 - nil
July 1992 - 23	July 1993 - 20	July 1994 - nil
Aug. 1992 - 25	August 1993 - 23	August 1994 - nil
Sept 1992 - 23	Sept. 1993 - 25	Sept. 1994 - nil
Oct. 1992 - 22	Oct. 1993 - 22	Oct. 1994 - nil
Nov. 1992 - 20	Nov. 1993 - 22	Nov. 1994 - 23
Dec. 1992 - 21	Dec. 1993 - 20	Dec. 1994 - 24

Total - 280 days

Total - 278 days

Total - 140 days

January 1995 - 13 days	July 1995 - nil
February 1995 - 17 "	August 1995 - nil
March 1995 - 8 "	Sept. 1995 - 6 days
April 1995 - nil	Oct. 1995 - 16 "
May 1995 - nil	Nov. 1995 - nil
June 1995 - nil	Dec. 1995 - nil

Total - 60 days

*[Signature]*  
 (R.K. LABHAR)  
 21/11/95

Contd. Page - 2

Attest

*[Signature]*  
 Advocate

- 24 -

96

Certified that Sri Girakul Chand Boro son of

M/Lt. Baginam Boro an inhabitant of Village Kamunto P.O. Kamunto  
P.S. Kamunto Dist. Nagaon, Assam.

He is working in the Telecom Department under me as  
sincere casual Mazdoor on A.C.G. - 17 since from 1994 to 1995  
continuously. His presence is above 240 days every year  
during this period as follows :-

No. of days present on A.C.G. - 17.

January, 1994	NL	January, 1995	= 16
February, 1994	5	February, 1995	= 10
March, 1994	7	March, 1995	= 20
April, 1994	10	April, 1995	= 26
May, 1994	15	May, 1995	= 27
June, 1994	NL	June, 1995	=
July, 1994	NL	July, 1995	= NL
August, 1994	25	August, 1995	= NL
Sept. 1994	20	Sept. 1995	= NL
Oct. 1994	NL	Oct. 1995	=
Nov. 1994	20	Nov. 1995	= NL
Dec. 1994		Dec. 1995	= 28

Total = 240 days

Total = 240 days

Sd/- Roy R.M.  
25/12/95

Attested  
Wan  
Advocate.

25 -

38

N F T E

Telephone No. : 46622

# India Telecom Employees' Union

LINE STAFF & GROUP 'D'  
ASSAM CIRCLE : GUWAHATI  
Dr. J. C. Das Road, Panbazar, Guwahati-1

## PROFORMA.

1. Name of casual Mazdur : SRI DILIP KOMAR BORA.
2. Father's Name : Lali Chandra Kt. Bora.
3. Employment Exchange No. & Date : 1160/95 dt. 5/4/95
4. Village, P.O. & Dist. : Pub-Guimari, Pub-Guimari,  
Nagaron (Assam)
5. Date of entry in the Department : 1/1/89
6. Court case No. if any : 112 16 1998 : SL.No. 26
7. Working under whom at present : S.D.E (Phone's), Nagaron
8. Presently not working from :

Sri Dilip Kumar Bora

SIGNATURE OF MAZDUR.

Date :-

111

Attested

W Das  
Advocate.

Certified that Sri Dilip Kumar Bora son of Sri/Lt. Gihana Kanta Bora an inhabitant of Vill. Puls Guimaree  
P.O. Guimaree P.S. Kam pwe  
Dist. Nagaon : Assam.

He is working in the Telecom Department under me as sincere Casual Mazdoor on A.C.G.-17 since from 1989 to 1995 continuously. His presence is above 240 days every year during this period as follows :-

No. of days present on A.C.G. - 17.			
January, 1989 - 12	January, 1990 - 25	January, 1991 - 24	
February, 1989 - 22	February, 1990 - 24	February, 1991 - 24	
March, 1989 - 25	March, 1990 - 25	March, 1991 - 25	
April, 1989 - 23	April, 1990 - 28	April, 1991 - 26	
May, 1989 - 20	May, 1990 - 26	May, 1991 - 25	
June, 1989 - 22	June, 1990 - 25	June, 1991 - 23	
July, 1989 - 21	July, 1990 - 22	July, 1991 - 25	
August, 1989 - 24	August, 1990 - 24	August, 1991 - 21	
Sept. 1989 - 19	Sept. 1990 - 25	Sept. 1991 - 23	
Oct. 1989 - 23	Oct. 1990 - 24	Oct. 1991 - 22	
Nov. 1989 - 24	Nov. 1990 - 23	Nov. 1991 - 24	
Dec. 1989 - 26	Dec. 1990 - 25	Dec. 1991 - 26	
Total = 265 days		Total = 288 days	

January, 1992 - 21	January, 1993 - 20	January, 1994 - 26	
February, 1992 - 23	February, 1993 - 23	February, 1994 - 25	
March, 1992 - 25	March, 1993 - 24	March, 1994 - 8	
April, 1992 - 24	April, 1993 - 21	April, 1994 - 19	
May, 1992 - 22	May, 1993 - 25	May, 1994 - nil	
June, 1992 - 23	June, 1993 - 25	June, 1994 - nil	
July, 1992 - 22	July, 1993 - 23	July, 1994 - nil	
August, 1992 - 25	August, 1993 - 24	August, 1994 - nil	
Sept. 1992 - 24	Sept. 1993 - 24	Sept. 1994 - nil	
Oct. 1992 - 24	Oct. 1993 - 25	Oct. 1994 - nil	
Nov. 1992 - 21	Nov. 1993 - 26	Nov. 1994 - 23	
Dec. 1992 - 25	Dec. 1993 - 7	Dec. 1994 - 24	
Total = 279 days		Total = 125 days	

January, 1995 - 12	August, 1995 - nil
February, 1995 - 16	Sept. 1995 - 5
March, 1995 - 3	Oct. 1995 - 15
April, 1995 - nil	Nov. 1995 - nil
May, 1995 - nil	Dec. 1995 - nil
June, 1995 - nil	
July, 1996 - nil	
Total = 51 days	

*(R.K. Jashwan)*

*Advocate.*

Certified that Sri Sri Dilip Kumar Borah son of  
 Sri/Lt. Ganga K. Borah an inhabitant of Village -  
Phulbari P.O. Phulbari  
 P.S. Kamrup Dist. Nagaon : Assam.

He is working in the Telecom Department under me as  
 sincere Casual Handover on A.C.G.-17 since from 1994 to 1995  
 continuously. His presence is above 240 days every year  
 during this period as follows :-

No. of days present on A.C.G.-17.

January, 1994	Nil	January, 1995	
February, 1994	Nil	February, 1995	
March, 1994	Nil	March, 1995	
April, 1994	Nil	April, 1995	
May, 1994	Nil	May, 1995	
June, 1994	21	June, 1995	
July, 1994	12	July, 1995	
August, 1994	8	August, 1995	
Sept, 1994	7	Sept, 1995	
Oct, 1994	5	Oct, 1995	
Nov, 1994	Nil	Nov, 1995	
Dec, 1994	Nil	Dec, 1995	

53

Attested - S I (u)  
 D.L.G.  
 28.12.95

Attested

WDM  
 Advocate.



STATEMENT SHOWING DETAILS IN RESPECT OF CASUAL LABOURERS EMPLOYED  
 FROM 1-1-85 (ENCLOSING THE CASUAL LABOURERS EMPLOYED FROM  
 1-1-85 TO 22-5-88 FOR PROJECT/RAILWAY ELECTRIFICATION WORKS.)

