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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 200/2004.....

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

200/2004

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

In O.A.

Name of the Applicant(s) Sri Praklad Ch. Bora

Name of the Respondent(s) No 1 & 08

Advocate for the Applicant Mr S. Samanta & Miss U. Das

Counsel for the Railway/C.G.S.C. ~~Exe~~ Mr. B. C. Pathak

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
	3.9.2004	Heard Ms.U.Das, learned counsel for the applicant. Issue notice to the parties to show cause as to why the application shall not be admitted, ext returnable by four weeks. List on 4.10.2004 for admission.
Dated..... S. Joseph Dy. Registrar Steps Taken..... 21/9/04		
	22.11.2004	List on 3.12.2004 for admission.
Notice & order sent to D/Section for issuing to resp. Nos 1 to 4, by regd. with A/D post. 15/10/04. Notice duly served on resp No. 2. K. K. K.	3.12.2004	mb Ms. B. Devi, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents were present. On the plea of learned counsel for the respondents four weeks time is given to file written statement. List on 7.1.2005 for orders.

- 2 -

1. NO Show cause
has been filed.

2
19/11/04

07.01.2005

On the plea of learned
counsel for the respondents
eight weeks time is given to the
respondents to file written state-
ment.

List on 04.03.2005 for
orders.

6-1-05

NO W/S has been filed
Notice - Party served
on 2-2-2005

mb

lcv Prahadan
Member (A)

04.03.2005 Present : The Hon'ble Mr. K. V.
Prahadan, Member (A).

None present for the
applicant. List on 11.3.2005
for orders.

KV Prahadan
Member (A)

mb

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

On the plea of the learned
counsel for the Respondents
four weeks time is granted to
file written statement.

List on 8.4.05.

lcv Prahadan
Member

08.04.2005

7-4-05
No W/S has been
filed.

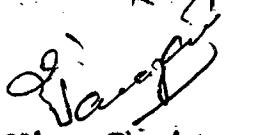
lm

None appears for the respondents.

It is seen that initially Mr. A. Deb
Roy, learned counsel has been served
with a copy of the application and
that presently Mr. B.C. Pathak, learned
Standing counsel for the BSNL is
appearing. Post on 11.5.2005. Written
statement, if any, in the meantime.

Dinesh
Vice-Chairman

mb

Office Notes	Date	Order of the Tribunal
14-6-05 No art 5 his case Billed	11.5.2005	Mr. M. U. Ahmed, learned Addl. C. G. S. C. submits that he is entering appearance on behalf of the respondents. Post on 15.6.2005.
	bb	 Vice-Chairman
	8.6.05	Since the jurisdiction aspect regarding maintainability of the application against the BSNL as respondent is raised in this application, I am of the view that the matter must be heard by the Division Bench. Post on 16.6.2005 before Division Bench.
	pg	 Vice-Chairman
	16.6.05	After hearing the counsel for the parties at some length on the question of preliminary jurisdiction we feel that the parties have not placed all the relevant records before us. In the circumstances we direct the parties to file all the relevant papers, memoranda of the Central Government and the BSNL for a proper consideration of the question of jurisdiction. Post on 22.7.2005 for hearing.
		 Vice-Chairman
	pg	

(4)

22.7.2005 Since Mr.B.C.Pathak, learned counsel for the BSNL is unwell post on 10.8.2005.

IcrBhakta
Member

2 Jagad
Vice-Chairman

bb

10.8.2005 Post on 16.8.2005 at 10.30 P.M.

IcrBhakta
Member

2 Jagad
Vice-Chairman

mb

No. W.Ls has been
billed.

30
28.05

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.

IcrBhakta
Member

2 Jagad
Vice-Chairman

lm

6.10.2005

This unlisted item was taken up at the request of Mr.S.Sarma, learned counsel for the applicant. Counsel submits that the applicant would like to withdraw this O.A. with liberty to approach the appropriate forum.

Heard Mr.B.C.Pathak, learned counsel for the respondents also. Since the applicant wants to withdraw this application with liberty to approach the appropriate authority, this O.A. is dismissed as withdrawn with such liberty.

Joint
Member

2 Jagad
Vice-Chairman

bb

25.10.05
Copy of the
order has been
sent to the D/see.
for leaving the
case to the
applicant by post.
and a copy of the
same to the L/Adv.
for the Resps.

Ch.

केंद्रीय दायरेविक अधिकाराय
Central Administrative Tribunal

- 2 SEP 2004 34
गुवाहाटी बाबपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 200 of 2004

BETWEEN

Shri Prahlad Ch. Bora Applicants.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : *Abha Das*
File : c:\WS7\prahlad

Regn. No. :
Date : *21*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. of 2004

Shri Prabhat Ch. Bora & Ors. Applicants.

AND

Union of India & ors. Respondents.

SYNOPSIS

All the applicants are working as casual worker under the Telecom District Manager, Nagaon, Telecom Division, Nagaon. They are aggrieved by the action of the Respondents in not extending the benefit of the Apex Court's judgment pursuant to which a scheme ~~has~~ been prepared for confirmation of temporary status to the Casual Worker. The applicants alongwith other had approached the Hon'ble Tribunal by way of filing OA No.316/2001 seeking direction towards the Respondents for grant of temporary status. The Hon'ble Tribunal was please to allow the aforesaid OA as regard the applicants because they have completed 240 days in a year. The Respondents, in the name of reverification have tried to frustrate the claim of the applicants by issuing the order dated 13.8.01. This Hon'ble Central Administrative Tribunal, Guwahati Bench was pleased to pass a judgment in - run by the judgment and order dated 3.9.02 in OA No.289/01 & ors. by which the Hon'ble Tribunal directed Respondents to constitute a responsible committee for verification of all the casual labour. The applicants are now aggrieved by the Respondents in not granting the Temporary Status in spite of clear cut direction issued by the Hon'ble Tribunal by the judgement and order dated 28.9.01 passed in OA No.316/2000. Hence this application.

2 SEP 2004 34

गुवाहाटी बैच
Guwahati Bench

of
Filed by
the
applicants through
Gobinda Das
Advocate
26/7/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A. No. 200 of 2004

BETWEEN

1. Sri Prahlad Ch. Bora
2. Sri Dilip Mazumdar
3. Sri Sanjeet Kr. Banik
4. Sri Radhakanta Bordoloi
5. Sri Binod Kr. Saikia
6. Sri Ananda Ch. Das

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

.....Applicants.

-AND-

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

.....Respondents.

DETAILS OF THE APPLICATION

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

This application is not directed against any particular order but has been made against the action of the Respondents is not initiating the process of reverification in case of the present applicants as per direction passed by

the Hon'ble Central Administrative Tribunal in judgment and order dated 3.9.2002 passed in OA nos 289/2001 & ors. This application is also directed against the order dated 13.8.01 by which the Respondents have rejected the claim of the applicants for grant of temporary status and subsequent regularisation in spite of they have completed 240 days every year since their initial appointment. This application is also directed against the order dated 16.2.2004 by which the juniors of the applicants have been granted with temporary status.

