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4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 27/2004.....

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SECTION OFFICER (Judl.)

Sahita
08.11.17

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/ Cont. Petn/ Rev. Appl. 27/2004

In O.A. _____

Name of the Applicant(S) Suriya Begam

Name of the Respondent(S) W.D. & C.S.

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

Counsel for the Railway/ C.G.S.C. B. Devi Case

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
-------------	------	-----------------------

mis appl
for a bel

16.2.2004

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.S.C. for the respondents.

9470423
3/11/04

The O.A. is admitted, call for the record.

[Handwritten signature]
16/2/04

Issue notice to the parties, returnable by two weeks.

List the case on 3.3.2004 for order.

Synopsis may be obtained

Pendency of the O.A. will not stand in the way ^{of the respondents} in reviewing the termination order of the applicant.

16.2.04

re. issue notice re per
Cmts order dated 16/2/04.

bb

[Handwritten signature]
Member

17/2/04

Notice & order dt. 16/2/04
sent to D/Section for
issuing to respondent
nos 1 to 4. vide D.No-284
Case No. 287 dt. 23-2-04

21
O.A.27/2004

3.3.2004 List the case on 17.3.2004. On that day respondents will produce the relevant records relating to the termination of the applicant.

K.P. Prasad
Member (A)

bb

17.3.2004 List on 22.3.2004 for orders.

K.P. Prasad
Member (A)

No. reply has been filed.

mb

22.3.2004 List on 1.4.2004 for orders.

K.P. Prasad
Member (A)

31
31.3.04

mb

1.4.2004 Present: Hon'ble Shri Kuldip Singh,
Judicial Member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

No. reply has been filed.

Learned counsel for the respondents prays for some time to file reply. Time allowed. List it on 21.4.04 for orders.

K.P. Prasad
Member (A)

K.V. Prahladan
Member (J)

nkm

27.4.2004 Four weeks time is allowed to the respondents to file written statement. List on 28.5.2004 for orders.

K.P. Prasad
Member (A)

No. reply has been filed.

31
27.5.04

mb

28.5.2004

Since Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents is on leave, list on 29.6.2004 for orders.

K.V. Prahladan
Member (A)

mb

27.7.2004

Written statement has been filed List the case for hearing before the next Division Bench. In the meanwhile, applicant may file rejoinder, if any.

K.V. Prahladan
Member (A)

bb

17.9.2004 Present: Hon'ble Justice Shri R.K. Batta, Vice-Chairman

Hon'ble Shri K.V. Prahladan, Administrative Member.

Heard Mr U.K. Nair, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. List for judgment on 22.9.04.

K.V. Prahladan
Member

R.
Vice-Chairman

1 nkm

22.9.2004

The learned counsel for the parties are present. Judgment delivered in open court, kept in separate sheets. The application is disposed of, leaving the parties to bear their own costs.

K.V. Prahladan
Member

R.
Vice-Chairman

nkm

13/7/04

W/s has been filed by the Respondents.

JS
13/7/04

16.9.04

S/R awaited

JS

16.9.04

Rejoinder submitted by the applicant.

JS

4/10

4/10/04

Copy of the judgment has been sent to the office for issuing the same to applicant as well as to the 4 advocates for the Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXX.No. 27 of 2004

DATE OF DECISION 22.9.2004

Smt Suriya BegumAPPLICANT(S)

Mr S. Sarma, Mr U.K. Nair, Ms U. Das and
Mrs B. DeviADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

The Union of India and othersRESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE R. K. BATTI, VICE-CHAIRMAN

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other benches ?

Judgment delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.27 of 2004

Date of decision: This the 22nd day of September 2004

The HOn'ble Justice Shri R.K. Batta, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Smt Suriya Begum
Wife of Md. Fazlul Haque,
Resident of Village- Dorgshpur,
P.O.- Vella, District- Barpeta,
Assam.

.....Applicant

By Advocates Mr S. Sarma, Mr U.K. Nair,
Ms U. Das and Mrs B. Devi.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Department of Posts (Assam Circle), Meghdoot Bhawan, Guwahati.
3. The Superintendent of Post Offices, Department of Posts, Nalbari-Barpeta Division, Nalbari.
4. The Sub-Divisional Inspector of Posts, Department of Posts, Barpeta Sub-Division, Barpeta.

.....Respondents

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

.....

O R D E R (ORAL)

BATTA. J. (VICE-CHAIRMAN)

The applicant was appointed to the post of Safaiwala on part time basis vide order dated 16.10.1990 and she took charge of the same on 22.10.1991. The applicant continued to discharge her duties till her services were terminated vide impugned order dated 27.1.2004 (Annexure-4) which is the subject matter of challenge in this application. According to the applicant,

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termination of her services is illegal inasmuch as her services could not be terminated on the ground mentioned therein without affording reasonable opportunity of hearing. According to her, instead of regularising her services under the departmental scheme, the respondents have chosen to terminate her services by casting stigma. The applicant, therefore, prays for quashing of the impugned orders and reinstatement with full back wages and also direction to regularise her under the scheme.

2. The respondents' stand is that the applicant was engaged for sweeping for three hours in a day. The husband of the applicant was placed on put-off duty (suspension) with effect from 9.7.2003 and disciplinary proceedings have been initiated against him under Rule 10 of the GDS (Conduct and Employment) Rules, 2001 for misappropriation of an amount of Rs.1,02,650/- which was collected by him from the depositors. According to the respondents, the applicant had supplied some official documents without the knowledge of the Postal staff working there to her husband which were produced by her husband during enquiry by preparing some false money receipts. The respondents further contend that the Sub Post Master, Bhella, denied his signature appearing on those receipts produced by the husband of the applicant and in case the receipts were prepared by the husband of the applicant during the duty period, the same being official documents should have been kept in office. According to the respondents, the presence of the applicant in the office where departmental proceedings are being conducted against her husband would be undesirable for safety and security of Government documents as well as for wider public interest. As such

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her services were terminated to safeguard the Government records. According to the respondents, the applicant was working only for three hours in a day and was not entitled to regularisation. It is also the case of the respondents that the applicant has not exhausted remedies available in accordance with law nor she has filed any representation against the termination order and as such the application should be dismissed.

3. Mr A. Deb Roy, learned Sr. C.G.S.C. has submitted before us that the applicant has not exhausted remedies available to her and in terms of Section 20 of the Administrative Tribunals Act, 1985 the application in question should not be entertained and the applicant should be directed to exhaust the remedies available to her. In this respect, Mr U.K. Nair, learned counsel for the applicant, has submitted before us that the applicant had, in fact, visited the office of the respondents with a prayer to consider her case for modifying the said impugned order and in the facts and circumstances of this case the applicant had no other alternative but to approach this Tribunal. The applicant has not given any details as to when she visited the office and whom she had already represented.

4. The learned counsel for the applicant has further submitted before us that there are no rules governing casual labourers in respect of departmental proceedings and following the general principles, the authority who can look into the dismissal would be higher authority ^{above} than the appointing authority which in the case under consideration would be Divisional Superintendent of Post Offices inasmuch as the appointing authority of the

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applicant was Sub-divisional Inspector of Posts who is subordinate to Divisional Superintendent of Post Offices. According to him, it would be a futile exercise to direct the applicant to make a representation to the Divisional Superintendent of Post Offices since the affidavit in this case has been filed by the Superintendent of Post Offices of the Division himself. He, therefore, contends that the Tribunal should entertain this application under Section 20 in view of the above facts of this case. In this respect learned Sr. C.G.S.C. urged that the affidavit was filed by the Superintendent of Post Offices since he was a party respondent, but he can very well look into the grievances of the applicant afresh in spite of the affidavit filed in this proceedings and that the Tribunal should not entertain this application.

5. Section 20 of the Administrative Tribunals Act, 1985 lays down that the Tribunal should not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. Thus, the normal rule is that the Tribunal shall not entertain an application unless the applicant has availed of all remedies available to him/her under the relevant service rules, but in exceptional circumstances or where the facts and circumstances justify, this Tribunal has discretion to entertain applications even where the applicant has not availed of the remedies available under the relevant service rules. We have to bear in mind and there is no dispute on this issue that there are no service rules governing departmental proceedings in so far as casual labourers are concerned. we may point out that normally, the question of

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departmental proceedings may not arise against casual labourers in view of the terms of their appointment which can be terminated without any notice and in the instant case also the appointment order of the applicant shows that her services can be terminated without any notice. Insofar as termination plain and simplicitor is concerned the position may be different, but when the termination order is stigmatic in nature, it is necessary that a person should not be condemned unheard. In orders which are stigmatic in nature, it is necessary that principles of natural justice and bare minimum show cause notice be issued so as to have the stand of the employee before termination of his services. Depending upon the facts of each case departmental enquiry may not be required in the case of a casual labourer in view of the very nature of the appointment which is terminable without any notice, but at least a show cause notice is required to be issued. In the case under consideration no show cause notice was issued and the services were terminated by the appointing authority, namely Sub-divisional Inspector of Posts. Though there are no departmental rules on the subject, as per general principles the remedy or representation could be availed against the order of the dismissal by the appointing authority to the next authority in hierarchy which is Divisional Superintendent of Post Offices. It is no doubt true that the applicant herself joined the Superintendent of Post Offices as party respondent, but the Superintendent of Post Offices could have taken preliminary objection that a representation could be filed before him which could be looked into by him, but in this case the Superintendent of Post Offices has opposed the application and has prayed for dismissal of the same which



has been verified by him. In this set of facts it will be too much to send the applicant to the Superintendent of Post Offices for making a representation inasmuch as he has already taken a view while filing the affidavit which has been duly verified by him. Therefore, we are inclined to entertain this application and the objection raised by the learned Sr. C.G.S.C. on this score is rejected.

6. We have already stated above that at least a show cause notice should have been issued to the applicant before passing the stigmatic order of termination which reads as under:

"You are hereby Terminated from services of part-time safaiwala, Bhella S.O. with immediate effect in order to maintain secrecy in the process of enquiry proposed to hold by undersigned against your husband, Md. Fazlul Haque GDS-Packerman, Bhella S.O. (now on put off duty) under Rule-10 of GDS (Conduct and Employment) Rules, 2001."

In the affidavit-in-reply at internal page 3 of the said affidavit the respondents have stated that Smt Suriya Begum, while working as Part-time Safaiwalla at Bhella Post Office got ample scope to help her husband (who was on put off duty) by supplying some official documents without the knowledge of the postal staff working there. She supplied some official papers to her husband, which were produced by her husband during inquiry by preparing some false money receipts. It is further stated that her husband prepared such bogus receipts on day to day basis showing transfer of money to the Sub-Post Master, Bhella, although the Sub-Post Master denied his signature appearing on those receipts. The respondents have further mentioned that the said Post Master of Bhella Post Office working at that time was also involved in a fraud case of the same nature for which he was also suspended and disciplinary action is continuing against him. Thus, it is



clear that the respondents have prejudged the issue that official papers were supplied by the applicant to her husband and the signatures of the Sub Post Master have been forged thereon. The Sub Post Master who is involved in the fraud case of same nature and against whom disciplinary proceedings are pending is bound to deny his signature to save his skin. Therefore, the department by prejudging the matter, which is yet to be decided in the departmental proceedings, has caused grave prejudice which appears to have prompted the department to pass the stigmatic dismissal order referred to above without issuing any show cause notice. Thus, bare minimum principles of natural justice have not been followed in this case while issuing the stigmatic termination order. The stigmatic termination order will come in the way of the applicant in seeking any further employment and would totally mar her chances for future employment. The termination order is, therefore, liable to be set aside and the applicant is entitled to be reinstated on the post of Part Time Safaiwalla.

7. Learned Sr. C.G.S.C. stated that even if the applicant is to be reinstated she cannot be paid back wages since she did not work. The services of the applicant were terminated by a stigmatic termination order, as already stated, without following bare minimum principles of natural justice and she was deprived from working for no fault of hers. The Apex Court in Ram Ashrey Singh and another - Vs. Ram Bux Singh and others, AIR 2003 SC 1579 has laid down that, it is a well-settled position in law that on reinstatement there is no automatic entitlement to full back wages and each case has to be examined in the light of the facts and circumstances therein. The Apex Court has quoted with approval the observation in Hindustan Tin Works Pvt. Ltd.



Vs. The Employees of M/s Hindustan Tin Works Pvt. Ltd.
and others, 1979 (2) SCC 80, which reads as under:

"In the very nature of things there cannot be a straight-jacket formula for awarding relief of back-wages. All relevant considerations will enter the verdict. More or less, it would be a motion addressed to the discretion of the Tribunal. Full Back-wages would be the normal rule and the party objecting to it must establish the circumstances necessitating departure. At that stage the Tribunal will exercise its discretion keeping in view all the relevant circumstances. But the discretion must be exercised in a judicial and judicious manner. The reason for exercising discretion must be cogent and convincing and must appear on the face of the record. When it is said that something is to be done within the discretion of the authority, that something is to be done according to the rules of reason and justice, according to law and not humour. It is not to be arbitrary, vague and fanciful but legal and regular

8. In Union of India Vs. Madhusudan Prasad, (2004) 1
SCC 43, the services of a Safai karamchari were
terminated without serving any show cause notice nor any enquiry preceded his dismissal. The Apex Court has laid down that, where the dismissal order was passed in contravention of the principles of natural justice, the employee is entitled to back wages. In that case it was found that the respondent therein was removed from service without any enquiry and he was not even given a show-cause notice prior to his dismissal from service. There was fault on the part of the employer in not following the principles of natural justice. and therefore, it was held that the respondent therein was entitled to back wages.

