

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 129/2003.....

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SECTION OFFICER (Judl.)

Kabita
16/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 129 / 2003

Misc Petition No: /

Contempt Petition No: /

Review Application No: /

Applicants: - K. K. Das & Ors.

Respondents: - U.O.I. 2 ans.

Advocate for the Applicants: - Mr. Adil Ahmed

Advocate for the Respondents: - C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Contempt Petition is filed/ not filed C.F for Rs. 50/- deposited vide E.O./B.O. No. 86488023 dated 8/6/02.	13.6.2003	Heard Mr. A. Ahmed, learned counsel for the applicant. Issue notice to show cause as to why the application shall not be admitted. List again on 18.7.2003 for admission.
Pl. sensibly order dated 13/6/03	18.7.2003	Put up again on 5.9.2003 for admission.
Notice prepared & sent to 5/8 for writing the respondent No 1 to 4 by Regd. A.A.	5.9.2003	None appears for the applicant. List again on 12.9.2003 for admission.
DLR No 13/73/45/1317 Dtd. 17/7/03	mb	Vice-Chairman

(21)

12.9.2003 Present is The Hon'ble Sri K.V. Prahaladan, Member (A).

No. written statement
has been filed.

List again on 31.10.2003 for
written statement.

30/10/03

K.V.Prahaladan
Member

mb

31.10.2003 Put up again on 8.12.2003 to
enable the respondents to file written
statement.

Vice-Chairman

mb

19.12.2003 Heard Mr. A. Ahmed, learned
counsel for the applicant and also Mr.
A. Deb Roy, learned Sr. C.G.S.C. for the
Respondents.

The application is admitted. Call
for the records.

List on 2.2.2004 for order.

K.V.Prahaladan
Member (A)

No. written statement
has been filed.

mb

9.03.04 Four weeks time is allowed to the
respondents to file written statement.

List on 6.4.03 for orders.

5.4.04

K.V.Prahaladan
Member (A)

6.4.2004 Four weeks time is given to the respon-
dents to file written statement.

List on 3.5.2004 for written state-
ment.

mb

K.V.Prahaladan
Member (A)

5.5.2004 On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement. List on 4.6.2004 for orders.

3/6/04

KV Balakrishnan
Member (A)

mb

4.6.2004

Four weeks time is given to the respondents to file written statement. List on 12.7.2004 for orders.

16.7.04

*W/s submitted
by the Respondents.*

KV Balakrishnan
Member (A)

Chp
mb

5.8.2004

On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement.

List on 8.9.2004 for orders.

KV Balakrishnan
Member (A)

25.9.04.

*Rejoinder has not
been filed by the
applicant.*

mb

10.8.2004

Written statement has been filed. Applicant may file rejoinder, if any, within four weeks.

List on 9.9.2004 for orders.

KV Balakrishnan
Member (A)

bb

24.09.2004

Written statement has been filed. List on 3.12.2004 for hearing.

Case is ready for hearing.

mb

KV Balakrishnan
Member (A)

O.A. 129/2003

3.12.2004 On the plea of learned counsel for the applicant, list on 4.2.2005 for hearing.

Case is ready for hearing.

mb

KV Prahadan
Member (A)

25.02.2005 Present : The Hon'ble Mr. K.V. Prahadan, Member (A).

On the plea of learned counsel for the applicant, adjourned to 13.4.2005 for hearing.

KV Prahadan
Member (A)

mb

13.4.2005 Mr.B.C.Pathak, learned counsel who has been engaged by the respondent, namely, BSNL requests for time to make submissions. Post on 18.5.05.

Vice-Chairman

bb

18.5.05. Mr.B.C.Pathak and Ms.U.Das learned counsel appearing on behalf of the BSNL submits that ~~an~~ preliminary main and 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

lm

Order of the Tribunal

Office Notes Date

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

W/S Am benn
2nded.

R. Jagadeesh
Vice-Chairman

By
15.6.05

pg

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, ~~or understanding etc~~ memoranda of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.

Post on 22.7.2005 for hearing.

R. Jagadeesh
Member

R. Jagadeesh
Vice-Chairman

pg

22.07.2005

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

R. Jagadeesh
Member

R. Jagadeesh
Vice-Chairman

bb

10.8.2005

Post this case on 16.8.2005
at 2.30 P.M.

R. Jagadeesh
Member

R. Jagadeesh
Vice-Chairman

OA 129/03

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.


Member

1m


Vice-Chairman

22.11.2005 Post before the next Division Bench.

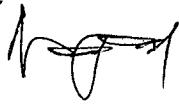

Vice-Chairman

mb

17.1.06 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.

Copy of the Judgt
has been sent to the
D/tee. for returning
the same to the
L/Advocates for
the parties.

etb


Member

mb


Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. Nos. 129/2003

DATE OF DECISION: 02.01.2006

Sri K.K. Das & Ors.

APPLICANT(S)

Mr. Adil Ahmed

ADVOCATE FOR THE
APPLICANT(S)

VERSUS -

U.O.I. & Others

RESPONDENT(S)

Ms. U. Das, Addl. C.G.S.C.

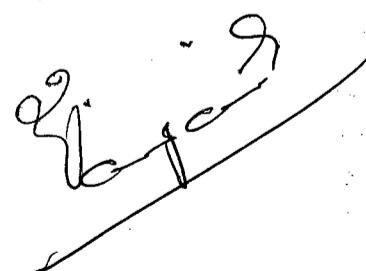
ADVOCATE FOR THE
RESPONDENT(S)

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.



