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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 58/2004

R.A/G.P No. 10

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SECTION OFFICER (Judl.)

FORM NO. 4
RE Rule 12)
AL-INVESTIGATIVE TRIBUNAL
CHENNAI BENCH.

ORDER SILENT

Re. / ~~Re. Petn/Cont. Petn/ B.v. Appl.~~ 58/04
n.o.

Name of the Applicant, Susanta Saha

Name of the Respondent(s) h.o. 1904

Advocate for the App. S. Saha, Mysore

Counsel for the Railway/ I.G.S.C. Hp. B.C. Patak

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
	17.3.2004	Heard Mr. S. Saha, learned counsel for the applicant.
96703888 30.10.03		The application is admitted, call for the records. Issue notice to the parties. Returnable by six weeks. List on 27.4.2004 for orders. Since the applicant is working as Casual Worker, the respondents are directed not to disengage the applicant from his casual employment.
Pl. obtain synopsis ^{NS} 4/3/04 SOT	4/3/04	ICM Member (A)
Defects removed N.S 16/3/04		

Pl. comply order dated

17/3/04 N.S
17/3/04

Notice & order dt. 17/3/04
Sent to D/Section
bar issuing to
respondent Nos 1 to 5.

16/3/04
30/3/04

Notice sent by memo
No. 602 — 606 dated
1.4.04.

W3
8/4/04

27.4.2004 On the plea of counsel
the applicant, the applicant is
permitted to take fresh steps and
make necessary correction.

List on 19.5.2004 for orders

KV Raghavendra
Member (A)

mb

19.05.2004 On the plea of learned
counsel for the respondents four
weeks time is given to the
respondents to file written
statement.

List on 23.6.2004 for
orders.

KV Raghavendra
Member (A)

Notice & order dt.
27/4/04. Sent to
D/ Section bar
issuing to respondent
No. 4, 5 & 6.

23.7.04
mb

When the matter came up for orders learned counsel for the respondents submitted that he has filed a written statement challenging the question of jurisdiction of this Tribunal since the respondents department is BSNL. Learned counsel for the applicant submitted that he would like to file rejoinder.

List on 27.8.04 for order.

KV Raghavendra
Member (A)

Member (J)

pg
26.7.2004

List on 27.8.2004 enabling the applicant to file rejoinder.

KV Raghavendra
Member

31-8-04
w/s ha. been filed

DR

bb

01.09.2004 Written statement has been filed. List on 23.09.2004 for hearing. The applicant may file rejoinder, if any, in the meantime.

28. 9. 04

1) W/S filed by the Respondent Nos. 2 to 5, except Report. No. 1
2) Rejoinder not yet filed.

Member (A)

mb

29.09.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

R.K. Batta

On request of learned Advocate for the applicant which is not objected by Ms. U. Das, learned Advocate for respondents, stand over to 10.11.2004.

29.09.2004
R.K. Batta

Vice-Chairman

29.09.2004 Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

On the request of learned Advocate for the respondents which is not objected by Ms. U. Das, learned advocate for the applicant, stand over to 10.11.2004.

9.11.04
1) S/H awaited.
2) W/S Am. seen filed.

R.K. Batta
Vice-Chairman

mb

10.11.2004 Present: Hon'ble Justice Shri R.K. Batta, Vice-Chairman

Learned Sr. C.G.S.C. states that Mr B.C. Pathak, learned Addl. C.G.S.C. who is handling this matter is sick and as such the matter be adjourned. S.O. to 15.12.04.

W/S Am. seen filed

27.11.04

nkm

R.K. Batta
Vice-Chairman

15.12.2004 present : The Hon'ble Mr. Justice K.M. Batta, Vice-Chairman.

On the request made by Mr. B.C. Pathak, learned counsel for the respondents stand over to 20.1.2005.

31.1.05

Rejoinder has been filed by the applicant.

bb

Vice-Chairman

AS.
31.1.05.

20.01.2005

Adjourned to 4.3.2005 for hearing

K.C. Pathak
Member

bb

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

Mr. D. Baruah, learned counsel prays for adjournment on behalf of Mr. B.C. Pathak, learned counsel for the respondents. The case is accordingly adjourned. List on 18.3.2005 for hearing.

K.V. Prahладан
Member (A)

mb

AS.
18.3.05

On the prayer of Mr B.C. Pathak, learned counsel for the respondents mention has been made for adjournment of the case.

List on 29.4.05 for hearing.

K.V. Prahладан
Member

pg

29.4.2005 Mr. B.C. Pathak, learned counsel for respondents is not keeping well. On behalf on him representation has been made that the case may be post on another date. Post on 13.5.2005.

Vice-Chairman

mb

Office Notes	Date	Order of the Tribunal
<i>Case is ready for hearing.</i> <i>Sh</i>	13.5.2005	Mr. S. Sarma, learned counsel for applicant has submitted letter of absence. Accordingly, list on 27.5.2005
mb		<i>VCY Dhandek</i> Member
27.5.05.		On the plea of the learned counsel for the Respondents case is adjourned to 8.6.05.
lm		<i>VCY Dhandek</i> Member
8.6.05		Since the jurisdiction aspect regarding maintainability of the application against the BSNL, as respondent is raised in the application, I am of the view that the matter must be heard by the Division Bench.
		Post on 16.6.05 before the Division Bench.
pg		<i>D. V. Venkayya</i> Vice-Chairman
	16.6.05	After hearing the counsel for the parties at some length on the question of preliminary jurisdiction we feel that the parties have not placed all the relevant records before us. In the circumstances we direct the parties to file all the relevant papers, <i>understandingly</i> memoranda of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.
		Post on 22.7.2005 for hearing.
		<i>D. V. Venkayya</i> Vice-Chairman

22.7.2005

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

The case is ready for hearing.

Ex
9.8.05


Member


Vice-Chairman

bb

10.8.2005 Post on 16.8.2005 at 2.30 P.M.


Member


Vice-Chairman

mb

16.8.05. Mr. B.C.Pathak, learned counsel appearing on behalf of BSNL submits that he is not well and requires time to fully recover. Therefore, all these matters has to be adjourned to another date.

Post the matter on 22.11.05.


Member


Vice-Chairman

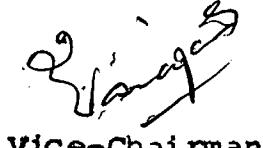
lm

6.10.2005

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

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


Member

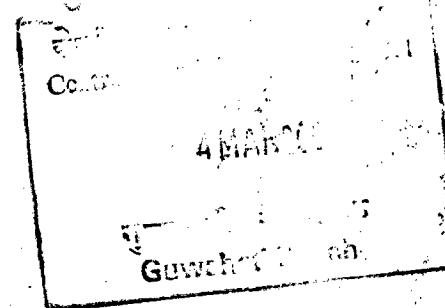

Vice-Chairman

bb

25.10.05.

Copy of the order has been sent to the D/ce for issuing the same to the applicant by post as well as to the L/Advocate for the Respondent.

Ths



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : D.A. No. 58 of 2004

BETWEEN

Shri Susanta Sahu, Applicant.

AND

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

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Filed by : *Alsha Das.*

Regn. No. :

File : c:\WS7\susanta

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O. A. No. 26004 of 26004

Shri Susanta Sahu Applicant.

-V8-

Union of India & ors. Respondents.

SYNOPSIS

The applicant joined the service under the respondents as Casual Worker, since 1995 in the office of the Telecom (Civil) Division, Dimapur under the Civil Engineer (Civil) Circle N.E. Region, Shillong. The respondents pursuant to a selection process selected the applicant along with others and the applicant after such appointment continued to discharge his duty and as on date he has been continuing I such. The applicant after his such appointment continued to receive payment under ACB-17 pay bill, i.e. the pay bill meant for casual Group-D staff.