9. In Burn Standard Company Ltd. and another Vs.
Tarun Kumar Chakraborty and others, 2003 SCC (L&S) 1015,
the Apex Court while dealing with the principle of 'No Work No Pay' had laid down that when the respondent therein was prevented from joining the service, the principle of 'No Work, No Pay' cannot be applied and he

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would.....

would be entitled to back wage for the period he was not permitted to join, which in the said case was almost nine years with effect from 12.10.1988 till 15.5.1997.

10. In the case before us, the termination order is stigmatic in nature which was passed without following bare minimum principles of natural justice and the applicant was deprived of her job and work. In this set of facts, we are of the opinion that she will be entitled to full back wages as Part Time casual labourer.

11. The next question which is required to be considered is whether the applicant should be ordered to be regularised inasmuch as the applicant seeks a direction from this Court to that effect. Learned counsel for the applicant urged before us that the applicant is entitled to regularisation in terms of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. He has drawn our attention to Swamy's Compilation of Establishment and Administration for Central Government Offices in respect of clarification relating to Part-time and Full-time casual labourers which is found at page 247 of the said book in its ninth edition. In this it has been clarified that casual labourers who are engaged for a period of not less than 8 hours a day should be described as full time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part time casual labourers and for the purpose of recruitment to Group 'D' posts, substitutes should be considered only when casual labourers are not available and the priority referred to therein should be observed. In case of casual labourers (full time or part time), for the purpose of computation of eligible service, half of the service rendered as a part-time casual

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labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years he will be treated, for purposes of recruitment, to have completed one year of service as full time casual labourer. In view of the said clarification the case of the applicant shall have to be examined by the department as to whether she fulfills the requirement for grant of temporary status/regularisation and for that purpose the applicant is permitted to file representation giving all details with the appointing authority who shall consider the same in accordance with the rules and regulations applicable in that behalf and pass appropriate orders. The applicant shall file representation within four weeks from today and once the representation is filed the appropriate authority shall pass orders in accordance with the rules and regulations applicable in that behalf within a period of three months of the receipt of the representation.

12. The application is disposed of in the aforesaid terms. The orders dated 27.1.2004 and 28.1.2004 are hereby set aside and the respondents are ordered to reinstate the applicant as Part-time Safaiwalla with full back wages from the date of termination till she is reinstated as per this order. The representation filed by the applicant in terms of this order be disposed of by the appropriate authority within three months of receipt of the same in accordance with the rules and regulations applicable in that behalf.

In the facts and circumstances of the case we shall leave the parties to bear their costs.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(R. K. BATTA)
VICE-CHAIRMAN

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

W.P.(C) No. 9373 2004
CA 27/04

Appellant

Petitioner

The Chief Postmaster General

Versus

Smti Swaja Begum

Respondent

Opposite Party

Appellant

Mr. Bipul Sarma

For Petitioner

Add. C.G.S.C.

Respondent

For Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, etc. with signature
1	2	3	4

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.P(C) NO. 9373/04

BEFORE
HON'BLE THE CHIEF JUSTICE MR. B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE H. N. SARMA

23.01.2006

The Union of India, represented by the Chief Post Master General, Department of Posts (Assam Circle) through the Superintendent of Post Offices, Nalbari has invoked the jurisdiction of this Court under Article 226 of the Constitution of India challenging the validity and legality of the order dated 22.09.2004 made in Original Application No. 27 of 2004 on the file of the learned Central Administrative Tribunal, Guwahati Bench.

The question that falls for our consideration is, whether the impugned order passed by the Central Administrative Tribunal suffers from any infirmities and errors apparent on the face of the record requiring our interference in exercise of certiorari jurisdiction?

Few relevant facts leading to filing of this writ petition may have to be noted. The Respondent-applicant was appointed as Safaiwalla on part time basis vide order dated 16.10.1991. Being aggrieved by the order dated 27.01.2004, the Respondent-applicant invoked the jurisdiction of the Central Administrative Tribunal challenging the legality of the order of termination. It was the further contention of the Respondent-applicant that her service could not be terminated on the grounds mentioned therein without affording reasonable opportunity of being heard and that she was entitled to regularization in her service under the scheme framed by the Department and when her such claim for regularization in service is pending for consideration, her service has been terminated, which is highly arbitrary and

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4

illegal. The Respondent-applicant accordingly prayed before the Tribunal to quash the order of termination.

The writ petitioner filed a detailed affidavit-in-opposition, inter alia, contending that the husband of the respondent-applicant has been placed on put-off duty i.e. suspension, with effect from 09.07.2003 and disciplinary proceedings have been initiated against him under Rule 10 of the GDS (Conduct and Employment) Rules, 2001 for misappropriation of certain amount. The case set up by the petitioner was that the respondent-applicant had supplied some official documents without the knowledge of the authorities to her husband, which were in turn produced during the enquiry initiated against her husband. According to the department, her husband could not have procured such documents since he was placed under suspension and obviously these documents have been procured by the respondent-applicant in illegal manner and handed over the same to her husband. The authorities accordingly came to the conclusion that the respondent-applicant with a view to help her husband, who was put-off duty, supplied the official documents without knowledge of the authorities.

The Central Administrative Tribunal came to the conclusion that the order of termination of service is vitiated since the same is found to be stigmatic in nature passed without following the bare minimum principles of natural justice and the respondent-applicant has been deprived of her job. The impugned order of termination reads as under:-

"You are hereby terminated from services of part-time safaiwala, Bhella S.O. with immediate effect in order to maintain secrecy in the process of enquiry proposed to hold by undersigned against your husband, Md. Fazlul Haque GDS Pakerman, Bhella

AGP, High Court-8/01-80,000 21-8-2001

Noting by Officer or Advocate	Serial No.	Date	with signature
	2	3	4

URGENT

S.O. (now on put off duty) under Rule -10 of GDS (Conduct and Employment) Rules, 2001."

Perusal of the order of termination discloses that it is not an order of simple termination since the grounds those have been stated in the order of termination shows that the main purpose of terminating her service is in order to maintain secrecy in the process of enquiry initiated against her husband. Even in the affidavit filed, making a number of allegations against the respondent-applicant, the reasons stated for passing the order of termination disclose that the department came to the conclusion to dispense with her service to maintain secrecy in the proceedings pending against her husband. The impugned order read with the reasons stated for terminating her service undoubtedly disclose that it was not an order of termination simplicitor and as such the order resulting in termination of her service on the alleged conduct of the respondent could not have been passed by the petitioners without affording opportunity of hearing to her. This view taken by the Central Administrative Tribunal, which in our considered opinion, is not vitiated, much less, the same does not suffer from any errors apparent on the face of the record. We accordingly find no merit in this writ petition and the same shall stand dismissed without any order as to cost. Consequently, the interim stay granted by this Court is vacated and the Misc Case is accordingly ordered.

However, we make it clear that we have not expressed any opinion whatsoever about her status in the employment of the writ petitioner.

Sd/- H.N. Sarma.
JUDGE.

Sd/- B. Sudershan Reddy.
CHIEF JUSTICE.

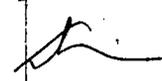
Memo No. HC.XXI. 2046-48 / R.M. Dtd. 24.2.06

Copy forwarded for information and necessary action to:-

1. The Chief Post Master General, Department of Posts (Assam Circle), Meghdoot Bhawan, Guwahati.
2. The Superintendent of Post Offices, Department of Posts, Nalbari Barpeta Division, Nalbari.
3. The Registrar, Central Administrative Tribunal, Guwahati Bench, Bhangagarh, Guwahati-5.

SOPD
NS
13.9.06

By order


Asstt. Registrar (I&E)
Guwahati High Court, Guwahati.

Chy.
21-2-06

Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
37
16 MAR 2006
Guwahati Bench.
गुवाहाटी न्यायापीठ

3015 JAN 2004
 গুৱাহাটী বেন্চ
 Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : D.A. No... 27 ... of 2004

BETWEEN

Suriya Begam..... Applicant.

AND

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

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 9
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Filed by : Alsha Das

Regn.No.:

File : c:\WS7\Suriya

Date :

21

Filed by
the applicant through
Usha Das
Advocate
12/2/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. 27 of 2004

BETWEEN

1. Smt Suriya Begam
Wife of Md. Fazlul Haque
president of Vill. Dorgahpur
P.O. Vella, Dist. Barpeta.
Assam
..... Applicant.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India.
Ministry of Communication
Dak Bhawan, New Delhi-1
2. The Chief Post Master General
Dept. of Post. (Assam Circle)
Meghdoot Bhawan
Guwahati-1
3. The Superintendent of Post Offices
Deptt. of Post
Nalbari- Barpeta Division,
Nalbari.
4. The Sub. Divisional Inspector of Posts
Deptt. of Posts
Barpeta Sub. Division
Barpeta-781301.
..... Respondents.

DETAILS OF THE APPLICATION

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

This application is directed against the order
dated 27.1.2004 issued by the Sub-Divisional Inspector of
Posts, Barpeta-Sub. Division- 781301, terminating the
service of the applicant and the order dated 28.1.04
releasing the applicant from her service pursuant to the
aforesaid order dated 27.1.04.

27/1/04

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 applicant is a citizen of India and a permanent resident of Assam and such she is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the applicant in search of Job registered ~~has~~ name in the Local Employment Exchange. The applicant could come to know that a vacancy accrued in the Vella Sub Post office and immediately she preferred an application praying for her appointment in the said post of "Safaiwala". The applicant preferred her said application dated 25.8.90 to the Sub-Divisional Inspector of Post Offices Barpeta Sub-Division.

A translated copy of the said representation dated 25.8.90 is annexed herewith and marked as Annexure-1.

হুমায়ুন বেগম

4.3. That the respondents took initiative to fill up the said newly sanctioned post of "Safaiwala" and requisition was sent to the local Employment Exchange. The name of the applicant was sponsored by the said Employment Exchange along with other eligible Candidates. The selection committee after due selection selected the applicant to the said post of "Safaiwala" on casual basis. The Sub-Divisional Inspector of Posts issued an order dated 16.10.91 appointing the applicant to the said post of "Safaiwala". The applicant accordingly joined the post on 22.10.91 by submitting "charge report".

A typed copy of the said appointment order dated 16.10.91 and the charge report dated 22.10.91 are annexed herewith and marked as Annexure 2 and 3 respectively.

4.4. That pursuant to the aforesaid appointment the applicant continued to discharge her duty with utmost sincerity till her service was illegally terminated by the impugned order dated 27.1.2004 issued by the Sub-Divisional Inspector of Posts, Barpeta Sub-Division, Barpeta. The applicant continued to serve without any break and she was shocked to receive the said impugned order dated 27.1.2004.

A typed copy of the said order dated 27.1.2004 is annexed and marked as Annexure-4.

4.5. That pursuant to the said order dated 27.1.2004 the respondents have issued another order dated 28.1.2004 by which the applicant has been released from her service. The applicant made several requests to the authority concerned but yielded no result in positive.

5/12/2008

A copy of the said order dated 28.1.2004 is annexed herewith and marked as Annexure-5.

4.6. That the applicant begs to state that the ground stated in the impugned order dated 27.1.2004 for termination of her service is not at all sustainable. It is stated that the husband of the applicant was also working as "GDS Packerman" in the said post after and in contemplation of departmental enquiry, he was placed under "put off" duty w.e.f. 09.07.2003. As on date the respondents have not yet initiated any proceeding as contemplated against her husband and on the ground of such enquiry. The service of the applicant has been terminated without affording her any reasonable opportunity of hearing. On the other hand the service rendered by applicant to the respondents is an independent one and as such on the ground of any such contemplated departmental enquiry against her husband. The respondents ought not to have terminated her service. The service rendered by the applicant in the post of "Safaiwala" is a sanctioned post whereas the post presently holding by her husband is a post under GDS scheme, and as such there is no connection or link between the aforesaid posts. However, the respondents without any basis have terminated the service of the applicant illegally.

4.7. That the applicant begs to state that her husband was placed under "put off" duty w.e.f. 9.7.2003 and as on date the respondents have not yet started any proceeding and on the contrary the service of the applicant has been terminated on the ground of such contemplated enquiry.

दुर्बिधावेन

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whereas the applicant is no way connected with any dispute whatsoever. It is further stated that under any circumstances her service could not have been terminated in the manner and method as has been done in the instant case.

4.8. That the applicant begs to state that the respondents have acted illegally in issuing the impugned order dated 27.1.2004. The applicant got her initial appointment in the year 1991 itself and the said appointment was made following the due process of Law and selection and as such her service could not have been terminated without any notice. Although applicant was working as casual worker but her service has been utilised as regular employee and she has been continuing in her said service right from 1991 without any break. During her service tenure, at no point of time she has been served with any adverse remark or any such communication. The respondents instead of terminating her service ought to have regularised her service in terms of the scheme holding the field. It is stated that the respondents have issued various schemes regularising the service of the casual workers like that of the applicant. In fact number of casual workers like that of the applicant are now enjoying the benefit of the said scheme as well as subsequent clarifications issued from time to time.

