

30/100

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

X

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

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

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....CA.....Pg. 1.....to 6.....
2. Judgment/Order dtd. 02.01.2006.....Pg. 1.....to 2.....Admitted
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....129/2003.....Pg. 1.....to 44.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1.....to 4.....
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.)

Bahar  
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.

Respondants: - Q.O. 1 & Ors.

Advocate for the Applicants: - Mr Adil Ahmed

Advocate for the Respondants: - CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Contention Petition is filed / not filed C F for Rs 50/- deposited vide I/O/BD No. 84.488023 dated 9.16.02.</p> <p><i>1/c Dr. Registrar 12/6/03</i></p> <p>pl. comply order dated 13/6/03</p> <p><i>13/6/03</i></p> <p>Notice prepared &amp; sent to Sps for using the respondent No 1 to 4 by Regd. A.A.</p> <p><i>Δ/No 1313 W 1317</i></p> <p><i>Δ/d 17/7/03</i></p> <p><i>17/6.</i></p>	<p>13.6.2003</p> <p>mb</p> <p>18.7.2003</p> <p>mb</p> <p>5.9.2003</p> <p>mb</p>	<p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. List again on 18.7.2003 for admission.</p> <p>Vice-Chairman</p> <p>Put up again on 5.9.2003 for admission.</p> <p>Vice-Chairman</p> <p>None appears for the applicant. List again on 12.9.2003 for admission.</p> <p>Vice-Chairman</p>

(2)


n

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

No. written statement  
has been filed.

List again on 31.10.2003 for  
written statement.

200  
30.10.03

  
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.

  
Member (A)

mb

No. written statement  
has been filed.

9.03.04

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

List on 6.4.03 for orders.

  
Member(A)

200  
5.4.04

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.

  
Member (A)

mb

No written statement  
has been filed.

20  
3.6.04

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.

*ICV Bhattacharya*  
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.

*ICV Bhattacharya*  
Member (A)

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.

*ICV Bhattacharya*  
Member (A)

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.

*ICV Bhattacharya*  
Member (A)

bb

24.09.2004 Written statement has been filed.  
List on 3.12.2004 for hearing.

*ICV Bhattacharya*  
Member (A)

mb

16.7.04

W/S submitted  
by the Respondents.

*ICV Bhattacharya*

4-8-04

W/S has been filed

25-9-04

Rejoinder has not  
been filed by the  
applicant

Case is ready for hearing.

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

*K.V. Prahladan*  
Member (A)

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

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

*K.V. Prahladan*  
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.

*V. Vengal*  
Vice-Chairman

bb

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

*V. Vengal*  
Vice-Chairman

Case is ready for hearing.

lm

Office Notes	Date	Order of the Tribunal
<p>W/S has been filed.</p> <p><u>34</u> 15.6.05</p>	8.6.05	<p>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.</p> <p>post on 16.6.05 before Division Bench</p> <p><i>[Signature]</i> Vice-Chairman</p>
	pg	
	16.6.05	<p>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, <sup>or understanding of the</sup> memoranda of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.</p> <p>Post on 22.7.2005 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
	pg	
	22.07.2005	<p>Since Mr.B.C.Pathak, learned counsel for the BSNL is unwell post on 10.8.2005.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
	bb	
	10.8.2005	<p>Post this case on 16.8.2005 at 2.30 P.M.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

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

  
Vice-Chairman

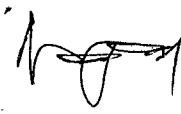
lm

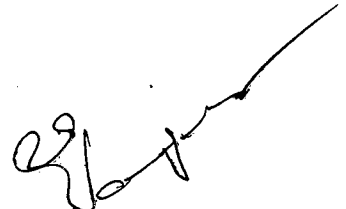
22.11.2005 Post before the next Division Bench.

  
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.

  
Member

  
Vice-Chairman

mb

17.1.06

Copy of the judgment has been sent to the office for sending the same to the L/Advocates for the parties.