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Filed by
The applicant through
Advocate
Alpho Das
21/2/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

D.A. No. 58 of 2004

BETWEEN

Sri Susanta Sahu
Son of Sri Satyabadi Sahu
Working as Casual Worker
In the office of the Telecom Civil Division
Dimapur, (Nagaland)

..... Applicant.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India.
Ministry of Communication
Sansar Bhawan, New Delhi-1.
2. The Chairman cum- Managing Director
BSNL, New Delhi.
3. The Chief General Manager (Telecom)
N.E.Circle No.1,
Shillong (Meghalaya).
4. The Chief General Manager (Telecom)
N.E.Circle, No.2,
~~E-10 Building~~
~~Shillong, Meghalaya~~
5. The Chief Engineer (Civil) Circle
N.E.Zone, ~~Shillong~~
~~GMTD Building (2nd Floor)~~
Shillong - 793 001
6. The Executive Engineer (Civil Division)
BSNL, Walford,
Dimapur, Nagaland

..... Respondents

DETAILS OF THE APPLICATION

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

This application is not directed against any particular order, but has been made against the action of the respondents in not granting the benefit of the 1989 scheme and its subsequent clarifications issued from time to

time, as has been granted to other similarly situated employees working under the said respondents. This application is also directed against the action of the respondents in discriminating the applicant from other similarly situated employees in respect of regularisation of his service as Regular Mazdoor under Telecom Deptt. w.e.f. the date when his colleagues have been grated with the said benefit.

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 citizen of India and as such he 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 joined the service under the respondents as Casual Worker, since 1995 in the office of the Telecom (Civil) Division, Dimapur under the Civil Engineer (Civil) Circle N.E.Region, Shillong. The respondents pursuant to a selection process selected the

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applicant along with others and the applicant after such appointment continued to discharge his duty and as on date he has been continuing I such. The applicant after his such appointment continued to receive payment under ACG-17 pay bill, i.e. the pay bill meant for casual Group-D staff.

The applicant to show his continuous service begs to annex some of the ACG-17 pay bills issued by the Respondents and a chart showing the number of days covered in those pay slips.

Copies of the ACG-17 pay bills along with the chart (prepared by the applicant) are annexed by the applicant are annexed herewith and marked as Annexure-1 (Copy).

4.3. That the applicant begs to state that claiming the benefit of regularisation some of the casual workers of Telecom Department approached the Hon'ble Apex Court by filing various writ petitions. The Hon'ble Apex Court after hearing the parties and taking into consideration the law laid down in similar cases allowed the said writ petitions directing the respondents to prepare a scheme on rational basis taking into consideration continuous service of 1 year as Casual basis and to regularise their services accordingly by preparing scheme to that effect. The respondents accordingly prepared a scheme and said scheme was circulated by a communication dated 7.11.89 extending benefit of temporary status to the Casual Workers who have completed 240 days of continuous service in a year.

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Copies of the Apex Court's judgment as well as the scheme are annexed herewith and marked as Annexure 2 and 3 respectively.

4.4. That the aforesaid scheme namely "Casual Labour Grant of Temporary Status and Regulations Scheme 1989" was the subject matter of litigation seeking clarification regarding its date of effect. In fact the scheme came pursuant to the Hon'ble Apex Court judgment and the scheme was made effective from 1989 onwards. However, the respondents while clarifying the said scheme of 1989 issued an order dated 1.9.99 making it applicable to the Casual labours recruited prior to 1.8.98. The applicant in the instant case qualifies all the eligibility criteria described in the said scheme of 1989 as well as its subsequent clarification.

A copy of the said order dated 1.9.99 is annexed herewith and marked as Annexure-4.

4.5. That the applicant begs to state that the respondents in the year 1998 issued a general order for termination of services of the Casual Workers and apprehending such termination Casual Workers both from Assam Telecom Circle and N.E. Telecom Circle preferred various OAs before this Hon'ble Tribunal praying for grant of temporary status under the scheme of 1989 and its clarification issued in this regard with a further prayer to allow them to continue in their respective services. The Hon'ble Tribunal

vide judgment and order dated 13.8.97 allowed OA 299/96 and 302/96 directing the respondents to grant the benefit of the scheme within a stipulated period of 3 months from the date of receipt of this order.

A copy of the said judgment and order dated 13.8.97 is annexed herewith and marked as Annexure-5.

4.6. That the applicant begs to state that the respondents willfully and deliberately violated the judgment of the Hon'ble Tribunal dated 13.8.97 and did not implement the same. Situated thus the Casual Workers once again had to approach the Hon'ble Tribunal by way of filing various OAs and the Hon'ble Tribunal was pleased to dispose of the said OAs by common judgment and order dated 31.8.99 with a direction to the respondents to examine each case in terms of the scheme as well as Apex Court judgment and to grant them temporary status within a period of 6 months from the date of receipt of the judgment.

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

4.7. That the respondents pursuant to the aforesaid judgment dated 31.8.99 issued various orders asking the Casual Workers to appear before a Committee constituted for that purpose. In the instant case the respondents constituted a committee to verify the eligibility of the Casual Workers in terms of the scheme of 1989 as well as its subsequent clarification issued from time to time. The respondents issued an order dated 11.1.2002 constituting

such committee to verify the records of 8 Casual Workers including the present applicant. In the said order the name of the applicant appears at serial No.7 of the enclosed sheet showing him to be a Casual Worker as on 25.5.2001.

A copy of the said order dated 11.1.2002 is annexed herewith and marked as Annexure-7 (Copy).

4.8. That pursuant to the aforesaid order dated 11.1.2002, the Executive Engineer, Civil Division issued an order dated 14.1.2002 directing the applicant to appear before the Interview Board on 22.1.2002 and accordingly the applicant appeared before the said Interview Board and placed all the testimonial including the document to support his plea. The said committee interviewed the applicant along with 7 others but as on date he has not yet been intimated about the fate of the said interview.

A copy of the said order dated 14.1.2002 is annexed herewith and marked as Annexure-8.

4.9. That the respondents kept on delaying the matter and situated thus 6 Casual Workers (Excluding the applicant) approached the Hon'ble Tribunal by way of filing application under Sec.19 of Administrative Tribunal Act. The Hon'ble Tribunal after considering all the relevant facts and circumstances was pleased to dispose of the said OA directing the respondents to consider the case of the applicants therein within a stipulated time frame. The respondents complying with the said judgment issued an order dated 25.11.2003 regularising the services of the said 6 Casual Workers w.e.f. 1.10.2000.

The applicant inspite of his best effort could not collect the copy of the judgment and as such craves leave of this Hon'ble Tribunal to produce the same at the time of hearing of the case.

A copy of the said order dated 25.11.2003 is annexed herewith and marked as Annexure-9.

4.10. That the applicant begs to state that the respondents in terms of the judgment of this Hon'ble Tribunal hurriedly constituted the Verification Committee and the said Verification Committee to avoid contempt proceeding verified the records without proper application of mind and same has resulted various anomalies. Some of the Casual Workers pointing out these anomalies preferred OAs before this Hon'ble Tribunal and the Hon'ble Tribunal was pleased to dispose of the OAs directing the respondents to constitute a responsible committee to verify the records vide its judgment and order dated 3.9.2002 passed in OA 289/01 and others. The Hon'ble Tribunal while passing the judgment made it clear that the said judgment would cover all the cases apart from the applicants therein.

A copy of the said judgment and order dated 3.9.2002 is annexed herewith and marked as Annexure-10.

4.11. That the applicant begs to state that pursuant to the order dated 14.1.2002 the Verification Committee interviewed him along with others but as on date nothing has been communicated to him. The applicant to substantiate his

claim submitted all the relevant documents in original but barring 6 candidates the result of others including the present applicant has been kept withheld. The applicant kept on pursuing the matter on respondent authorities but same yielded no result in positive. Hence the present applicant having no other alternative has come under this protective has come under this protective hands of this Hon'ble Tribunal seeking redressal of his grievances.