1. Name of the casual labourers - *Shri Lalji Kishan Chavhan*
2. Date of Birth - *20/11/40 (Vaidh. Cert.)*
3. Date of Appointment as - *1/1/85*
4. Period of Service each year  
 1985, 86, 87, 88, 89, 90, 91, 92, 93  
 (Total No. working days) - *1/1/85 - 240 days  
 1986 - 300 days  
 1987 - 300 days  
 1988 - 300 days  
 1989 (July) - 100 days*
5. Whether Employment Exchange  
 procedure was followed or not, reason thereof - *1989 (July) - 100 days*
6. Reason for employing casual  
 labourers after 21-5-85 - *Due to shortage of labour  
 Hyderabad Shri Lalji Kishan Chavhan  
 for performing works.*
7. Officer who approved employ-  
 ment of casual labourers. - *J. T. O.*
8. The reason for discontinuance  
 of casual labourers service  
 inspite of orders for termination. - *The labour employed for  
 continuation of work was  
 to advantage of work.*

Signature of ST/LI period from *1/1/85* to *22/5/88*  
*(Signature)*

Signature of concerned JTO period from *1/1/85* to *22/5/88*

Counter signature for the period from *1/1/85* to *22/5/88*

SDOT, Sec 1

*(Stamp)*  
 J. T. O. Planning  
 Office No. 11/12, Nagpur

*certified for the year 1994*

Attended  
*was*  
*advocate*



Constitution of the State of Karnataka, 1962

State of Karnataka, 1962

Maharashtra, 1962

p/s same as Dist. Mangalore (1962) No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Under the provisions of the Mangalore District Revenue Act, 1962

Following—

Jan/88	21	Jan/90	26	Jan/92	22
Feb/88	17	Feb/90	26	Feb/92	19
March/88	24	March/90	25	March/92	16
April/88	23	April/90	26	April/92	19
May/88	25	May/90	26	May/92	19
June/88	18	June/90	26	June/92	19
July/88	19	July/90	26	July/92	19
Aug/88	20	Aug/90	26	Aug/92	19
Sept/88	18	Sept/90	26	Sept/92	19
Oct/88	19	Oct/90	26	Oct/92	20
Nov/88	20	Nov/90	26	Nov/92	20
Dec/88	20	Dec/90	27	Dec/92	20
Total	240	Total	312	Total	240
Jan/89	23	Jan/91	20	Jan/93	22
Feb/89	23	Feb/91	20	Feb/93	21
March/89	23	March/91	23	March/93	25
April/89	23	April/91	21	April/93	23
May/89	23	May/91	20	May/93	21
June/89	23	June/91	19	June/93	22
July/89	23	July/91	19	July/93	22
Aug/89	23	Aug/91	20	Aug/93	22
Sept/89	23	Sept/91	19	Sept/93	22
Oct/89	23	Oct/91	19	Oct/93	22
Nov/89	23	Nov/91	20	Nov/93	22
Dec/89	23	Dec/91	20	Dec/93	22
Total	302	Total	240	Total	240

October 1962  
S. I (0)

Attested  
Advocate.

29/10/94  
S. I. O. 194  
Office of T. O. 194

Confirmed that Sr. Luit Bayan is working  
under me as casual Muzdoo in ACH-17  
as follows in 1994 -

Jan'94 - 19 ds.

Feb'94 - 22 "

March'94 - 25 "

Aprl'94 - 17 "

May'94 - 28 "

June'94 - 25 "

July'94 - 26 "

---

163 ds.

22/8/94  
1000

Attn:  
WDM  
Advocate.

43

- 31 -

Bharat Sanchar Nigam Limited  
( A Govt. of India Enterprise )  
Office of the Telecom District Manager, Nagaon  
Nagaon - 782 001 (Assam)

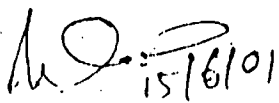
No. E - 182/CAT/O - 02/57. Dated at Nagaon the 15<sup>th</sup> June' 2001

To

Sri ..... Luit ..... Kr. .... Gayan .....  
..... S/o ..... Lakshmi Kt Gayan .....  
..... Vill: Murchoni P.O Cholechali Nagaon .....

Sub :- Verification of engagement particulars in pursuance of  
Court Case No. OA... - 315/8999 .....

You are hereby directed to appear before the Verification Committee  
with all relevant documents ( if any ) on the above mentioned subject on  
..... 22.06.2001 ..... During office hours at T.D.M. office Nagaon.

  
15/6/01  
S.D.E. (Admn)  
/O the T.D.M. Nagaon

Attested



Advocate.

-32-44

BEARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAOH ASSAM

Intimation to applicants of various CAT Cases

No.E-182/CAT/2000-01/6

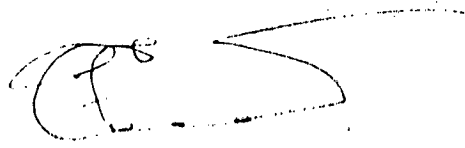
Dated at Nagaoh the 20-12-2000.

To,

Sri Luit K. Gayom.

Vill. Munhoni P. Chaloahali Dist. Nagaoh (Assam)

In order to justify your claim as casual worker under this office SSA a verification committee constituted for this purpose will scrutinize all the relevant documents in support of your claim. You are therefore hereby informed to submit your documents having particulars of date of engagement, No. of days worked each year for the period under review along with two copies passport size photograph duly attested by the concerned unit officer to this office on or before 25<sup>th</sup> Dec. 2000, so that the verification can be completed at the earliest.

  
S.D.F. (HRD)  
O.O the TDM Nagaoh

Attested

  
Advocate.

Statement showing details in respect of casual labourers recruited after 30.3.85 (Excluding the casual labourers recruited between 31.3.85 to 22.6.88 for railway/railway Electrification works).

1. Name of the casual labourer:- *Tarun Ch. Kalita*
2. Date of birth :- *30/2/68*
3. Date of appointment :- *1/1/1988*
4. Period of service each year:-  
1985, 86, 87, 88, 89, 90, 91, 92, 93 (Total No. working days)  
*1988 - 240  
1989 - 302  
1990 - 312  
1991 - 240  
1992 - 240  
1993 - 264*
5. Whether Employment exchange procedures were followed in the reason thereof. *240/88*
6. Reason for employing casual:-  
Labourers after 31.3.85. *Due to acute shortage of staff*
7. Officer who approved employment of casual labourers. *T.F.O.*

8. The reason for continuance:-  
of casual labourers recruited in spite of orders for termination. *Continuously engaged as there was no regular employee in the int of service.*

Signature of S.T./L.T. placed in charge of the work *Chetan Kumar S.O.*  
to.....

Signature of concerned J.O.

Counter signature for *C/S*

SDE(P)/B.D.O.T/Nagach/O.P.P./  
Hojai/SDE(G)/MOR.

*Tom '88 sec '93*  
UNRECORDED  
11/06/93  
AS per recommendation  
of J.O. Nagach  
S.D.O. Hojai  
Sub-Division, Hojai  
P.O. 782435  
tested  
WOM  
etc.

Certified that Shri. Tarun Chandra Kalita is  
an inhabitant of village Cholchali -  
Barak p.o. Halayaguri Dist.  
Nagaon (Assam). He is working under me as Casual Mazdoor on  
ACG-17 as follows.