9

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 Seikh  
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.

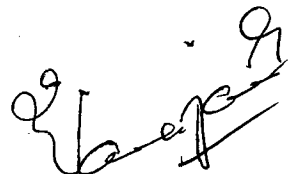
3. Mr. A. Ahmed, counsel for the applicants submits that he is aware of the said decision. We find that the Gauhati High Court in the above mentioned decision, in regard to the regularization of the casual labours in the BSNL, has held that in the absence of a notification under Section 14(2) of the 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 )

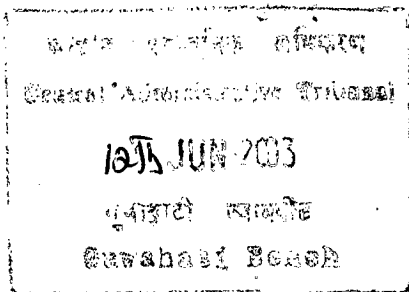
ADMINISTRATIVE MEMBER



( G. SIVARAJAN )

VICE CHAIRMAN

/mb/



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

I N D E X

Sl.No.	Particulars	Page No.
1)	Application	1 to 13
2)	Verification	14
3)	Annexure-A to A <sub>17</sub>	15 to 32
4)	Annexure-B	33 to 34
5)	Annexure-C to C <sub>4</sub>	35 to 44

Filed by

Advocate (Adv. D. H. M. D.)

12  
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 A<sub>17</sub> 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

13

Annexure-C to C<sub>4</sub> 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.

✓ Sri Kamada Kanta Das

Filed by 14  
Shri Kamala Kanta Das  
Applicant  
Through Jiff  
(Adv. Kamal Das)  
Advocate

- 1 -

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

- 1) Sri Kamala Kanta Das,  
S/o Daga Ram Das,  
Village & P.O. - Uparhali,  
District-Kamrup, Assam.
- 2) Md. Gani Fulla 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.

S 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:

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 :



17

- 4 -

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 A<sub>17</sub> 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'.

- 5 -

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 O.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

seri kamala kanta was

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

-7-

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 C<sub>q</sub> 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.

✓ Sri Kumada Kanta Das

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.

- 9 -

- 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 Kamala Kanta Das

nature and therefore they are entitled to be re 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 re 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



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

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

- 13 -

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.

J Sri Kamala Kanta Das

24

- 14 -

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 Dagoram Das, vill- Uparkali, P.O. Uparkali, P/S Palashbari, Dist. Kamrup (Assam) is known to me. He was working at Bijaynagar Telephone Exchange O/D & I/D on A.C.R.-17 basis from 1995 April to 1996 April. He is a good worker.

সিই কামলা কান্ত দাস - L 17  
সিই ডাগোৰাম দাস

To whom to Concernt

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

সিই কামলা কান্ত দাস - L 17  
সিই ডাগোৰাম দাস

Adhik  
Advocate

TO WHOM IT MAY CONCERN

This is to certify that, Sri Kamala Kt. Das, S/O Sri Dago Ram Das of village and P.O. Uparhali, 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 ware work of exchange installation and MA etc.

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


*[Signature]*  
(SMA) M.R.

*[Signature]*  
Attest  
*[Signature]*  
Advocate

TO WHOM TO CONCERN

Certified that Sri. Kamala Kanta Das S/O Sri Dageram Das,  
Vill- Uparhali, P.O. Uparhali, P/S Palashbari, Dist. Kamrup  
(Assam) is known to me. He was working at Bijeynagar Telephone  
Excheg 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.

Attd  
Advocate

Certificates

31  
ANNEXURE A3

Certified That Sri Satya Kalita  
S/O Sri Lokit Kalita villed - Alagjari  
P.O./P.S. Chhaygaon Dist Kamrup -  
(Assam) He is working at chh-  
aygaon Telephone Exchange  
A.C.G - 3 Basis from 1996 to  
1998. He is a good worker.