4.12. That the applicant as per the payment particulars (Annexure-A) is fully qualified to get the benefit of the scheme of 1989 and its subsequent clarification but as on date the respondents have not yet initiated the proceeding for granting temporary status to the applicant. On the other hand similar benefit has been granted to the colleagues of the applicant ignoring his claim. It is further stated that the applicant is still continuing in his service however, without any regularisation as has been granted to other similarly situated employees. The applicant in that view of the matter prays before this Hon'ble Tribunal for an appropriate direction towards the respondents extending him the benefit of the scheme of 1989 and its subsequent clarification issued from time to time and to regularise his service with retrospective effect as has been done in case of other similarly situated employees.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the Respondents in not extending the benefit of the scheme of

1989 and in not regularising service of the applicant as has been done in case of other similarly situated employees.

5.2. For that the applicant being eligible under the scheme for getting the benefit of regularisation as has been done in case of other similarly situated employees, the respondents are duty bound to extend the said benefit to the present applicant and hence the denial as such is not legally sustainable and appropriate direction need be issued to the respondents directing regularisation of his service with retrospective effect as has been done in case of others.

5.3. For that the respondents had acted contrary to the settled proposition of law as has been laid down by the Hon'ble Apex Court which was followed by this Hon'ble Tribunal and as such entire action of the respondents may be declared as unconstitutional and accordingly same may be set aside.

5.4. For that the respondents have acted illegally in depriving the present petitioner from his legitimate dues following from the scheme of 1989 and as such same is not sustainable and liable to be set aside and quashed.

5.5. 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 he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

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

8. RELIEF SOUGHT FOR:

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

8.1. To direct the Respondents to provide all the benefit of the scheme of 1989 and its subsequent clarifications to the present applicant and to regularise his service with retrospective effect as has been done in case of others vide Annexure-B order dated 25.11.2003 with all consequential service benefit including arrear salary, seniority etc.

8.2. To direct the respondents not to discharge the present applicant from his present employment, pending

consideration of his case for regularisation and to pay his regular salary and other admissible dues.

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:

Pending disposal of this application, the applicant prays for an interim order directing the respondents not to disengage the applicant from his present casual employment and to pay him regular salary and other admissible dues.

10.

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

1. I.P.O. No. : 96 703888.

2. Date : 30/10/2003

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Sri Susanta Sahu, aged about 26 years, son of Satyabadi Sahu, presently working as Casual Worker, O/O Telecom Civil Division, Dimapur, under Chief Engineer (Civil) Circle, N.E.Zone, Shillong, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4¹, 4¹¹, 4¹² and 5 to 12 are true to my knowledge and those made in paragraphs 4² to 4¹² are matter of records and 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 22nd day of Feb, 2006.

Signature.
Susanta Sahu

8/8/1947 13-Ann-1 (Geoffly)
DEPARTMENT OF TELECOMMUNICATIONS
दूर संचार विभाग नियम बुलिया, खण्ड I (द्वितीय संस्करण में पुनर्मुद्रण, के परिशिष्ट II के नियम 6 (ख) के नीचे दिए गये देखें)

[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Hand book,
Volume I (2nd Edition, 2nd Reprint).]

(सीधी बोर/Obverse)

रसीद/Receipt

तारीख
Date - 1/1/1947

दाउन्चार सं.
Voucher No.

Recd from A.C. F.C.D./D.M.

the sum of Rupees ~~Rs. Four hundred ninety one~~
रु. ४९१ रुपये

on account of Wages for performing duty as
Sweeper for the month of Dec. 1946 प्राप्त का
रु./Rs 4.91/2.

गवाहीशुदा शुगतान/Witness payment.

बवाह के दस्तावेज़
Signature of witness



टिप्पणी—यदि रसाए को अंग्रेजी/हिन्दी में लिखा गया हो या उस पर अंग्रेजी को या इसके अंतर्गत अंग्रेजी संस्करण इन्होंने न हो शुगतान के लिए वाला अधिकारी उसका लिप्तात्तुण करता है तो उसकी अंग्रेजी रसीद पर इन्होंने 10/12/47 में इस्तावेज़ कर दस्ते व्यक्ति उस रसीद पर दिए गए स्पष्ट बजरों द्वारा अपना पूरा साम लिखा जाएगा।

Note—If the ~~Excessive~~ Receipt (6) is not signed in English/Hindi ~~Telecom Civil Department~~ in English, Hindi must be transliterated by the Paying Officer. A person signing such receipt in Hindi should be required to indicate his full name in block letters within brackets below his signature.

जिस छविकी को शुगतान किया जाए, यदि वह दस्तावेज़ नहीं कर सकता तो शुगतान करने वाला अधिकारी उस शुगतान को प्रमाणित कर तथा उसके लिए कस से उस एक गवाह हो।

If the person paid cannot sign, the payment must be certified by the paying officer and nothing more.

10000
W.D.M.

DEPARTMENT OF TELECOMMUNICATIONS

दूर संचार विधीय नियम पुस्तिका, खण्ड I (संस्थीय संस्करण
दूसरा पुनरुत्थापन, के परिशिष्ट II के नियम 6 (खण्ड I) नीचे ली
टिप्पणी देखें)

[See Note below Rule 6 (b) of Appendix II to

Telecommunication Official Handbook,

Volume I (2nd Edition, 2nd Revision).

Payable to *S. S. S.* (सीधी ओर/Obverse)

रसीद/Receipt

तारीख

Date 22.3.1986

दाखिल सं.

Voucher No.

Reed from *As Telecom. Civil. P.* for
the sum of Rupees *Five - hundred* only

रु. ५००/-

on account of *Witness charge for*
Mr. ... *for* *के नाम प्राप्त की।*

रु./Rs. 50/-

गवाहीशुदा मुगावान/Witness payment.



वापाह के दर्खाक्षर

Signature of witness

Signature

टिप्पणी—यदि रसाद को अंग्रेजी/हिन्दी में न लिखा
गया हो या इसमें (अंग्रेजी/हिन्दी) को अंग्रेजी/हिन्दी मात्र को
जो अंग्रेजी/हिन्दी में न हो, मुगावान इसे अंग्रेजी/हिन्दी
उत्पाद लिप्पतरण करें। सम्भवित इस रसाद पर *Signature* (C)
में इस्ताब्दी कर उस अपने हत्ताक्षर *Executive Officer* (C)
स्पष्ट अक्षरों में अपना पूरा नाम *Signature* Civil Division

Note—If the receipt be not written or ~~is written~~ in
English/Hindi the whole or the portion not in English/
Hindi must be transliterated by the Paying Officer. A
person signing such a receipt in Hindi will be required
to indicate his full name in block letters with *Signature*
below his signature.

जिस व्यक्ति को मुगावान किया जाए *Witness* *Division*
नहीं कर सकता हो मुगावान करने वाला *Executive Officer* *Witness* *Division*
को प्रमाणित कर वह उसके लिए काम रो जाए *Witness* *Division*

If the person paid cannot sign, the payment must be
certified by the paying officer and attested.

W.D.O.

1. A.O. 17/96. 2. 17/96.

DEPARTMENT OF TELECOMMUNICATIONS

[पूर्व संचार विभाग नियम बुक्स, खण्ड 1 (स्थिति संस्करण,
दूसरा पुनरुत्थान, के अनुसार अर्थात् II नोटियम 6 (ल) से अनुचित
टिप्पणी देखें]

[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Hand book, i
Volume I (2nd Edition, 2nd Reprint)]

(लाली जोर/Obverso) *Sikandar Sah*

Payable *Receipt*

तारीख

Date - 2 - 4 - 1986

दाटचार सं.

Voucher No.