Jan/88 - 20	Jan/90 - 26	Jan/92 - 19
Feb/88 - 20	Feb/90 - 24	Feb/92 - 18
March/88 - 25	March/90 - 24	March/92 - 19
April/88 - 21	April/90 - 25	April/92 - 19
May/88 - 20	May/90 - 26	May/92 - 18
June/88 - 19	June/90 - 25	June/92 - 19
July/88 - 18	July/90 - 24	July/92 - 22
Aug/88 - 19	Aug/90 - 26	Aug/92 - 20
Sept/88 - 19	Sept/90 - 27	Sept/92 - 21
Oct/88 - 18	Oct/90 - 28	Oct/92 - 25
Nov/88 - 19	Nov/90 - 27	Nov/92 - 20
Dec/88 - 22	Dec/90 - 28	Dec/92 - 20

Total... = 312      Total.... = 240

Jan/89 - 26	Jan/91 - 22	Jan/93 - 22
Feb/89 - 25	Feb/91 - 19	Feb/93 - 21
March/89 - 24	March/91 - 18	March/93 - 20
April/89 - 25	April/91 - 19	April/93 - 23
May/89 - 26	May/91 - 19	May/93 - 24
June/89 - 22	June/91 - 18	June/93 - 22
July/89 - 24	July/91 - 20	July/93 - 23
Aug/89 - 25	Aug/91 - 20	Sept/93 - 22
Sept/89 - 26	Sept/91 - 21	Oct/93 - 23
Oct/89 - 26	Oct/91 - 25	Nov/93 - 22
Nov/89 - 25	Nov/91 - 20	Dec/93 - 21
Dec/89 - 27	Dec/91 - 20	

Total... = 262      Total... = 240      Total... = 264

*Deben Patra*  
SIC

*59. 8. 2000*

*C/S*  
OFFICE OF THE  
JOINT SECRETARY  
GOVERNMENT OF ASSAM

Advocate

# 35 - ANNEXURE.

Details of findings by the verification committee of NAGAON SSA in case of  
 1. Taisan Ch. Kalia in the unit/office.....

1	2	3	4	5	6	7	
Date of engagement.	Authority of engagement.	No. of engage (A) Upto 1.8.98 for normal case (B) Year/ days for the cases because s // s us q /not t lls- e age- ment order by H ible Tribunal	Proof of payment document any.	Name & members of verification committee	desig of verifi tion	Reasons in brief of Ineligibility.	Remark

19/88 B A Gujor 1988 = 51 days ~~ACG=17~~ MIR D/s K.K. Dora. Not completed  
 1989 = 31 days MIR DE(P&A)/Ngg. 240 days in  
 1990 = 173 days ACG=17. army working  
 1991 = 232 days M 2) " D. N. Boushna years.  
 1992 = 238 days " AD (ms) GH.  
 1993 = 192 days " 3) " M. R. Choudhury.  
 1994 = 192 days " Ee AO (e)/Ngg.  
 1995 = 189 days "  
 1996 = 50 " "  
 1997 = 188 " "  
 upto May 1998 = 126 " "

6/11  
 District Engineer (P&A)  
 O/O the I.D.M. Nagaon  
 Nagaon-781001

Am  
 udm  
 Adv.

48

- 36 -

Annexure-1

Absorption of Casual Labours  
Supreme Court directive Department of Telecom take back all  
Casual Mazdoors who have been disengaged after 30.3.85.

In the Supreme Court of India  
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. .... Petitioners.

-versus-

Union of India & ors .... Respondents.

With

Writ Petition Nos 1246, 1248 of 1986 176, 177 and 1248 of  
1988.

Jant Singh & ors etc. etc. .... Petitioners.

-versus-

Union of India & ors. .... Respondents.

#### ORDER

We have heard counsel for the petitioners. Though  
a counter affidavit has been filed no one turns up for the  
Union of India even when we have waited for more than 10  
minutes for appearance of counsel for the Union of India.

The principal allegation in these petitions under  
Art 32 of the Constitution on behalf of the petitioners is  
that they are working under the Telecom Department of the  
Union of India as Casual Labourers and one of them was in  
employment for more than four years while the others have  
served for two or three years. Instead of regularising them  
in employment their services have been terminated on 30<sup>th</sup>  
September 1988. It is contended that the principle of the  
decision of this Court in Daily Rated Casual Labour Vs.  
Union of India & ors. 1988 (1) Section (122) squarely  
applies to the petitioner though that was rendered in case  
of Casual Employees of Posts and Telegraphs Department. It  
is also contended by the counsel that the decision rendered  
in that case also relates to the Telecom Department as  
earlier Posts and Telegraphs Department was covering both  
sections and now Telecom has become a separate department.  
We find from paragraph 4 of the reported decision that  
communication issued to General Managers Telecom have been  
referred to which support the stand of the petitioners.

By the said Judgment this Court said :

Attested  
[Signature]  
[Signature]



36A -

" We direct the respondents to prepare a scheme on a rational basis for absorbing as far possible the casual labourers who have been continuously working for more than one year in the posts and Telegraphs Department".

We find the though in paragraph 3 of the writ petition, it has been asserted by the petitioners that they have been working more than one year, the counter affidavit does not dispute that petition. No distinction can be drawn between the petitioners as a class of employees and those who were before this court in the reported decision. On principles, therefore the benefits of the decision must be taken to apply to the petitioners. We accordingly direct that the respondents shall prepare a scheme on a rational basis absorbing as far as practical who have continuously worked for more than one year in the Telecom Deptt. and this should be done within six months from now. After the scheme is formulated on a rational basis, the claim of the petitioners in terms of the scheme should be worked out. The writ petitions are also disposed of accordingly. There will be no order as to costs on account of the facts that the respondents counsel has not chosen to appear and contact at the time of hearing though they have filed a counter affidavit.

Sd/-

( Ranganath Mishra) J.

New Delhi

April 17, 1998.

Sd/-

( Kuldeep Singh) J.

37 -  
ANNEXURE-12

CIRCULAR NO. 1  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

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.

38 -

3.3. No Casual Labourer who has been recruited after 33.3.85 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 SMF/78/98 dated 27.9.89.

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.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

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

MCG/SEA/TE -II/IPS/Admn. I/CSE/PAT/SPB-I/SR Secs.

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Attch

W.D. Advoca

- 39 -

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, 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.

1) 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

be (206 days

in case of offi

labourers will be designated as Temporary Mazdoor.

Attested  
under  
Advocate.

53  
40 -  
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 any where 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.

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,MRA, 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-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.

Attended

WDas

Advocate.

57  
- 41 -  
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 a 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 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.

@@@

Attested  
WDM  
Advocate.

- 42 -

Annexure-3

EXTRACT.

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

NO.66-52/92-SPB/I

dated 1.11.95.

I am directed to refer to the scheme on the above subject issued by this office vide letter No 45-95/87 SPB-I dated 12.4.91 and 66-9/91-SPB-I dated 30.11.92 as per which full time casual labourers who were in employment as on 29.11.89 were eligible to be conferred "temporary status" on satisfying other eligibility conditions.

The question of extending the benefit of the scheme to those full time casual labourers who were engaged /recruited after 29.11.89 has been considered in the office in the light of the judgement of the CAT Ernakulam Bench delivered on 13.3.95 in O.A. No 750/94 .

It has been decided the full time casual labourers recruited after 29.11.89 and up to 10.9.93 may also be considered for the grant of benefit under the scheme.

This issue with the approval of I.S and P.A. vide Dy. No 2423/95 dated 9.10.95.