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

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

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

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

4.3. That the applicants are presently working as casual workers and all of them were appointed in various dates ranging from 1987-89 on casual basis. The applicants are at present drawing their wages under departmental pay slips, which will show that they are casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

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

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition and issued certain directions in regard to regularisation as well as grant of temporary status to those casual labourers of the

Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (c) No.1280/89 (Ram Gopal & Ors. Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme court was pleased to pass a similar direction to the respondents authority to prepare a scheme on a rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt. of India, Ministry of Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" and the same was communicated vide letter no.269-10/89-STN dated 7.11.89. In the scheme certain benefits granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

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

4.5. That as per the Annexure-2 scheme as well as the directions issued by the Hon'ble Supreme Court (Annexure-1) in the cases mentioned above, the applicants are entitled to the benefits described in the scheme. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the aforesaid verdict of the Hon'ble

Supreme Court, and more specifically in the dates described in the Annexure-A may be referred to for the better appreciation of the factual position.

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

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

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

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

AB

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

4.8. That the benefits of the aforesaid judgment and circular of Govt. of India is required to be extended to the applicants in the instant application more so when they are similarly circumstance with that of the casual workers to whom posts. As stated above both the Deptts. are under the same Ministry i.e. the Ministry of Communication, and the Scheme were pursuant to the Supreme Court's Judgment as mentioned above. There can not be any earthly reason as to why the applicants shall not be extended the same benefits as have been granted to the casual labourers working in the Dept. of Posts.

4.9. That the applicants state that the casual labourers working in the Deptt. of Telecommunication are similarly situated like that of the casual workers working in the Deptt. of Posts. In both the cases relevant schemes was prepared as per the direction of the Hon'ble Court delivered their judgment in respect of the casual workers in the Deptt. of Telecommunicatin following the judgment delivered in respect of casual workers in the Deptt. of Posts. As stated earlier both the Deptts. are the same Ministry i.e. Ministry of Communication. Therefore, there is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. It is pertinent to mention here that the casual workers of the

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Dept of Posts on obtaining the Temporary Status are granted much more benefited than the casual workers of the Deptt. of Telecommunication. Similar benefits are required to be extended to the casual workers of the Deptt. of Telecommunication having regard to the facts both the Deptts are under the same ministry and the basic foundation of the scheme for both the Deptts. are Supreme Court's judgement referred to above. If the casual workers of the Deptt of Posts can be granted with the benefits as enumerated above based on Supreme Court's verdict, there is no earthly reason as to why the casual workers of the Deptt. of Telecommunication should not be extended with the similar benefits.

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

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

4.11. That the applicants state that it is settled position of law that when some principles have laid down in a given case those principles are required to be made applicable to other similarly situated cases without requiring them to approach the Hon'ble Court again and again. But in a nutshell case in spite of casual labourers of Deptt. of Posts, the Deptt. of Telecommunication under

the same ministry has not yet extended the benefits to the casual labourers working under them.

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

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

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

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

4.14. That the applicants beg to state that pursuant to the aforesaid order dated 31.8.99, the higher authorities of the respondents have issued various orders to the Divisional authorities for furnishing documents/certification to ascertain the facts. To that

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effect mention may be made of order dated 9.11.99 issued by the respondent no.3 asking for documents and certificates.

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

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

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

4.17. That the applicants (except applicant no.5) alongwith 17 agreeived by the inaction/action of the Respondents in not granting the temporary status which has been granted to the juniors once again approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of filing OA No.316/2000. The Hon'ble Tribunal after hearing both the parties was pleased to dismiss the OA while making observation that the dismissal of their application should not preclude them from caliming lawfull benefit admissible under the law.

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

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

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1801

1. THAT THE PETITIONER IS A GOVERNMENT
EMPLOYEE AND IS A TEMPORARY STATUS
HOLDER AND IS IN THE DEPARTMENT

4.19. That after verification of the records of the applicants the respondents have issued again an identical impugned orders to all the applicants on 13.8.01 rejecting the claims of the applicants taking note that the applicants have not been in engagement under the department since June, 1998, and hence they could not satisfy the eligibility criteria as laid down in the scheme for conferment of TSM/regularisation, their cases could not be considered favourably. The applicants beg to state that the Respondents have issued the order dated 13.8.01 without applying their mind and only to frustrate the hence they have violated willfully and deliberately the direction issued by the Hon'ble Tribunal in case of the present applicant.

A copy of the said impugned order dated 13/8/01 is annexed herewith and marked as Annexure-9

4.20. That the applicants beg to state that the present applicants are fully qualified for grant of temporary status as per scheme formulated by the Respondents as they have completed 240 days each and every year since their initial appointment. The applicants beg to submit that the written statements filed by the Respondents in the DA No.316/2000. There was no conformity with the findings reached by the authority alongwith the records produced regarding their engagements. In some cases records indicated that they were engaged more than 240 days, whereas

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in the findings they were shown that they did not served for 240 days. The applicants humble pray before this Hon'ble Tribunal that the cases of the applicants requires a fresh re-consideration by a responsible authority so that the their cases are fairly considered. The cases of the applicants should be entrusted to a responsible authority who would act rationally and responsively. After all it involves to the livelihood of the applicants.

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

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found these people really fulfilled the requirement it would issue appropriate direction to the concerned authority for confirmation of temporary status and their absorption as per the scheme.

A copy of the said judgment and order dated 3.9.02 in OA No.289/01 & ors passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench and annexed herewith and marked as Annexure-10.

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

A copy of the said order dated 16.2.2004 is annexed herewith and marked as Annexure-11.

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

applicable to all the casual workers working under them. The direction of the Hon'ble Tribunal is very clear and unambiguous. After considering all the aspect of the matter the Hon'ble Tribunal was pleased to issue appropriate direction to the Department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for examination of all the cases of left out casual workers. The above judgment and order dated 3.9.02 is equally applicable to all the applicants.

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

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

The applicants in view of the aforesaid facts and circumstances have prayed for a direction to the respondents

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to produce all the relevant documents at the time of hearing of the case.

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

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

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

5.2. For that it is the settled law that when some principles have been laid down in a judgment extending certain benefits to a certain set of employees, the said benefits are required to be extended with the similarly situated employee without requiring them to approach Hon'ble

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the court again and again. The Central Govt. should set an example of a model employer by extending the said benefit to the applicants.

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

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

5.5. For that the impugned order dated 13.8.01 has been passed by the Respondent without verifying the service records of the present applicants and without applying their mind which is also violative of observation passed by the Hon'ble Tribunal in judgment and order dated 28.9.01 passed in OA No. 316/2000 in case of the present applicants. Hence the impugned order dated 13.8.01 is per se illegal and bad in law and liable to be set aside and quash.

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

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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

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

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

8.3. To direct the respondents to extend the benefits of the casual labourers (grant of temporary status and regularisation) scheme to present applicants and to regularised their services.

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

8.5. Cost of the application.

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

9. INTERIM ORDER PRAYED FOR:

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

10.