Recd from *S. Gholap* of *Post*
the sum of Rupees. Five hundred only

रु. ५००/- की रुपयी

on account of sweeping charges for the
month of April 1986

रु./Rs. 500/- के भारत प्राप्तका

गवाइशुदा भुगतान/Witness payment



गवाइशुदा के दरवाघर

Signature of witness

Signature of payee

टिप्पणी—यदि रसाद यो अम्बेडी/हिन्दी में न लिखा
गया हो तो उस पर संपूर्ण को या उसके इसी सामान को
जो अम्बेडी/हिन्दी में न हो, भुगतान करने वाला अधिकारी
उसका लिप्ताकारण करें जो उसका रसाद पर हिन्दी
में इस्तोधर कर उस अपने इस्तोधरों के नीचे कोठक में
स्पष्ट लक्षणों से अपना पूरा नाम लिखना चाहिए।

Note—If the receipt be not written or not signed in
English/Hindi the word or the portion not in
Hindi must be transliterated by the Paying Officer.
A person signing such receipt in Hindi should be required
to indicate his full name in block letters below his signature.

जिस व्यक्ति को भुगतान किया जाए, वह उस दरवाघर
नहीं कर सकता तो भुगतान करने वाला अधिकारी उस भुगतान
को प्रमाणित कर वहा उसके लिए कम से कम एक गोवाइ हो।

If the person paid cannot sign, the payment must be
certified by the paying officer and attested.

W.D.A.

for 1000 (mm) 7 very " - 18
1000 m - 17

A.O.G.-17

दूरे संस्थार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

दूर संचार विच्छिय नियम पुस्तिका, घण्टा । (प्रत्येक समावणी, दूसरी पुनर्मुद्रण के प्रकाशन II के नियम १८ (ए) के अन्तर्वर्ती दृष्टिपक्षी देखें)।

[Sco. Note] Section 6 (b) of Appendix 11 to

~~Telecommunications Financial Handbook~~

Volume I (2nd Edition, 2nd Reprint)

(संघीकृत/O bersc)

तारीख

Date 19

Voucher No

Recd from Account office for cash on hand
the sum of Repees Five hundred 7 only.

२० ए) दोषी ।

on account of ~~swelling~~ charges for Dr.
monthly, g. May 1886

रा०/RS १००८

राखार्टीशुदा भुक्तान Witness payment

बताई के हरठाक्षर ..

Signature of witness:

टिप्पणी—यहि रसायन को अमीरी/मिली ३५, नं लि।
गश्च हो या उत पर लन्धुर्ण पाया उसके किसी साम थो
जो असुरी/मिली त्रै हो, अपना इस बात का लिखिता हो
उसमि लिखता हो करे। तो व्यक्ति इस रसायन पर दिल्ली
मेरे दस्तावधार नहे हो अपने दस्तावधार लिखता हो करे
तप्पि असुरी/मिली पूरा नाम लिखना चाहिए।

Note—If the receipt be not written in English/Hindi the whole or the portion in Hindi may be transliterated in English by the Executive Engineer Civil Division, Telecom. Civil Division, Dhanbad. A person signing such receipt in Hindi is required to indicate his full name in block letters within brackets below his signature.

अस्ति वर्किं को अमरावति 589 द्वारा दिनांक 10/10/1947
नक्षीकरण संकेत कुनौन करने शाला अधिकारी द्वारा दिनांक
दोप्राप्तिकर तथा दस्तावेज़ द्वारा *Accredited* किया जायेगा।
If the ~~Accredited~~ प्रदाता को *Believe* किया जायेगा, तो वह
certified by the paying officer and at *Disrapur* will be

RECEIVED
WADSWORTH
LIBRARIES

१० सं. ५५. १ ; term keeper for the month
A.D. १९८३ July १९८३ विनाम Susant Sabu
DEPARTMENT OF PROJECTS & COMMUNICATIONS
[दूर संचार विभाग नियम तुलिष्या, तप्त । (हिन्दी सत्त्वरप,
दूसरा पुनरुद्धय, के पारिशाल ।) के नियम ६ (८) के तीव्र ही
टिप्पणी दें।] १९८३

{ See Note below Rule 6(b) of Appendix A
Telecommunications Financial Handbook.
Volume 1 (2nd Edition, See Sept. 21) }

(कैम्प ऑफ/Campfire)

2015 Recd:

पाठ्य-

Date 2-8-1986

ଦିନବିତ୍ରିତ କିମ୍ବା

Recd from As. 70/- Drury
the sum of Rupees Five hundred and
one rupee 5/-
on account of Settling cheq's for
months of July 96

रु.८८५ ५००/-
गहारीतुदा दुर्लभ वार्षिक payment.

प्राद के दरराजे

Signature of witness

Note: In the receipt, name of the person for whom English/Hindi text which is written in Hindi must be handwritten by the Person in charge. The person signing such receipt is His/Her **Accountant Officer** to indicate his full name in block letters below his signature. **Telecom Circular Division** **Reference - 797112**

Dimapur
सिंह वर्षीय की मुमुक्षु लिदा रास्ते बढ़ देता है। यह
महीने वर्ष मुक्षु हो मुमुक्षु अवधि शाही अधिकारी के द्वारा
दो प्रकारित वर्ष बढ़ देते हैं जिन्हें वर्ष से बढ़ देते हैं।

A.B.O.17

DEPARTMENT OF TELECOMMUNICATIONS

[दूर संचार विभाग नियम बुकिया, संपर्क वित्तीय संस्करण;
दूसरा पुस्तक, के परिशिष्ट वित्तीय नियम 6 (स) के नीति की
टिप्पणी देते] payable to *Suresh Sahai*[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Hand book, i
Volume I (2nd Edition, 2nd Reprint).]

(सीधी ओर/Obverse)

रसीद/Receipt

तारीख

Date 24/1/1996

दाटनार सं.

Voucher No.

Recd from Ad. T. C. Suresh

the sum of Repees Five - hundred only

रु. की राशि ..

on account of Suresh की लागत की राशि

रु. /Rs. 500/-

गवाहीशुदा गुणान/Witness payment



गवाह के हस्ताक्षर

Signature of witness

Suresh

Big

टिप्पणी—यदि रसाद को अंग्रेजी/हिन्दी में न लिखा गया हो या उस पर सम्पूर्ण को या उसके किसी भाग को जो अंग्रेजी/हिन्दी में न हो, गुणान के लिए बाला अधिकारी उसका लिखा दूर करें। जो व्यक्ति इस रसाद पर हिन्दी में हस्ताक्षर कर दे अपने हस्ताक्षर के नाम को उसमें स्पष्ट लिखें। अपना पूरा नाम लिखें। Engineer (C)

Note—If the receipt be not written in English/Hindi the whole or the portion of the receipt in English/Hindi must be transliterated by the Paying Officer. A person signing such receipt in Hindi should be required to indicate his full name in block letters within brackets below his signature.

" जिस हस्ताक्षर को गुणान लिया जाएगा उसका हस्ताक्षर नहीं फर सकता वो गुणान करने वाले अधिकारी जो उसका हस्ताक्षर कर देते हों उसका हस्ताक्षर को प्रगाणित फर रक्षा उसके लिए दिया जाएगा।

If the person paid cannot sign, the payment may be certified by the paying officer and attested.

RECEIVED
V.D.
1996

DEPARTMENT OF TELECOMMUNICATIONS
भारत सरकार (पर्यावरण विभाग) के पास
भौतिकीय सेवा विभाग
Civil Division
Date - 797/12
(See Note below Article 3 (iv) on Appendix II to
Telecommunications Regulation, 1985, Part II,
Volume I (Part I, Part II, Part III))

payable to *Govind Sahay*
रसीद/Receipt

तारीख 11/11/91 वार्षिक संख्या
Date 11/11/91 Voucher No.