A copy of the scheme and its clarification dated 1.11.95 are annexed herewith and marked as Annexure 6 & 7 respectively.

4.9. That the applicant begs to state that the appointment of the applicant although has been reflected as casual but for all intend and purpose same is regular. Her

initial appointment has been made as per the rules and was followed by due process of law. Apart from this, the respondents at the time of placing the indent to the Local Employment Exchange for the said post of Safaiwala mentioned it to a regular vacancy but while appointing her same has been made as casual one. As stated above her case is required to be converted as full time and she is required to be converted/absorbed as regular Gr.D employee in terms of the scheme as well as the subsequent clarification issued from time to time.

4.10. That the applicant immediately on receipt of the impugned order dated 27.1.2004 visited the office of the respondents with a prayer to consider her case by modifying the said impugned order but same yielded no result in positive. the applicant also states that before issuance of the said impugned order the respondents have not issued any such notice as contemplated under the rule holding field providing opportunity to the applicant to represent her case. The applicant under these compelling circumstances has come under the protective hand of the Hon'ble Tribunal, praying for an appropriate interim order directing the respondents to allow her resume duty by suspending the operation of the impugned orders dated 27.1.2004 and 28.1.2004 till disposal of this OA.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the Respondents in issuing the impugned orders dated 27.1.2004 and 28.1.2004 is not sustainable and liable to be set aside and quashed.

Handwritten signature/initials in the bottom left corner.

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5.2. For that the reasons assigned in the impugned order dated 27.1.2004 is not at all sustainable under service jurisprudence and as such same is liable to be set aside and quashed.

5.3. For that the respondents have acted illegally and arbitrarily in issuing the impugned orders dated 27.1.2004 and 28.1.2004 and as such same are liable to be set aside and quashed, being violating of article 14 & 16 of the Constitution of India and laws framed thereunder.

5.4. For that the action/inaction on the part of the respondents in not regularising the service of the applicant pursuant to the scheme as well as its subsequent clarifications issued from time to time and as such appropriate direction need be issued to the respondents towards regularisation of her service with retrospective effect, with all consequential service benefits including arrears salary and seniority etc.

5.5. For that the action/inaction on the part of the respondents in not regularising the service of the applicant whereas persons similarly situated have been granted with the similar benefit under the scheme and as such appropriate direction need be issued to the respondents towards regularisation of her service with retrospective effect, with all consequential service benefits including arrears salary and seniority etc.

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that she 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 ~~other~~ *other court*.

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:-

B.1. To set aside and quash the impugned order dated 27.1.2004 and 28.1.2004 and to reinstate her service as "Safaiwala" with full backwages.

स्वास्थ्य सुरक्षा

8.2. To direct the respondents to regularise the service of the applicant in terms of the scheme as well as its subsequent clarifications issued from time to time with retrospective effect including all consequential service benefits like arrear salary, seniority etc.

8.3. Cost of the application.

8.4. 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:

Under the facts and circumstances of the case the applicant prays for an interim order directing the Respondents to allow her to resume her duty as "Safaiwala" in the Vella-Sub Post Office by suspending the operation of the impugned orders dated 27.1.2004 and 28.1.2004, during the pendency of this OA.

10.

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

- 1. I.P.O. No. : 96704223
- 2. Date : 3/11/03
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

স্বাক্ষর (স্বাক্ষর)

VERIFICATION

I, Suriya Begam, aged about 36 years, Wife of Md. Fazlul Haque, resident of Vill. Dorgahpur, P.O. Vella, Dist. Barpeta, do hereby solemnly affirm and verify that the statements made in paragraphs 2, 3, 4.1, 4.6, 4.7, 4.9, 4.10, 4.5 to 12..... are true to my knowledge and those made in paragraphs 1, 2.2, 4.3, 4.4, 4.6, 8, 4.8 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 29th day of Jan. of 2004.

Signature.

✓ सुविद्या बेगम

ANNEXURE - I

To
The S.D.I (P), Barpeta

Sir,

With due respect I beg to state that I belong to very poor family. I have been working as safaiwala in the Sub Post office, vella since 1981. I have come to know from reliable source that new appointment will be made against the said post.

That is why I pray before your honour that your honour would be kind enough to do the favour appointing me against the said post.

Your most obedient
S&J-
Suriya Begam
Vill. Dorgahpur
P.O. Vella
Date 25.8.90

N.B.: Employment Exchange Reg. No:789/90

Attested
Wan
Advocate.

OFFICE OF THE SUB-DIVISIONAL INSPECTOR (POSTAL)
BARPETA SUB-DIVISION, BARPETA.

781301.

Memo No. A3/Safaiwala

Dt. Barpeta the 16.10.90.

Smt. Suria Begum daughter of Mr. Abdul Ali,
Vill. Dargahpur, P.O. Bhella is hereby engaged as the
part time Safaiwala of Bhella Po from the date of joining.

Sri Begum will be posted as well allowances as per
existing Rates.

This engagement is subject to good service and may
be terminated at any time without prior notice.

- Copy to :-
- 1) The Postmaster Barpeta H.O.
 - 2) The SPM Bhella for n/o it will over charge
report and prayer copy to the office.
 - 3) Smt. Suria Begum for information & n/a.

Attested
HSM
Advocate.

Courtesy signed

ANNEXURE - 3

SUB POSTMASTER

A.C.G. 61 भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

Charge Report and Receipt for cash and stamps on transfer of charge
Certified that the charge of the office of

Assumed by Sureya Begum (नाम) ने

was made over by (name) as Safaiwala

(नाम) को स्थान
to (name) at (place)

तारीख को पूर्वाह्न अपराह्न में
on the (date) 22/10/91 fore noon in accordance with
alter

सं. तारीख अनुसार दे दिया।

No. Dated 16/10/91 from
SD(P) Bpe Memo No 107 Safaiwala
Relieved Officer Relieving Officer



Advocate

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*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकें व
बकाया (स्टॉक पुस्तक और रजिस्ट्रों समेत) और लेखाओं की जांच की जाए उम्मी
ठीक पाया ।

*Certified that the balances of this date of the several books (inclu-
ding Stock Book and Registers) and accounts of the office have been
checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बकाया मुझे भारमुक्त अधिकारी से
सौंप दिए और मैं इनके लिए जिम्मेदार हूँ ।

*Certified that the balances as detailed below were handed over to
me by the Relieved Officer and I accept the responsibility for the
same.

	रु.	पै.
	Rs.	P.
(अ) नकदी/Cash		
(ब) आप्रदाय टिकट/Stamp Imprint		

जिसमें ये शामिल हैं :-
Made up of :
(1) टिकट/Stampa
(2) नकदी/Cash

भारमुक्त अधिकारी
Relieved Officer

भारग्राही अधिकारी
Relieving Officer

तारीख 19
Dated the 19

Forwarded to Suriya Begum को भेजा गया ।

*अब प्रमाण-पत्र की आवश्यकता न हो तो इसे काट दिया जाय ।
*The Certificate when not actually required may be scored through.

S. R. G. P. City 9/1,50,000 Copies/8-86



Account
Law
Advocate

- 15 -

Sub-Divisional Inspector of Posts
Barpeta Sub-Division
Barpeta- 781301

To
Smt. Suvica Begum
Part-time Safainala
Bhella SO
Bhella (Assam)

No: A-1 / Part-Time Safainala / dtd 27.12.2004

Sub's Termination from services of Part-Time
Safainala, Bhella SO

✓ you are hereby Terminated from services of part-time
Safainala, Bhella SO with immediate effect in order to
maintain secrecy in the process of enquiry proposed to
hold by undersigned against your husband, Md. Fazlul Hoque
GOS-Packerman, Bhella SO (now on part off duty) under Rule-10
of GOS (Conduct and Employment) Rules, 2001. //

Copy to:

- 1) Postmaster (HSG-1), Barpeta HO for information and necessary action.
- 2) SPM, Bhella SO for information and necessary action.
- 3) O/c.

Sd/-
Sub-Divisional Inspector of Posts
Barpeta Sub-Division
Barpeta- 781301

Sd
Sub-Divisional Inspector of Posts
Barpeta Sub-Division
Barpeta- 781301

Attested
W.Dan
Advocate.

फॉर्म नं० 51
A.C.G.-61

IN 28/1/04
1881/04

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

(देखिए नियम 267, डाक-तार वित्त पुस्तिका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Post and Telegraphs Financial Hand Book, Volume-I, Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for each and satmps, on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of

चार्ज Reliquished (नाम) ने Sajanwar
was made over by (name)

Smt. Surva Bagun (नाम) को Bheer
to (name) स्थान
at (place)

तारीख को पूर्वहमें में
अपराह

on the (date) 28/1/04 for SD9(P)
after noon in accordance with

सं० No. A-1 / Part time Sajanwar
तारीख Dated 28/1/04 के अनुसार दे दिया है
from

6/1/04
माफ़ुक्त अधिकारी
Relieved Officer

भारग्राही अधिकारी
Relieving Officer
[क्र०प०उ०
P.T.O.]



Attested
Advocate

*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकें के बकायों (स्टॉक पुस्तक और रजिस्टारों समेत) और लेखाओं की और खाच की और उन्हें ठीक पाया।

*Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बकाया मुझे मारमुक्त अधिकारी ने सौंप दिया और मैं इसके लिए जिम्मेदार हूँ।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

	रु०	प०
	Rs.	P.
(अ) नकदी/Cash		
(ब) अग्रदाय टिकट/Stamp Imprest		

जिसमें ये शामिल है :-

Made up of :-

(1) टिकट/Stamps

(2) नकदी/Cash

भारमुक्त अधिकारी
Relieved Officer

भारवाही अधिकारी
Relieving Officer

तारीख
Dated

19
19

Sana Begum

Forwarded to.....को भेजा गया

*अव प्रमाण-पत्र की आवश्यकता न हो तो इसे फाट दिया जाए।

*The Certificate when not actually required may be scored through.

[28-90/68-MT]

I. P. P. M. SDP/L-25/Ptg. 92dt. 30-1-92 10Lacs

Attest
Wan
Advocate.

(including broken periods of service) during each of the two years of service referred to above.

[G.I., M.F., O.M. No. F. 8 (2)-Estt. (Spl) 60, dated the 24th January, 1961; M.H.A., O.M. No. 6/52/61-Estt. (A), dated the 16th February, 1961; No. 16/10/66-Estt. (D), dated the 2nd December, 1966; No. 14/1/68-Estt. (C), dated the 12th February, 1969 and D.P. & A.R., O.M. No. 45014/19/84-Estt. (C), dated the 26th October, 1984.]

3. Regularization of service of casual workers, not recruited through Employment Exchange before 7-5-1985, in Group 'D' posts

3.1. The services of casual workers may be regularized in Group 'D' posts in various Ministries/Departments, etc., subject to certain conditions, in terms of the general instructions issued by this Department. One of these conditions is that the casual workers concerned should have been recruited through the employment exchange. Sponsorship by the employment exchange being a basic and essential condition for recruitment under the Government, it has repeatedly been brought to the notice of the various administrative authorities that recruitment of casual workers should always be made through the employment exchange. It has, however, come to the notice of this Department that in certain cases these instructions were contravened and casual workers were recruited otherwise than through the employment exchange. Though these persons may have been continuing as casual workers for a number of years, they are not eligible for regular appointment and their services may be terminated any time. Having regard to the fact that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director-General, Employment and Training, that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than through the employment exchange, provided they are eligible for regular appointment in all other respects.

3.2. It is once again reiterated that no appointment of casual workers should be made in future otherwise than through the employment exchanges. If any deviation in this regard is committed, responsibility should be fixed and appropriate departmental action taken against the official concerned.

[G.I., D.P. & T., O.M. No. 49014/18/84-Estt. (C), dated the 7th May, 1985.]

4. Ban on engagement of casual workers for duties of Group 'C' posts

There is a complete ban on engagement of casual workers for performing duties of Group 'C' posts and hence no appointment of casual workers should be made in future for performing duties of Group 'C' posts. If any deviation in this regard is committed, the administrative officer in charge in the rank of Joint Secretary or equivalent will be held responsible for the same.

[G.I., M.F., O.M. No. 49014/16/89-Estt. (C), dated the 26th February, 1990.]

5. Payment of wages to unskilled casual workers in Archaeological Survey of India

It has been decided that the unskilled casual worker whose nature of work is the same as that of the regular employees may be paid at the rate of 1/30 of Rs. 750 plus DA for work of 8 hours a day with effect from 7-6-1988. The guidelines issued by the Department of Personnel and Training should be strictly observed. On a reference made to them, it has been clarified as under—

- (i) The persons on daily wages on regular nature of work should not be engaged. In case casual workers have been engaged to do duties of regular nature, they shall have to be paid at the minimum time-scale of pay plus DA for work of 8 hours a day.
- (ii) The casual workers are required to be paid for the day on which they actually perform duties.
- (iii) If the casual worker is called for duty on a holiday, he will have to be paid for that day. In case this holiday happens to be paid holiday for the casual worker that he will have to be allowed additional wages for the duty for that holiday.
- (iv) The practice of engaging a casual worker on his weekly off day should be avoided. The question of allowing paid weekly off to casual workers in the offices following five days week work pattern is under consideration of the Department of Personnel and Training.

As for revision of rates in respect of skilled labour is concerned, the matter is being examined separately and the orders will be issued shortly.