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

1. I.P.O. No. : 26 G 114132
2. Date : 31/8/04.
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Sri Pankaj Ch. Bora aged about 33 years, son of son of Jawaharlal Dewraja, resident of Khaplangkuchi, District Nagaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1, 4.2, 4.23, 4.27 and 5 to 12 are true to my knowledge and those made in paragraphs 4.3 - 4.22 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 25th day of July of 2004.

Sri Pankaj Ch. Bora

Signature.

ANNEXURE-1.

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

In the Supreme Court of India
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. Petitioners.

-versus-

Union of India & ors Respondents.

With

Writ Petition Nos 1246, 1248 of 1986 176, 177 and 1249 of 1988.

Jant Singh & ors etc. etc. Petitioners.

-versus-

Union of India & ors. Respondents.

ORDER

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

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

By the said Judgment this Court said :

" We direct the respondents to prepare a scheme on a

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Advocate*

rational basis for absorbing as far possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department".

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

Sd/-

Sd/-

(Ranganath Mishra) J.

(Kuldeep Singh) J.

New Delhi

April 17, 1998.

Attested
Noor
Advocate

ANNEXURE

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

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

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

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

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

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

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

Temporary Status.

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

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

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

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

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Advocate

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

- i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.
- ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.
- iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.
- iv) Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.
- v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.
- vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

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

8. Despite conferment of temporary status, the offices of a casual labour may be dispensed within accordance with the relevant provisions of the industrial Disputes Act.1947 on the ground of availability of work. A casual labourer with temporary status can quite service by giving one months notice.

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

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

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ANNEXURE .3

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

Dated 1.9.99.

To

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

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

Sir,

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

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

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

Attested
Anil
Advocate

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ANNEXURE-4.
EXTRACT.

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

NO. 66-52/92-SPB/I

dated 1.11.95.

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

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

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

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

Attested
Ranjan
Advocate

ANNEXURE-5.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

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

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

1. O.A. No.107/1998

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

- versus -

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

2. O.A. No.112/1998

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

- versus -

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

3. O.A. No. 114/1998

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

- versus -

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

4. O.A.No.118/1998

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

- versus -

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

5. O.A.No.120/1998

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

- versus -

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

6. O.A.No.131/1998

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

- versus -

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

7. O.A.No.135/98

All India Telecom Employees Union
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and
Mr.U.K.Nair.

- versus -

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

8. O.A.No.136/1998

All India Telecom Employees Union,
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

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

9. O.A.No.141/1998

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

- versus -

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

10. O.A. No.142/1998

All India Telecom Employees Union,
Civil Wing Branch. Applicants.
By Advocate Mr.B.Malakar

- versus -

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

11. O.A. No.145/1998

Shri Dhani Ram Deka and 10 others. Applicants
By Advocate Mr.I.Hussain.

- versus -

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

12. O.A.No. 192/1998

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

-versus-

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

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H.S. Sarker
Advocate

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13. O.A.No.223/1998

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

- versus -

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

14. O.A.No.269/1998

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

- versus -

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

15. O.A.No.293/1998

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

- versus -

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

O R D E RBARUAH.J. (V.C.)

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

2. The All India Telecom Employees Union is a recognised union of the Telecommunication Department. This union takes up the cause of the members of the said union. Some of the applicants were submitted by the said union, namely the Line Staff and Group-D employees and some other applicantion were filed by the casual employees individually. Those applications were filed as the casual employees engaged in the Telecommunication Department came to know that the services of the casual Mazdoors under the respondents were likely to be terminated with effect from 1.6.1998. The applicants in these applications, pray that the

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

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt. of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme, such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits

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were further extended to the casual labourers of the Department of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. Nos 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.A.s.

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

5. The contention of the respondents in all the above O.A.s is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become

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Advocate

members or office bearers to the staff union. Further, the respondents have stated that the names of the casual employees furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As were engaged by persons having no authority and without following the formal procedure for appointment/engagement. According to the respondents such casual employees are not entitled to re-engagement or regularisation and they can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only to the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A. Nos.302 and 229 of 1996 the respondents have filed writ application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

6. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I.Hussain and Mr.B.Malakar, learned counsel appearing on behalf of the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. and Mr.B.C. Pathak, learned Sr.C.G.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counser for the applicants also submits that the respondents can not put any cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued direction for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

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

8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually, the respondents shall scrutinise and examine each case in consulta-

tion with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

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Advocate

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ANNEXURE- 6

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.299 of 1996.

and

302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have

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

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

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit

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to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers (Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation) Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.3.1995 passed in O.A.No.750/94. Pursuant to that judgment, the Govt. of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman

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, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

Attested
W.D.
Advocate

LIST SHOWING DETAILS IN RESPECT OF CASUAL LABOURERS RECRUITED
AFTER 30-3-85 (EXCLUDING THE CASUAL LABOURERS RECRUITED BETWEEN
31-3-85 TO 22-6-88 FOR PROJECT/RAILWAY ELECTRIFICATION WORKS.)

1. Name of the casual Labourers :- San Palahad ch. (Sarva)
2. Date of Birth :- 1/1/64
3. Date of Appointment as :- 1/1/83
4. Period of service each year :-
1985, 86, 87, 88, 89, 90, 91, 92, 93
(Total No. working days) :- 1985 - 240 days
1989 - 362. " 1992 - 210 " 1993 - 264 "
1990 - 312 " 1993 - 264 "
1994 - 12
5. Whether Employment Exchange procedure was followed in not reason thereof :- 6537/86
6. Reason for employing casual Labourers after 31-3-85 :- Due to shortage of staff -
labour engaged in various works engaged in various
m/s & development works
7. Officer who approved employment of casual labourers. :- JTO - Group under SDOT/SDC
8. The reason for continuation of casual labourers service inspite of orders for termination. :- As he was engaged by other
year he was engaged in various m/s & development
works (n/a) (B. Satish S/o) to 1988

Signature of SL/LI period from B. Satish S/o to 1988
to 1993 and Uma Sugoi Peranigudam.
P.M.

Signature of concerned JTO period from _____ to _____

Counter signature for the period from _____ to _____

SDOT, Seal

JTO, Seal

Certified for the year 1994 only

25/9/94

J. U. (Group I)
Nagpur

Attested
Nurs.
Advocate

Mr. S. N. Bhattacharya, Sri. Prakash Ch. Barua
 %, Sri. P. S. Chatterjee, P. O. in the name of Village
 Kakhati, Jorhat.....P.O. Purigidam, P.S. Baragaon
 Dist. Nagaon (Assam). He is working under me as Casual Mazdoor on
 I.C.O.-17 as follows:-

Jan/88	21	Jan/90	26	Jan/92	22
Feb/88	19	Feb/90	26	Feb/92	19
March/88	24	March/90	25	March/92	18
April/88	22	April/90	26	April/92	19
May/88	20	May/90	26	May/92	19
June/88	19	June/90	26	June/92	19
July/88	19	July/90	26	July/92	18
Aug/88	19	Aug/90	26	Aug/92	19
Sep/88	20	Sept/90	26	Sept/92	20
Oct/88	18	Oct/90	26	Oct/92	21
Nov/88	19	Nov/90	26	Nov/92	25
Dec/88	20	Dec/90	27	Dec/92	20
Total:	240	Total:	312	Total:	240