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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 129 of 2003

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 Kamala Kanta Das,
Son of Dago Ram Das,
Village & P.O. - Uparhali
District - Kamrup, Assam.
2. Md. Ganiulla Sheikh
Son of Md. Abdul Ali
Vill. & P.O. - Simini,
District - Kamrup, Assam.
3. Sri Naha Mazumdar
Son of Rajat Mazumdar
Village & P.O. - Uparhali
District - Kamrup, Assam.
4. Sri Satya Kalita
Son of Sri Lalit Kalita
Village : Alegjare
P.S. & P.O. : Chaygaon
District - Kamrup.
5. Sri Sanjaoy Balmiki
Son of Sankar Balmiki
Vill & P.O. - Vijoy Nagar
District - Kamrup, Assam.

... Applicants

By Advocate Mr. Adil Ahmed.

- Versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication, New Delhi - 1.
2. The Chief General Manager,
Telecom, Assam Circle, Ulubari, Guwahati - 7.
3. The General Manager, Telecom, Kamrup Telecom District
Guwahati - 7.
4. The Sub-Divisional Engineer
Borjhar Telephone Exchange,
P.O. - Borjhar, Guwahati - 15.

... Respondents

By Advocate Ms. U. Das, Addl. C.G.S.C.

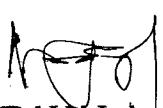
ORDER (ORAL)SIVARAJAN. J. (V.C.)

Heard Mr. A. Ahmed, learned counsel for the applicants and Ms. U. Das, learned Addl. C.G.S.C. for the BSNL.

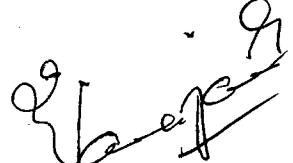
2. The matter relates to regularization of casual labours in the Bharat Sanchar Nigam Limited (BSNL for short). Ms. U. Das, Addl. C.G.S.C. for the BSNL has raised a preliminary objection regarding jurisdiction in the written statement. She has also placed before us a decision of the Hon'ble Gauhati High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

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

Issue copy to the counsel for the parties.


(N. D. DAYAL)
ADMINISTRATIVE MEMBER

/ mb/


(G. SIVARAJAN)
VICE CHAIRMAN

मानव संसाधन विभाग
 Central Administrative Tribunal
 10 JUN 2003
 गुवाहाटी बैच
 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
 GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 129 OF 2003.

B E T W E E N

Sri Kamala Kanta Das

& Ors -Applicants

-Versus-

The Union of India &

Others -Respondents

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filed by

 Advocate (Abul Ahmed)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. OF 2003.

B E T W E E N

Sri Kamala Kanta Das

& Ors -Applicants

-Versus-

The Union of India &

Others -Respondents

LIST OF DATES AND SYNOPSIS

Annexures-A to A₁₇ Photocopies of Working
Certificates of the
applicant.

Annexure-B Photocopy of Judgment and
Order dated 06-02-2002 passed
in O.A. 350 of 2000.

Sri Kamala Kanta Das

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Annexure-C to C₄ Photocopies of rejection
letters dated 14-06-2002.

This Original application is made for seeking a direction from this Hon'ble Tribunal for giving a direction to the Respondents for granting temporary status to the applicants and also to reappoint them as casual Labour as they have worked for a long period as Casual Labour under the Respondents.

Sai Kamala Kanta Ray

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 7 OF 2003.

B E T W E E N

- 1) Sri Kamala Kanta Das,
S/o Dago Ram Das,
Village & P.O. - Uparhali,
District-Kamrup, Assam.
- 2) Md. Ganifulla Seikh,
S/o Md. Abul Ali,
Vill. & P.O.- Simini,
District-Kamrup, Assam.
- 3) Neha Mazumdar,
S/o Rajat Mazumdar,
Village & P.O.-Uparhali,
District-Kamrup, Assam.
- 4) Satya Kalita
Son of Sri Lalit Kalita,
Village : Alegjare,
P.S. & P.O. : Chaygaon.
Dist. : Kamrup.

Filed by 16
Sri Kamala Kanta Das
Applicant
Through J.D.
(Adv. Ramkumar
Advocate)

Sri Kamala Kanta Das

5) Sanjoy Balmiki,
S/o-Sankar Balmiki,
Vill. & P.O.- Vijoy Nagar,
District-Kamrup, Assam.

-Applicants.

-Versus-

- 1) The Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Communication, New Delhi.
- 2) The Chief General Manager,
Telecom, Assam Circle, Ulubari,
Guwahati-7.
- 3) The General Manager, Telecom,
Kamrup Telecom District,
Guwahati 7.
- 4) The Sub-Divisional Engineer,
Borjhar Telephone Exchange,
P.O.- Borjhar, Guwahati-15.

- Respondents.

DETAILS OF THE APPLICATION:

✓ Sri Kamala Nanta ree

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

This application is made against the impugned rejection Letters No. CMT/Est 179/ TSM/02-03/220 dated 14-06-2002, No. CMT/Est 179/ TSM/02-03/221 dated 14-06-2002, No. CMT/Est 179/ TSM/02-03/222 dated 14-06-2002 No. CMT/Est 179/ TSM/02-03/223 dated 14-06-2002 issued by the Office of the Respondent No. 3.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The applicant further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE :

Sri Kamala Kanta Das

4.1 That all the applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2 That your applicants were engaged as casual labour under the respondents and they worked since 1990 to 1998 with sincerity and also with full satisfaction of their higher authorities.

Annexure A to A₁₇ are the photocopies of such certificates issued by the competent authority.

4.3 That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for grant of permission under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.4 That your applicants beg to state that they were employed on daily wage basis at the different rate per working day on 'no work no pay basis'.

4.5 That your applicants beg to state that the applicants were working under the Respondents as Casual basis for years together but they were being deprived from regular service benefit, pay scale, dearness allowance, house rent, medical allowances and even minimum pay scale was also not granted to these applicants while they were in casual service under the Respondents and benefit of the different scheme of the Central Government for casual workers, were not extended to the applicants. There were number of Central Government Schemes for regularization of casual workers, who continued for long time as casual worker some of these schemes were issued under the C.M. dated 7/6/88 and a like scheme for the grant of temporary status, and regularization was issued in the year 1993.