Attested  
- 42 -  
Advocate

56  
- 43 -  
ANNEXURE-4.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

Date of order : This the 13th day of August, 1997.

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. .... Applicants.

- Versus -

Union of India & Ors. .... Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. .... Applicants.

- Versus -

Union of India & Ors. .... Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have prayed for a direction to the respondents to



57

- 44 -

give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

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

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers(Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation) Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of

58

45

the Tribunal dated 13.3.1975 passed in O.A.No.750/94 . Pursuant to that judgment, the Govt.of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman ,Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

*Attended  
W.D. on  
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.107 of 1998 and others.  
Date of decision : This the 31 st day of August 1999.

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

The Hon'ble Mr.G.L.Sanglyine, Administrative Member.

1. O.A. No.107/1998

Shri Subal Nath and 27 others. .... Applicants.  
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda

- versus -

The Union of India and others. .... Respondents.  
By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

\*\*\*\*\*

2. O.A. No.112/1998

All India Telecom Employees Union,  
Line Staff and Group- D and another..... Applicants.  
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.

- versus -

Union of India and others. .... Respondents.  
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.

\*\*\*\*\*

3. O.A.No. 114/1998

All India Telecom Employees Union  
Line Staff and Group-D and another. .... Applicants.  
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.

- versus -

The Union of India and others ..... Respondents.  
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.

\*\*\*\*\*

4. O.A.No.118/1998

Shri Bhuban Kalita and 4 others. .... Applicants.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda  
and Ms.N.D. Goswami.

- versus -

The Union of India and others. .... Respondents.  
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.

\*\*\*\*\*

5. O.A.No.120/1998

Shri Kamala Kanta Das and 6 others ..... Applicant.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda

Attested  
u/s

12/08/99

43 - 47 -

and Ms. N.D. Goswami.

- versus -

The Union of India and Others . . . . . Respondents.

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

.....

6. O.A.No.131/1998

All India Telecom Employees Union and  
another.....Applicants.

By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

The Union of India and others. . . . . Respondents.

By Advocate Mr. B.C. Patha, Addl.C.G.S.C.

.....

7. O.A.No.135/98

All India Telecom Employees Union  
Line Staff and Group-D and 6 others. . . . . Applicants.

By Advocates Mr.B.K.Sharma, Mr.S.Sarma and  
Mr.U.K.Nair.

- versus -

The Union of India and others . . . Respondents.,

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

.....

8. O.A.No.136/1998

All India Telecom Employees Union,  
Line Staff and Group-D and 6 others. . . . . Applicants.

By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

The Union of India and others. . . . . Respondents.

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

.....

9. O.A.No.141/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another . . . . . Applicants.

By Advocates Mr.B.K.Sharma, Mr.S.Sarma  
and Mr.U.K.Nair.

- versus -

The Union of India and others . . . . . Respondents.

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

.....

10. O.A. No.142/1998

All India Telecom Employees Union,  
Civil Wing Branch. . . . . Applicants.

By Advocate Mr.B.Malakkar

- versus -

The Union of India and others. . . . . Respondents.

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

.....

11. O.A. No.145/1998

Shri Dhani Ram Deka and 10 others. . . . . Applicants

By Advocate Mr.I.Hussain.

- versus -

The Union of India and others. . . . . Respondents.

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

.....

AMENDED  
W.Am  
Advocate

61

- 48 -

12. O.A.No. 192/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By Advocates Mr.B.K. Sharma, Mr.S.Sarma  
and Mr.U.K.Nair.

-versus-

The Union of India and others..... Respondents  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....

13. O.A.No.223/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma.

- versus -

The Union of India and others .. Respondents.  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....

14. O.A.No.269/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
Mr.U.K.nair and Mr.D.K.Sharma

- versus -

The Union of India and others .. Respondents.  
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.

15. O.A.No.293/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
and Mr.D.K.Sharma.

- versus -

The Union of India and others .. Respondents.  
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.  
.....

O R D E R

BARUAH.J. (V.C.)

All the above applicants involve common question of law and similar facts. Therefore, we propose to dispose of all the above applications by a common order.

2. The All India Telecom Employees Union is a recognised union of the Telecommunication Department. This union takes up the cause of the members of the said union. Some of the applicants were submitted by the said union, namely the Line Staff and Group-D employees and some other

67  
- 49 -

application were filed by the casual employees individually. Those applications were filed as the casual employees engaged in the Telecommunication Department came to know that the services of the casual Mazdoors under the respondents were likely to be terminated with effect from 1.6.1998. The applicants in these applications, pray that the respondents be directed not to implement the decision of terminating the services of the casual Mazdoors, but to grant them similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s, however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt. of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme,

63

- 50 -

such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits were further extended to the casual labourers of the Department of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. No.s 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.As.

64  
51 -

4. At the time of admission of the applications, this Tribunal passed interim orders. On the strength of the interim orders passed by this Tribunal some of the applicants are still working. However, there has been complaint from the applicants of some of the O.A.s that in spite of the interim orders those were not given effect to and the authority remained silent.

5. The contention of the respondents in all the above O.As is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become members or office bearers to the staff union. Further, the respondents have stated that the names of the casual employees furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As were engaged by persons having no authority and without following the formal procedure for appointment/engagement. According to the respondents such casual employees are not

Attended  
WDM



15  
- 52 -

entitled to re-engagement or regularisation and they can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A. Nos.302 and 229 of 1996 the respondents have filed writ application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

6. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I. Hussain and Mr.B.Malakar, learned counsel appearing on behalf of the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. and Mr.B.C. Pathak, learned Sr.C.G.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counser for the applicants also submits that the respondents can not put any

- 6A - 53 -

cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued directin for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

7. On hearing the learned counsel for the parties we feel that the applications require further examination regarding the factual position. Due to the paucity of material it is not possible for this Tribunal to come to a definite conclusion. We, therefore, feel that theb matter should be re-examined by the respondents themselves taking in to consideration of the submissions of the learned counsel for the applicants.

8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually, the respondents shall scritinise and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

WDM

22/10/14

ANNEXURE. 16

- 54 -  
No.269-13/99-STN-II  
Government of India  
Department of Telecommunications  
Sanchar Bhawan  
STN-II Section  
New Delhi

Dated 1.9.99.

To

All Chief General Managers Telecom Circles,  
All Chief General Managers Telephones District,  
All Heads of other Administrative Offices  
All the IFAs in Telecom. Circles/Districts and  
other Administrative Units.

Sub: Regularisation/grant of temporary status to Casual  
Labourers regarding.

Sir,

I am directed to refer to letter No.269-4/93-STN-II  
dated 12.2.99 circulated with letter No.269-13/99-STN-II  
dated 12.2.99 on the subject mentioned above.

In the above referred letter this office has conveyed  
approval on the two items, one is grant of temporary status  
to the Casual Labourers eligible as on 1.8.98 and another on  
regularisation of Casual Labourers with temporary status who  
are eligible as on 31.3.97. Some doubts have been raised  
regarding date of effect of these decision. It is therefore  
clarified that in case of grant of temporary status to the  
Casual Labourers, the order dated 12.2.99 will be effected  
w.e.f. the date of issue of this order and in case of  
regularisation to the temporary status Mazdoors eligible as  
on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

GOVT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON (ASSAM).

NO:E-182/CAT/Pt.II/30

Dated at Nagaon, the 14th July"2000.