Jan/89	26	Jan/91	20	Jan/93	22
Feb/89	25	Feb/91	20	Feb/93	21
March/89	25	March/91	25	March/93	25
April/89	25	April/91	21	April/93	23
May/89	25	May/91	20	May/93	21
Jun/89	24	Jun/91	19	Jun/93	22
July/89	24	July/91	19	July/93	21
Aug/89	25	Aug/91	20	Aug/93	22
Sep/89	24	Sept/91	18	Sept/93	21
Oct/89	24	Oct/91	19	Oct/93	22
Nov/89	25	Nov/91	20	Nov/93	22
Dec/89	26	Dec/91	20	Dec/93	22
Total:	302	Total:	240	Total:	266

Abul Hasan Patai

S 1 (C)

Abul Hasan
Advocate

1. P. T. O. (P. T. O.)
2. P. T. O. (P. T. O.)
3. P. T. O. (P. T. O.)

Statement showing details of recruit of Casual Labourers admitted after 30.3.05 (excluding the Casual Labourers recruited between 31.3.05 to 29.6.05 for project/railway Electrification works).

1. Name of the Casual Labourers : Sree Akkip. Mogunder.

3. Date of birth

2017/9/26

3. Date of Appointment as

11/1/89

4. Period of service each year
1985, 86, 87, 88, 89, 90, 91, 92,
93 (Total No. of working days

1988/89	—	24.0	days
1989/90	—	24.4	days
1990/91	—	27.0	days
1991/92	—	24.5	days
1992/93	—	26.0	days
1993/94	—	25.0	days
1994/95	—	141	??
1995/96	—	187	Nowyjgorod

6. Reasons for employing casual labour on a particular day

Aug 19. Went to ~~Winnipeg~~ - ~~Winnipeg~~ - ~~Winnipeg~~
to ~~Winnipeg~~ - ~~Winnipeg~~ - ~~Winnipeg~~
to ~~Winnipeg~~ - ~~Winnipeg~~ - ~~Winnipeg~~
to ~~Winnipeg~~ - ~~Winnipeg~~ - ~~Winnipeg~~

7. Officer who approved employment of Casual Labourers.

“Lambeth, C. W., 18. - Shrews-
bury, 18. - 18. - 18. - 18. - 18.

8. The reason for cutting the ice
at Casual Labourers service
instead of orders for
termination.

1. "Tengger-wolke, Suria-oy
Gp. Pcs. "Salem; Meti; Rhy. Lin
Gp. "W. and. All Rhy. 12-14.1.
Hin. 2. "Salem Meti. ~~cross~~

Signature of R. T. B. Rich deposited from Prof. B. Sahasrabudhe S. P. O /
Fermatline

Counter-signature to the printed form

3270.000-182077

S. D. O. T. & Hargason

Altered Ideas Advocate

41
49

Line of 2410 (b)

GOVERNMENT OF ASSAM
DISTRICT EMPLOYMENT EXCHANGE
DEPARTMENT OF LABOUR & EMPLOYMENT

IDENTIFICATION CARD

(Not an introduction Card given in for interview)
(Category:- SC/ ST/ Ex-service, etc, etc.)

1. Name in (Hindi) : ८३) *Philip M. Lazarus*

2. Date of Registration : ३१. 7. 95

3. Registration No. : ०१३१९५

4. Qualification : *Graduate*

5. N.C.O. No. : ४०८५१०

6. Permanent identification mark : *On*

7. Date of Birth : १०. 1. 19

Signature of applicant

SC/ ST/ Ex-service

31.7.95
Mr. M. S. Officer
District Employment Exchange
(Majuli Branch)

Next Renewal due in 3 years

See back of the renewal

*Attested
near
Advocate*

Certified that Dilip Mogramder
S/o ~~Kishore~~ Mogramder, of village
Pancharati, P.O. Bhandarpur, Dist. Nowrang
(Assam). He is working under one
as daily wages (A.C.G 17) from
June 1992, 1992 December and
1993 January to December 1993.

Month	Mean	Max	Min
1. Jan	2.5	2.8	2.2
2. Feb	2.4	2.6	2.1
3. Mar	2.3	2.6	2.0
4. Apr	2.1	2.4	1.8
5. May	2.0	2.3	1.7
6. June	2.2	2.5	1.9
7. July	2.4	2.7	2.1
8. Aug	2.2	2.5	1.9
9. Sep	2.2	2.5	1.9
10. Oct	2.5	2.8	2.2
11. Nov	2.6	2.9	2.3
12. Dec	2.6	2.9	2.4

2. 1964
TELEGRAM
TO STANCE
132100Z

Attested
near
Adelaide

Contracted place: 1000, 10th, Colombo, Ceylon
S/o: Col. 1000, 10th, Colombo, Ceylon
Baldwin Doss, Negombo (Alcan) Ltd. is working under me, as daily
wages (A.C.O. 17) from June, 1988 to Sept. 1988 and January,
1989 to Oct. 1990. January, 1991 to Sept. 1991 working month
and days follows:

1. June 1988 - 29 days.
2. Sept. 1988 - 30 days.
3. March 1989 - 29 days.
4. April 1989 - 27 days.
5. May 1989 - 26 days.
6. June 1989 - 25 days.
7. July 1989 - 24 days.
8. Aug. 1989 - 24 days.
9. Sept. 1989 - 25 days.
10. Jan. 1990 - 25 days.