4.6 That your applicants beg to state that along with they had served for a considerable long period, under the Respondents but services of the applicants were terminated by verbal order of Respondents and without following any establishment procedure of law. The applicants had rendered service as casual labour for a

✓ 9

very long period under the Respondents and thereby they have acquired a valuable as well as legal right for appointment in the existing and future vacancies of Casual labour under the Respondents.

4.7 That your applicants beg to state that being aggrieved by the termination of their services under the Respondents your applicants filed an Original Application No. 350 of 2000 before this Hon'ble Tribunal. The said case was finally heard on 06-02-2002 and the Hon'ble Tribunal vide its order dated 06-02-2002 was pleased to direct the Respondents to verify the claim of the applicants by seeing the documents at the earliest possible time for consideration of each case. If the applicants are so aggrieved by the action of the Respondents they may approach the Tribunal again.

Annexure B is photocopy of judgment and order dated 06-02-2002 passed in O.A. No. 350 of 2000.

4.8 That your applicants beg to state that the Office of the Respondent No. 3 rejected the claim of the applicants in a very casual and

✓ Sri Kamalakanta Ray

mechanical manner vide their letter No. rejection Letters No. CMT/Est 179/ TSM/02-03/220 dated 14-06-2002, No. CMT/Est 179/ TSM/02-03/221 dated 14-06-2002, No. CMT/Est 179/ TSM/02-03/222 dated 14-06-2002 No. CMT/Est 179/ TSM/02-03/223 dated 14-06-2002.

Annexures-C to C₄ are the rejection letters dated 14-06-2002 issued by the Respondent No. 3 to the applicants.

4.9) That your applicant begs to state that the respondents can easily absorb the applicants in the Group 'D' posts. From this it is very clear that respondents for their personal gains rejected the applicants' legal claim of appointment. Hence, finding no other alternative your applicants are compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.10) That the applicants beg to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to applicants for their re-appointment and also to grant them temporary status under the various Schemes.

4.11) That your applicants beg to state that they are poor persons and they are working under the Respondents very sincerely and honestly. Now suddenly they are going to be unemployed and the family members of the applicants will be suffer from mentally and financially. Hence the Hon'ble Tribunal may be pleased to protect the applicants and their family members from starvation.

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

5) GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

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

5.2) For that the action of the Respondents are mala fide and illegal and with a motive behind. As such, the impugned rejection order DATED 14-06-2002 is liable to be set aside and quashed.

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- 5.3) For that the applicants having worked for a considerable long period, i.e., from 3 to 7 years, therefore, they are entitled to be re-appointed and be regularised in Group 'D' posts and to grant them temporary status.
- 5.4) For that fresh recruitment of Group D post in supersession of the claim of the applicants are hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.
- 5.5) For that the applicants have become over aged for other employment.
- 5.6) For that it is not just and fair to terminate the services of the applicants only because they were initially recruited on casual basis.
- 5.7) For that they have gathered experience of different works in the establishment.
- 5.8) For that the nature of work entrusted to the applicants were of permanent.

✓ Sri Ramala Ranta Rao

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nature and therefore they are entitled to be appointed and also to grant them temporary status.

- 5.9) For that the applicants working as Casual Workers for several years under the Respondents, therefore, they are legally entitled to be regularised and be appointed.
- 5.10) For that the applicants have got no alternative means of livelihood.
- 5.11) For that the Central Government being a model employer cannot be allowed to adopt a differential treatment as regard payment of wages to the applicants.
- 5.12) For that there are existing vacancies of Group D post under the Respondents.

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

6) DETAIL OF REMEDIES EXHAUSTED:

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

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

The applicants further declares that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8) RELIEF PRAYED FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition

Sri Kamala Kanta Das

and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

- 0.1 That the Respondents may be directed by the Hon'ble Tribunal to give temporary status to the applicants and re appoint the applicants and the services of the applicants be regularised in the existing vacancies on priority basis with all consequential service benefit including monetary benefits from the respective date of engagement immediately.
 - 0.2 That the Respondents be directed to pay salary and allowances in the appropriate scale from the date of engagement.
 - 0.3 Cost of the application.
- 2) INTERIM ORDER PRAYED FOR:

Sri Kamala Kamta Das

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

9.1 That the Respondents may be directed to re appoint the applicant in the existing vacancies on regular basis till final disposal of the Original Application.

10) THIS APPLICATION IS FILED THROUGH ADVOCATE.

11) PARTICULARS OF I.P.O.

I.P.O. No. : 86488023

Date of Issue : 9.5.2003

Issued from : Guwahati

Payable at : Guwahati

12) LIST OF ENCLOSURES:

As stated above.

-Verification.

Sri Kamala Kanta Das

K
7
- 19 -

Verification

I, Sri Kamala Kanta Das, S/o Dago Ram Das, Village & P.O. - Uparhali, Dist. - Kamrup, Assam. I am the applicant No. 1 of the instant application and as such I am authorised by the applicants to sign this verification and verify the statements made in accompanying application and in paragraphs 4.1, 4.3, 4.4 to 4.6, 4.9 to 4.11
____ are true to my knowledge and those made in paragraphs 4.2, 4.7, 4.8
____ are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

I signed this verification on this day 12th of June 2003 at Guwahati.

Sri Kamala Kanta Das

Declarant.

15-

Certified that Sri Kamala Kanta Das
 S/o Sri Dagonam Das, Vill. Uparkali, P.O.-
 Uparkali, P/S Palashbari, Dist. Kamrup (Assam)
 is known to me. He was working at Bijaynagar
 Telephone Exchange O/P & I/D on A.C.G.-17 basis
 from 1995 April to 1996 April.
 He is a good worker.