Sri Ram Chandra Sar  
21/11 chhay gaon  
date- 25/5/98

Attested  
[Signature]  
Advocate

Certificates

ANNEXURE - A<sub>4</sub>

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

Sri Ram Chandra Ray?  
H/O Chaygaon  
date 1/4/96

Attest  
Jil - Advanta



Certificates

ANNEXURE - A<sub>5</sub>

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

০৫.১১.২০১৭ - L.M.

Attest  
 [Signature]  
 Advait

— 21 — ANNEXURE - A 6

TO WHOME IT MAY CONCERN

34

Shri Sanjay Balmiki, S/o Sri Guri  
Shankar Balmiki of vill E. P.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.

In-Charge  
Bijaynagar  
13/6/26.

Attested,  
J.S. — Advanta

TO

Whom it may concern.

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

(B. Choudhary)

(B. Choudhary)

J. T. O. (Group-1/c)  
Telephone Exchange  
Bijayanagar

Attested  
J. S. Advanta

Certified that Sri Naba Mazumdar S/O Sri Rajat Mazumdar of Village Bijoy Nagar P.O. Bijoy Nagar P/S ~~Rajabhat~~ 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.

সি ১১২ ৭ ২১২/

L/M / Bijoy

31-12-95

Attested  
[Signature]  
Adm. Secy

-24-

ANNEXURE - A9<sup>37</sup>

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 MaBharua.

Bijaynagar.

30-12-96

Atul  
JL  
Kishor

Certified that Sri Naba Mazumdar S/O Sri Rajat Mazumdar of Village Bijohnagar P.O. Bijohnagar P/S Palas-hbari 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.

সিদ্ধান্ত  
২৫/১১/৯৯

Attd  
Q2  
Adm

-26-

89  
ANNEXURE-A 11

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.

01/12/2024  
L/M/ H 26/11

Advt  
Advt  
Advt

Certified that Sri Naba maramba S/O Sri Rajat-  
 maramba of village Bijaynagar P.O. Bijaynagar  
 P/S Patkoti in the Dist. Kamrup (Assam)  
 is known to me. He was working as a casual  
 mason from July 88 to Dec-1989 on  
 A.C.C. 17 bills. He is a good worker.

C/S

8/7/90

Nagdeo Roy  
 2/11/90

Attested  
1  
 J. S. Advaita



-28-

ANNEXURE - A 13/1

Certified that Md Ganiulla Saikh S/O

Md. Abul Ali. Village Semina P.O. Semina. P.S.  
Palasbari (Mitga) Dist Kamrup (Assam) is known  
to me. He was working as casual Man at  
from Aug 198 A.C.G. H till to ~~1980~~ 1980. He is  
good worker.

Rajat Ch. Thakuria P.M.  
Bijoymagare Telephone Exch.  
31-1-2000

Attest  
J.S. /  
Adhikari

Certified that Md. Ganiulla 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.C.G. 17 bill. He is a good  
worker.

01/07/98 21/24/21  
01/07/98 21/24/21

Attested  
Jil. / Jil. / Jil.

~~28~~ - 30 -

ANNEXURE - A<sub>15</sub>  
43

Certified that Md. Ganiulla 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 January '96 to Decem-  
ber '97 on A.C.G. 17 bills. He is a good Worker.

Rajot Ch. Shakur

Pheni Machani

Bijay nagak.

Abul  
J. J.  
Admission to

TO WHOM IT MAY CONCERN

This is to certify that Md. Gami  
 ulah Sheikh, son of Md. Mbul Ali,  
 inhabitant of Village Simina  
 under palashbari P.S in the  
 District of Kamrup. was  
 engaged on A.C.C-17 (monthly  
 wage casual labour) of the  
 following record

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

13/3/93  
 Telephones Inspector,  
 B.P. Nagar Telephone Exchange  
 BIJAYNAGAR - 781 122

Attested  
 J.S.  
 Aswanta

-32-

45  
ANNEXURE - A<sub>17</sub>

Certified that Md. Ganiulla Seikh S/O Md. Abul Ali Village  
Simina P.O. Simina 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

CTBP/Lm.