To

Sri Gajen Zewraja  
vill: Khaplangkuli P.O. Raha

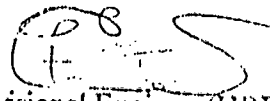
SPEAKING ORDER

In pursuance of the Hon'ble CAT Guwahati Case No:192/98. Your representation was received through the SDO T(6)/Nagaon. Your case was scrutinised by a Committee formed by the Chief General Manager Telecommunication, Assam Circle, Guwahati-7.

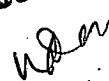
The above committee had scrutinised and examined your representation as well as the payment particulars and wages paid to you in respect of the years under review by the disbursing authority.

The said scrutiny and verification of the relevant documents revealed that in any of the years the No. of days worked by you was below the requisite No. of days (i.e.240 days).

As such your claim for conferment of Temporary Status Mazdoor could not be entertained.

  
Sub-Divisional Engineer(HRD),  
O/O the T.D.M., Nagaon.

Attested

  
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Annexure - 8

- 57 -

19

Original Application No.316 of 2000

Date of Order: This the 28th Day of September 2001

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

1. Shri Sukleswar Kumar & 20 others.  
Department of Telecommunication,  
Nagaon Telecom Division

By Advocate Mr.B.K.Sharma, Mr.S.Sarma, Mr.U.K.Nair

-Vs-

1. The Union of India, Represented by the  
Secretary to the Ministry of Communication,  
New Delhi.
2. The Chief General Manager,  
Assam Telecom Circle,  
Guwahati-1
3. The Telecom District Manager,  
Nagaon, Telecom Division.

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

O R D E R.

D.N.CHOWDHURY, J(VC):

The issue pertains to conferment of temporary status involving 21 Casual Labourers. The applicant No.1 Shri Sukleswar Kumar had expired, the other twenty numbers applicants alongwith Shri Sukleswar Kumar moved this Tribunal on earlier occasion for conferment of temporary status. The Tribunal passed an order in O.A.No.107 of 98 and series including the O.A.No.192 of 98, dated 31.8.99 and disposed of all the O.As. including that O.A.No.192 of 98. Vide order dated 31.8.99 the Tribunal directed the Respondents to submit representations individually within a specific period. It was further ordered that if such representations were presented the respondents would be examined and scrutinised and pass orders thereafter in consultation with the records. In pursuance

contd/-2

Attested  
W.Dem  
Advocate.

the order of the Tribunal the respondents was caused scrutiny of the case of the applicant by a Committee constituted by the Chief General Manager Telecommunication, Assam Circle. Vide order dated 14.7.2000 the applicant was informed that the committee had scrutinised and examined the representation as well as the payment particulars and wages paid to the applicant. It was interalia ordered that on the scrutiny and verification of the relevant documents that none of the applicants had completed 240 days. Hence this application.

Mr.S.<sup>S</sup>arma learned counsel appearing on behalf of the applicant contended that the respondents had failed to consider the materials made available by the applicant and thus fell into error in its decision making process which was scrutinised by the committee. Counter in the argument Mr.B.C.Pathak, Addl.C.G.S.C. contended that the authority considered all the relevant records and thereafter came to the lawful conclusion.

From the written statement it transpires that out of 20 applicants some of them nearly worked for 240 days. The applicant No.4 Shri Gakul Bora worked for in 1993 - 188 days, in 1994 - 234 days, in 1995 - 219 days, in 1996-227 days, in 1997 - 205 days, in 1998 - 111 days. Likewise applicant No.5 Shri Dilip Kumar Bora rendered service in 1991 - 288 days, in 1992 - 279 days, in 1993 - 267 days, in 1994 - 125 days, in 1995 - 51 days, in 1997 - 205 days, in 1998-105 days up to May. The applicant No.12 Shri Luit Kumar Gayaon worked for in 1991 - 240 days, in 1992 - 240 days, in 1993 - 268 days, in 1994 - 163 days. Similarly, Shri Tarun Kalita rendered service in 1991 - 240 days, in 1992 - 240 days, in 1993 - 264 days. The applicant No.19 Shri Gajen Dew Raja

contd/-3

Attested

advocate.

- 59 -

rendered services for 234 days in 1994, 225 days in 1996, 222 days in 1997 with artificial break. He also proyata completed the prescribed period.

From the facts mentioned above it is clearly stated that the applicant No.4 Shri Gakul Bora, applicant No.5 Shri Dilip Kumar Bora, applicant No.12, Shri Luit Kumar Gayaon, applicant No.15 Shri Tarun Chandra Kalita rendered 240 days and applicant No.19 Gojen Dew Raja rendered 240 days. They are thus entitled for conferment of temporary status. Therefore, the respondents are ordered to take necessary steps for conferment of temporary status to the aforementioned five persons viz Sri Gokul Bora, Dilip Kr. Bora, Luit Kumar Gayaon Sri Tarun Ch. Kalita and Gojen Deo Raja. Devi Rani Paul She was converted to a full time casual labourer on 18.5.2001 who had completed her service 240 days as per Departmental Rules. The respondents are ordered to take all the remedial measure for providing her the necessary benefits under the scheme.

Subject to the observations and directions the application of the applicants No.4,5,12,15,19 are allowed. Subject to the directions made the application of the Applicant Devi Rani Paul stands disposed. The application of of Applicant stood abated. The applications of the remaining other applications stood dismissed. The dismissal of their application shall not preclude them from claiming any lawful benefit admissible under the law. No costs.

LM

(D.N.CHOWDHURY)  
VICE-CHAIRMAN

Attested

*W.D.*  
Advocate.

Annexure-9

Bharat Sanchar Nigam Limited  
( A Govt. of India Enterprise )  
Office of the Telecom District Manager, Nagaon  
Nagaon - 782 001 (Assam)

No. E - 182/CA/01-02/ST Dated at Nagaon the 15<sup>th</sup> June 2001

To

Sri ..... Gejjen Dewnaja.....

.....s/o..... Jahanlal Dewnaja.....

.....vill: Kharplongknsahi P.O. Raha Nagaon.....

Sub :- Verification of engagement particulars in pursuance of  
Court Case No. OA.....316/2000.....

You are hereby directed to appear before the Verification Committee  
with all relevant documents ( if any ) on the above mentioned subject on  
.....21.06.2001..... During office hours at T.D.M. office Nagaon.

S.D.E. (Admin)  
O/O the T.D.M. Nagaon



~~6L~~ - Annexure - 10<sup>th</sup>

BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM

2318/2001  
R.L. 19/7/357  
No.E-182/CAT/2001-02/

Dated at Nagaon the 13-08-2001.

To,

Sri Gajen Dewraja.  
Vill- Khaplangkushi, P.O.Raha.  
Dist-Nagaon (Assam.)

Dear Sir,

As you are aware that as per direction given by Hon'ble CAT Guwahati Bench, Guwahati in OA No.s192/98 & 316/2001, the department constituted verification committees for different SSAs/Units under the circle for conducting detailed verification/Scrutiny about the No.of days of engagement yearwise in different units/offices and also to collect proof/evidence for such casual labourer including yourself. The committee verified all the documentary as well other proof from the various units/offices and also personally/interviewed such casual labourer including you on 21-06-2001 in our office, the committee comprised of three members namely: 1.Sri K.K.Das, DE(P&A) O/O the TDM Nagaon, 2.Sri D.N.Baishya, ADT(MIS) O/O the CGMT/Guwahati, 3.Sri M.R.Choudhury, Sr. A.O.(Cash) O/O the TDM Nagaon.

The aforesaid committee submitted its report to the Department detailing all about their finding/proof against each casual labourer including you. The detail report is enclosed and furnished herewith on in annexure for your information.