01/02/1996 - LM
 01/02/1996 - LM

To whom to Concern

Certified that Sri Kamala Kanta Das S/o
 Sri Dagonam Das, Vill. Uparkali, P.O.-Uparkali,
 P/S. Palashbari, Dist. Kamrup (Assam) is known
 to me. He was working at Bijaynagar Telephone
 Exchange O/P & I/D on A.C.G.-17 basis
 from May 1996 to May 1998.

He is a good worker.

Attld
 Advanta

TO WHOM IT MAY CONCERN

29

This is to certify that Sri Kamala Kt. Das, S/O Sri Dago Ram Das of village and P.O. Uparkali, B/S Palasbari is known to me as a experience Casual Telecom worker. He is helping and co-operating in construction of Telecom net work very often, since last 5 years in Bijoynagar SDCE. He is having knowledge in construction work of O/H lines, U.C cable work, hard work of exchange installation and maintenance etc.

It is to be remember that, on 8th Mar./96 when the old Bijoynagar exchange building (S 12.1 LT) was destroyed, and the roof of the exchange building was flown away by heavy cyclone and after ward heavy hail storm over the exchange equipment, he voluntarily come forward to save the exchange and its equipments. I wish him success in life.


(S. K. Das) M.R.


A. H. Das
S. K. Das

TO WHOM TO CONCERN

Certified that Sri. Kamala Kanta Das S/O Sri Dageram Das,
Vill- Uparkali, P.O. Uparkali, P/S Palachbari, Dist. Kamrup
(Assam) is known to me. He was working at Bijesnagar Telephone
Exchange O/D & I/D On A.C.G. -17 Basis from 1991 August to 1995

MARCH as.

He is a good worker.


Sub-Divisional Engineer,
Borjhar Telephone Exchange
Guwahati-781015.

Attest
JL Adwanta

Certificates

31
ANNEXURE A3

Certified that S/o Satya Kalita
S/o Sri Lolit Kalita village - Alagjare
P.O./P.S. Chaygaon Dist. Kamrup -
(Assam) He is working at Ch-
aygaon Telephone Exchange
A.C.G - 3 Benis Form 1996 to
1998. He is a good worker.

Si Ram Chandra Ray
1/m Chaygaon
Date - 25/5/98

Atul
Ch
Bhawna

Certificates

ANNEXURE-A₄

Certified that Sri Satya Kalita.
S/o Sri Lalit Kalita village-Alegjara
PS/P.O - Chaygoan dist Kamrup(Assam)
He is working at Chaygoan Tele
Phone Exchange A.C.G. 17 Besis
from 1994 to 1996. He is a
good worker.

Sri Ramchandra Ray?
S/o Sri Ray
date-1/4/96

Attest
S/o
Adonit

Certified

ANNEXURE-A5

Certified that Sri Satya Kalita
Sp. Sri Latit Kalita vill- Alegjani
P.S.P.O- Chaygoan Dist. Kamrup (Assam)
He is working at Byoyorager &
Chaygoan Telephone Exg. ACE-3
Besides from 1989 January to
1992 December. He is a good -
worker.

05/12/1992 - L.M.

Atul
J. Adams

TO WHOME IT MAY CONCERN

34

Shri Sanjay Balmiki, S/o Sri Guri
Shankar Balmiki of Vill & R.O. Bijaynagar
Dist: Kamrup Assam is working at
Bijaynagar Telephone Exchange Since
last 7 (Seven) years up to now as
per time Cleaner.

He is a good and sincere worker and obedient worker. I wish him success in his life.

Order
in-Charge 13/6/26.

Mr. In-Charge
Tutoring and Training
Bldg. 2127 S. 18th 1881

~~hosted~~
Jill  Adverte

TO

Chomelony. Coop.

It is Certified that Sri Sanjay Balwani is part time worker of Bijoynagar telephone exchange. He may be allowed duty come to the exchange in

(Bijew).

(B. Chomelony)

S. T. O. (Group-1/o)
Telephone Exchange
Bijoynagar

Attd
Jit
Advocate

Certified that Sri Naba Mazumdar S/O Sri Rajat Mazumdar of
Village Bi joynager P. O. Bi joynager P/S ~~Raxabbari~~ Palashbari
in the Dist. Kamrup (Assam) is known to me. He was Working as
a Casual mazdoor for January 1990 to December 1995 on A.C.G.
17. Bills He is a good worker.

01171241212/

L/M/Bijji

31-12-95

After Tel
Ht Anwala

Certified that Sri Naba Mazumdar S/O Sri Rajat Mazumdar of
Village Bijaynagar P.O. Bijaynagar P/S Palasbari in the Dist.
Kamrup (Assam) is known to me. He was Working as Casual mazdoor
from January 1995 to December 1996 on A.C.G. 17 Bills. He is
a good worker.

Rajat Ch. Shakuria.

Phone Makhania.

Bijaynagar.

30-2-96

Abul
Gh
Ranbir

Certified that Sri Naba Mazumdar S/O Sri Rajat Mazumdar of Village Bijoynagar P.O. Bijoynagar P/S Palashbari in the Dist. Kamrup (Assam) is known to me. He was working as a Casual mazdoor from January 1998 to December 1999 on A.C.C. 17 Bills. He is a good worker.

01/02/2001
1/1/2001

Alfred
G. L. Alfred

Certified that Sri Naba Mazumdar S/O
Sri Rajat Mazumdar of Village Bijaynagar P.O.
Bijaynagar P/S Palasbari in the Dist. Kamrup
(Assam) is Known to me. He was working as a
Casual mazdoor from January 2001 to July 2002
on A.C.G. 17 Bills. He is a good worker.