11. Feb. 1990 - W.O. No. Negg/89/02 dtd. 15/2/90-02 and P/R No. 20860/7
dtd. 31.1.91.

12. March 1990 W.O. No. Negg/89/03 dtd. 15/3/90-03 and P/R No. 20862/23
dtd. 29/3/91.

13. April 1990 W.O. No. Negg/89/04 dtd. 15/4/90-04 and P/R No. 20862/9
dtd. 12/5/91.

14. May 89 W.O. No. Negg/89/05-90-05 P/R No. 20862/20 dtd. 30/4/89.

15. June/89 W.O. No. Negg/89/06-90-06 P/R No. 20863/24 dtd. 31/5/89

16. July/89 W.O. No. Negg/89/07-90-07 P/R No. 19656/02 dtd. 30/6/89.

17. Aug/89 W.O. No. Negg/89/08-90-08 P/R No. 19656/08 dtd. 31/7/89.

18. Sept/89 W.O. No. Negg/89/09-90-09 P/R No. 19656/11
dtd. 31/8/89.

19. June 1990 - 23 days.

20. July 1990 - 24 days.

21. August 1990 - 23 days.

22. Sept 1990 - 26 days.

23. May 1990 - 24 days.

24. June 1990 - 24 days.

25. July 1990 - 24 days.

26. Aug 1990 - 24 days.

27. Sept 1990 - 25 days.

28. Oct 1990 - 24 days.

29. Nov 1990 - 24 days.

30. Dec 1990 - 24 days.

31. Jan 1991 - 25 days.

32. Feb 1991 - 26 days.

33. March 1991 - 26 days.

34. April 1991 - 26 days.

35. May 1991 - 26 days.

36. June 1991 - 26 days.

37. July 1991 - 26 days.

38. Aug 1991 - 26 days.

39. Sept 1991 - 26 days.

40. Oct 1991 - 26 days.

41. Nov 1991 - 26 days.

42. Dec 1991 - 26 days.

43. Jan 1992 - 26 days.

44. Feb 1992 - 26 days.

45. March 1992 - 26 days.

46. April 1992 - 26 days.

47. May 1992 - 26 days.

48. June 1992 - 26 days.

49. July 1992 - 26 days.

50. Aug 1992 - 26 days.

51. Sept 1992 - 26 days.

52. Oct 1992 - 26 days.

53. Nov 1992 - 26 days.

54. Dec 1992 - 26 days.

55. Jan 1993 - 26 days.

56. Feb 1993 - 26 days.

57. March 1993 - 26 days.

58. April 1993 - 26 days.

59. May 1993 - 26 days.

60. June 1993 - 26 days.

61. July 1993 - 26 days.

62. Aug 1993 - 26 days.

63. Sept 1993 - 26 days.

64. Oct 1993 - 26 days.

65. Nov 1993 - 26 days.

66. Dec 1993 - 26 days.

67. Jan 1994 - 26 days.

68. Feb 1994 - 26 days.

69. March 1994 - 26 days.

70. April 1994 - 26 days.

71. May 1994 - 26 days.

72. June 1994 - 26 days.

73. July 1994 - 26 days.

74. Aug 1994 - 26 days.

75. Sept 1994 - 26 days.

76. Oct 1994 - 26 days.

77. Nov 1994 - 26 days.

78. Dec 1994 - 26 days.

79. Jan 1995 - 26 days.

80. Feb 1995 - 26 days.

81. March 1995 - 26 days.

82. April 1995 - 26 days.

83. May 1995 - 26 days.

84. June 1995 - 26 days.

85. July 1995 - 26 days.

86. Aug 1995 - 26 days.

87. Sept 1995 - 26 days.

88. Oct 1995 - 26 days.

89. Nov 1995 - 26 days.

90. Dec 1995 - 26 days.

91. Jan 1996 - 26 days.

92. Feb 1996 - 26 days.

93. March 1996 - 26 days.

94. April 1996 - 26 days.

95. May 1996 - 26 days.

96. June 1996 - 26 days.

97. July 1996 - 26 days.

98. Aug 1996 - 26 days.

99. Sept 1996 - 26 days.

100. Oct 1996 - 26 days.

101. Nov 1996 - 26 days.

102. Dec 1996 - 26 days.

103. Jan 1997 - 26 days.

104. Feb 1997 - 26 days.

105. March 1997 - 26 days.

106. April 1997 - 26 days.

107. May 1997 - 26 days.

108. June 1997 - 26 days.

109. July 1997 - 26 days.

110. Aug 1997 - 26 days.

111. Sept 1997 - 26 days.

112. Oct 1997 - 26 days.

113. Nov 1997 - 26 days.

114. Dec 1997 - 26 days.

115. Jan 1998 - 26 days.

116. Feb 1998 - 26 days.

117. March 1998 - 26 days.

118. April 1998 - 26 days.

119. May 1998 - 26 days.

120. June 1998 - 26 days.

121. July 1998 - 26 days.

122. Aug 1998 - 26 days.

123. Sept 1998 - 26 days.

124. Oct 1998 - 26 days.

125. Nov 1998 - 26 days.

126. Dec 1998 - 26 days.

127. Jan 1999 - 26 days.

128. Feb 1999 - 26 days.

129. March 1999 - 26 days.

130. April 1999 - 26 days.

131. May 1999 - 26 days.

132. June 1999 - 26 days.

133. July 1999 - 26 days.

134. Aug 1999 - 26 days.

135. Sept 1999 - 26 days.

136. Oct 1999 - 26 days.

137. Nov 1999 - 26 days.

138. Dec 1999 - 26 days.

139. Jan 2000 - 26 days.

140. Feb 2000 - 26 days.

141. March 2000 - 26 days.

142. April 2000 - 26 days.

143. May 2000 - 26 days.

144. June 2000 - 26 days.

145. July 2000 - 26 days.

146. Aug 2000 - 26 days.

147. Sept 2000 - 26 days.

148. Oct 2000 - 26 days.

149. Nov 2000 - 26 days.

150. Dec 2000 - 26 days.

151. Jan 2001 - 26 days.

152. Feb 2001 - 26 days.

153. March 2001 - 26 days.

154. April 2001 - 26 days.

155. May 2001 - 26 days.

156. June 2001 - 26 days.

157. July 2001 - 26 days.

158. Aug 2001 - 26 days.

159. Sept 2001 - 26 days.

160. Oct 2001 - 26 days.

161. Nov 2001 - 26 days.

162. Dec 2001 - 26 days.

163. Jan 2002 - 26 days.

164. Feb 2002 - 26 days.

165. March 2002 - 26 days.

166. April 2002 - 26 days.

167. May 2002 - 26 days.

168. June 2002 - 26 days.

169. July 2002 - 26 days.

170. Aug 2002 - 26 days.

171. Sept 2002 - 26 days.

172. Oct 2002 - 26 days.

173. Nov 2002 - 26 days.

174. Dec 2002 - 26 days.

175. Jan 2003 - 26 days.

176. Feb 2003 - 26 days.

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179. May 2003 - 26 days.

180. June 2003 - 26 days.

181. July 2003 - 26 days.

182. Aug 2003 - 26 days.

183. Sept 2003 - 26 days.

184. Oct 2003 - 26 days.

185. Nov 2003 - 26 days.

186. Dec 2003 - 26 days.

187. Jan 2004 - 26 days.

188. Feb 2004 - 26 days.

189. March 2004 - 26 days.

190. April 2004 - 26 days.

191. May 2004 - 26 days.

192. June 2004 - 26 days.

193. July 2004 - 26 days.

194. Aug 2004 - 26 days.

195. Sept 2004 - 26 days.

196. Oct 2004 - 26 days.

197. Nov 2004 - 26 days.

198. Dec 2004 - 26 days.

199. Jan 2005 - 26 days.

200. Feb 2005 - 26 days.

201. March 2005 - 26 days.

202. April 2005 - 26 days.

203. May 2005 - 26 days.

204. June 2005 - 26 days.

205. July 2005 - 26 days.

206. Aug 2005 - 26 days.

207. Sept 2005 - 26 days.

208. Oct 2005 - 26 days.

209. Nov 2005 - 26 days.

210. Dec 2005 - 26 days.

211. Jan 2006 - 26 days.

212. Feb 2006 - 26 days.

213. March 2006 - 26 days.

214. April 2006 - 26 days.

215. May 2006 - 26 days.

216. June 2006 - 26 days.

217. July 2006 - 26 days.

218. Aug 2006 - 26 days.

219. Sept 2006 - 26 days.

220. Oct 2006 - 26 days.

221. Nov 2006 - 26 days.

</

Statement showing details in respect of Casual Labourers recruited after 30.3.85 (Excluding the Casual Labourers recruited between 31.3.85 to 22.6.86 for Project/Railway Electrification works).