Bijaynagar.

Attended  
J.L. ———  
Adm. to

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-

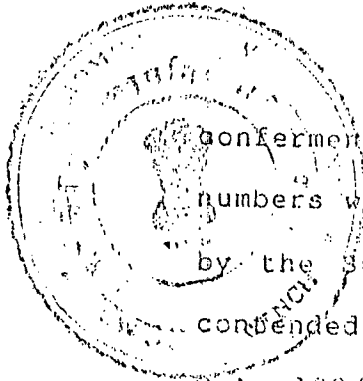
1. Union of India  
Through Secretary to the Govt. of  
India, Ministry of Communication,  
Department of Telecommunication,  
New Delhi.
2. General Manager,  
Telecom Department,  
Kamrup Telecom District,  
Guwahati-781007.
3. S.D.E.(O),  
Borjhar Telephone Engineer,  
Borjhar  
Guwahati-15.

..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 Mazdor. They contended 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 21  
Jil  
Advocate

-36-

47

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.E.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/VICL CHAIRMAN

TRUE COPY  
26/7/02  
Section Officer (Judicial)  
Central Administrative Tribunal  
Bhubaneswar Bench, Cuttack

A/H/1  
1  
A/H/1

-35-

ANNEXURE-C

HB

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/02-03/220

Dated at Guwahati, the 14<sup>th</sup> June'2002.

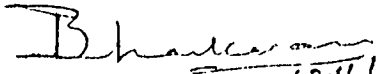
To

✓ Shri Kamala Kanta Das, S/o Shri Dago Ram Das,  
VIII. & 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.


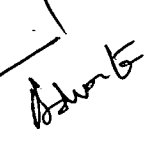
  
Head of SSA/ Unit  
Divisional Engineer (Admin),  
O/O G.M. Telecom  
Kamrup Telecom District  
Guwahati-7.

Copy to :

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

  
For GM(BSNL).KTD, Guwahati-7

↓  
Divisional Engineer (Admin),  
O/O G.M. Telecom  
Kamrup Telecom District  
Guwahati-7.



-36-claiming period. 8-18/91 to 9/97

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

Sri Kamala Kanta Das

CA 350/2000


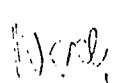
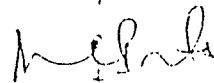
61 days


68 days

YEAR	MONTH	NO. OF DAYS	FIGURE OF PAYMENT EXCESSIVE ROLLED OVER PARTICULARS (VOUCHER NOS)	AMOUNT	RECEIVED BY WHOM	DUTY PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1995	Jan.						
	Feb.	1	A/c. 27/94-95	100/-	SDE/Bjr.		
	March						
	April	30	A/c. 17.	1500/-	SDE/Bjr.		
	May	30		1500/-	SDE/Bjr.		
	June						
	July						
	August						
	Sept.						
	Oct.						
	Nov.						
	Dec.						
1996	Jan.	31	A/c. 81/95-96 P.E. 23-2-96	1500/-	SDE/Bjr.		
	Feb.						
	March						
	April						
	May						
	June						
	July	20	A/c. 6/96-97	1000/-	SDE/Bjr.		
	August						
	Sept.	10	A/c. 14/96-97	500/-	SDE/Bjr.		
	Oct.						
	Nov.						
	Dec.	7 days	A/c. 24/96-97	385/-	SDE/Bjr.		
	Jan.						
	Feb.						
	March						
	April						
	May						
	June						
	July						
	August						
	Sept.						
	Oct.						
	Nov.						
	Dec.						

18/6/92  
Regional Engineer (Admin)  
G.M. Telecom  
Telecom District  
Bhubaneswar-2.