[G.I., Archaeological Survey of India, O.M. No. 27-1/86-Admn. III, dated the 15th December, 1988.]

IN THE DEPARTMENT OF POSTS

1. Part-time and Full-time Casual Labourers.— It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSDs/MMS under different designations (mazdoor, casual labourer, contingent paid staff, daily wager, daily-rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of not less than 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.

Substitutes engaged against absentees should not be designated casual labourer. For purposes of recruitment to Group 'D' posts, substitutes should be considered only when casual labourers are not available. That is, substitutes will rank last in priority, but will be above outsiders. In other words, the following priority should be observed:—

- 19 -
- (i) NTC Group 'D' officials. (*Non-Test Category*)
 - (ii) EDAs of the same Division. (*Extra-Department Agents*)
 - (iii) Casual labourers (full-time or part-time. For purpose of computation of eligible service, half of the service rendered as a part-time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 450 days in a period of 2 years he will be treated, for purposes of recruitment, to have completed one year of service as full-time casual labourer).
 - (iv) EDAs of other divisions in the same Region.
 - (v) Substitutes (not working in Metropolitan cities).
 - (vi) Direct recruits through employment exchanges.

NOTE.—Substitutes working in Metropolitan Cities will, however, rank above No. (iv) in the list.

[G.I., Dept. of Posts, Lr. No. 65-24/83-SPB. 1, dated the 17th May, 1989.]

2. Casual Labourers (Grant of Temporary Status and Regularization) Scheme.—In compliance with the directions of the Hon'ble Supreme Court, a scheme was drawn up by this Department in consultation with the Ministries of Law, Finance and Personnel and the President has been pleased to approve the said scheme. The scheme is as follows:—

1. 'Temporary Status' would be conferred on the casual labourers in employment as on 29-11-1989 and who continue to be currently employed and have rendered continuous service of at least one year; during the year they must have been engaged for a period of 240 days (206 days in the case of offices observing five days week).
2. Such casual workers engaged for full working hours, viz., 8 hours including ½ hour's lunch time will be paid at daily rates on the basis of the minimum of the pay-scale for a regular Group 'D' official including DA, HRA and CCA.
3. Benefit of increment at the same rate as applicable to a Group 'D' employee would be taken into account for calculating per month rate wages, after completion of one year of service from the date of conferment of Temporary Status. Such increment will be taken into account after every one year of service subject to performance of duty for at least 240 days (206 days in establishments observing five days week) in the year.
4. Leave entitlement will be one day for every 10 days' of work. Casual leave or any other kind of leave, except maternity leave, will not be admissible. No encashment of leave is permissible on termination of services for any reason or on the casual labourers quitting service.
5. Maternity leave to lady full time casual labourers will be allowed as admissible to regular Group 'D' employees.

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6. 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after regularization as a regular Group 'D' official.

7. Conferment of Temporary Status does not automatically imply that the casual labourers would be appointed as a regular Group 'D' employees within any fixed time frame. Appointment to Group 'D' vacancies will continue to be done as per the extant recruitment rules, which stipulate preference to eligible ED employees.

8. After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated at par with temporary Group 'D' employees for the purpose of contribution to General Provident Fund. They would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of this Department.

9. Their entitlement to Productivity-Linked Bonus will continue to be at the rate applicable to casual labourers.

10. Temporary status does not debar dispensing with the service of a casual labourer after following the due procedure.

11. 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.

12. Casual labourers may be regularized in units other than recruiting units also, subject to availability of vacancies.

13. For purpose of appointment as a regular Group 'D' official, the casual labourers will be allowed age relaxation to the extent of service rendered by them as casual labourers.

14. The casual labourers can be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

15. The engagement of the casual labourers will continue to be on daily rates of pay on need basis.

16. The conferment of temporary status has no relation to availability of sanctioned regular Group 'D' posts.

17. No recruitment from open market for Group 'D' posts except compassionate appointments will be done till casual labourers with the requisite qualification are available to fill up the posts in question.

Further action may be taken in regard to the casual labourers by each unit, as per the above-said scheme. This issues with the approval of Ministry of Finance and concurrence of Integrated Finance, vide their Dy. No. 1282-FA/91, dated 10-4-1991.

[G.I., Dept. of Posts, Lr. No. 45-95/87-SPB. 1, dated the 12th April, 1991.]

Attorney
Women
Advocates.

SWAMY'S—ESTABLISHMENT AND ADMINISTRATION

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CASUAL LABOUR

Clarification (1).—Further to Letter No. 45-95/87-SPB-I, dated 12-4-1991 (Order 2 above), it is hereby clarified that the scheme is effective from 29-11-1989 and hence the eligible casual labourers may be conferred temporary status and the benefits indicated in the above-said circular with effect from 29-11-1989.

2. Eligibility for weekly off to casual labourers continue to remain the same as before, viz., after 6 days of continuous work, they will be entitled to one weekly off. They will also be entitled for 3 paid National Holidays.

3. Leave salary to the casual labourers with temporary status will be paid at the rate of daily wages being paid to the casual labourers concerned.

4. Casual labourers who work in offices observing 5 days a week are not entitled to Paid Off on Saturday or Sunday. In other words, the weekly paid off after 6 continuous working days is permissible only to those Casual workers who work at the rate of 8 hours per day in establishments having 6 days a week.

5. The Scheme is also applicable to casual workers in the civil wing of this Department. It is not, however, applicable to any person working on casual basis in Group 'C' posts.

6. Vacancies of Casual labourers caused by their absorption in Group 'D' posts are not to be filled by recruiting fresh casual labourers. In other words, engagement of fresh casual labourers is not permissible as already reiterated time and again.

[G.I., Dept. of Posts, Lr. No. 45-37/91-SPB. 1, dated the 5th June, 1991.]

Clarification (2).—Attention is invited to the Department of Per. & Trg., OM, dated 7-6-1988, as per which engagement of fresh full time casual labourers is not permissible. In the said OM, it has also been made clear that where the work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multi-functional post could be created for handling these items with the concurrence of Ministry of Finance. The possibility of creation of multi-functional posts in offices for discharging the items of work each of which does not justify a full-time post may be explored in the first instance. In case this is not found possible to entrust, part-time casual hands may be engaged as per the outlines contained in OM, dated 7-6-1988.

It is once again reiterated that the decision regarding engagement of fresh part-time casual hands should be taken with care and at a fairly high level so that the provisions of OM, dated 7-6-1988, are not diluted.

[G.I., Dept. of Posts, Lr. No. 45-111/90-SPB. 1, dated the 13th January, 1992.]

Clarification (3).—1. Casual labourers conferred with temporary status can accumulate leave up to a maximum limit of 240 days.

Attended
[Signature]

2. Such casual labourers may be allowed paid leave as and when they require, provided leave is available at their credit.

3. No substitute arrangements should be made on such occasions, since engagement of fresh casual labourers is not permissible.

4. Casual labourers conferred with temporary status are to be paid OTA at the existing OTA rates for casual labourers, if they are engaged for extra hours.

[G.I., Dept. of Posts, Lr. No. 45-26/92-SPB. 1, dated the 28th October, 1992.]

Clarification (4).—1. The service book of the casual labourers conferred with temporary status is required to be maintained as in the case of temporary Government employees.

2. Temporary status casual labourers are entitled to increment on par with the departmental officials on completion of one year of engagement for 240 days, i.e., the increment would be taken into account for calculation of wages with effect from 1-11-1990, for the casual labourers conferred with temporary status on 29-11-1989, if they have completed one year of service at least 240 days.

3. The services of temporary status casual labourers can be dispensed with in case of misconduct after giving due opportunity on the lines of those available to regular employees.

4. A ban on employment of casual labourers had been put to by the Government prior to 29-11-1989. Therefore, there should not be any casual labourer employed after 29-11-1989. If there are any, their full particulars may be furnished along with the circumstances under which they were taken and under whose orders.

5. Employment of substitutes against the leave vacancy or paid weekly off days of temporary status casual labourer is not permissible.

6. Casual labourers engaged in P & T dispensaries where the full working hours are less than 8 hours daily are not eligible for temporary status.

[G.I., Dept. of Posts, Lr. No. 45-56/92, dated the 1st March, 1993.]

NOTE.—For the purpose of para. 3 above, the following procedure would be followed:—

Temporary status does not debar dispensing with the service of a casual labourer after following the due procedure.

If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him a reasonable opportunity, his services will be dispensed with.

[G.I., Dept. of Posts, Lr. No. 45-56/92, dated Nil, June, 1993.]

3. Regularization of part-time Casual Labourers as full-time.—If part-time casual labourers are working for five hours or more, it may be examined whether they can be made full-time by readjustment or combination of duties. However, there should be no engagement of fresh casual labourers.

[G.I., Dept. of Posts, Lr. No. 45-14/92-SPB. I, dated the 16th September, 1992.]

4. Entitled leave availed by temporary status casual labourers be treated as duty for grant of weekly-off.—As per the temporary status scheme, the casual labourers conferred with temporary status are entitled for one day's leave after every ten days of work. Therefore, this leave is to be treated as day of work for purposes of grant of weekly off. Hence they may be granted a weekly off after six days of continuous work including leave, if any, taken in between as per the above-said entitlement.

[G.I., Dept. of Posts, No. 45-14/92-SPB. I, dated the 16th September, 1992.]

5. Benefits to casual labourers on completion of three years service in temporary status.—In their judgment, dated 29-11-1989, the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status, the casual labourers shall be treated at par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis.

2. In compliance with the above-said directive of the Hon'ble Supreme Court it has been decided that the casual labourers of this Department conferred with temporary status as per the scheme circulated in the above-said circular No. 45-95/87-SPB. I, dated 12-4-1991, be treated at par with temporary Group 'D' employees with effect from the date they complete three years of service in the newly acquired temporary status as per the above-said scheme. From that date they will be entitled to benefits admissible to temporary Group 'D' employees such as—

- (1) All kinds of leave admissible to temporary employees;
- (2) Holidays as admissible to regular employees;
- (3) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete three years of service in that status while granting them pension and retirement benefits after their regularization;
- (4) Central Government Employees' Insurance Scheme;
- (5) General Provident Fund;
- (6) Medical Aid;
- (7) Leave Travel Concession;
- (8) All advances admissible to temporary Group 'D' employees;
- (9) Bonus.

3. Further action may be taken accordingly and proper service record of such employees may also be maintained.

[G.I., Dept. of Posts, Lr. No. 66-9/91-SPB. I, dated the 30th November, 1992.]

6. Superannuation age for temporary status Casual Labourers.—The services of a temporary status Casual Labourer may be dispensed with after giving notice that he/she attained 60 years of age and since the retirement age is 60 years for regular Group 'D' employees, he/she cannot be retained further. One month's notice may be given before dispensing with the services of a casual labourer.

[G.I., Dept. of Posts, No. 45-48/92-SPB. I, dated the 23rd February, 1993.]

IN THE DEPARTMENT OF TELECOMMUNICATIONS

1. Regularization of Casual Labourers of Department of Telecom and conferment of temporary status.—1. A scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom Commission. Details of the Scheme are furnished in the Annexure.

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

3.1. Instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/Districts. Casual labourers could be engaged after 30-3-1985, in Projects and Electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. According to the instructions subsequently issued, fresh recruitment of casual labourers even for specific works for specific periods in Projects and Electrification Circles also should not be resorted to.

3.2. In view of the above instructions normally no casual labourers engaged after 30-3-1985, would be available for consideration for conferring temporary status. In the unlikely event of there being any cases of casual labourers engaged after 30-3-1985, requiring consideration for conferment of temporary status, such cases should be referred to the Telecom Commission with relevant details and particulars regarding the action taken against the officer under whose authorization/approval the irregular engagement/non-retrenchment was resorted to.

3.3. No casual labourer who has been recruited after 30-3-1985, should be granted temporary status without specific approval from this office.

4. The Scheme furnished in the Annexure has the concurrence of Member (Finance) of the Telecom Commission, vide No. SMF/78/89, dated 27-9-1989.

[G.I., Dept. of Telecom. Circular No. 269-10/89-STN, dated the 7th November, 1989.]

Wan
etc.

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ANNEXURE-7

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.

Attn:

USA on

Admission

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
11 3 JUL 2004
गुवाहाटी न्यायालय
Guwahati Bench

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Filed by
9/7/04
C.C.S.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 27 OF 2004

Smt. Suriya Begum.

- Vs - Applicant.

Union of India & Ors.

..... Respondents.

In the matter of :

Written Statements submitted by
the respondents.

The respondents beg to submit a
brief history of the case which
may be treated as a part of the
written statement.

(BRIEF HISTORY OF THE CASE)

1/A Smt. Suriya Begum, wife of Md. Fazlul Haque was engaged as part-time safaiwala vide Sub-Divisional Inspector, Barpeta memo No. A2/Safaiwala dated 16.10.91. But as per Annexure-2 of the OA, the memo No is A3/Safaiwala dated 16.10.90 which is conflicting. Moreover, some words appeared in that Annexure carries no meaning and the memo also bears no signature of issuing authority. Therefore it may be a false one. However, she was engaged for sweeping work for 3 hours duty since 22.10.91.