1. Name of the Casual Labourers : **MR. SANDEEP KUMAR BANSAL**

2. Date of birth 1-30-61-63

3. Date of appointment as _____ As per _____ checked.

4. Period of service each year is -
 1965, 66, 67, 68, 69, 70, 71, 72, 73,
 1974, 75
 (Total No of Working days).
 181 247 250 254 211
 63 70 81 72 59
 255
 71

5. Whether Employment Exchange procedure was followed if not reason thereof.

C. Dates for employing casual labourers after 31.3.85. 16.8.85

To Officer who approves employment of
men of Casual Labourers.

8. The reason for continuance
of Casual Labourers service
is due to orders for
continuation. - The
Works of the
estimated Works of
which were to be completed
on 12/1892.

Attested
N. S. S.
Advocate

C 65

ANNEXURE 'C' (Page 1)

GUIDE LINE
TO THE SIGNATORY
TO GRANT CASUAL
MAZDOOR IN
PRESENCE OF
THE COMMITTEE

Verification of records of casual labourers in Assam Telecom Circle

Ref: Hon'ble CAT Gauhati bench decision dtd 31.08.98

1. NAME OF THE APPLICANT
CASUAL MAZDOOR SRI SANJIT KR. BAPAK
2. Q/A NO. IF THE LABOURER HAS CODE TO CODE: 112/GB. SH 10025
3. FATHER'S NAME AND ADDRESS: Late. Moni mukta Barik, jhanki nup
P.C. chakachara, ga mazdoor
Address
4. DATE OF BIRTH: 30.07.67
5. AGE AS ON 01.08.1998: 30 years 8 months
6. DATE OF INITIAL ENGAGEMENT: 01-07-89
MODE OF SELECTION (THROUGH
EMPLOYMENT EXAM OR ANY OTHER
METHOD).
7. NATURE OF DUTY PERFORMED: Service and work
8. PRESENT STATUS OF THE MAZDOOR: Casual
9. SPECIMEN SIGNATURE OF THE MAZDOOR: SRI SANJIT KR. BAPAK
10. ENGAGEMENT PARTICULARS FROM THE
DATE OF INITIAL ENGAGEMENT (as per
attached sheet) TILL 01.08.98
11. RECOMMENDATION OF THE COMMITTEE
WHETHER CASUAL LABOUR SHOULD BE
GRANTED TEMPORARY STATUS OR NOT
KEEPING IN VIEW GUIDE LINE.
12. RECOMMENDATION OF THE SSA HEADQUARTER

Circle Office, Dibrugarh

10/8/98

10/8/98/SSA

Attested
under
Advocate

F. E. /
M. P. /
C. P. /

46
5

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

YEAR	MONTH	NO. OF DAYS	MODE OF PAYMENT To MASTERS BOLDACO LTD PARTICULARS Ex VOUCHER NO'S	AMOUNT	BILLED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O WHO HAS PAID
1989	-	181					
1990	-	247					
1991	-	250					
1992	-	254	AC - 17		JTO Curator & Clerical Machinery T.E.		
1993	-	248					
1994	-	255					

SIGNATURE OF THE COMMITTEE MEMBERS

IADT (Circle office Member) A.O.
O/o the Q.M./TDM

D.E.(P&A)
O/o the Q.M./TDM

Allesed
Kasas
Advocate

Centralized Math. Soc. Roorkee-Kanpur

For 3/91 to 8/91 Date: Dec 1991

present: Suresh Kumar, Neeraj

W.M. - 1991- under Mys Society

in the year book 1991-92
Main Committee

Jan (91) = 25

March (91) = 30

April (91) = 25

May (91) = 20

June (91) = 20

July (91) = 20

Aug (91) = 22

Sept (91) = 21

Oct (91) = 24

Nov (91) = 25

Dec (91) = 15

Jan (92) = 24

Feb (92) = 24

Mar (92) = 24

Apr (92) = 24

May (92) = 24

June (92) = 24

July (92) = 24

Aug (92) = 24

Sept (92) = 24

Oct (92) = 24

Nov (92) = 24

Dec (92) = 24

Jan (93) = 24

Feb (93) = 24

Mar (93) = 24

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Sept (05) = 24

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Jan (06) = 24

Feb (06) = 24

Mar (06) = 24

Apr (06) = 24

May (06) = 24

June (06) = 24

July (06) = 24

Aug (06) = 24

Sept (06) = 24

Oct (06) = 24

Nov (06) = 24

Dec (06) = 24

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Mar (07) = 24

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Dec (08) = 24

Jan (09) = 24

Feb (09) = 24

Mar (09) = 24

Apr (09) = 24

May (09) = 24

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June (10) = 24

July (10) = 24

Aug (10) = 24

Sept (10) = 24

Oct (10) = 24

Nov (10) = 24

Dec (10) = 24

Jan (11) = 24

Feb (11) = 24

Mar (11) = 24

Apr (11) = 24

May (11) = 24

June (11)

(2) HAWA 46 4119. CHANGLI LABOURERS 1-172 R. B. N. W. D. K. S. A. I. C. P.

(2) $D_{4,6,0} \oplus E_8 \oplus E_8$

15/3/82.

(3) Date of application:

10/6/1991

(1) Portion of surveyor and year
1901, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13
(Total No of working days)

$$-12 - 72 - 10 = 10 - 72 = -263$$

(S) whether Employment Exchange
Procedure was followed. If not
explain where &.

15-94-10 53-13-2 265

(4) Kosten der amplying einzelnen Betrieben ab 694,010,00,-

177 10 176 20
2.00 1.00 1.00 1.00

(7) 5000 2000 1000 500 200 100 50 20 10 5 2 1

10/12
25/3/2011

(a) The reason for the following
of annual between 0.100
length of video recording
distance