01/07/2012
4/M/2012

*After C
Jit
Adarsh*

Certified that Sir Naba Narimoloo S/o Sri Rajattra
Marindoo of village Brijganjara p/o Brijganjara
p/s Natajtar in the dist. Darrang (Assam)
is known to me, he was working as a casual
mason from Juley 88 to Octo 1389 on
A.C.C. 14 Bells He is a good worker

C/S

Q. 15
877

Nagdeo Ray
2/11

Alfred
John

Certified that Md. Gianuilla Sekh S/o Md. Abul Ali. Village Semina P.O. Semina, P.S. Palashbari (Morigaon) Dist. Kamrup (Assam) is known to me. He was working as Casual Labourer from Aug 1988 A.C.E. He left to ~~date~~ 1990. He is good worker.

Rajat Ch. Thakuria P.M.
Bijoynagar Telephone Exchange

31-1-2000

Attid
Jit
Sekh

Certified that Md. Ganluka Seikh s/o Md. Abul Ali
Village Simina P.O. Palasbari (Mirza) Dist. Kamrup (Assam)
is known to me. He was working as Casual Mazdoor from
Jan '97 to 4th June '98 on A.G.G. 17 bill. He is a good
worker.

01/07/98 02/07/98 M
01/07/98 01/07/98 M 01/07/98
A.G.G. 17 bill

After
Jit
Advocate

208

- 30 -

ANNEXURE A
15
93

Certified that Md. Ganiulla Seikh S/O Md. Abul Ali Village Simima P.O. Palasbari (Mirza) Dist. Kamrup (Assam) is known to me. He was working as Casual Handdeer from January '96 to December '97 on A.C.G. 17 bills. He is a good Worker.

Rajut Ch. Shukuria

Phon' Machanui

Bijoynagar.

Adhar
J.D. Adhar

TO WHOM IT MAY CONCERN

This is to Certify that Md. Ganiullah Sheikh, Son of Md. Abdul Ali, inhabitant of village Simina under paleshbari P.S in the District of Kamrup. Was engaged on A.C.E-17 (monthly wage casual labour) of the following records

- 1) Feb. 92 - 25 days
- 2) March - " 20 days
- 3) April - " 25 "
- 4) May - " 21 "
- 5) Jun. 93 - 25 "
- 6) July " 20 "
- 7) Aug. 93 20 "

25/8/93 1993
Telephones Inspector.
Bijaynagar Telephone Exchange
BIJAYNAG 2-781 122

Attended
J.D.
Biju

- 80 -

- 32 -

MS
ANNEXURE A 17

Certified that Md. Ganiulla Sheikh S/O Md. Abul Ali Village
Simima P.O. Simima P.S. Palasbari (Mirza) Dist. Kamrup (Assam) is
known to me. He was working as Casual from January, 91 to December
95 on A.C.G. 17 bills. He is a good Worker.

Sirajuddin Ahmed

OTBP/L...

Pijaynagar

Ali Hossain
Signature

Original Application No. 350 of 2000

Date of decision : This the 6th day of February, 2002.

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

Sri Kamala Kanta Das
 Son of Sri Durga Ram Das
 Village Uparhali,
 P.O. Uparhali, District-Kamrup,
 Assam and 4 Ors.

...Applicants

By Advocate Mr. M. Chanda.

-versus-

1. Union of India
 Through Secretary to the Govt. of India, Ministry of Communication, Department of Telecommunication, New Delhi.
2. General Manager, Telecom Department, Kamrup Telecom District, Guwahati-781007.
3. S.D.E.(O), Borjhar Telephone Engineer, Borjhar Guwahati-15.

.Respondents

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

O R D E R (ORAL)CHOWDHURY J. (V.C.)

The subject matter of this application pertains to conferment of temporary status. The applicants are five in numbers who claim that they were engaged as far back in 1980 by the Sub Divisional Engineer (O), Borjhar as Mazdoor. They contend that despite the direction issued by this Bench in O.A. 120/98 in their favour the respondents did not consider their case for such absorption.

After
Advocate
Jit

-36-

2. The respondents have filed its written statement denying and disputing the claim of the applicants. In course of hearing it was brought to my attention that the matter was again taken up by the competent authority and in fact a communication was sent to one of the applicants - Sri Kamala Kanta DAs by the Divisional Engineer (Admn) to appear in person before him alongwith other documents at the earliest possible time for consideration of his case. Mr. A. Deb Roy, learned Sr. C.G.S.C. submitted that similar communication must have sent to others in that very matter. It appears that exercise is going on and the case of the applicants is also under consideration.

In view of the above I am not inclined to pursue this

matter further leaving the same to the appropriate to decide as per law since the matter for conferring the temporary status to the applicants is under consideration. I feel that the respondents shall complete the process for consideration of temporary status as early as possible and thereafter pass a reasoned order. If the applicants are so aggrieved by the action of the respondents they may approach the Tribunal again.

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

Sd/ VICE CHAIRMAN

VICE CHAIRMAN

RECORDED
Section Officer (26/1/02)
Section Officer (Judicial)
National Administrative Tribunal
General Manager, Government

Attested
Jd
Attested

By Regd. Post or
Through Peon Book

BIHARAT SANCIAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
KAMRUP TELECOM DISTRICT
GUWAHATI-781007.

NO. GMT/EST-179/PSM/02-'03/220

Dated at Guwahati, the 14th June 2002.

To

✓ Shri Kamala Kanta Das, S/o Shri Dago Ram Das,
Vill. & P.O : Upar Hall, P.S Palashbari.
Dist - Kamrup (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 350/2000, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual laborer including you. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Patar, DE(Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S.C. Das, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as 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 favorably. This is done in accordance with the Hon'ble Tribunal's orders.