Her husband Md. Fazlul Haque, also worked as Extra Departmental Packerman now called Gramin Dak Sevak (GDS) Packerman, in the same office at Bhella PO. While working as such Md. Fazlul Haque committed fraud in SB/RD accounts and Telephone Revenue Collection. He accepted money from the depositors for deposits in Savings Bank and Recurring Deposit accounts, entered the amounts in the pass books and impressed postal stamps on the pass books as usual and returned the pass books to the depositors. But the amounts so collected neither handed over to the Sub-Postmaster, Bhella P.O. nor deposited to the Govt. account. Thus he misappropriated an amount of Rs. 1,02,650/- collected from the depositors.

Again he accepted the amounts of Telephone bills from the Telephone subscribers on several dates, granted them P.O. receipts acknowledging the money. But the amounts were neither handed over to the Sub-Postmaster Bhella P.O. nor deposited to the Govt. account. Thus he misappropriated the amount of Rs. 90,795/- collected from the Telephone subscribers.

In order to prevent further fraud and manipulation/destruction of records Md. Fazlul Haque was placed on put off duty (suspension) w.e.f. 9.7.05 and disciplinary action under Rule-10 of GDS (Conduct and Employment) Rules, 2001 has been initiated against him. The Inquiry Officer and Presenting Officer ~~was~~

has already been appointed to inquire into the case and now it is in progress. In the meantime some records connected to that fraud case were disappeared from Bhella P.O. It is to be mentioned that the Sub-Postmaster of Bhella Post Office working at that time was also involved in the fraud case of the same nature for which he was also suspended and disciplinary action is continuing against him also.

Smt. Suriya Begum, while working as Part-time Safaiwala at Bhella Post Office got ample scope to help her husband (who was on put off duty) by supplying some official documents without the knowledge of the postal staff working there. She supplied some official papers to her husband, which was produced by her husband during inquiry by preparing some false money receipts. There is no such provision in this Department to hand over money daily to somebody by such receipts. But her husband prepared such bogus receipts on day to day basis showing transfer of money to the Sub-Postmaster, Bhella, although the Sub-Postmaster denied his signature appeared on those receipts. Moreover, the slips bears no receipts of money by the Sub-Postmaster. Thereby her husband cunningly tried to absolve himself from the monetary responsibility by producing those slips. If the receipts were prepared by her husband during his duty period those were official documents and should have been kept in the office. But

her husband produced photocopies of those receipts during inquiry, which tends to prove that she has obtain the same from office during her working. The particulars of such receipts were mentioned in the charge sheets enclosed in the parawise comments as Annexure-A. Photocopies of those receipts are enclosed herewith for perusal and marked as Annexures - R (series).

Apprehending commitment of some other mischief by Smt. Suriya Begum, while working in the office, it was decided to remove her from the contingent duty immediately.

Smt Suriya Begum, who is almost illiterate was engaged as part-time "Safaiwala" for specific duty of sweeping for 3 hours a day. Part-time workers are contingent staff, who are paid from contingent fund. They are not a regular Departmental staff and having no service condition, conduct rules, service books, leave, pension, gratuity etc. They were employed on "no work no pay" basis.

As per clarification issued by the Department such contingent paid staff engaged for more than 8 hours a day termed as full-time casual labour and less that 8 hours it is termed as part-time casual labour. While the full-time casual labour have got the benefit of absorbtion in regular Departmental Group 'D' post subject to fulfillment of certain conditions, the part-time casual labours are not entitled for such benefits. Therefore, smt Suriya Begum, being a part-time casual labour cannot claim for regular absorbtion im Departmental post.

Smt Suriya Begum, was terminated from service without any notice as per terms and condition imposed in her engagement memo. She was terminated from service to maintain secrecy in the Departmental Inquiry and to prevent manipulating, tempering and destruction of official records. As no service Rule is prescribed for such contingent paid staff, the question of issuing notice for termination does not arise.

PARAWISE COMMENTS :

1. That with regard to the statement made in para 1, of the application the respondents beg to state that the applicant was not appointed but engaged as part-time Safaiwala vide memo No. A2/Safaiwala dated 16.10.91 (Annexure-2 of OA). Smt Suriya Begum was terminated from service w.e.f. 28.1.04 vide SDIPOs, Barpeta Sub-Division, memo No. A1/Part time Safaiwala dated 27.1.2004 (Annexure-4 of the O.A.) as per condition imposed in her engagement memo (Annexure-2 of the O.A.) that her engagement (not appointment) may be terminated at any time without prior notice. She was a part-Time contingent staff and not a regular Departmental employee. Such staff are paid out of contingency only and not born on regular establishment of the Departmental No Service Rule, conduct rules, leave Rules, increment, pay, service records are available for such staff. They are termed as part-time casual labour, engaging for 2/3 hours a day for some specific works.

2. That with regard to paras 2, 3, 4.1, 4.2 and 4.3, of the application the respondents beg to offer no comments.

3. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the termination order was essential to maintain office secrecy and to prevent manipulation/tempering/destroying records by the applicant to help her husband Md. Fazual Haque who was the employee of the same office and who was involved in mis-appropriation case for which he was already put off duty. Therefore the order of termination was issued to protect the Govt. records, which was just and fair.

4. That with regard to the statement made in para 5 of the application the respondents beg to state that Annexure 5 of the O.A. was as relieving charge report of the applicant which is made by every official of the Department for joining to and relieving from a particular job. Therefore, it was not a separate order as narrated by the applicant in the O.A. Moreover, the applicant did not approach any authority for consideration of her termination order. As she could not submit any proof of contact or submission of representation etc to the Authority concerned her statement can be termed as baseless and therefore liable to be rejected.

5. That with regard to the statement made in para 4.6 of the application the respondents beg to state that Md. Fazlul-Haque, her husband while working as GDS Packerman Bhella Post Office, unauthorisedly accepted huge amounts from the depositors

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of several Savings Bank and Recurring deposit accounts and instead of depositing the same to the Govt. accounts he misappropriated entire amount of Rs. 1,02,650/-. Again he collected huge amounts from the Telephone subscribers, who went to deposit the amounts of telephone bills in that post office, by issuing receipts unauthorisedly by him for Rs. 90,795/- and not depositing the money to the Govt. account. For such offence he was charge sheeted under Rule-10 of GDS (Conduct and Employment) Rules, 2001 by the Sub Divisional Inspector of Posts, Barpeta vide memo no A2/Bhella/F. Haque dated 13/23.1.04. The Inquiry Officer and presenting Officer has already been appointed and the inquiry is in progress. As his continuance in office will prejudice investigation, he was put off duty w.e.f. 8 9.7.03. Due to the above circumstances, the presence of his wife (the applicant) in the same office found to be undesirable for safety and security of Govt records, as well as for wider public interest. Therefore, she was terminated from service to safeguard the Govt records.

~~_____~~
~~_____~~

6. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the post of her husband governed by GDS (Conduct and Employment) Rules, 2001, the post held by her is a

part-time contingent post, which is not governed by any service Rules, and therefore there is no question of offering reasonable opportunity to her. The applicant is a part-time contingent staff, who is paid out of contingency who may be terminated at any time without notice and engaged on part-time casual basis and therefore she cannot claim for benefits available for regular Departmental staff. She could not be allowed to continue at Bhella Post Office due to security reason also as the local public become furious to know the corrupt practices of her husband and for that the public may misbehave or mishandle her in the office failing to contact her husband.

7. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the applicant was not appointed as a regular staff. She was engaged only for 2/3 hours duty on part-time basis and no service records are maintainable for such job. As her engagement on part-time basis is not governed by any conduct Rules, or service Rules, etc no formal notice of termination deemed necessary for her termination. She was never utilized as regular employee except her basic duty of "Safaiwala" as she was not literate enough. The scheme introduced by the Department for regularization of service of the casual labours are applicable to the full-time casual labour only. As the applicant is a part-time casual labour having 3 hours duty such facility is not

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applicable to her. Annexure 6 and 7 cited by the applicant are meant for full-time casual labours only and therefore it is infractious, to cite such circular.

8. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the job requirement in Bhella Post Office was for 3 hours and the applicant was engaged accordingly for 3 hours part-time job. There was no justification to treat her as full-time casual labour as there is no job, requirement for more than 3 hours at Bhella Post Office. Therefore, her claim to convert her to full-time casual labour is not tenable. As the benefit of absorption as regular Group 'D' is available for full-time casual labour only having more than 8 hours duty, the applicant being part-time contingent staff with 3 hours duty cannot claim for such benefit.

9. That with regard to the statement made in para 4.10, of the application the respondents beg to state that it was already been made clear that the applicant neither submitted any representation nor approached any authority for modifying or set aside her termination order, although there were so many higher authority than the terminating authority to represent her case. But instead of representing to the Departmental authority she has submitted this application before the Hon'ble CAT by passing her appropriate channel. As she has not exhausted the Departmental channel, it is bad in law to approach the Hon'ble Tribunal for the said cause and therefore it is liable to be rejected.

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10. That with regard to the statement made in para 5.1, of the application the respondents beg to state that the action on the part of the respondent in issuing the termination order dated 27.1.2004 was quite reasonable and appropriate to prevent illegal activities on the part of the applicant.

11. That with regard to the statement made in para 5.2, of the application the respondents beg to state that the reasons assigned in the termination order was appropriate and as per law and therefore not liable to be set aside.

12. That with regard to the statement made in para 5.3, of the application the respondents beg to state that there is no violation of article 14 and 16 of the Constitution in issuing the termination order of the applicant as there is no such statutory Rule governing the service of the applicant.

13. That with regard to the statement made in para 5.4, of the application the respondents beg to state that it has already been made clear that the applicant being a part-time contingent staff cannot claim for regular absorption in regular Departmental post as such advantage is made applicable to full-time casual labours only vide Annexure - 6 & 7 enclosed by the applicant in her O.A.

14. That with regard to the statement made in para 5.5, of the application the ~~xxx~~ respondents beg to state that there is no such instance in the Department of Posts to regularize such part-time contingent staff as regular Departmental employee. Therefore, this statement is false and fabricated and liable to be rejected.

15. That with regard to the statement made in para 5.6, of the application the respondents beg to state that in view of the above, the termination order was issued in the right moment and it was justified and not liable to be quashed. The Department is also ready to advance more grounds both legal as well as factual at the time of hearing, if needed.

16. That with regard to the statement made in para 6, of the application the respondents beg to state that the applicant is misleading the Hon'ble Tribunal saying that she has exhausted all the remedies available to her as she has not submitted any representation against that termination order to any Departmental Authority as yet.

17. That with regard to para 7, of the application the respondents beg to offer no comments.

18. That with regard to the statement made in para 8, of the application the respondents beg to state that under the above circumstances, the Hon'ble Tribunal is requested to dismiss the application of the applicant.

19. That with regard to the statement made in para 8.1, of the application the respondents beg to state that the applicant has already been terminated from "Safaiwala" *at present there is no justification for Part-Time Safaiwala at Bhella B.O. as per Departmental norms. Therefore, there is no scope to re-engage her as Safaiwala at Bhella B.O. now.*

20. That with regard to the statement made in para 8.2, of the application the respondents beg to state that the Contingent Staff is engaged on "no work no pay" basis and as the applicant did not work since the date of termination, she is not entitled for any remuneration, further on that principle. Again the question of benefits of seniority and other service benefits also not admissible to her as there is no such service condition prescribed for the contingent paid staff like "Safaiwala".

21. That with regard to para 8.3, of the application the respondents beg to state that the ~~prayer~~ is not ~~justified~~ *just*

22. That with regard to para 8.4, of the application the respondents beg to state that the ~~prayer~~ *prayer of the applicant is not justified* in view of above.

23. That with regard to the statement made in para 9, of the application the respondents beg to state that no such interim order is justified as she was terminated from service basically on the ground of maintaining office secrecy and preventing illegal activities.

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

in S. Das, Superintendent of Post offices, Malabar
I, ~~A. Ali, Sub Divisional Inspector of Posts~~
Barpeta Divn
~~Barpeta Sub Division, Barpeta,~~ do hereby verify that the
statements made in paragraph 1 to 23 of
the written statement are true to my knowledge, those made
in paragraphs 1(A) being matter of records
are true to my information derived therefrom which I
believe to be true and those made in the rest are humble
submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I signed this verification on this th day
of June, 2004.

SUKRESWAR DAS
Deponent.