SIGNATURE OF THE COLLECTIVE MEMBERS

 A.D.T. (Circle office Member) (Legal)  
 A.O.  
 O/o the G.M./TDM/GH  
 D.E. (Admin)  
 O/o the G.M./TDM/GH

Attested  
  
 Advocate

Annexure - C<sub>1</sub>

-37-

By Regd. Post or  
Through Peon Book

50

**BIHARAT SANCHIAR 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 14<sup>th</sup> 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.

*[Signature]*  
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 .

*[Signature]*

For GM(BSNL).KTD, Guwahati-7

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

*[Handwritten signatures and initials]*  
A. K. S. / 21  
A. K. S. / 21  
A. K. S. / 21

**EXPENDITURE STATEMENT  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT**

Md Ganiulla S. Kh.

CA 356/2000

26 days

YEAR	MONTH	NO. OF DAYS	MONTHLY PAYMENT i.e. MASTER ROLL/ACCT PARTICULARS i.e. VOUCHER NOS	AMOUNT	INITIALS BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A. O. WHO HAS PAID
1993	October	2	A/c 39/93-94	90/-	SDE/BTR	SDE/BTR	A.O.(C)
1994	April	2	A/c - do.	90/-	- do -	- do -	- do -
1995	April	2	ACT - 17	90/-	- do -	- do -	A.O.(C)
1996	March	6	A/c 5/96-97	2270/-	- do -	- do -	A.O.(C)
1996	July	3	A/c 6/96-97	165/-	- do -	- do -	A.O.(C)
1996	August	2	A/c 14/96-97	110/-	- do -	- do -	A.O.(C)
1996	September	15 days	A/c 14/96-97	750/-	- do -	- do -	A.O.(C)
<div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; border-left: 1px solid black; border-right: 1px solid black; border-bottom: 1px solid black;"></div>							

*B. Narayan*  
18/6/02  
Divisional Engineer (Admin)  
O/O G.M. Telecom  
Camrup Telecom District  
Guwahati-7.

SIGNATURE OF THE COMPTROLLER GENERAL

*[Signature]*  
ADT (Circle office Member)  
(Legal)  
*[Signature]*  
C.A.O.  
O/o the G.M. (TDM)/CH  
*[Signature]*

*[Signature]*  
D.E.(P&A)  
O/o the G.M. (TDM)/CH

-39-

ANNEXURE - C<sub>2</sub>  
62

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/02-03/222

Dated at Guwahati, the 14<sup>th</sup> June'2002.

To

✓ Shri Naba Mazumdar, S/o Shri Rajat Mazumdar  
Vill: Uparhali, PO: Bijohnagar, 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(Adm.) 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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*Bh...*  
18/6/02  
Head of SSA/ Unit  
Divisional 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 .

*Sd/-*  
For GM(BSNL).KTD, Guwahati-7

Divisional Engineer  
O/O/

*Attn: El*  
*JL*  
*Adm to*

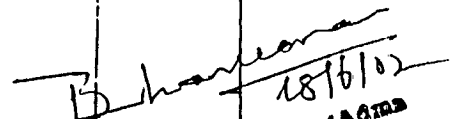
- 90- 14/c

ANNEXURE (Part 2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

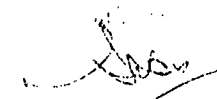
Sd/- K. C. H. Mazumdar

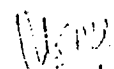
CA 350/2000

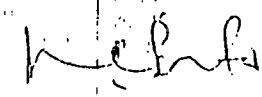
YEAR	MONTH	NO. OF DAYS	MODE OF PAYMENT i.e. MASTER POLZA/COIT PARTICULARS i.e. VOUCHER NOS	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1991	November	1	A/c 77/93-94	Rs 40/-	SDE/BTR	SDE/BTR	AO(c)
1991	March	2	A/c 5/96-97	Rs 10/-	do	do	do(c)
1991	June	2	A/c 14/96-97	Rs 110/-	do	do	do
"	July	20	A/c 6/96-97	Rs 1000/-	do	do	do
"	August	1	A/c 14/96-97	Rs 55/-	do	do	do
"	Sept	11	A/c 14/96-97	Rs 565/-	SDE/BTR	do	AO(c)
"	Oct	4	A/c 18/96-97	Rs 220/-	"	"	"
"	December	5	A/c 24/96-97	275/-	"	"	"
1992	February	2	A/c 28/97-98	100/-	"	"	"
"	June	10	A/c 10/97-98	Rs 550/-	"	"	"
<div>45 days</div> <div>12 days</div>							