Bhawna
Head of SSA/ Unit
Assistant Engineer (Admin.)
O/O G.M. Telecom
Kamrup Telecom District
Guwahati-7

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of information .

Sdy
For GM(BSNL).KTD, Guwahati-7

Assistant Engineer (Admin.)
O/O G.M. Telecom
Kamrup Telecom District
Guwahati-7.

Attent
SL → *Shanta*

-36- claiming period. 8-8-91 to 8-9-97

ANNEXURE "C" (Page 2)
ENGAGEMENT PARTICULARS FROM THE DATE OF THE LAST ENGAGEMENT

Sri Kainala Kanta Das

OA 350/2000

YEAR	MONTH	NO.OF DAYS	LEGITIMATE PAYMENT EX-GOVERNMENT KOLKATA 17 PARTICULARS & VOUCHER NOS	AMOUNT	ERASSED BY WHOM	BILLING PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1995	Jan.	1					
	Feb.	1	Ac. 27/94-95	105/-	SDE/Bjr.		
	March						
	April	30	Ac. 17-17	150/-	SDE/Bjr.		
	May	30		150/-	SDE/Bjr.		
	June						
	July						
	August						
	Sept.						
	Oct.						
	Nov.						
	Dec.						
1996	Jan.	31	Ac. 81/95-96 P.E. 23-2-96	150/-	SDE/Bjr.		
	Feb.						
	March						
	April						
	May						
	June						
	July	20	Ac. 6/96-97	100/-	SDE/Bjr.		
	August						
	Sept.	10	Ac. 14/96-97	50/-	SDE/Bjr.		
	Oct.						
	Nov.						
	Dec.	17-28	Ac. 21/96-97	385/-	SDE/Bjr.		
	Jan.						
	Feb.						
	March						
	April						
	May						
	June						
	July						
	August						
	Sept.						
	Oct.						
	Nov.						
	Dec.						

18/6/2
Engineer
G.M. Telecom
Amritsar
District
Office
O/I
Amritsar
District
Office

SIGNATURE OF THE COLLECTIVE MEMBERS

ADT (Circle Office Member) : G.A.O.
(Legal)

O/o the G.M./D.M./G.H.

D.E. (Admin)
O/o the G.M./D.M./G.H.

ANNEXURE - C

- 37 -

By Regd. Post or
Through Peon Book

BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
KAMRUP TELECOM DISTRICT
GUWAHATI-781007.

NO. GMT/EST-179/TSM/02-03/221

Dated at Guwahati, the 14th June 2002.

To

Md. Ganiulla Sheikh S/o Md Abdul Ali,
Vill & P.O Simina, P.S. Palashbari.(Mirza)
Dist - Kamrup (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 350/00, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual laborer including you. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Patar, DE(Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S.C. Das, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as 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 favorably. This is done in accordance with the Hon'ble Tribunal's orders.

B. Barua
18-6-02

Head of SSA/ Unit
Divisional Engineer (Admn)
O/O/ G.M. Telecom
Kamrup Telecom District
Guwahati-7.

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of Information .

S.C.D.
For GM(BSNL), KTD, Guwahati-7

Divisional Engineer (Admn)
O/O/ G.M. Telecom
Kamrup Telecom District
Guwahati-7.

Atul
Atul
Atul

Atul
Atul
Atul

ANNUAL REVENUE PAYMENT
ENGAGEMENT PARTICULARS FROM THE DATE OF THE ENGAGEMENT

Mr. Ganiulla S. K.

CA 350/2000

YEAR	MONTH	NUMBER OF DAYS	REVENUE RECEIVED Le MARCO- ROLLINGO & PARICULAR AREAS Le VARIOUS TERRITORIES	AMOUNT	PAID BY WHICH	BILLING PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1993	October	2	A/c 39/93-94	90/-	SDE/BMR	SDE/BMR	A.O.(c)
1994	April	2	A/c - 16	90/-	...de...	...de...	...de...
1995	April	2	ACC - 17	90/-	...de...	...de...	A.O.(c)
1996	March	6	A/c 5/96-97	2,210/-	...de...	...de...	A.O.(c)
26 days	July	3	A/c 6/96-97	165/-	...de...	...de...	A.O.(c)
	August	2	A/c 14/96-97	110/-	...de...	...de...	A.O.(c)
1996	September	15 day	A/c 14/96-97	750/-	...de...	...de...	A.O.(c)

B. Bhattacharya
18/6/02
Divisional Engineer (Admn)
O/OI G.M. Telecom
Cachar Telecom District
Guwahati-9

SIGNATURE OF THE COMMITTEE MEMBERS

[Signature]
ADT (Circle office Member)

(Legal)

[Signature]
C.A.O.

O/o the G.M./DGM/CH

[Signature]
D.E.(P&A)

O/o the G.M./DGM/CH

[Signature]
Afterd
J.S. *[Signature]*

-39-

ANNEXURE - C₂

By Regd. Post or
Through Peon Book

BILARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
KAMRUP TELECOM DISTRICT
GUWAHATI-781007.

NO. GMT/EST-179/TSM/02-'03/222

Dated at Guwahati, the 14th June'2002.

To

✓ Shri Naba Mazumdar, S/o Shri Rajat Majumdar
Vill: Uparhali, PO: Bijoynagar, P.S. Palashbari.
Dist - Kamrup (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 350/00, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual laborer including you. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Patar, DE(Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S.C. Das, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as 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 favorably. This is done in accordance with the Hon'ble Tribunal's orders.

Bhattacharya
18/6/02

Head of SSA/ Unit
Divisional Engineer (Admn.)
O/O/ G.M. Telecom
Kamrup Telecom District
Guwahati-7.

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of Information .