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<p>Five hundred only</p>			

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 विवरण 2001

- 9562. 30.9.02. 500
- 9561. 30.9.02. 500
- 9416. 30.9.02. 1000
- 9379. 30.9.02. 500
- 9106. 30.9.02. 100
- 9545. 30.9.02. 200
- 9378. 30.9.02. 500

3600

4-P/K(19)
 10/10/62
 2A

Three thousand six hundred only

[Signature]
 Sub. Secy. - 1107
 No. 701209

✓

-43-

21

(11)

53

विश्व विद्यालय १२० नम्बर ब्लाक - काठमाडौंको उत्तर विभागमा कार्यरत
 (कर्मचारी सेवा) विभागको सेवा ब्यवस्था गरिएको S.P.M.को ब्यवस्था
 गरिएको छ ।

- १३६१-२९-७-०२ = २००
- १३४०-२९-७-०२ = ३००
- ११०६-३०-७-०२ = २००
- १३६२-३०-७-०२ = ५००
- १३४५-३०-७-०२ = २००
- १४१५-३०-७-०२ = १००
- १४०४-३०-७-०२ = १००
- १३२७-३०-७-०२ = ३०००
- १३१६-३०-७-०२ = ६०००
- १३७९-३०-७-०२ = ५००
- १३७८-३०-७-०२ = ५००
- १०६१-३०-७-०२ = ५००

12/100

सु. P/X(11)

११/१०४
११

... the usual one hundred of

f ✓

Sub. Postmaster
Bhalla - 111200

- 44 -

22 (10)

64

பெரிய கட்டிடம் ரிட்டு வரும் - 44/222 என்ற பெயர் கீழே
(பயிற்சி சலுகை) கட்டிடம் கட்டி - 1371 - 44/222 SPM 211 என்ற பெயர்
கீழே

| | | | | |
|-------|----|---|----|-----|
| 9399 | 28 | 6 | 02 | 500 |
| 95710 | 28 | 6 | 02 | 300 |
| 9361 | 28 | 6 | 02 | 200 |
| 9378 | 28 | 6 | 02 | 500 |

1500

Zahl - P / X (10)
23/100
9A

மிகவும் கவனமாக பரிசீலனை செய்யப்பட்டுள்ளது


சென்னை - 781300

End - 18/x(9)
21/5/02

| | | | | |
|-------------------|---|---------|---|-----|
| 9361 | = | 31-5-02 | = | 200 |
| 9540 | = | 31-5-02 | = | 300 |
| | | | | 500 |
| Five hundred only | | | | |

15
23

Exh-P/x(8) - 46-

24

(4)

66

Handwritten notes in Tamil script, including the word 'சான்று' (Evidence) and other illegible text.

9378 = 29-1-02 = 500
 9347 29-1-02 = 500
 9361 = 29-1-02 = 200
 9416 = 29-1-02 = 1000

2200

Handwritten note: "Two thousand two hundred only"

Sub. Ponds
Chennai - 781342

വികസിത-ഉപയോക്താക്കൾ (R/D) ന്റെ നൂറു ശതമാനം തുകയ്ക്ക് വിധേയമായി
 (Paying SLIP) വിവിധ സേവനങ്ങൾക്കായി S.F.M. ന്റെ തുകയ്ക്ക് വിധേയ
 തുക

| | | | |
|------|----------|---|------|
| 9347 | 29-12-01 | = | 1000 |
| 9361 | 29-12-01 | = | 200 |
| 9416 | 29-12-01 | = | 1000 |
| | | | 2200 |

Exch - P/A (9)
 29/12/01

Two thousand two hundred and

Mr. Ponnappa
 Chanda - 20155

+

-49- 217

(5)

69

First 30 days R/D - no sum of money taken from
(Financials) for the - 1st 30 days - 30 days R/D in
2nd.

| |
|------------------------|
| 93117 = 30-10-01 = 500 |
| 94116 = 30-10-01 1000 |
| 500 |

~~GM - P/x(5)~~

2/10/02
3/11/02

one thousand five hundred only

~~Signature
Date - 28/10/02~~

200 - P/B (10)
 2/20/04
 9.8

(4)

| 1 | 2 | 3 | 4 | 5 |
|----|--------------------------|---------|---------|---------|
| 21 | 2/2/04 | 7/10/04 | 7/10/04 | 7/10/04 |
| 22 | 2/2/04 | 7/10/04 | 7/10/04 | 7/10/04 |
| 23 | 2/2/04 | 7/10/04 | 7/10/04 | 7/10/04 |
| 24 | 2/2/04 | 7/10/04 | 7/10/04 | 7/10/04 |
| 25 | | | | |
| 26 | | | | 500 |
| 27 | | | | 1000 |
| 28 | | | | |
| 29 | | | | 1500 |
| 30 | | | | |
| 31 | | | | |
| 32 | | | | |
| 33 | overhaul of vehicle only | | | |
| 34 | | | | |
| 35 | | | | |
| 36 | | | | |
| 37 | | | | |
| 38 | | | | |
| 39 | | | | |
| 40 | | | | |
| 41 | | | | |
| 42 | | | | |
| 43 | | | | |
| 44 | | | | |
| 45 | | | | ✓ |
| 46 | | | | |
| 47 | | | | |
| 48 | | | | |
| 49 | | | | |
| 50 | | | | |

50 - 2/8

8

(3)

29
ನಿಮ್ಮ ತಿಳಿಸಿದ R/D ನಾನು ಸಮೂಹ ಜನಾ ನಿರ್ಮಾಣ
(Co-Operative) ನಿರ್ಮಾಣ ನಿಗಮದ ಸದಸ್ಯರಾದ ಸಮೂಹದ ಸದಸ್ಯರಾದ
ಜನಾ ನಿರ್ಮಾಣ ನಿಗಮದ /

2347 = 31.8.01 = 500
2416 = 31.8.01 = 1000
1500

EXM. P/X.M)
22/10/04

one thousand five hundred and



Job: Postmaster
Cholla 6 281-43

(3)

F

52-
Paying S(CP) ... SP 1100

30
72

PAID - P (K.O.)
20/10/04

23419-31-7-01 - 500
3416-31-7-01 - 1000

1500

one thousand five hundred only

✓
JUBA P. ...
ShoUs - 781200

2

- 53 -

31

23

पुस्तक विक्रीतिका र/पुस्तिका पुस्तक विक्रीतिका
(Chyia-slip) पुस्तिका पुस्तिका विक्रीतिका
पुस्तिका विक्रीतिका पुस्तिका

| |
|---------------------|
| 9347.30.6.01 = 500 |
| 9416.30.6.01 = 1000 |
| <hr/> |
| 1500 |

मुस्तिका विक्रीतिका

पुस्तिका-पुस्तिका
पुस्तिका

1

Saliv P...
Sholla - 22134

ಪರಿಷತ್ ಅಧೀನದಲ್ಲಿರುವ ಸರ್ಕಾರಿ ಶಾಲೆಗಳಲ್ಲಿ
 ಶಿಕ್ಷಣದ ಮಟ್ಟವನ್ನು ಹೆಚ್ಚಿಸುವ ಉದ್ದೇಶದಿಂದ
 ಸರ್ಕಾರಿ ಶಾಲೆಗಳಲ್ಲಿ

ಆಯ್ಕೆ = 24-2-02

| | | | |
|---------|-----------|-----------|----------|
| PN No = | Reck No = | Bill No = | Amount |
| 51145 = | 53 = | 1024845 = | 869 |
| | | | Rs = 869 |

Eight hundred sixty nine only


 Mr. Postmaster
 F 11A - 781309

1. ~~For the purpose of the above mentioned~~
~~Particulars of the above mentioned~~
~~Particulars of the above mentioned~~

Dated - 29-9-01

| PR No. | Part No. | DI No. | Amount |
|--------|----------|---------|--------|
| 51128 | 246 | 5947998 | 731 |
| | | Rs | 131 |

Seven hundred thirty and only


 Bholia - 981309

34

-56-

BH - P/NY (1-58)

Handwritten notes and initials in the top right corner.

Handwritten header text, possibly a title or address, including "MPS" and "SPM".

Dated - 27-8-01

| PR No = | Recd No = | Bill No = | Amount |
|---------|-----------|-----------|--------|
| 81067 | 96 | 5512266 | 176 |
| | | | 176 |

one hundred seventy six only

Sub. Postmaster
Bhalla - 781309

35-57

पत्रा संख्या 114/2017
दिनांक 9/1/01

आदेश = 9/1/01

| PN No = | Receipt No. | Bank No. | Amount |
|---------|-------------|-----------|--------|
| 51034 | = 153 | = 7977715 | = 888 |
| | | RB = | 888 |

Eight hundred eighty eight

Sd/-
Bhella - 781309

Handwritten text, possibly a receipt or ledger entry, including the word "Amount" and some numbers.

Dated = 21-10-01

| PA No = | Part No = | BS No = | Amount |
|---------|-----------|------------|-----------------|
| 51003 = | 154 = | 79774106 = | 320 |
| | | | <u>RS = 320</u> |

Three hundred twenty only

Handwritten signature or initials.

600

THIS RECEIPT IS VALID ONLY IF
 THE AMOUNT IS PAID IN FULL
 DATED = 5-11-01

| Ref. No. | Post No | Bill No | Amount |
|----------|---------|----------|----------|
| 5199 | 171 | 79728368 | 416 |
| | | | OS = 416 |

Four hundred sixteen only


 Bob Postmaster
 1909

~~THE SIGNATURE OF THE CUSTOMER~~
~~THE SIGNATURE OF THE CUSTOMER~~
~~THE SIGNATURE OF THE CUSTOMER~~

Dated - 28/11/07

| PA No = | Recd No = | Bill No = | Amount |
|---------|-----------|-----------|-----------------|
| 51094 | 204 | 7978310 | 267 |
| | | | <u>Rs = 267</u> |

Two hundred sixty seven and

50000 T. RE 2000 2000 2000 2000
2000 2000 2000 2000 2000 2000
2000

Dated = 15-12-0

| No = | Recd No = | Bill No = | Amount |
|------|-----------|-----------|--------|
| 2 = | 228 = | 8171746 = | 2027 |
| | | 228 = | 2027 |

Two thousand twenty seven only

Sub Postmaster.
Pholla - 751309

- 6/- 42 84

1st 3/12/01 T.R.C. 41214 5th 1/2/01
2nd 5/12/01 2nd 01/2/01 41214 S.P.M.
5th 1/2/01

Dated = 12/12/01

| PA No. | Recd No. | Bill No. | Amount |
|--------|----------|----------|--------|
| 51125 | 220 | 8399571 | 953 |
| Total | | | 953 |

Nine hundred fifty three only

- 65 43 . 95

১৯৫৩ সালের ৩-১-০২ তারিখে
১৯৫৩ সালের ৩-১-০২ তারিখে
১৯৫৩ সালের ৩-১-০২ তারিখে

Dated - 3-1-02

| | | | |
|----------|-----------|-----------|----------|
| PA No = | Dict No = | Bill No = | Amount |
| 510244 = | 262 = | 8520710 = | 241 |
| | | | <hr/> |
| | | | RS = 241 |

Two hundred forty only

Sub. Postmaster
Bholla - 781309

- 66 -

44 86

9. 4 30000 - 0.0 - 40000 2000 2000
2000 2000 2000 2000 - 40000 SPAN
2000 2000 2000 2000

Dated = 2/11/02

| PAN No | Recd No | BSM No | Amount |
|--------|---------|---------|----------------|
| 51125 | 258 | 5078050 | 18 |
| 51121 | 259 | 8521488 | 70 |
| | | | <u>RS = 88</u> |

Eight eight only

Sub. Postmaster
Phon. - 781309

1. Total amount received from the ...
 ...
 Dated = 7-1-02

| PA No = | Rec No = | Bill No = | Amount |
|---------|----------|-----------|--------|
| 51132 | 267 | 8707007 | 2673 |
| 51041 | 269 | 8720683 | 241 |
| Total | | | 2914 |

Two thousand nine hundred forty four only


 Sub. Registrar
 Bholla - 781309

69- 47

Handwritten text in Hindi, possibly a receipt or acknowledgment, mentioning "P.C." and "SPM".

Dated 8-1-03

PIA NO = Recd. NO = Bill No = Amount

51137 = 300 = 7978745 = 740

RS = 740

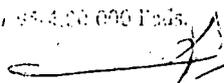
Seven hundred forty only

2
Sub. Postmaster
Bhalla - 781309

RECEIVED FROM THE TRADING COMPANY
 LTD. 1001-10010 SP. No. 10010 2001
 dated 29/1/00

| Dr. No = | Recd. No = | Part No = | Amount |
|----------|------------|-----------|-------------|
| 51133 = | 8 = | 8721460 = | 1614 |
| 51088 = | 9 = | 2978258 = | 244 |
| | | | <u>1858</u> |

one thousand eight hundred fifty five and

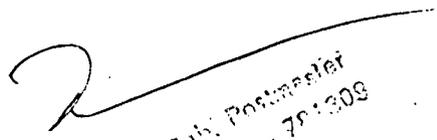

 Sub. Postmaster
 No. 11 - 781302

For 30 days TAC - 1/17/21 08:11:21
 12/17/21 08:11:21 SPM 21
 Paid on 19-2-02

a1

| PN No. | Rect No. | Bill No. | Amount |
|--------|----------|------------|----------|
| 51029 | = 28 | = 85285.68 | = 270 |
| | | | <hr/> |
| | | | Rs = 270 |

Two hundred seventy only


 Sub. Postmaster
 Bhella - 701309

પાલિકાના ટ્રાન્સપોર્ટ ટિકિટોના વિતરણ માટે
 ટિકિટોના વિતરણ સમયે સર્વિસ ટિકિટ
 ફોન નંબર પાલિકા = 25-2-02

| PH.No = | Recd No = | Bill No = | Amount |
|---------|-----------|-----------|--------|
| 51085 = | 34 = | 9166784 = | 231 |
| 51121 = | 35 = | 9167449 = | 231 |
| 51086 = | 37 = | 9166790 = | 231 |
| 51039 = | 38 = | 9166323 = | 231 |
| Total = | | | 924 |

nine hundred twenty four only



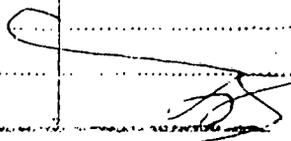
G.P. (S.C.) S.M. P. No. 95-4 P.S. 1/177-22.5.5 1/25-2-02

Sub. Postmaster
 Bhalla - 781309

1000 50000 TRC 74420 674/124
 2000 50000 TRC 74420 674/124 2000 50000 TRC 74420 674/124
 6000 50000 TRC 74420 674/124 2000 50000 TRC 74420 674/124

PAN No = Recd No = Bill No = Amount
 51114 = 71 = 9167070 = 241
 P.S. = 241

Two hundred seventy one



Sub. Postmaster
 Dhalla - 781209

- 78:

56.