Recd. from ADO TGD/PMS

the sum of Rupees. *500/-*

on account of Sweep. Charge for
the m/o. n.m. s.b. and किसी प्राप्त रो

₹/Rs. 500/-

दस्तावेज भुगतान/Witnessed payment



पर्यावरण विभाग
Signature of witness

Signature of DPO

टिप्पणी—यदि रसीद की अंग्रेजी/हिन्दी में न लिखा
गया हो या उस पर अंग्रेजी/हिन्दी में दस्तावेज न लि-
गए हों तो उस सम्बूर्ध को या उसके लिये जागे की
जो अंग्रेजी/हिन्दी में न हो, भुगतान करने वाला वासिया
उसका लिखित रूप हो। जो व्यक्ति इस रसीद पर हिन्दी
में दस्तावेज करे उसे अपने दस्तावेज के नीचे भोजक में
स्पष्ट अक्षरों में अपना पूरा नाम लिखना चाहिए।

Note—If the receipt be not written or not signed in
English/Hindi the whole or the portion not in English/
Hindi must be transliterated by the Paying Officer. A
signing such receipt in Hindi should be required to include
his full name in block letters within bracket below
signature.

जिस व्यक्ति को भुगतान किया जाए, यदि वह दस्तावेज
नहीं कर सकता तो भुगतान करने वाला अधिकारी उस रसीद
को प्राप्तित करें तथा उसके नीचे अपना नाम लिखें।

If the person paid cannot sign, the payment may be
certified by the Paying Officer and a. i.e. one witness.

Attested
Vas
Advocate

22
DEPARTMENT OF POSTAL COMMUNICATIONS

पश्चिम राज्यवाहन उत्तराखण्ड, संगठन 1 (द्वितीय संस्करण,
दूसरा पुनर्मुद्रण, के प्रारंभिक 11वीं नियमों के साथ) 1982
टिप्पणी के साथ

[See Note below Rule 6 (b) of Appendix II to
Decommissioning Handbook 1982, 1

Volume 1 (2nd Edition, 2nd Revision)

payable to Sub Inspector Box No 12
रसायन राज्यवाहन

Date 21/12/1996 Voucher No

Recd from EE/ICAO/DMR
the sum of Rupees Five hundred only

रु. ५००/-

on account of Wages for Sweeping by TRPTCO
Decrptor for the month of December 1996

रु. १२५.५००/-

गवाही शुदा भुगतान/Witness payment.

गवाह के दस्तावेज़

Signature of witness



Passed by Sub Inspector रसायन को अपनी/अपने नाम लिया
गया है या इस पर अपने को अपनी व्यक्ति का नाम लिया है। अपने नाम पर ही अधिकारी
के दस्तावेज़ दिखाते हैं। जो व्यक्ति इस रसायन पर हिन्दी
में दस्तावेज़ करते हैं उसके दस्तावेज़ को अपने हस्ताक्षरों के नीचे कोणते ही
एक छपरी में अपना पूरा नाम लिखता चाहिए।

Note - If the receipt be not written or not signed in
Hindi/Urdu/English or the portion not in English/

Hindi/Urdu is certificated by the Paying Officer. A
person signing such receipt in Hindi should be required
to indicate his full name in block letters within brackets
below his signature.

जिस छपरी को भुगतान किया जाए उसके हस्ताक्षर
नामीं गारंस्कता हो भुगतान करते दोल। अग्रिमारी सत्त्व भुगतान
को प्रमाणित करता उसके लिए नाम से जड़ा एक गवाह हो।

If the person paid cannot sign, the payment must be
certified by the paying officer and attested by witness.

Attested
W.D.
Advocate

23

4.9.0.17 दूरसंचार प्रभाग Officer
D.G.O. - दूरसंचार प्रभाग Civil Division
DEPARTMENT OF TELECOMMUNICATIONS
[दूरसंचार वित्तीय नियम उत्तिका, संगठन II (द्वितीय संस्करण,
दूसरा पुनर्मुद्रण, के परिशिष्ट II के नियम 6 (ख) के नीचे दो
टिप्पणी देले]

[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Handbook, 1985
Volume 3, 2nd-Edition, 2nd Reprint]

Sudan (साथी लोट/Obverse)

रसीद/Receipt

Date: 19

दाउनर सं।
Voucher No.

Reed from T.O.: TCO/DMR
the sum of Rupees five hundred and
रु. ५०/- रुपयों
on account of Wages of Sweeper Chajis
रु./Rs. 50/- for the month of Dec 96
गवाईशुदा भुगतान/Witness payment

गवाई के इस्ताब्दर

Signature of witness



टिप्पणी—यदि रसाद की अंग्रेजी/हिन्दी में न लिखा
गया हो या उस पर सम्पूर्ण को या हस्तांकिती भाषा को
जो अंग्रेजी/हिन्दी में न हो, भुगतान करने वाला अधिकारी
उसका छिप्पतरण करें। जो अंग्रेजी द्वारा इसीद पर हिन्दी
में इस्ताब्दर करें उसे अपने इस्ताब्दरों के नीचे कोण्ठक में
सप्त अक्षरों में अपना पूरा नाम लिखना चाहिए।

Note—If the receipt be not written or not signed in
English/Hindi the whole or the portion not in English/
Hindi must be transliterated by the Paying Officer. A
person signing such receipt in Hindi should be required
to indicate his full name in block letters within brackets
below his signature.

जिस छाँकि को भुगतान किया जाए, उद्दि वह इस्ताब्दर
नहीं कर सकता तो भुगतान करने वाला अधिकारी उस भुगतान
को प्रसारित कर उसके लिए कम से कम एक गवाई हो।

If the person paid cannot sign, the payment must be
certified by the paying officer and atleast one witness.

Attested
W.D.P.
Advocate

A.O.O.-17 Payable to Suresh Sohu
दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

दूर संचार विभाग नियम बुलिडा, रोड 1 (द्वितीय संस्करण,
दूसरा पुनर्मुद्रण, के परिषिक्त) के नियम 6(ख) के तीके 210
टिप्पणी देसे]

[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Hand book,
Volume I (2nd Edition, 2nd Reprint).]

(संक्षीप दोष/Obverse)

रसीद/Receipt

तारीख 3/4/97 वॉचर सं. वॉचर नं.

Date 3/4/97 Voucher No.

Recd from A.T.T.C.O.D.M.P.

the sum of Rupees One hundred and

रु. की राशि ..

on account of 1997-98 for the period of 1st April to 30th June
1997 as
Rs. 100/-

गवाहीशुदा सुगतान/Witness payment



बचाव के हस्ताक्षर

चानि वारे

Signature of witness

Signature

टिप्पणी— यह रसीद को अमेरीकी/इंग्रीजी में भी उत्तराधिकारी की रूपान्तरित रूप से अंग्रेजी भाषा में लिखा जाना चाहिए ताकि यह रसीद को अंग्रेजी में लिखा जाए। अब व्यक्ति इस रसीद पर हिन्दी में हस्ताक्षर करें तो उसे अपने हस्ताक्षरों के नीचे कोण्ठक में शास्त्र अधिकारी द्वारा अपना पूरा नाम लिखाना चाहिए।

Execution of this Receipt be not witness or not signed in
Hindi/Urdu/English/ or the portion of the English/
Hindi/Urdu dated 1997-98 transliterated by the paying officer. A
person signing such receipt in Hindi should be required
to indicate his full name in block letters with brackets
below his signature.

व्यक्ति को सुगतान किया जाएगा जब तक वह हस्ताक्षर
नहीं कर सकता हो। अपतान अंत ताला अंत ताला पूरा सुगतान
दो प्रणालित फर तथा उल्लंघन कर से कर एक गवाह हो।

If the person paid cannot sign, the payment must be
certified by the paying officer and attested.

RECEIVED
V.O.D.
15/4/1997

A.O.O. 17

3

Postmaster Sarsai Sahi
DEPARTMENT OF TELECOMMUNICATIONS

[दो लंचार विशेष नियम त्रिलोका, संगम 1 (दस्तीय संरक्षण,
दूसरा पुनरुत्थापन, वे परिशिष्ट 11 के नियम 6 (घ) के नीचे ही
दिल्ली देले]
(See Note below Rule 11 of Part Six 11 to
Telecommunication Financial Hand book,
Volume 1 (2nd Edition, 2nd Reprint))

(संघीय जरोर/Obverse)

रेसीपी/Receipt

तारीख वादामुद्रा में
Date - 2/2/1997 Voucher No.