Sd/-
For GM(BSNL).K/TD, Guwahati-7

Divisional Engineer
O/O/ -

After 12
12 → *Adv to*

ANNEXURE C (Page 2)
ENGAGEMENT PARTICULARS FROM THE DATE OF THE DRAFT ENGAGEMENT

Shri Kishore Mazumdar

CA 350/2000.

YEAR	MONTH	NO OF DAYS	MODE OF PAYMENT I.e. METER, BILL ACCOUNT PARTICULARS I.e. VOUCHER NO.	AMOUNT	CHARGED BY WHOM	BILLING PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1976	January	1	A/c 74/93-94	Rs 40/-	SDE/BTR	SDE/BTR	AO(c)
1976	March	2	A/c 5/96-97	Rs 10/-	"	"	AO(c)
1976	June	2	A/c 14/96-97	Rs 10/-	"	"	"
"	July	20	A/c 6/96-97	Rs 1000/-	"	"	"
"	August	1	A/c 14/96-97	Rs 55/-	"	"	"
"	Sept	11	A/c 14/96-97	Rs 565/-	SDE/BTR	"	AO(c)
"	Oct	4	A/c 18/96-97	Rs 220/-	"	"	"
"	December	5	A/c 25/96-97	275/-	"	"	"
1977	February	2	A/c 28/96-97	100/-	"	"	"
"	June	10	A/c 10/97-98	Rs 850/-	"	"	"
		12	days				

SIGNATURE OF THE COMMITTEE MEMBERS

Al. 1 (Circle office Member)
(Layer)

Mr. J. G. die office Member
(Chequed) S.A.O.

3. A.O.

D.E.(P&A)

On the GM/IDM/GM

After test
1000 hours

- 41 -

By Regd. Post or
Through Peon Book

BIHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
KAMRUP TELECOM DISTRICT
GUWAHATI-781007.

NO. GMT/EST-179/TSM/02-'03/223

Dated at Guwahati, the 14th June'2002.

To

✓ Shri Sanjoy Balmiki, S/O Late Gouri Sankar Balniki
Bijoynagar, Dist - Kamrup (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 350/00, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual laborer including you. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Pater, DE(Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S.C. Das, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as 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 favorably. This is done in accordance with the Hon'ble Tribunal's orders.

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of information .

B. B. Bhattacharya (876/02)
Head of SSA/ Unit
Divisional Engineer (Assam)
O/O/ G.M. Telecom
Kamrup Telecom District
Guwahati-7.

Copy
For GM(BSNL).KTD, Guwahati-7

Divisional Engineer (Assam)
O/O/ G.M. Telecom
Kamrup Telecom District
Guwahati-7.

After 5/2
J.D. *Answered*

ANNEXURE C (Form 2)
ENGAGEMENT PARTICULARS FROM THE DATE OF its DATE OF ENGAGEMENT

State Govt. of Assam

on 3.5.2000

YEAR	MONTH	DD/MM	DAY	MODE OF PAYMENT 1. BY METER, 2. BILLING 3. PURCHASE 4. LEVY/CHARGE	AMOUNT	CHARGED BY WHOM	DUE/DUE PASSED AUTHORITY		NAME OF A.O. WHO HAS PAID
							DD/E	DSK	
1992 52 days	April	30	7	1/c. 22/94-95	Rs 100/-	DSK (DSK)	ds.	ds.	ds.
	Sept/Oct	22	1	1/c. 76, 81-96	Rs 98/-	ds.	ds.	ds.	ds.
1993	March	22	1	1/c. 3/94-95	Rs 95/-	ds.	ds.	ds.	ds.
1994	July	31	1	1/c. 43/95-96	150/-	ds.	ds.	ds.	ds.
1995 82 days	April	1	1	1/c. 5/96-97	39/-	ds.	ds.	ds.	ds.
	June	30	1	1/c. 14/96-97	500/-	ds.	ds.	ds.	ds.
	July	20	1	1/c. 6/96-97	500/-	ds.	ds.	ds.	ds.
	December	31	1	1/c. 24/96-97	500/-	ds.	ds.	ds.	ds.
1996	May	31	1	1/c. 16/97-98	750/-	ds.	ds.	ds.	ds.

Bhawali
Christian Engineer
O/O G.M. Telecom
Kamrup Telecom, District
Guwahati-7.

STATEMENT OF THE CONSIDERATION RECEIVED

AI/II Office Member

(Legal)

C.A.O.

On the G.R. 1001/CH

Replied
D.P.R.A.
On the G.R. 1001/CH

Official
File
Adarsh

By Regd. Post or
Through Peon Book

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM
KAMRUP TELECOM DISTRICT
GUWAHATI-781007.

NO. GMT/EST-179/TSM/02-'03/224

Dated at Guwahati, the 14th June 2002.

To

✓ Shri Satya Kalita, S/O Shri Lalit Kalita,
Vill: Alekjr. PC: Chaygaon,
Dist - Kamrup (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 350/00, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual laborer including you. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Patar, DE(Admin.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S.C. Das, ADT (Legal), O/O CGMT/ Guwahati.

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B. Bhattacharya
Head of SSA/ Unit 18/6/02
National Engineer (Admin)
O/O, G.M. Telecom
Kamrup Telecom District
Guwahati - 7.

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of information.