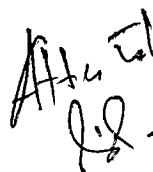
  
 18/6/02  
 Divisional Engineer (Adms)  
 O/O O.M. Telecom  
 Kamrup Telecom District  
 Guwahati-7

SIGNATURE OF THE CHIEF MEMBERS

  
 A.C.H. Mazumdar  
 (Legal)

  
 C.A.O.  
 Of the GM / DM / CH

  
 D.E. (P&A)  
 Of the GM / DM / CH

  
 A.C.H. Mazumdar

ANNEXURE - C3  
54

- 41 -

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/02-03/223

Dated at Guwahati, the 14<sup>th</sup> June'2002.

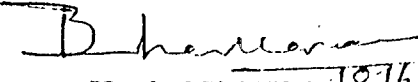
To

✓ Shri Sanjoy Balmiki, S/O Late Gouri Sankar Balmiki  
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.Patel, 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.

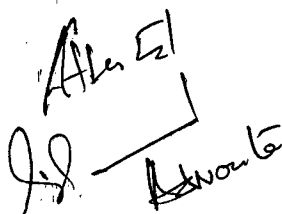
  
Head of SSA/ Unit 18/6/02  
Divisional Engineer (Assam)  
O/O/ G.M. Telecom  
Kamrup Telecom District  
Guwahati-7.

Copy to :

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

  
For GM(BSNL).KTD, Guwahati-7

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



ANNEXURE-2 (Part-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

S.P. Sanyal, B.A., B.L.

CA 350/2000

YEAR	MONTH	NO. OF DAYS	MODE OF PAYMENT i.e. MASTER- ROL/ACTED PARTICULARS i.e. VOUCHER NOS	AMOUNT	THROUGH BY WHOM	DUTY/OF PASSED AUTHORITY	NAME OF A.O. WHO HAS PAID
1992	April	30	A/c 22, 433	R. 1005/-	SDE (BTR)	SDE/BTR	A/c
	Sept	22	A/c 76, 46	R. 985/-	do	do	do
	March	22	A/c 3/94-95	R. 955/-	do	do	do
1995	July	31	A/c 43/95-96	1500/-	do	do	do
1996	April	1	A/c 5/96-97	39/-	do	do	do
	June	30	A/c 14/96-97	500/-	do	do	A/c
	July	20	A/c 6/96-97	500/-	do	do	"
	December	31	A/c 24/96-97	500/-	do	do	2
1997	May	31	A/c 10/97-98	750/-	do	do	2

52 days

82 days

*B. Chandra*  
6516/03  
Assistant Engineer (Admin)  
O/O G.M. Telecom  
Kamrup Telecom District  
Guwahati-7.

SIGNATURE OF THE COMPTROLLER GENERAL

*[Signature]*  
A.O. (Public Office Member)  
(Legal)

*[Signature]*  
C.A.O.  
O/O the G.M. TDR/GH

*[Signature]*  
D. (PRA)  
O/O the G.M. TDR/GH

*[Signature]*  
Advocate

-43-

ANNEXURE - C<sub>4</sub>

By Regd. Post or  
Through Peon Book

50

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 14<sup>th</sup> June'2002.

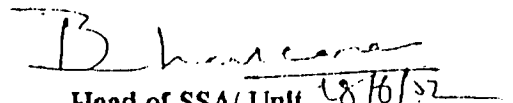
To

✓ Shri Satya Kalita, S/O Shri Lalit Kalita,  
Vill: Alekjarl, PO: 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(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.