Under the above circumstances as you could not satisfy the eligibility criteria as laid down in the scheme for conferment of TSM/regularisation, your case could not be considered favourably. Please take notice that, you have not been in engagement under the department since June.1998 and the department is bound to consider only the cases of such eligible casual labourers for conferment of TSM against such vacancies/works. This is done in accordance with the Hon'ble Tribunal's order/and also to stay/statusquo that was directed to be maintained.

Encl: As above.

*Q.L.*  
Divisional Engineer (P&A)  
O/O the TDM Nagaon.

AMC  
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 289/2001, 364/2001, 366/2001, 372/2001, 403/2001, 109/2002 and 160/2002.

Date of Order : This the 3rd Day of September, 2002.

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

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

O.A. 289 of 2001

1. Sri Dondi Ram Gayan,
  2. Sri Gobin Nath,
  3. Sri Joy Gopal Das,
  4. Sri Kandeswar Konwar.
  5. Md Abdul Gafar Choudhury,
  6. Sri Thanu Ram Jha,
  7. Md. Abul Kalam and
  8. Sri Anup Bora
- By Advocate Sri S.Sarma.

. . . Applicants

- Versus -

Union of India & Ors.

. . . Respondents

By Advocate Sri A. Deb Roy, Sr.C.G.S.C.

O.A. 364 of 2001

Sri Deo Kumar Rai  
By Advocate Sri S.Sarma.

. . . Applicant

- Versus -

Union of India & Ors.

. . . Respondents.

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

O.A. 366 of 2001

Sri Jun Das,  
By Advocate Sri S.Sarma.

. . . Applicant

- Versus -

Union of India & Ors.

. . . Respondents

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

O.A. 372 of 2001.

Sri Khitish Deb Nath  
By Advocate Sri S.Sarma

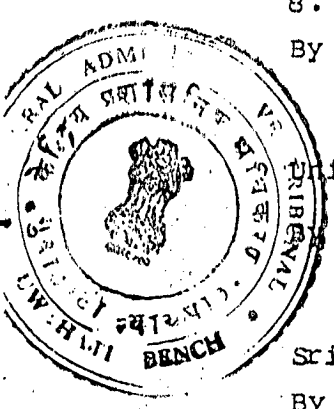
. . . Applicant

- Versus -

Union of India & Ors.

. . . Respondents.

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



Attested  
by  
Advocate.

58 = 63 -

O.A. 403 of 2001

1. Md Nurmahammad Ali,  
2. Md Sahabuddin Ahmed,  
3. Md Alamid Choudhury,  
4. Md Harimurraman Ali,  
5. Sri Benudhar Das and  
6. Md. Tafik Ali  
By Advocate Sri B.Malakar

. . . Applicants

- Versus -

Union of India & Ors.

. . . Respondents.

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

O.A. 109 of 2002

Sri Dilip Kumar Tante  
By Advocate Sri N.Borah.

. . . Applicant

- Versus -

Union of India & Ors.

. . . Respondents

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

O.A. 160 of 2002

1. Th. Subendra Singh  
2. All India Telecom Employees Union  
Line Staff and Group-D,  
Manipur Division, Imphal  
represented by Divisional Secretary,  
Sri M.Kulla Singh

. . . Applicants.

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

. . . Respondents.

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



O R D E R

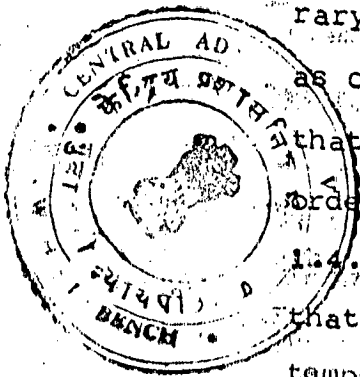
CHOWDHURY J.(V.C)

The issue involved in these cases pertains to conferment of temporary status in the light of the scheme prepared by the Telecom Department pursuant to the decision of the Supreme Court in Ram Gopal and others vs. Union of India and others dated 17.4.90 in Writ Petition(C) No. 1280 of 1989. Keeping in mind the plight of the casual

contd..3

Attested  
Advocate.

labourers the Supreme Court in the above mentioned case directed the authority to prepare a scheme on rational basis for absorbing as far as possible casual labourers those who continuously worked for more than one year in the telecom department. The department of Telecom also followed the suit and prepared a scheme of conferment of temporary status on casual labourers who were employed and have rendered continuous service for more than one year in the telecom department. Accordingly the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" was prepared. By order dated 1.9.99 the Government of India, Department of Telecommunications mentioned about its approval on grant of temporary status to the casual labourers who were eligible as on 31.3.97. By the said communication it was clarified that the grant of temporary status to the casual labourers order dated 12.2.99 would be affective with effect from 1.4.97. By the said communication it was also clarified that the persons would be eligible for conferment of temporary status who were eligible as on 1.8.98. It may be mentioned that the said communication was issued to the authorities for judging the eligibility on 1.8.98 and did not naturally mean that one was to be in service on the date prescribed. on 1.8.98, what was insisted was to attain the eligibility. Numerous applications were filed before us for conferment of temporary status in the light of the scheme. In some of the cases we directed the authority to consider the cases and to pass appropriate order. In some of the cases the authority passed orders rejecting their claim. Against which the aggrieved person moved this Tribunal by way of these applications. In some of the applications written



contd..4

Attested  
NOM  
Advocate

statements were filed and some documents also annexed. On assessment of documents it appears that there was no conformity with the findings reached by the authority alongwith the records produced regarding their engagements. In some cases records indicated that they were engaged for more than 240 days, whereas in the finding they were shown that they did not served for 240 days. In our opinion the matters requires a fresh re-consideration by a responsible authority so that cases of eligible casual labourers are fairly considered. To cite example with the case of O.A.372/2001 the Verification Committee report dated 12.3.02 was shown to us. The Committee consisting of S.C.Tapadar, D.E.(Admn), N.K.Das, C.A.O (Finance) and G.C.Sharma, ADT(Legal) verified and mentioned that the applicant did not complete 240 days in a calender year, whereas again column No. of days yearwise/monthwise in the Annexure the authority referred to his engagement from August 97 to August 98 which comes around 240 days on arithmatical calculation. By another verification committee meeting dated 12.3.2002 consisting of M.C.Pator, D.E(Admn), N.K.Das, C.A.O(Finance) and S.C.Das, ADT(Legal) Circle Office, Guwahati. The committee stated that the applicant completed 45 days in 1994, 20 days in 1995, 24 days in 1996, 15 days in 1997 and one day in April, 1998. The documents contradict itself. We are of the opinion that such type of enquiry or verification committee does not inspire confidence, it was seemingly done in sloven and slip shod fashion. On the other hand it should be entrusted to a responsible authority who would act rationall and responsively. After all it involves to the livelihood of persons concerned and the commitments of the Government.