S. Ch.
For GM(BSNL), KTD, Guwahati-7

S. Ch.
National Engineer (Admin)
O/O, G.M. Telecom
Kamrup Telecom District
Guwahati - 7.

Attd
DD *Advocate*

Shri Satya Lal

dt. 3.5.2000

S

YEAR	MONTH	DROP DAYS	MODE OF PAYMENT Le. MEMBER, POLITICAL PARTICIPANT Le. VOLUNTEER	AMOUNT	PAID BY WHOM	BILLED/ PAID BY AUTHORITY	NAME OF A.O. WHO HAS PAID
2000	Sept	1	A/c 76/92-93	40/-	SDE/BIR	SDE/BIR	A.O.(c)
	November	1	A/c 81/92-93	40/-	- do -	- do -	- do -
2001	May	2		80/-	- do -	- do -	- do -
	June	10	A/c 12/93-94	400/-	- do -	- do -	- do -
2002	July	11	A/c 29/93-94	440/-	- do -	- do -	- do -
	Nov.	5		- do -	- do -	- do -	- do -
2003	January	16		700/-	- do -	- do -	- do -
	March	13		- do -	- do -	- do -	- do -
2004	April	16		- do -	- do -	- do -	- do -
	May	7	A/c 18/94-95	250/-	- do -	- do -	- do -
2005	June	13		- do -	- do -	- do -	- do -
	July	8	A/c 19/94-95	- do -	- do -	- do -	- do -
2006	Dec	5	A/c 26/94-95	- do -	- do -	- do -	- do -
	Jan.	30	ACG-17	- do -	- do -	- do -	- do -
2007	May	30	ACG-17	- do -	- do -	- do -	- do -
	July	4	ACG-17	- do -	- do -	- do -	- do -
2008	Dec.	1	A/c 2/95-96	45/-	- do -	- do -	- do -
	January	5	ACG-17	- do -	- do -	- do -	- do -
2009	March	4	ACG-17	- do -	- do -	- do -	- do -
	July	20	ACG-17	- do -	- do -	- do -	- do -
2010	September	20	A/c 14/96-97	110/-	- do -	- do -	- do -
	December	5	A/c 81/96-97	330/-	- do -	- do -	- do -

1. National Bus Corp (APB) 2. Telecom
2. OMC (G.M) 3. Telecom
3. GMR Telecom Dist
4. Airtel
5. Bhutan - 1.

REMARKS OR THE COMMISSIONER

A.O. (Circle office Member)

C.A.O.

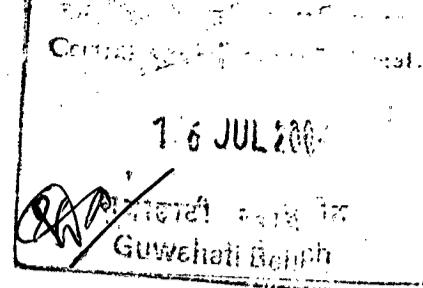
On the G.L.I.D.M./G.I.

D.E. (P&A)

On the G.L.I.D.M./G.I.

Airtel

Bhutan - 1



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::::: GUWAHATI

O.A. NO. 129 OF 2003.

Shri Kamala Kanta Das & Ors.

..... Applicants.
- Vs -

Union of India & Ors.

..... Respondents

In the matter of :

Written Statement submitted by
the respondents.

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

1. That with regard to para 4.1, of the application
the respondents beg to offer no comments.
2. That with regard to the statement made in para
4.2, of the application the respondents beg to state that
the applicants were worked casually depending upon the
availability of work but not continuously as mentioned in
the O.A.
3. That with regard to para 4.3, of the application
the respondents beg to offer no comments.

Contd.....

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4. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the applicants were never entrusted regular nature of job. As per report of SDE/Borjhar, they were never engaged as casual labour.
5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that as per the verification committee report, the applicants were worked casually for an emergent work developed against estimate. They are not covered by the regularization scheme due to non-completion of 240 days in any calendar year prior to 1.8.98.
6. That with regard to the statement made in para 4.6, of the application the respondents beg to state that the statement of the petitioners are not correct. Question of termination does not arise as the applicants were not appointed by the respondents. According to regularization scheme, the applicants are not eligible for appointment under the respondents.
7. That with regard to the statement made in para 4.7 & 4.8, of the application the respondents beg to state that as per order of Hon'ble CAT/Guahati in O.A. No. 350 of 2000 the cases of the applicants were taken up along with the cases of other mazdoors.

A committee for verification of engagement particulars of all the mazdoors who worked under Kamrup Telecom District was set up which functioned from October 2001 to May 2002. The Verification Committee issued notice to the

above O.A. applicants for appearing before the committee on 7.11.2001. Thereafter the applicants ~~were~~ appeared before the verification committee on 7.11.2001. The committee verified various records and documents submitted by the applicants with the related payment particulars. After careful examination of the records found that the applicants in O.A. No. 350/2000 have not completed at least 240 days in any calendar year prior to 1.8.98. On the basis of verification committee report the respondent has rejected the claim of the applicants and communicated *vide letter d* dated 14.6.2002.

8. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the statement of the petitioners are baseless and motivated. As the applicants did not fulfill the eligible criteria of regularization scheme so the question of absorption does not arise.

9. That with regard to the statement made in para 4.10, of the application the respondents beg to state that the applicants have not completed 240 days in any calendar year due to which they are not entitle for grant of temporary status.

10. That with regard to the statement made in para 4.11, of the application the respondents beg to state that the applicants claim are not justified.

Under the above circumstances the applicants are not entitle for any relief under the departmental rules and the case is liable to be dismiss with compensatory cost.

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

I, S.C. Das, Asstt. Director Telecom (Legal),
 Office of the Chief General Manager Telecom, Assam Telecom,
 Circle, Ulubari, Guwahati-781 007, being authorised do hereby
 solemnly affirm and declare that the statements made in
 paragraphs 1 to 10 are true to my knowledge and
 those made in paragraphs are true to my
 information and I have not suppressed any material fact.

And I sign this verification on this 17 th day
 of June 2004.

(S. C. Das)
 (S. C. Das)
 महाप्रतिष्ठान (संघ)
 Assistant Director Telecom (Legal)
 कार्यालय, असम राज्य रेलवे कार्यालय,
 Office of the Chief General Manager Telecom
 असम रेलवे राज्य रेलवे कार्यालय,
 Assam Telecom Circle, Guwahati-7