1920. P. 66. J.

Year	Month	Year	Month	Year	Month	Year	Month
1990	Sept	91	Oct	91	Nov	91	Dec
Sept 90	20	Oct 91	21	Nov 91	21	Dec 91	21
Oct 90	20	Nov 91	21	Dec 91	21	Jan 92	21
Nov 90	20	Dec 91	21	Jan 92	21	Feb 92	21
Dec 90	20	Jan 92	21	Feb 92	21	Mar 92	21
Jan 91	20	Feb 92	21	Mar 92	21	Apr 92	21
Feb 91	20	Mar 92	21	Apr 92	21	May 92	21
Mar 91	20	Apr 92	21	May 92	21	Jun 92	21
Apr 91	20	May 92	21	Jun 92	21	Jul 92	21
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Nov 91	20	Dec 92	21	Jan 93	21	Feb 93	21
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Sept 92	20	Nov 93	21	Dec 93	21	Jan 94	21
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Jul 93	20	Oct 94	21	Nov 94	21	Dec 94	21
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Sept 93	20	Dec 94	21	Jan 95	21	Feb 95	21
Oct 93	20	Jan 95	21	Feb 95	21	Mar 95	21
Nov 93	20	Mar 95	21	Apr 95	21	May 95	21
Dec 93	20	Apr 95	21	May 95	21	Jun 95	21
Jan 94	20	May 95	21	Jun 95	21	Jul 95	21
Feb 94	20	Jun 95	21	Jul 95	21	Aug 95	21
Mar 94	20	Jul 95	21	Aug 95	21	Sept 95	21
Apr 94	20	Aug 95	21	Sept 95	21	Oct 95	21
May 94	20	Sept 95	21	Oct 95	21	Nov 95	21
Jun 94	20	Oct 95	21	Nov 95	21	Dec 95	21
Jul 94	20	Nov 95	21	Dec 95	21	Jan 96	21
Aug 94	20	Dec 95	21	Jan 96	21	Feb 96	21
Sept 94	20	Jan 96	21	Feb 96	21	Mar 96	21
Oct 94	20	Mar 96	21	Apr 96	21	May 96	21
Nov 94	20	Apr 96	21	May 96	21	Jun 96	21
Dec 94	20	May 96	21	Jun 96	21	Jul 96	21
Jan 95	20	Jun 96	21	Jul 96	21	Aug 96	21
Feb 95	20	Jul 96	21	Aug 96	21	Sept 96	21
Mar 95	20	Aug 96	21	Sept 96	21	Oct 96	21
Apr 95	20	Sept 96	21	Oct 96	21	Nov 96	21
May 95	20	Oct 96	21	Nov 96	21	Dec 96	21
Jun 95	20	Nov 96	21	Dec 96	21	Jan 97	21
Jul 95	20	Dec 96	21	Jan 97	21	Feb 97	21
Aug 95	20	Jan 97	21	Feb 97	21	Mar 97	21
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Apr 96	20	Oct 97	21	Nov 97	21	Dec 97	21
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Jun 96	20	Dec 97	21	Jan 98	21	Feb 98	21
Jul 96	20	Jan 98	21	Feb 98	21	Mar 98	21
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Mar 97	20	Oct 98	21	Nov 98	21	Dec 98	21
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Mar 98	20	Nov 99	21	Dec 99	21	Jan 00	21
Apr 98	20	Dec 99	21	Jan 00	21	Feb 00	21
May 98	20	Jan 00	21	Feb 00	21	Mar 00	21
Jun 98	20	Mar 00	21	Apr 00	21	May 00	21
Jul 98	20	Apr 00	21	May 00	21	Jun 00	21
Aug 98	20	May 00	21	Jun 00	21	Jul 00	21
Sept 98	20	Jun 00	21	Jul 00	21	Aug 00	21
Oct 98	20	Jul 00	21	Aug 00	21	Sept 00	21
Nov 98	20	Aug 00	21	Sept 00	21	Oct 00	21
Dec 98	20	Sept 00	21	Oct 00	21	Nov 00	21
Jan 99	20	Oct 00	21	Nov 00	21	Dec 00	21
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Nov 99	20	Sept 01	21	Oct 01	21	Nov 01	21
Dec 99	20	Oct 01	21	Nov 01	21	Dec 01	21
Jan 00	20	Nov 01	21	Dec 01	21	Feb 02	21
Feb 00	20	Dec 01	21	Jan 02	21	Mar 02	21
Mar 00	20	Jan 02	21	Feb 02	21	Apr 02	21
Apr 00	20	Feb 02	21	Mar 02	21	May 02	21
May 00	20	Mar 02	21	Apr 02	21	Jun 02	21
Jun 00	20	Apr 02	21	May 02	21	Jul 02	21
Jul 00	20	May 02	21	Jun 02	21	Aug 02	21
Aug 00	20	Jun 02	21	Jul 02	21	Sept 02	21
Sept 00	20	Jul 02	21	Aug 02	21	Oct 02	21
Oct 00	20	Aug 02	21	Sept 02	21	Nov 02	21
Nov 00	20	Sept 02	21	Oct 02	21	Dec 02	21
Dec 00	20	Oct 02	21	Nov 02	21	Jan 03	21
Jan 01	20	Nov 02	21	Dec 02	21	Feb 03	21
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Jan 02	20	Nov 03	21	Dec 03	21	Feb 04	21
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Mar 02	20	Jan 04	21	Feb 04	21	Apr 04	21
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Jul 02	20	May 04	21	Jun 04	21	Aug 04	21
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Sept 02	20	Jul 04	21	Aug 04	21	Oct 04	21
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Nov 02	20	Sept 04	21	Oct 04	21	Dec 04	21
Dec 02	20	Oct 04	21	Nov 04	21	Jan 05	21
Jan 03	20	Nov 04	21	Dec 04	21	Feb 05	21
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Jul 03	20	May 05	21	Jun 05	21	Aug 05	21
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Apr 05	20	Feb 07	21	Mar 07	21	May 07	21
May 05	20	Mar 07	21				

Attested
noser
Associate

K. K. C.
Friedrich C.

51

166 nr	Name of days	Number of S.3	Lehrer ab T.O	Signatur ab S.Th.	Signatur ab T.O	Section ab Clock
Jan - 93	31					
Feb - 93	28					
March - 93	30					
April - 93	NIL					
May - 93	NIL					
June - 93	20					
July - 93	15					
Aug - 93	22					
Sept - 93	30					
Oct - 93	24					
Nov - 93	30					
Dec - 93	26					
Jan - 94	20					
Feb - 94	15					
March - 94	NIL					
April - 94	NIL					
May - 94	26					
June - 94	20					
July - 94	15					
Aug - 94	20					
Sept - 94	30					
Oct - 94	20					
Nov - 94	30					
Dec - 94	30					
Jan - 95	20					
Feb - 95	25					
March - 95	30					
April - 95	11					
May - 95	NIL					
June - 95	26					
July - 95	NIL					
Aug - 95	22					
Sept - 95	31					
Oct - 95	28					
Nov - 95	28					
Dec - 95	31					

Attended
and
checked
H. H. Cole

Current showing details in respect of Casual Labourers recruited after 30.3.85 (Excluding the Casual Labourers recruited between 31.3.85 to 22.6.88 for project/Railway Electrification works).

532

60

1. Name of the Capital Leader :- SRI ANANDA RAM DAS.

2. Date of Birth :- 24-1-68

3. Date of appointment as :- Commenced on 1.7.87

4. Period of service each year : 1985, 86, 87, 88, 89, 90, 91, 92, 93 (Total No. of working days) 120, 243, 240, 240, 240, 250, 250

5. whether Employment Exchange procedure was followed in not. reason clear or. 6291/86

6. Reason for employing casual labour after 31.3.85. - For development work

7. Officer who approved employment of Casual Labourers.

8. The reason for continuance of Casual Labourers service inspite of orders for termination.

Signature of S.1/L.1., Period from L787 to

• B. W. L. (Loring) and W. H. Sneden. *Letter*
R. H. G. S. (0) CPK

signature of concerned J.T.U. Person from

120 2.4% 6.8%
- 8.7 10000 10000

Counter signature for the period from 1-1-1966 to

SOC (P) / S. D. D. T. / Megson / Dulphu / Hojal / SUE (S) / M.S.M. 522 S. D. T. / Megson

Attested
. notaries
Advocate

S. U. S. T. / Morgan
Photo. National Building Museum
Second Nat. Exhibit - 1911 - 1912

N P T E. Telephone No. : 40022

53

61

All India Telecom Employees' Union

LIKE STAFF & GROUP 'D'

ASSAM CIRCLE : GUWAHATI

Office Address : Dibrugarh Road, Panbazar, Guwahati - 781001

Date : 11/11/1998

FORM OF FIRMA.