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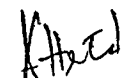
  
Head of SSA/ Unit 18/6/02  
District Engineer (Admn.)  
O/O, G.M. Telecom  
Kamrup Telecom District  
Guwahati - 7.

Copy to :

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

  
For GM(BSNL).KTD, Guwahati-7

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

  
Advocate



- 66 - 14/c  
ANNEXURE 'C' (Page 2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF IS JAL ENGAGEMENT

Shree Satya Kavita

CH. 356/2000

	YEAR	MONTH	GROUP DAYS	MODE OF PAYMENT i.e. MASTER, POLICY, etc. PARTICULARS i.e. YOUR REFERENCE	AMOUNT	ENDORSED BY WHOM	BILLING/ PASSED AUTHORITY	NAME OF A.O. WHO HAS PAID
2 days	1999	Sept	1	A/c 76/92-93	40/-	SDE/BIR	SDE/BIR	A/C (C)
	"	November	1	A/c 81/92-93	40/-	- do -	- do -	- do -
31 days	1999	May	2		80/-	- do -	- do -	- do -
	"	June	10	A/c 12/93-94	400/-	- do -	- do -	- do -
	"	July	11	A/c 29/93-94	440/-	- do -	- do -	- do -
	"	Nov.	5			- do -	- do -	- do -
	1999	January	16		720/-	- do -	- do -	- do -
78 days	"	March	13			- do -	- do -	- do -
	"	April	16			- do -	- do -	- do -
	"	May	4	A/c 15/94-95	250/-	- do -	- do -	- do -
	"	June	13			- do -	- do -	- do -
	"	July	8	A/c 19/94-95		- do -	- do -	- do -
65 days	"	Dec	5	A/c 24/94-95		- do -	- do -	- do -
	1999	Jan.	30	ACG - 17		- do -	- do -	- do -
	"	May	30	ACG - 17		- do -	- do -	- do -
	"	July	4	ACG - 17		- do -	- do -	- do -
	"	Dec.	1	A/c 2/95-96	45/-	- do -	- do -	- do -
60 days	1999	January	3	ACG - 17		- do -	- do -	- do -
	"	March	4	ACG - 17		- do -	- do -	- do -
	"	May	20	ACG - 17		- do -	- do -	- do -
	"	September	20	A/c 14/96-97	1100/-	- do -	- do -	- do -
	"	December	5	A/c 31/96-97	300/-	- do -	- do -	- do -

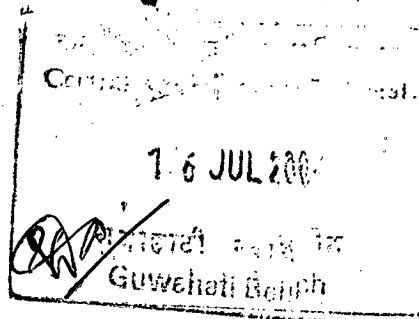
63/16/02  
Regional Engineer (A&T)  
G.O. C. M. Telecom  
Cumrup Telecom District  
Guwahati-7.

SIGNATURE OF THE COMMISSIONER

*[Signature]*  
ADD (Circle office Member) C.A.O.  
(Legal) to the G.A. (H)/CH

*[Signature]*  
D.E. (P.S.A.)  
to the G.A. (H)/CH

*[Signature]*  
Dante



Filed by

16/7/03

(A. DEBROY)

ST. C.

C. A. T. Bench

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.....

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/Guwahati 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.

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)*  
17/6/2004  
সহায়ক ডিরেক্টর (নিয়মিত)  
Assam Telecom (Legal)  
ক্যাডালগ, বঙ্গ বহু প্রকল্প দপ্তর,  
Office of the Chief General Manager Telecom  
অসম টেলিকম সার্কেল, গুৱাহাটী-৭  
Assam Telecom Circle, Guwahati-7