10/11/01  
wom

66

78

We have perused

background story of the scheme which itself reflected the approval of the authority for absorption of those people for giving the benefit of Government of India at the instance of the Supreme Court. The counsel for the respondents however pointed out that there is a big change in the administrative <sup>set up</sup> of the Telecom department. Referring to the new telecom policy of the Government of India 1999, whereby it decided to corporatise the Telecom department <sup>through</sup> Bharat Sanchar Nigam Limited and stated that the matters are now within the domain of the BSNL. We are basically concerned in these applications as to the absorption of those casual labourers who were worked under the telecom department as on 1.8.98 and who were eligible for grant of temporary status as on that day. The office memorandum No.269/94/98 STN.II dated 29.9.2000 itself indicated the commitment of the authority for regularisation of the casual labourers. It also appears from the communication issued by the department of Telecommunication dated 3.9.2002 which expressed its concern for resolving the situation. Mr B.C.Pathak, learned Addl.C.G.S.C sought to raise a question of maintainability in some of the cases where BSNL is a party. BSNL since not notified under Section 14(2), the Tribunal has no jurisdiction to entertain the matter. In these applications the real issue is absorption of the casual labourers those who worked under the telecom department from 1.8.98. The respondents, more particularly, Telecom department committed to its policy for regularisation of such employees. In the circumstances we are of the opinion it will be a fit case to issue appropriate direction to the department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for considering the case of these applicants afresh by constituting a responsible committee to go through it for <sup>all</sup> once for <sup>all</sup> and

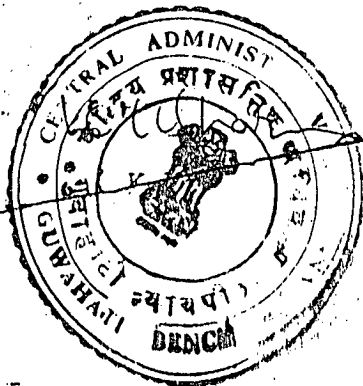


Attested  
Advocate

79 - 67 -

scan their records and if in the end it found these people really fulfilled the requirement it will issue appropriate direction to the concerned authority for conferment of temporary status and their absorption as per the scheme. It is expected that the authority shall take appropriate steps after verifying the records and pass appropriate order by notifying these persons concerned. This exercise shall not be confined only to the applicants and the authority shall also deal with the cases left out from the process and examine their case independently. The matters are old one therefore we expect that the authority shall act with utmost expedition and complete the exercise as early as possible preferably within four months from the date of receipt of this order.

With these the applications stand disposed of.  
There shall, however, be no order as to costs.



Sd/ VICE CHAIRMAN  
Sd/ MEMBER (ADM)

TRUE COPY  
प्रतिलिपि

Admission  
WDA  
Advocate

for 24/10/2022  
Section Officer (I)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005



भारत संचार निगम लिमिटेड  
(भारत सरकार का उपक्रम)  
**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)

OFFICE OF THE CHIEF GENERAL MANAGER  
ASSAM CIRCLE/GUWAHATI

No. RECTT-3/10/PT-1/83

Dtd 16.02.2004

The approval of competent authority is hereby conveyed for regularization in the post of RM for 61(sixty-one) TSMs and 27 (Twenty-seven) full-time casual labourers working in the different SSAs as particularized in the annexure. These TSMs and the full-time casual labourers are regularized as RM within the circle ceiling limit and the sanctioned strength of the post of R.M. in the different SSAs are hereby created and enhanced to the extent of the regularization and posting as RM in that SSA.

The TSMs and full-time casual labourers after observing all departmental formalities are to be provisionally appointed as RM and be posted in the SSAs shown against their names. The final appointment is subject to clearance of PVR which are to be obtained from respective administrative authorities. The provisional appointments as RM are to be issued to the regularized TSMs and full-time casual labourers on reporting in the SSA by the respective SSAs after observing the pre-appointment formalities as follows:-

- Photo-Identity
- Age Proof Certificate
- Caste certificate
- Duly filled in Attestation forms(in triplicate) by TSMs & F/T C/Ls.

The respective SSAs are to arrange for above pre-appointment formalities in respect of all TSMs and full-time casual labourers pertaining to SSA whether they are posted in their own SSA or outside their SSA and also have to send above documents to the SSAs in which they are posted in case of their posting outside the SSA as shown.

The TSMs and full-time casual labourers so regularized as RM must join in respective SSA of posting within 30(thirty) days of issue of this order and the concerned SSA must release the officials in time accordingly. No one should be allowed to join beyond the date without the approval of the Circle Office.

The regularized employees will be BSNL employees. This is one time measure for regularization for the listed officials in particular as RM and posting/appointment thereof. Their cases will not be reopened for consideration for regularization, appointment and posting in isolation in future.

Compliance of follow-up action be intimated to this office in time.

(A.K.Chelleng)

Asstt General Manager(Admin)

Copy to :-

- 1-6 The GM,DR/JRT/TZ/BGN/KTD/SC.
7. The TDM,Nagaon.
- 8-9 The Chief Engineer(civil)/(Electrical)
10. The ADT (Staff),Circle Office,Guwahati.
11. Unions & Notice Board.✓

*(J.N. MISHRA)*  
The Circle Secretary,  
BSNL Employees Union,  
Guwahati.

VC/1 MISC/5

For Chief General Manager Telecom  
Assam Circle/Guwahati

Attest  
Advocate



- 69 -  
SSA WISE LIST OF TSM AND FIT C/L POSTED AT DIFFERENT SSAs ON  
REGULARIASATION

Sl.No	Name of TSM	TSM/FT C/L	Working SSA	Date of entry In the Deptt	Date of conferment of TSM/Conversion to F/T	Posted to
1	Sri Nirmal Das	TSM	DR	01/01/1993	01/09/1999	DR
2	Sri Sankar Bhadra	TSM	DR	01/10/1993	01/09/1999	DR
3	Sri Ranjit Sonowal	TSM	DR	22/12/1994	01/09/1999	DR
4	Sri Khargeswar Phukan	TSM	DR	01/01/1995	01/09/1999	DR
5	Mrs. Mahari Basfore	TSM	DR	01/09/1995	01/09/1999	DR
6	Sri Mahendra Kumar	TSM	DR	01/09/1995	01/09/1999	NGG
7	Sri Pawan Konwar	TSM	JRT	01/01/1993	01/09/1999	NGG
8	Sri Prabin Dutta	TSM	JRT	01/01/1993	01/09/1999	NGG
9	Sri Rajib Bora	TSM	JRT	01/01/1993	01/09/1999	NGG
10	Sri Dipu Bora	TSM	JRT	01/01/1993	01/09/1999	NGG
11	Sri Ranjit Sharma	TSM	JRT	02/01/1993	01/09/1999	NGG
12	Sri Hari Kl. Gogoi	TSM	JRT	07/01/1993	01/09/1999	NGG
13	Sri Dimbeswar Gogoi	TSM	JRT	07/01/1993	01/09/1999	NGG
14	Sri Deva Dutta	TSM	JRT	07/01/1993	01/09/1999	NGG
15	Sri Lulu Konwar	TSM	JRT	07/01/1993	01/09/1999	NGG
16	Sri Ratneswar Changmai	TSM	JRT	07/01/1993	01/09/1999	NGG
17	Sri Prasanta Buragohain	TSM	JRT	08/01/1993	01/09/1999	NGG
18	Sri Amulya Dutta	TSM	JRT	08/01/1993	01/09/1999	NGG
19	Sri Jatin Keot.	TSM	JRT	09/01/1993	01/09/1999	SC
20	Sri Ajoy Hazarika	TSM	JRT	10/01/1993	01/09/1999	SC
21	Sri Nirmal Changmai	TSM	JRT	12/01/1993	01/09/1999	SC
22	Sri Jagat Borgohain	TSM	JRT	01/08/1993	01/09/1999	SC
23	Sri Pabitra Kalita	TSM	JRT	02/01/1994	01/09/1999	SC
24	Sri Jinturaj Khanikar	TSM	JRT	03/01/1994	01/09/1999	SC
25	Md. Munan Ali	TSM	JRT	11/01/1994	01/09/1999	SC
26	Sri Sarbeswar Koch	TSM	JRT	05/01/1995	01/09/1999	SC
27	Sri Jaiprakash Sahu	TSM	JRT	11/01/1995	01/09/1999	SC
28	Sri Purna Bora	TSM	JRT	07/01/1996	01/09/1999	SC
29	Sri Ajoy Bora	TSM	JRT	07/01/1996	01/09/1999	SC
30	Sri Biren Konwar	TSM	JRT	09/01/1996	01/09/1999	SC
31	Sri Tanu Gogoi	TSM	JRT	02/01/1997	01/09/1999	SC
32	Sri Sanjib Bora	TSM	JRT	02/01/1997	01/09/1999	SC
33	Sri Haren Das	TSM	KTD	01/01/1995	01/09/1999	NGG
34	Sri Subal Ch. Das	TSM	KTD	03/02/1995	01/09/1999	NGG
35	Sri Dulal Dey.	TSM	KTD	24/02/1995	01/09/1999	NGG
36	Sri Brajen Boro	TSM	KTD	01/03/1995	01/09/1999	NGG
37	Sri Joy Sankar Pandey.	TSM	KTD	01/03/1995	01/09/1999	BGN
38	Sri Munindra Mandal	TSM	KTD	01/03/1995	01/09/1999	NGG
39	Sri Pradip Kakati	TSM	KTD	01/03/1995	01/09/1999	NGG
40	Sri Manohari Kalita	TSM	KTD	01/04/1995	01/09/1999	BGN
41	Sri Chandra Kl. Das	TSM	KTD	01/05/1995	01/09/1999	NGG
42	Sri Devojit Sonowal	TSM	KTD	01/10/1995	01/09/1999	NGG
43	Sri Akhil Das.	TSM	KTD	01/01/1996	01/09/1999	NGG
44	Sri Ranjit Kar.	TSM	KTD	00/02/1996	01/09/1999	NGG
45	Sri Mohan Ramchary	TSM	KTD	14/06/1996	01/09/1999	BGN
46	Sri Bhumidhar Deka.	TSM	KTD	01/07/1996	01/09/1999	BGN
47	Sri Gobinda Barman	TSM	KTD	01/07/1996	01/09/1999	BGN
48	Sri Mukut Kakati	TSM	KTD	01/01/1997	01/09/1999	NGG
49	Md. P. Ali	TSM	KTD	04/01/1997	01/09/1999	BGN
50	Mrs. Laxmi Rao	TSM	KTD	01/07/1997	01/09/1999	BGN