Recd from AGTCS M/s

the sum of Rupees Five hundred only

रु. 500/-

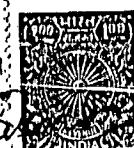
on account of wages for performing duty as
office sweeping for the month of Feb 1997

रु. 500/-

गवाहीकुरा भुगतान/Witness payment.

वादामुद्रा के हस्ताक्षर

Signature of witness



टिक्कों - पर्साद का अंगूजी/
पाता हो या इस अर सरायकी का इसके चिन्ह मान को
जो अंगूजे लिए गये हों तुमान वस्तु इसके अधिकारी
द्वारा लिखा गया हो। जो व्यक्ति इस रेसीपी पर हिन्दी
लिखा हो उसे अपने हस्ताक्षरों के नीचे कोटक में
लिखा जाना चाहिए ताकि उसका पूरा नाम लिखा जाए।

Executive Engineer (C) written or not signed in
the **Telecommunication Civil Division** portion not in English
Hindi must be transliterated by the Paying Officer. A
person signing such receipt in Hindi should be required

CHECKED his full name in block letters
below his signature.

TO A M/s इकिल को भुगतान दिया जाए, वह हस्ताक्षर
नहीं पार सकता तो उसे लिखा जाना चाहिए उसके लिए उसके नाम पर वादामुद्रा
द्वारा लिखा जाना चाहिए उसके लिए उसके नाम पर वादामुद्रा हो।

If the person paid **accrued** amount must be
certified by the paying **Telecom Civil Division**
Dated 2/2/1997

100
Vadas
Adarsh

A.O.G.-17

दूर संचार विभाग

" DEPARTMENT OF TELECOMMUNICATIONS

[दूर संचार विभाग नियम उत्तिका, संसद द्वारा दूर संचार, दूसरा पुनर्मुद्रण, के परिभाषा II के नियम 6 (स) के तीव्रे की टिप्पणी देखें] Payable to Sudarshan Sahu

[See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Handbook, |

Volume I (2nd Edition, 2nd Reprint)]

(घोषी घोर/Obverse)

रसीद/Receipt:

तारीख

Date 21/4/1997

दाएचार सं.

Voucher No.

Recd from A.O.T.C.O.D.D.M.P.

the sum of Rupees Four hundred Forty eight only

रु० की राशि ..

on account of Wages for working in Dimesub-Dim

office for the month of March '97 के जारी प्राप्त की

रु०/Rs .448/-

गवाहीशुदा मुगरान! Witness payment

बाह्य के हस्ताक्षर

Signature of witness

Signature



विषयी रसीद रसाद को अंग्रेजी/हिन्दी में न लिखा
Passed की ही या ~~दूसरी~~ सम्पूर्ण को या इसके किसी भाग को
Confered की ही या ~~दूसरी~~ में न हो, मुगरान हस्ताक्षर वाला अधिकारी
द्वारा द्वितीय संकेतन करें। जो व्यक्ति इस रसीद पर हिन्दी
forty में हस्ताक्षर करें उसके असम्मेलने हस्ताक्षरों के नीचे कोष्ठक में
स्पष्ट लिखकर उसका पूरा नाम लिखना चाहिए।

~~Executive Engineer~~ shall be not written or not signed in
Hindi/Urdu/Assamese or the portion not in English/
Hindi/Urdu-197112 literated by the Paying Officer. A
person signing such receipt in Hindi should be required
to indicate his own name in block letters within brackets
below his signature.

Pay to ~~Mr.~~ व्यक्ति को मुगरान कियी जाए, बदि वह हस्ताक्षर
नहीं कर सकता तो भागवान करने वाला अधिकारी उस भागवान
को अपने नाम की तरफ उसके लिए कम से कम एक गवाह हो।
forty only जो व्यक्ति अपने नाम करने की क्षमता नहीं तो उसका विवर
को अपने नाम की तरफ उसके लिए कम से कम एक गवाह हो।
The person paid cannot sign, the payment must be
certified by a ~~paying officer~~ officer and a ~~date~~ date
Telecom Civil Division

Dimapur - 797112

WAN
Advocate

A.U.U.-11

संचार विभाग
DEPARTMENT OF TELECOMMUNICATIONS
[दूर संचार विभाग नियम त्रिविहार, संग्रह 1 (द्वितीय संस्करण,
दूसरा पुनर्माला, के परिवर्शन II के नियम 6 (८) के तीव्रे को
टिप्पणी के साथ]

[See Note below Rule 6 (b) of Appendix II to
Telecommunications Financial Handbook]

Volume (2nd Edition, 2nd Revision)
(तीव्रे के साथ/विवर)

राजपत्र/विवर (राजपत्र/विवर)

तारीख Date - 2/6/1997

Recd. from FF/TCO/DMP

(the sum of Rupees Five hundred only)

रु. ५००/-

on account of Wages for sweeping in the office/room
for the month of May 1997

रु. ५००/-

गवाही/मुद्रा युग्मरात्रि/Witness payment

वादाएँ के हस्ताक्षर
Signature of witness

Signature of Payee

टिप्पणी—यदि राजपत्र को अंग्रेजी/हिन्दी में लिखा

गया हो या उस पर सम्पूर्ण को या उसका गणक

पास हो तो उसे हिन्दी में न हो, मुगालन इतने हुए। इनका यह

प्रत्येक रुपये के लिए हिन्दी रुपये के लिए इसका नाम हिन्दी

रुपये के लिए हस्ताक्षर के लिए उपरोक्त हस्ताक्षरों के तीव्रे कोठक में

स्पष्टपद्धतों में अपना पूरा नाम लिखना चाहिए।

Note if the receipt be not written or not signed in
Executive English (अंग्रेजी) or the portion not in English/
Telecom Civil Division is literated by the Paying Officer. A
Signature in Hindi & each receipt in Hindi should be required

to indicate the full name in block letters within brackets
below his signature.

किसी व्यक्ति को उपरोक्त नियम 6 (८) के द्वारा दूसरा प्र

गति प्राप्त करने वाला अधिकारी उसी व्यक्ति का

दो प्राणित करता उसका उपरोक्त नियम 6 (८) के द्वारा गवाह हो।

If the person paid cannot sign in English must be

certified by the paying officer and others.

Mr. *[Signature]* Accounts Officer

Telecom Civil Division

Chennai - 757112

Attested
V. D. D.
Advocate.

A.D.G.-17 दूर संचार विभाग

- 18 -

A.D.G.-17 / दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

[दूसरे संचार में व्यापक नियम उत्पन्न कर, खण्ड 1 (वित्तीय संरक्षण, दूसरा पुनर्मुद्रण) के परिणामस्वरूप 1 के नियम 6 (स) के नीचे यह नियमज्ञ देखें]

[See Note below Rule 6 (b)] Appendix II to

Telecommunication Pinnacle Handbook.

Volume I (2nd Edn. 1950, 2nd Reprint).

(स्थिर तथा व्यावर्त्ती)

१८८

/इत्तदि/१००१

तारीख
Date - 19

दाउड़ार है।
Vruchter No.