1. Name of casual Mazdur : SRI ANANDA CH. DAS.
2. Father's Name : Late. Padle Ram Das
3. Employment Exchange No. & Date : 6891/86 S 23-8-86
4. Village, P.O. & Dist. : Gouruchal Mukhi, P.O: Bagia gram
Dist - Nagaland (Assam)
5. Date of entry in the Department : 1-7-87
6. Court case No. if any : 112/1998
7. Working under whom at present : Sri Nekhan Singh (P.M)
8. Presently not working from :

Date :-

SIGNATURE OF MAZDUR

Attested
by
Advocate Sri Anil Chandra Sengupta, Esq.

9/21
C 54
Annexure - 8
58 57 62
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.316 of 2000

Date of Order: This the 20th Day of September 2001

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

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

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

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

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

O R D E R.

D.N.CHOWDHURY, J(VC):

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

contd/-2

Attested
B.K.S.
Advocate

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

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

From the written statement it transpires that out of 20 applicants some of them nearly worked for 240 days. The applicant No. 4 Shri Gakul Bora worked for in 1993 - 188 days, in 1994 - 234 days, in 1995 - 219 days, in 1996-227 days, in 1997 - 206 days, in 1998 - 111 days. Likewise applicant No. 5 Shri Dilip Kumar Bora rendered service in 1991 - 288 days, in 1992 - 279 days, in 1993 - 267 days, in 1994 - 125 days, in 1995 - 51 days, in 1997 - 205 days, in 1998-105 days up to May. The applicant No. 12 Shri Luit Kumar Gayaon worked for in 1991 - 240 days, in 1992 - 240 days, in 1993 - 268 days, in 1994 - 163 days. Similarly, Shri Tarun Kalita rendered service in 1991 - 240 days, in 1992 - 240 days, in 1993 - 264 days. The applicant No. 19 Shri Gajen Dew Raja

contd/-3

Attested
S. S. S.
Advocate

56 60 139 1
rendered services for 234 days in 1994, 225 days in 1996, 222 days in 1997 with artificial break. He also ~~proyata~~ completed the prescribed period.

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

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

LM

Attested
by
Advocate

(D.N.CHOWDHURY)
VICE-CHAIRMAN

56-A

Annexure-9

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

No.E-182/CAT/2001-02/

Dated at Nagaon the 13-08-2001.

To:

Sri Prabhat Ch.Bora
Vill: Kasharigaon, P.O.Kasharigaon (Samaguri).
Dist.Nagaon (Assam.)

Dear Sir,

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

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

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

Encl: As above.

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

Attested
Kukar Das
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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

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

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

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

O.A. 289 of 2001

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

By Advocate Sri S.Sarma.

Applicants

- Versus -

Union of India & Ors.

Respondents

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

O.A. 364 of 2001

Sri Deo Kumar Rai

Applicant

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

Respondents

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

O.A. 366 of 2001

Sri Jun Das,

Applicant

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

Respondents

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

O.A. 372 of 2001.

Sri Khitish Deb Nath

Applicant

By Advocate Sri S.Sarma

- Versus -

Union of India & Ors.

Respondents

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

Attested
over
Advocate

58/1

8
b

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

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



We have perused

background story of the scheme which itself reflected the approval of the authority for absorption of those people for giving the benefit of Government of India at the instance of the Supreme Court. The counsel for the respondents however pointed out that there is a big ^{set up} change in the administrative ~~of~~ the Telecom department.

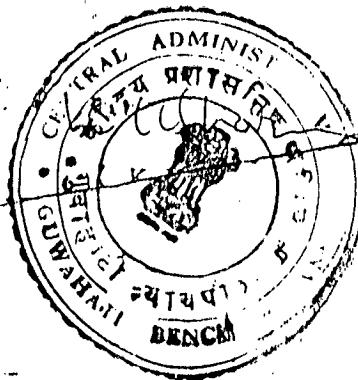
Referring to the new telecom policy of the Government of India 1999, whereby it decided to corporatise the ^{through} Telecom department ~~to~~ Bharat Sanchar Nigam Limited and stated that the matters are now within the domain of the BSNL. We are basically concerned in these applications as to the absorption of those casual labourers who were worked under the telecom department as on 1.8.98 and who were eligible for grant of temporary status as on that day. The office memorandum No.269 94/98 STN.II dated 29.9.2000 itself indicated the commitment of the authority for regularisation of the casual labourers. It also appears from the communication issued by the department



of Telecommunication dated 3.9.2002 which expressed its concern for resolving the situation. Mr. B.C.Pathak, learned Addl. C.G.S.C sought to raise a question of maintainability in some of the cases where BSNL is a party. BSNL since not notified under Section 14(2), the Tribunal has no jurisdiction to entertain the matter. In these applications the real issue is absorption of the casual labourers those who worked under the telecom department from 1.8.98. The respondents, more particularly, Telecom department committed to its policy for regularisation of such employees. In the circumstances we are of the opinion it will be a fit case to issue appropriate direction to the department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for considering the case of these applicants afresh by constituting a ^{all} responsible committee to go through it for ~~once for~~ and

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

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



sd/ VICE CHAIRMAN
sd/ MEMBER (ADM)

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प्रतिलिपि

For *Mr. 24/10/2002*
Sector Officer (D)
C.A.T. GUWAHATI BENCH
Guwahati 781005

भारत संचार निगम लिमिटेड
(गोप्य सरकार का उपकारी)

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

**OFFICE OF THE CHIEF GENERAL MANAGER
ASSAM CIRCLE/GUWAHATI**

No. REC/T-3/10/PT-1/83

Dtd 16.02.2004

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

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

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

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

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

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

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

(A.K.Chelleng)

Asstt General Manager(Admn)

Copy to :-

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

(C. M. MITHRA)
Circle Secretary

BSNL Employees Union
Guwahati.

For Chief General Manager Telecom
Assam Circle/Guwbhati

Attested
Rosa
Advocate

~~JK~~ SSA WISE LIST OF TSM AND FT C/L POSTED AT DIFFERENT SSAs ON
REGULARIASATION

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

Attested
Name
Advocate

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

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

*Attested
Ranjan
Advocate*

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

65

~~Copy~~

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

*Attested
No.
Advocate*

71 68 - 75

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

11
AGM (A)

legalcomp\croy\rm1

Attested
Vasant
Advocate