*Attest*  
*W.D.*  
*Advocate*

SSA WISE LIST OF TSM AND F/T C/L POSTED AT DIFFERENT SSAs ON  
REGULARIASATION

Sl.No	Name of TSM	TSM/FT C/L	Working SSA	Date of entry In the Deptt	Date of conferment of TSM/Conversion to F/T	Posted to
51	Md. Shershah Ali	TSM	NGG	01/08/1993	01/09/1999	NGG
52	Sri Dhanti Bora	TSM	NGG	06/02/1994	01/09/1999	NGG
53	Sri Nihar Dey	TSM	SC	17/10/1985	12/03/2003	SC
54	Sri Abdul Kuddus	TSM	SC	01/03/1987	02/01/1995	SC
55	Sri Birendra Das.	TSM	SC	27/03/1987	12/03/2003	SC
56	Md. Fazar Ali	TSM	SC	11/02/1993	04/10/2001	SC
57	Md. Lulfur Rahmani	TSM	SC	01/07/1994	12/03/2003	SC
58	Smt. Sipra Sarkar	TSM	SC	01/06/1995	01/09/1999	SC
59	Smt. Anjali Rani Roy	TSM	SC	01/04/1997	01/09/1999	SC
60	Sri Pritu Bhusan Roy.	TSM	SC	01/01/1998	13/03/2003	SC
61	Sri N. Bora	TSM	TZ	01/01/1992	01/09/1999	TZ
62	Md. Jahur Ali	FT C/L	C.O./GH	Dec-89	04/11/1999	BGN
63	Mrs. Sobha Devi	FT C/L	JRT	26/02/1982	13/02/2000	NGG
64	Mrs. Kushila Basfore	FT C/L	JRT	04/01/1985	01/09/2000	NGG
65	Mrs. Pratiba Dutta	FT C/L	JRT	24/11/1986	13/02/2000	NGG
66	Mrs. Maneswari Das	FT C/L	JRT	24/11/1986	13/02/2000	NGG
67	Mrs. Kumoli Horizon	FT C/L	JRT	01/01/1991	13/02/2000	NGG
68	Mrs. Geeta Singh	FT C/L	JRT	01/04/1994	13/02/2000	SC
69	Mrs. Sita Basfore	FT C/L	JRT	01/04/1994	13/02/2000	SC
70	Sri Nazur Ahmed	FT C/L	JRT	01/05/1995	13/02/2000	SC
71	Sri Monoranjan Dutta	FT C/L	JRT	01/12/1995	13/02/2000	SC
72	Sri Chakreswar Das	FT C/L	JRT	01/06/1996	13/02/2000	SC
73	Sri Nimudhar Rajwar	FT C/L	JRT	06/06/1996	13/02/2000	SC
74	Mrs. Devi Rani Paul	FT C/L	NGG	20/01/1993	02/07/2001	NGG
75	Sri Mridul Basfore	FT C/L	NGG	01/10/1993	01/07/2001	NGG
76	Sri Sunilal Basfore	FT C/L	NGG	18/11/1993	10/02/2003	NGG
77	Sri Parameswar Balmiki	FT C/L	NGG	01/02/1995	10/02/2003	NGG
78	Sri Mahesh Basfore	FT C/L	NGG	01/05/1995	10/02/2003	NGG
79	Sri Bhola Basfore	FT C/L	NGG	May'97	10/02/2003	NGG
80	Sri P. Bora	FT C/L	TZ	04/04/1991	01/08/2000	TZ
81	Sri M. Talukdar	FT C/L	TZ	31/07/1991	01/08/2000	TZ
82	Mrs. G. Gogoi	FT C/L	TZ	31/07/1991	01/08/2000	TZ
83	Sri T. Basfore	FT C/L	TZ	01/08/1991	01/08/2000	TZ
84	Sri P. Nath	FT C/L	TZ	01/11/1991	01/08/2000	TZ
85	Mrs. C. Balmiki	FT C/L	TZ	01/11/1991	01/08/2000	TZ
86	Mrs. S. Devi	FT C/L	TZ	01/12/1991	12/12/2002	TZ
87	Sri S. Dey	FT C/L	TZ	01/01/1992	01/08/2000	TZ
88	Sri B. Ali	FT C/L	TZ	05/05/1992	01/08/2000	TZ

Advocate

83

71

SSA	Justified as on 31.3.2003	S/S as per Ceiling Limit vide BSNI Letter No. F.No.250-20/2003-Pers III dated 29.05.2003	No. of RM post created	Revised S/S as on 16.02.04
(a)	(b)	(c)	(d)	(e)
KMP	238	238	NIL	-
SC	267	125	28	153
DR	245	219	6	225
JRT	249	218	NIL	-
BGN	236	136	23	159
TZ	227	63	10	73
NGN	212	140	53	193
Total:	1674	1139	120	-

AGM (A)

legalcomp\C:\roy\rm1

Accountant  
H. S. S. S.  
Adm. Secy