Recd from ... E.C./T.C.D./D.M.P.....
the sum of Rupees Five hundred only.....
नू. ५०० रुपये
on account of wages Jan. Sweeping. In the %
E.C./T.C.D./D.M.P. for the month of Jan. १९७० फारद का : -
रु. ५००/-

विद्यालय के विद्यार्थी

Signature of witness

टिप्पणी—यहाँ, रहस्य के ब्रह्मेवा/हिन्दू न लिया
परेहान यह उस पर तन्नूप को या उसके इसां भाग को
न कुप्रेष्य/हिन्दू भवन हो, मुगठान इत्येवाता अधिकारी
हस्तगति क्षम्यतरण रहे। जो चुक्षि, इस रसीद पर हिन्दी
अंग्रेजी लिखते हुए उपने हस्ताक्षर के दोषे कोष्ठक में
मात्र धस्ते पृष्ठाएँ पूरा लिखा गया जाए।

If the receipt is in English/Hindi and is not signed in English/Hindi, the whole of the portion not in English/Hindi must be transliterated by the Paying Officer. A person signing such receipt in Hindi should be required to indicate his full name in block letters within brackets below his signature. (See M. 508, C.R. - 1949)

जिस छात्रको सुगती रही कि यह एक विद्यार्थी नहीं बल्कि एक अभियानी व्यक्ति है जिसकी धरने में वहने को प्रभागी गिरावट करने का तरीका है।

Telecom Civil Division
Dibrugarh - 781111

Attended
Worship
Advocates

Q.0 नं. जी. ०१७
A.C.G. १७

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

दूर संचार विभाग नियम पुस्तका, भाग I (द्वितीय संस्कार)
दूसरा पुनर्मुद्रण के परिशिष्ट II के नियम ६ (वा) के नामे ५
टिप्पणी वेत्ते।

(See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Hand book,
Volume I (2nd Edition, 2nd Reprint))

(सीधी ओर/Obverse)

रसीद/Receipt

वापसीर सं.
Voucher No.....

तिथि
Date 31/07/1997

Recd from Ad/ TCO/ D.M.D
the sum of Rupees Five hundred only

रु० की राशि
on account of charges for telecasing in D.M.D
Sub-Div. office for the month of के कारण प्राप्त
रु०/Rs. 500/- Sept 1997

वापसीरुता मुद्रण/Witness payment



दस्तावेज के दस्तावेज
Signature of witness

टिप्पणी—यदि रसीद को अंग्रेजी/हिन्दी में न हो तो यह रु० ५००/- का राशि संक्षरण को आ उनके छिसी राशि
राशि अंग्रेजी/हिन्दी में न हो तो यह रु० ५००/- का राशि अंग्रेजी
hundred/- का राशि हो जो अंग्रेजी रसीद का
संक्षरण यह रु० ५००/- के नीचे लिखा जाता है।
स्पष्ट अंकहरों के अवन्न संक्षरण के रूप में चाहिए।

Note—If the receipt is not in English/Hindi (G) and neither
English/Hindi Telecasing or its portion is not in English
Hindi must be translated by the paying Officer.
Person signing such receipt in Hindi should be ready
to indicate his full name in block letters within
below the signature.

Pay to 500/- रु० की राशि को दस्तावेज के रूप में दिया जाए।
दर्दी के सक्षम वा भुगतान करने वाले अधिकारी द्वारा
को प्रमाणित कर सकते हैं।
If the person paid cannot sign the payment may
certified by the paying officer and a witness
Dibrugarh 197112

RECEIVED
1997
Dibrugarh

Pay for Rs. 500/- (Ru. five hundred/-)

Accents

3 सितं जी-१७ Office of the Executive Engineer

A.O.G.-17

दूर संचार विभाग Civil Division

DEPARTMENT OF TELECOMMUNICATIONS

[दूर संचार विभाग नियम हस्तिका, खण्ड I (द्वितीय संस्परण,
दूसरा मुन्सुद्रम, को परिशिष्ट II के नियम ६ (ख) के नीचे
टिप्पणी देखें]

[See Note below page (b) of Appendix V
Telecommunications (Financial) Handbook,

Volume I (2nd Edition, 2nd Reprint)]

(संधी छोर/Overseas
Postage to Searant Sahi

तारीख
Date 21/12/1997

दाट्जार सं.
Voucher No.....

Recd from A.O.G./Engineer
the sum of Rupees Five hundred only

रु० ५००/-

on account of wages for sweeping in Searant Sahi
& A.O.G. Office for the month of Nov 1997

रु०/Rs. 500/-

गंदारीशुदा भुगतान/Witness payment

दस्तावेज़ के हस्ताक्षर

Signature of witness



टिप्पणी देखें इस रसायन को अमरीकी रूपांतरण के लिए उपयोग किया जाता है।
जो अंग्रेजी/हिन्दी नहीं हो, भुगतान करने वाला अधिकारी
उसको लिप्यंतरण करें। वो व्यक्ति इस रसायन पर हिन्दी
में हस्ताक्षर करें उसे अपने हस्ताक्षरों के नींवे कोष्ठक में
सुनिश्चित रूप से लगाएं। पूरा नाम लिखना चाहिए।

~~Execution of Hindi~~ If the receipt be not written or not signed in
Hindi, the receipt be not written or not signed in

~~Execution of Hindi~~ Hindi. Role of the person not in English/
Hindi should be indicated by the Paying Officer. A
person signing such receipt in Hindi should be required
to indicate his full name in block letters within brackets
below his signature.

जिस व्यक्ति को भुगतान किया जाए; वह हस्ताक्षर
करने कर सकता तो भुगतान करने वाला अधिकारी उस भुगतान
को प्रमाणित कर रक्षा उसके लिए कन्न से कम पक्का गवाद हो।

If the person paid does not sign, the payee must be
certified by the paying officer and attest one witness.

Witnessed
Name
Advocate.

[दूर संचार विभाग लिया पुस्तकालय, द्वारा 1 (द्वितीय संस्करण,
दूर संचार विभाग के विभिन्न दस्तावेज़ों के लिये 6 (ए) को नीचे की
प्रियांकी के साथ]

2. Note below Rule 6 of Appendix II to
Telecommunication Financial Handbook,
Volume I (2nd Edition, 2nd Reprint)

(वारी ओर/Obverse)
रेसीपी/Receipt

तारीख Date 2/10/1997 वार्तावर सं०
Voucher No.

Recd. from 10/100/- Recep. from
the sum of Rupees. रुपयों की रकम

on account of M.T.C.A. for keeping in store Office
Sub-Amt. for the month of Dec 1997 के कारण आप्त की।

रुपये/Rs. ५०/-

मानही शुद्ध भुगतान/Witnessed payment,



मानही द्वारा
Signature of witness

दिवानी—यदि रकम को अंग्रेजी/हिन्दी में न लिखा

जाए तो यह रकम अंग्रेजी/हिन्दी में द्वारा दर्शाया जाना चाहिए।

जो अंग्रेजी/हिन्दी में न हो, भुगतान करने वाला अधिकारी

अपनी अंग्रेजी/हिन्दी लिपि के द्वारा हस्ताक्षर कर। जो वास्तव इस रकम पर हिन्दी

में हस्ताक्षर करता है उसके हस्ताक्षरों के नीचे कोणता में

Telecom Com. Receipt पूरा नाम लिखना चाहिए।

Signature of receipt be not written or not signed in English/Hindi the whole or the portion not in English/Hindi must be transliterated by the Paying Officer. A person signing such receipt in Hindi should be required to indicate his full name in block letters within brackets below his signature.

जिस अंग्रेजी को भुगतान किया जाए, यदि वह हस्ताक्षर नहीं कर सकता तो भुगतान करने वाला अधिकारी उस भुगतान को अनापित करें तथा उसके लिए वह से कम से कम एक गवाह हो।

If the person paid cannot sign, the payment must be certified by the Paying Officer and at least one witness.

W.C.W.

{See Note below Rule 6 (b) of Appendix II to
Telecommunication Financial Handbook,
Volume I (2nd Edition, 2nd Reprint)}
(अंग्रेजी वार्ता/Obverse)

तारीख वाइनर सं. 29
Date..... 19 Voucher No. से
Recd. from. ASTCO/0724
the sum of Rupees Five hundred only ५० रुपये राशि

on account of wages for performing duty as sweeper
in Sweeping in A.P. & G.O. office for the month
of Feb 1988 कारण प्राप्त हो।

रु. ५०/- for fence
गवर्नरी शास्त्र प्रयोगान् / Business payment.