98

१५/३/०२
 १५/३/०२
 १५/३/०२
 १५/३/०२

PA No = Recd No = Bill No = Amount
 51125 = 75 = 9390700 = 512
 512

Five hundred and

MIGIP (SI) Snt-24 Postal 95-(SFS/S-1/177-30.5.95)-27.7.95-1,00,000

Sub. Postmaster
 Bhatta - 781309

1. Total balance to be carried over
 after payment from 01/01/2002
 SP No. 3771/2002

Dated = 26-3-02

| PA NO | Recd No | Bill No | Amount |
|-------|---------|---------|--------|
| 5125 | 84 | 9766743 | 1851 |
| | | PS | 1851 |

one thousand eight hundred
 eighty one only

1000 PAKISTAN
 1000 Pak
 1000 - 7813

T. R. C. ...
 ...
 ...

Date = 23-4-02

| PN No | Post No | Bill No | Amount |
|-------|---------|---------|--------|
| 51090 | 138 | 8521479 | 241 |
| 51090 | 239 | 9166831 | 241 |
| 51110 | 141 | 8521378 | 122 |
| | | | 904 |

Nine hundred four cents

Sub. Postmaster
 Bhalla - 781308

125

STATE BANK OF INDIA
S.P.M. 20 01/11/02 2002

Dated 26-4-02

| PN No. | Recd No. | Bill No. | Amount |
|--------|----------|----------|--------|
| 51134 | 143 | 9167271 | 307 |
| | | RS | 307 |

Three hundred seven only

[Signature]

-87-

65
101

~~নিম্নে উল্লিখিত পত্রের মধ্যস্থতায়~~
~~পত্রের মধ্যস্থতায়~~
 201 / Dated - 29/11/02

PH No = Post No = Bill No = Amount
 5119 = 154 = 1000.6649 = 212
Rs = 212

Two hundred twelve only

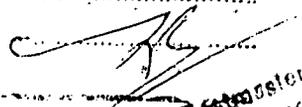
Sub. Postmaster
 Bholla - 781309

Total Receipts + Balance Brought Forward
 Less: Total Disbursements
 Balance Forward
 Dated = 4-5-02

| PIA No = | Recd No = | Bill No = | Amount |
|----------|-----------|------------|--------|
| 51003 = | 175 = | 10005487 = | 264 |
| 51034 = | 176 = | 10005790 = | 231 |
| 51044 = | 177 = | 10005895 = | 231 |
| 51005 = | 178 = | 10005501 = | 231 |

RS = 957

Nine hundred fifty seven only



PAYEE'S NAME: THE HINDUSTAN BANK
 ACCOUNT NO: SPM (Savings)

Date 22-5-02

| PH No | Acct No | Bill No | Amount |
|-------|---------|-----------|--------|
| 5111 | 196 | 100065641 | 241 |
| | | Rs | 241 |

Two hundred and forty one only

INSTRUMENT (SU) Serial Postal 9547859 1477-20

Adv. Postmaster
 Phone - 781302

-93-

71

143

ಪರಿಶೀಲಿಸಿ = ೯ ಸಹಜವಾಗಿ
 ಪರಿಶೀಲಿಸಿ = ೨೪೨೦೧೪೨೦೧೪ ಸರಿಯಾಗಿ
 ಅಂತಿಮವಾಗಿ

Dated = 6-6-02

| PA No = | Recd No = | Bill No = | Amount = |
|-------------|-----------|------------|------------|
| 51021 = | 206 = | 10006162 = | 928 |
| <u>Rs =</u> | | | <u>928</u> |

Nine hundred twenty eight only

2
 B.S. Postmaster
 Bellary - 581309

ಪುನಃ ಪರಿಶೀಲಿಸಿದ T R C ಹಣಕಾಸು ಇಲಾಖೆ
 ನಿರೀಕ್ಷಿಸಿದಂತೆ ಇದೇ ದಿನಾಂಕದಿಂದ ಸರ್ಕಾರಿ
 ಕಾರ್ಯದ ಮೇಲೆ
 ದಿನಾಂಕ - 9-6-02

PA No = Recd No = Bill No = Amount
 51041 = 207 = 10005866 = 241

 Rs = 241

Two hundred forty one only


 Sub. Registrar
 Bellary - 781309

- 95 -

73

WS

Handwritten text in Hindi, possibly a receipt or invoice header, mentioning 'पुनः' (again) and 'रकम' (amount).

dated = 21-6-02

| | | | | | | |
|-------|---|---------|---|----------|---|----------|
| PN No | - | Recd No | = | Bill No | = | Amount |
| 51133 | = | 220 | = | 10260558 | = | 945 |
| | | | | | | Rs = 945 |

Nine hundred forty five only


Sd/- **Gov. Panchayat**
Bholla - 781309

ಪರಿಷತ್ತಿನಿಂದ T.R.C-4420 ರವರಿಗೆ
ಪರಿಷತ್ತಿನಿಂದ ಪಡೆದ ಒಟ್ಟು 2 ಮ /

dated = 1-7-02

| PA No = | Recd No = | Bill No = | Amount |
|---------|-----------|-----------|-------------|
| 51038 = | 225 = | 1090862 = | 726 |
| 51018 = | 226 = | 1090738 = | 231 |
| 51039 = | 227 = | 1090945 = | 231 |
| | | | <u>1188</u> |

one thousand one hundred eighty
eight only


Sub. Postmaster
Bholla - 781308

-97- 75 - 14

For the T. RC ...
...
... 2M/

Dated - 2-2-02

| PA No = | Recd No = | Bill No = | Amount |
|---------|-----------|------------|--------|
| 51005 = | 230 = | 10901603 = | 503 |
| 51009 = | 231 = | 10005547 = | 241 |
| | | | <hr/> |
| | | | 744 |

Seven hundred twenty four only

Sub. Postmaster
Bhella - 781309

-98- 76 WA

PA No = Rec No = Bill No = Amount
51145 = 238 = 10903000 = 402

Dated = 5-7-02

PA No = Rec No = Bill No = Amount
51145 = 238 = 10903000 = 402

RS = 402

Four hundred two only

Sub. Postmaster
Bhella - 781309

- 99 -

77

49

पत्र संख्या T.P.C. 1000-1000
पत्र संख्या 1000-1000 S.P.M. 1000
पत्र संख्या 1000

Acted = 6-7-02

PA No = Recd No = B.M. No = Amount
51099 = 239 = 10902548 = 231

RS = 231

Two hundred thirty one only


Sub. Postmaster
Bhalla - 781309

100 78 120

Handwritten text in Hindi, possibly a receipt or ledger entry, mentioning 'प्राप्त' (received) and 'दिनांक' (date).

Date = 22-9-02

| PN No = | Rect No = | Bill No = | Amount |
|---------|-----------|------------|-----------------|
| 51029 = | 291 = | 10901840 = | 391 |
| 51083 = | 292 = | 11687224 = | 345 |
| 51086 = | 293 = | 11687253 = | 231 |
| | | | <u>Rs = 967</u> |

nine hundred six seven only

E
Dist. Postmaster
Bhella - 781309

පිටි පිටපත්වලට පිටපත් කිරීමේ
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විස්තරය
දිනය = 29-10-02

| PA No | Receipt No | Bank No | Amount |
|-------|------------|----------|-------------|
| 51086 | 76 | 12469601 | 231 |
| 51076 | 78 | 12469506 | 318 |
| 51119 | 82 | 12469937 | 268 |
| 51088 | 84 | 12469570 | 231 |
| 51033 | 85 | 12469073 | 337 |
| 51034 | 86 | 12469080 | 669 |
| 51005 | 87 | 12468790 | 231 |
| 51016 | 88 | 12468903 | 282 |
| 51039 | 89 | 12469133 | 281 |
| | | | <u>2848</u> |

Two thousand eight hundred eighty eight


Sub. Postmaster
Ghella - 781309

સાચી જાણ આપવા માટે જાણ કરવામાં આવે છે કે આ અર્થે
 જાણ કરવામાં આવે છે કે આ અર્થે જાણ કરવામાં આવે છે કે આ અર્થે
 જાણ કરવામાં આવે છે કે આ અર્થે જાણ કરવામાં આવે છે કે આ અર્થે

Dated - 5-1-02

| PK No | Recd No | Bill No | Amount |
|-------|---------|------------|-----------------|
| 51029 | = 107 | 1168.66.80 | = 341 |
| | | | <u>PK = 341</u> |

Three hundred and forty one only

[Signature]

- 104 -

82

ગાંધી સ્ટેશન - T.R.C. - 11/11/02
 ધરણ પાલિકા. ધરણ - 11/11/02
 S.P.M. 0524/11/02
 Dated 8/11/02

124

| PA No. | Recd No. | Bill No. | Amount |
|--------|----------|----------|--------|
| 51049 | 109 | 12469/88 | 241 |
| | | Rs. = | 241 |

Two hundred forty one only

POSTAGE PAID PERMIT NO. 45

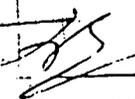
[Signature]
Sub. Postmaster

Bholla - 781309

निम्नलिखित TR के माह 20 अंश निम्न
अंश निम्न निम्न निम्न निम्न SP/M
अंश निम्न 2 म /
Dated = 21-11-02

PH No = Recd No = B.M No = Amount
51133 = 122 = 12745463 = 265
Rs = 265

Two hundred sixty five and


Sub. Postmaster
Bhalla - 78130

107. 85

124
11/11/11

पाठशाला त्रिभुवन नगरपालिका
 शिक्षण विभाग लेखन विभाग त्रिभुवन नगरपालिका
 धरमपुरी नगरपालिका
 तारीख = 1-12-02

| PA No | Receipt No | Bank No | Amount |
|-------|------------|----------|--------|
| 51041 | 124 | 12469156 | 241 |
| | * | Rs | 241 |

Two hundred and forty one only

Sd/- Postmaster
 Bheeta #281309

110-

88

120

ಪುಸ್ತಕ ಸಂಖ್ಯೆ: 110-88
 ದಿನಾಂಕ: 11-9-01
 ಪುಸ್ತಕದ ವಿವರ:

Dated = 11-9-01

| PN No. | Rect No. | Bil No. | Amount |
|--------|----------|-----------|--------|
| 51029 | = 102 | = 7023884 | = 303 |
| 51125 | = 104 | = 7667895 | = 2250 |
| | | | 2553 |

Two thousand five hundred fifty three
only



Post 199- (S) (S) 177 30 5-0

Sub. Postmaster
Bholla - 781309
 7,500 Pads

- 113 -

91

133

1. 1000/-
 2. 1000/-
 3. 1000/-
 4. 1000/-
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 6. 1000/-
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 89. 1000/-
 90. 1000/-
 91. 1000/-
 92. 1000/-
 93. 1000/-
 94. 1000/-
 95. 1000/-
 96. 1000/-
 97. 1000/-
 98. 1000/-
 99. 1000/-
 100. 1000/-

Date = 26.5.01

| PN No. | Rack No. | Bill No. | Amount |
|--------|----------|----------|--------|
| S1035 | 236 | 551943 | 655 |
| | | | 655 |

Six hundred fifty five only



Postal-95- (SF 25-1/172-30 S.95)

Sub. Postmaster
 Bhella - 781309

-114-

92 134

THE GOVERNMENT RECEIPTS DEPARTMENT
IN THE OFFICE OF THE COMPTROLLER
GENERAL OF THE GOVERNMENT

Dated - 29/5/01

| P.N. No. | Part No. | Bill No. | Amount |
|----------|----------|----------|--------|
| 51071 | 244 | 594727 | 658 |

658

Six hundred fifty eight only

Gov. Postmaster
Shella - 781309

93

115-

135

Handwritten text, possibly a title or header, including "T. Re" and "S. M. I."

Dated = 31-5-01

| PA No. | Recd No. | AM No. | Amount |
|--------|----------|-----------|-------------|
| 51039 | = 251 | = 5511985 | = 1006 |
| 51037 | = 253 | = 5947081 | = 703 |
| | | | <u>1709</u> |

one thousand seven hundred minor

Handwritten signature

Postal No. (S. M. I.) 170 00 52

Sd/- Postmaster
E. alla - 781309

- 116 -

94

136

ॐ श्री गणेशाय नमः
 श्री गणेशाय नमः
 श्री गणेशाय नमः
 श्री गणेशाय नमः

Dated - 8-5-07

| PANO. | Acno = | BILL NO | Amount |
|-------|--------|-----------|-----------|
| 51083 | = 207 | = 6378502 | = 879 |
| 51142 | = 210 | = 5948132 | = 1354 |
| 51041 | = 213 | = 6378083 | = 1355 |
| | | | RS = 3588 |

Three thousand five hundred eight
 eight only



Sub. Postmaster
 Etulla - 781309

ગામ બહાર પાટણ સુધી જાય ત્યાં સુધી
 પાટણ સુધી જાય ત્યાં સુધી સખા બંધ
 થાય ત્યાં

કુલ = 3-5-0

| PN No. | Recd No. | Bill No. | Amount |
|--------|----------|----------|--------|
| S1086 | 189 | 6378839 | 1673 |
| S1044 | 190 | 6378110 | 1315 |
| | | | 2988 |

Two thousand nine hundred eight
eight only

Sub Postmaster
 Bhalla - 781309

118-

96

138

સાચી જાણવા માટે કૃપા કરીને નીચેના
વિગતો આપવા સુધારા સમિતિ સમક્ષ
જમાવવા

Dated = 21-5-01

| PR No. | Rect No. | C. No. | Amount |
|--------|----------|---------|--------|
| 51133 | 228 | 8707007 | 2000 |
| | | | 2000 |

Two thousand only

POST (C) S... 2001-02-30-09-20

Sub Postmaster
Bhella - 781308

129- 97

139

Post Office TREASURY Administration
District of Columbia 20535
May 2nd

Article 11-6-01

| PIH No. | Recd No. | Bill No. | Amount |
|---------|----------|----------|-------------|
| 51110 | 256 | 5872690 | 1544 |
| | | | <u>1544</u> |

one thousand five hundred forty four
only

Sub. Postmaster
Bhatta - 781309

- 120 -

98

140

निम्न लिखितों के माहाना माहाना
अथवा माहाना इन दिनों के माहाना

S.P.M. अथवा अन्य 201

डेटा = 13-6-01

| PA No. | Reck No. | Bill No. | Amount |
|--------|----------|-----------|-------------|
| 51133 | = 266 | = 6949027 | = 1527 |
| 51005 | = 264 | = 5076891 | = 1310 |
| | | | <u>2837</u> |

दस हजार अठारह हजार
तीस सैकड़

25
Govt. Postmaster
Bhalla - 781309
1000 Pads

121 - 99
 TR 74120 3771 1000
 2100 1000 100 1000 1000
 SPMs 1000 1000 2000
 Dated = 18/6/01

141

| PR No. | Rec No. | Bill No. | Amount |
|--------|---------|----------|--------|
| 51134 | 273 | 5948059 | 1738 |
| | | | 1738 |

one thousand seven hundred thirty eight only

AS

125 - 100

142

TRIP BILIND TR CHHISA BATHKUN

DATE 21-6-00

SP No. BATHKUN 275

Date = 21-6-00

PH No. Recd No. Bill No. Amount

51090-276-5077749- 311

311

Three hundred & eleven only

Post-95 (S)

100,000 Pads

Sub. Postmaster
Phella - 781309

123 101

143

For Billing TRC 11130 with bill
S/N 19 = 36 = 7094583 = 237

Dated = 8-7-01

PN No. = Recd No. Bill No. = Amount

S/N 19 = 36 = 7094583 = 237

R.S. 237

Two hundred thirty seven only


Sub. Postmaster
Bholla - 781309
2000 Pads

11/15/2001 10:30 AM

124- 102

144

विश्वविद्यालय ट्रस्ट अहमदाबाद
विद्यालय अहमदाबाद
ग्राम १०४

दिनांक = 12-7-01

PN No - Ret No - Bin No = Amount

51133 = 40 = 7200613 = 1059

अ.प.स. = 1059

one thousand fifty nine and

50,000 Pad:
Sob. Pannasol
Bhalla - 781309

-126- 104.

146

Payee's Name: J. R. ...
Address: ...
Date: 2/11/00

P.N. No. Recd No. - P.N. No. Amount
51029 - 21 - 5079130 - 2814

2814

Two thousand eight hundred
fourteen only

~~Exht - P/142 (1458)~~
2814

Sub. Postmaster
Bhalla - 781300

128-

106

148

ॐ नमो भगवते वासुदेवाय
 श्री कृष्णाय नमः
 श्री गणेशाय नमः
 श्री गुरुभ्यो नमः

9/25 = 122/101

| PN No. | Rack No. | BIN No. | Amount |
|--------|----------|-----------|------------|
| 51035 | = 122 | = 5947060 | = 160 |
| 51111 | = 126 | = 5947828 | = 298 |
| 51039 | = 127 | = 5947102 | = 152 |
| | | | <u>610</u> |

Six hundred ten only

Sub. Postmaster
 Bhalla 781309

-129- 107

49

பின்புலம் தரவேண்டி
பின்புலம் தரவேண்டி
பின்புலம் தரவேண்டி

திகதி = 12/2/01

PH No = Post No = Bill No = Amount

51114 = 131 = 5947858 = 8

51034 = 132 = 5947058 = 2775

51003 = 138 = 5946748 = 143

51014 = 141 = 5946858 = 208

3334

Three thousand three hundred
thirty four only

Sub. Postmaster
Bhella - 781309

-130- 108.

150

पत्र संख्या - 44220
21/11/2012
20/11/2012

Dated: 30/11/12

| PN No | Rec No | Bill No | Amount |
|-------|--------|----------|--------|
| 51022 | 186 | 637789.1 | 1456 |
| | | | 1456 |

one thousand four hundred fifty six only

Postal 95-- (SF:JS-1/1772 -30.5.85)

Sub. Postmaster
Bholla 781309

-1317

109

151

For Cash on TRC 57522 37032017
S P M 2017/12/14/12/14/12/14

Dated = 11-5-09

| PK No | Rec No | Bill No | Amount |
|-------|--------|-----------|-----------|
| 51034 | = 193 | = 6378015 | = 1689 |
| | | | Rs = 1689 |

one thousand six hundred eighty
nine and


Sub. Postmaster
Bhella - 781309

132 110

152

~~PAID TO ORDER OF~~
~~PAID TO ORDER OF~~
~~PAID TO ORDER OF~~
~~PAID TO ORDER OF~~
 dated = 5-5-01

| PA. No. | Recd No. | Bill No. | Amount |
|---------|----------|-----------|-----------|
| 51064 | = 197 | = 6378319 | = 525 |
| 51054 | = 199 | = 6378914 | = 1454 |
| 51101 | = 201 | = 6378680 | = 1610 |
| 51029 | = 203 | = 6377960 | = 787 |
| | | | PS = 4276 |

four thousand three hundred seventy six only


 Bob. Postmaster
 Bhalla - 781309
 100 Pads

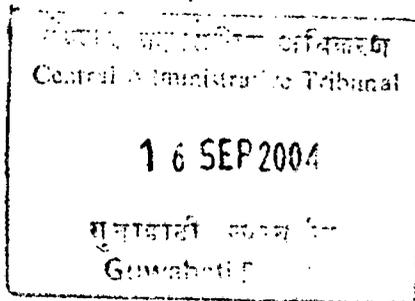
-133- 111 153

Pay to the order of T.R.C. 700000
S.P.M. 100000
Dated = 25/5/01

| P.N. No. | Post No. | Bill No. | Amount |
|----------|----------|----------|--------|
| 51099 | 233 | 6378660 | 794 |
| | | | 794 |

Seven hundred ninety four only

Sub. Postmaster
Bhella 781309



Filed by
the applicant through
Alsha Das
Advocate
16/9/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::
GUWAHATI BENCH::

O.A. NO. 27 of 2004.

Smt. Suriya Begam.

.....Applicant.

-vs-

Union of India & ors

.....Respondents.

REJOINDER TO THE WRITTEN STATEMENT.

1. That the applicant has been served with a copy of the written statement filed by the respondents. The applicant has gone through the same and has understood the contents of the same. Save and except the statement which are admitted hereinbelow, other statements made in the Written Statement may be treated as total denial. The respondents are put to the strictest proff thereof.

2. That with regard to the statement made in para 1A of the written statement, the applicant while denying the contentions made therein begs to state that the statement made by the respondents rather carries no meaning. ~~is~~

3. That with regard to the statement made in para 1 (A) of the Written Statement, the applicant while denying the contention made therein begs to state that the statement made by the respondents are contradictory. The statement regarding issuance

- 135 -
155

of the order dated 16.10.91 is the creation of the respondents only as they being the issuing authority of the same order. The respondents however on the same breath confirmed that the applicant is continuing since joining. For better appreciation of the factual position the order dated 16.10.91 (in origin) is enclosed along with this rejoinder. It is unfortunate on the part of the respondents in doubting the existence of the said order dated 16.10.91. Infact this shows the callousness on the part of the respondents.

A Xerox copy of the order dated 16.10.91 is annexed herewith and marked as Annexure-RJ-1.

The respondents admittedly terminated their service of the applicant on the alleged ground of misappropriation by her husband. The law is well settled that on the ground of misappropriation by Govt. servant, service of his wife can not be terminated more so when there is no such categorical allegation against her. The facts narrated by the respondents regarding alleged misappropriation by her husband has got no nexus with the present case.

The contention of the respondents regarding handling of official papers is not at all correct. Infact as on date nothing has been communicated to her in this regard and the applicant for the first time got the knowledge about the same. As per their own admission the respondents have pointed out the fact that the alleged incident of misappropriation took place while her husband was on duty. During the course of enquiry some of the documents which were attached with the charge-sheet were produced and in the instant Written Statement the respondents highlighted the

156-136-

fact that those records were collected by the applicant fraudulently. The applicant being almost illiterate as admitted by the respondents has got no knowledge about the records and hence the allegation was baseless.

The respondents have admitted the fact that on apprehension of temperant of records pertaining to her husband's disciplinary proceeding, her service has been terminated which is per-se illegal and arbitrary.

The respondents have failed to take into consideration the fact that in terms of the full Bench judgment of this Hon'ble Tribunal, her service is required to be regularised following the procedure prescribed. It is pertinent to mention here that there are various guidelines issued by the Postal Deptt. in respect of regularisation of services of part time Casual Workers and her case is fully covered by those guidelines and as such appropriate direction need be issued to the respondents towards regularisation of her service with retrospective effect providing all consequential service benefits including arrear salary, seniority etc.

4. That with regard to the statement made in para 1 of the Written Statement, the applicant while reiterating and reaffirming the statement made above begs to state that under no circumstances the service of the applicant can be terminated without following the due process of law that too on the ground of pending departmental proceeding against her husband. The law laid down by the Apex Court as reported in 1977 SLJ (SC) 570 it is very clear that the temporary workers working under the postal deptt. are holders of Civil Posts and they are entitled to the

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159

protection as envisages in Article 311 of constitution of India and the laws framed thereunder.

5. That with regard to the statement made in para 2 & 3 of the Written Statement it is stated that the procedure adopted by the respondents in terminating the service of the applicant that to on suspicion is not at all sustainable. Admittedly the service of the applicant is an independent one and under any circumstances her service can not be dispensed with in the manner and method as adopted by the respondents.

6. That with regard to the statement made in para 4 of the Written Statement the applicant while denying the contentious made therein begs to state that pursuant to the orders dated 28.1.84 the applicant was released from her service. The applicant immediately made requests to the concerned authority for allowing her to continue but her said verbal prayer was rejected.

7. That with regard to the statement made in para 5 of the Written Statement the applicant begs to state that the contention relating to misappropriation etc. by her husband has got no nexus with the present case as there is no independent and definite allegation against her service. Apart from that the proceeding is pending in the office of the SDIPO, Head Qtr. and the records of the proceeding are lying in the Head Qtr. and the records of the proceeding are lying in the Head Qtr. and as such the question of tempering the records that too by the applicant who is an illiterate staff, it is therefore the ground of termination of the service of the applicant is not at all sustainable and liable to be set aside.

8. That with regard to the statement made in para 6 of the Written Statement the applicant while reiterating and reaffirming the statement made above begs to state that the Respondents being a model employer ought not to have raised such contentions to it's employees without there being any material support.

9. That with regard to the statement made in para 7 & 8 of the Written Statement the applicant while reiterating and reaffirming the statement made above begs to state that by operation of law the service of the applicant who is continuing since 22.10.91 has been converted to full time casual worker and her case is now required to be considered for grant of temporary status under the relevant schemes with retrospective effect as has been done in case of other similarly situated employees.

10. That with regard to the statement made in para 9 of the Written Statement the applicant while reiterating and reaffirming the statement made above begs to state that under peculiar fact situation and seeking immediate and urgent relief has come before this Hon'ble Tribunal and as such she could not prefer representation or appeal which is not in fact a mandatory requirement to file an application under section 19 of the Administrative Tribunal Act, 1985.

11. That with regard to the statement made in para 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 of the written statement the applicant while reiterating and reaffirming the statements begs to state that the Rules guiding the field does not suggest any such termination order which is admittedly it founded and contrary to the settled proposition of law as laid down by the Hon'ble Apex Court reported in 1977 SLT SC532. Apart

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from that the petitioner who has been continuing since 22.10.91 as admitted by the Respondents by operation of law has already become a part time casual worker and such her service is required to be regularised following the well settled principles laid down by the full Bench of this Hon'ble Tribunal.

In view of the above facts and circumstances the present OA deserves to be allowed with cost directing the Respondents to instate and regularise her service with retrospective effect with all consequential service benefit arrear salary, seniority etc.

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160

VERIFICATION

I, Suriya Begam, aged about 36 years, Wife of Md. Fazlul Haque, resident of Vill. Dorgahpur, P.O. Vella, Dist. Barpeta, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, are true to my knowledge and those made in paragraphs .. 3, 4 to 11, 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 15th day of Sept. of 2004.

সুরিয়া বেগম

Signature.

(SURIYA BEGAM)