गदाह के हस्ताक्षर
Signature of witness

दिल्ली—यदि रासीद नो शेषजा/हिन्दी
 गया हो सा फ्रेंच पर दंगेसी किसी ने
 गया ही तो उसे ताल्लुण को या उसके
 जो बांधी/हिन्दी किसी ने उसके कसी कहा
 उसागा लिल्लुरण करें। जो व्यक्ति इस रासीद पर हिन्दी
 में हस्ताक्षर करे उसके उपरोक्त संस्करणों क तीव्रे कोप्टक में
 सम्पूर्ण अंकुराण्डा वृक्ष का दूसरा भाग निखना चाहिए।

Note: ~~Signature Given in~~ or not signed in English/Hindi, the whole of the portion ~~in~~ in English/Hindi must be transliterated by the Paying Officer. A person signing such receipt in Hindi should be required to indicate his full name in block letters within brackets below his signature.

जिस व्यक्ति को भुगतान किया जाए, यदि वह दृग्ंताधार नहीं कर सकता तो भुगतान करने वाला अधिकारी उस भुगतान को प्रमाणित करें तभी उसके लिए कब्द से कम एक गवाह हो।

If the person paid cannot sign, the payment must be certified by the Paying Officer and at least one witness.

Annexure-1

Sl.No	ACG-17 dated	For the month	For no. of days	Remarks
1.	4.1.96	Dec-95	31 days	Casual 1995- 31 days
1.	1.2.96	Dec-95	31 days (Paid ACG-17)	Casual
2.	22.3.96	Feb-96	28 days	Casual
3.	2.4.96	March-96	31 days	Casual
4.	2.5.96	April-96	30 days	Casual
5.	3.6.96	May-96	31 days	
6.	2.8.96	July-96	31 days	
7.	2.9.96	Aug-96	31 days	
8.	1.11.96	Oct-96	31 days	
9.	2.12.96	Nov-96	30 days	
10.	26.1.97	Dec-96	31 days	1996- 305 days
1.	3.2.97	Jan-97	31 days	
2.	3.3.97	Feb-97	28 days	
3.	2.4.97	March-97	31 days	
4.	2.6.97	May-97	31 days	
5.	1.7.97	June-97	30 days	
6.	22.8.98	Aug-97	31 days	
7.	3.10.97	Sept-97	30 days	
8.	4.11.97	Oct-97	31 days	
9.	2.12.97	Nov-97	30 days	
10.	2.1.98	Dec-97	31 days	1997- 304 days
1.	11.2.98	Jan-98	31 days	
2.	2.3.98	Feb-98	28 days	1998- 59 days

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✓

ANNEXURE-2

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

In the Supreme Court of India
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. Petitioners.

-versus-

Union of India & ors. Respondents.

With

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

Jant Singh & ors etc. etc. Petitioners.

-versus-

Union of India & ors. Respondents.

ORDER

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

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

By the said Judgment this Court said :

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

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

Sd/-

(Ranganath Mishra) J.

New Delhi

April 17, 1990.

Sd/-

(Kuldeep Singh) J.

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles
M.T.H.I New Delhi/Bombay, Metro Dist.Madras/
Calcutta.
Heads of all other Administrative Units.

Subject : Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme.

Subsequent to the issue of instruction regarding
regularisation of casual labourers vide this office letter
No.269-29/87-STC dated 18.11.88 a scheme for conferring
temporary status on casual labourers who are currently
employed and have rendered a continuous service of at least
one year has been approved by the Telecom Commission.
Details of the scheme are furnished in the Annexure.

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

3. In this connection , your kind attention is
invited to letter No.270-6/84-STN dated 30.5.85 wherein
instructions were issued to stop fresh recruitment and
employment of casual labourers for any type of work in
Telecom Circles/Districts. Casual labourers could be engaged
after 30.3.85 in projects and Electrification circles only
for specific works and on completion of the work the casual
labourers so engaged were required to be retrenched. These
instructions were reiterated in D.O letters No.270-6/84-STN
dated 22.4.87 and 22.5.87 from member(pors.and Secretary of
the Telecom Department) respectively. According to the
instructions subsequently issued vide this office letter
No.270-6/84-STN dated 22.6.88 fresh specific periods in
Projects and Electrification Circles also should not be
resorted to.

3.2. In view of the above instructions normally no
casual labourers engaged after 30.3.85 would be available
for consideration for conferring temporary status. In the
unlikely event of there being any case of casual labourers
engaged after 30.3.85 requiring consideration for conferment
of temporary status. Such cases should be referred to the
Telecom Commission with relevant details and particulars
regarding the action taken against the officer under whose
authorisation/approval the irregular engagement/non
retrenchment was resorted to.

Accepted
W.D.
A.S. 1988.

3.3. No Casual Labourer who has been recruited after 30.3.85 should be granted temporary status without specific approval from this office.

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No SMF/78/98 dated 27.9.89.

5. Necessary instructions for expeditious implementation of the scheme may kindly be issued and payment for arrears of wages relating to the period from 1.10.89 arranged before 31.12.89.

sd/-

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

Member (S) / Adviser (HRO) , GM (IR) for information,
MOG/SE/TE -II/IPS/Admn. I/CSE/PAT/SPB-I/GR Secs.

All recognised Unions/Associations/Federations.

sd/-

ASSISTANT DIRECTOR GENERAL (STN).

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ANNEXURE

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

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

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

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

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

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

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

Temporary Status.

i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service at least one year, out of which they must have been engaged on work for a period of 240 days (208 days in case of offices observing five day week). Such casual labourers will be designated as Temporary Mazdoor.

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

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

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

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

i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr,D officials including DA,HRA, and CCA.

ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.

iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week.Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.

iv) Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.

v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.

vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

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

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

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

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

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Extracted

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WAN
Advocate.

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ANNEXURE A.

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

Dated 1.9.99.

To

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

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

Sir,

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

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

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Federations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

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ANNEXURE-15.CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDERBARUAH J. (V.C.)

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

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

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

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

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the Tribunal dated 13.3.1995 passed in O.A.No.750/94. Pursuant to that judgment, the Govt. of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

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

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

1. O.A. No.107/1998

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

- versus -

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

2. O.A. No.112/1998

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

- versus -

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

3. O.A.No. 114/1998

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

- versus -

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

4. O.A.No.118/1998

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

- versus -

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

5. O.A.No.120/1998

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

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WDM

Advocate

12. O.A.No. 192/1998

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

-versus-

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

13. O.A.No. 223/1998

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

- versus -

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

14. O.A.No. 269/1998

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

- versus -

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

15. O.A.No. 293/1998

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

- versus -

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

O R D E R

BARUAH, J. (V.C.)

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

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

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

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

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

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

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

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

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

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

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

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

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

OFFICE OF THE CHIEF ENGINEER (CIVIL)

NORTH EAST ZONE,
G.M.T.D.BUILDING, (2ND FLOOR),
OPP.LADY HYDARI PARK,
SHILLONG - 793 001.

NO. 34/2000/CE-NEZ/SH/15

Dated Shillong, the //January, 2002.

Ref : C.G.M.T. BSNL, NE-1 Circle, Shillong office letter No.:STB-27/Lab/TE/Corr./Pt.-VIII dated 11/12/2001.

In accordance with the instruction/guidelines of the C.G.M.T., BSNL, NE-1 Circle, Shillong; letter under reference, the Chief Engineer (Civil), BSNL, N.E. Zone, Shillong is pleased to constitute the three member committees, as per annexure "A" enclosed, for verifying the eligibility of Casual Labour for grant of Temporary Status as on 01.08.1998.

The committees shall interview the Casual labourers of their respective stations as per Annexure "B". The committees shall intimate the date, time, venue, documents required etc to the concerned units well in advance.

All the concerned Executive Engineers (Civil / Elect.) and the Senior Architect, Shillong are requested to inform the date and time of the interview to the concerned casual labourers as decided and intimated by the committee. It should be ensured that each individual casual labour is informed about the interview well in advance. The casual labour shall have to bring their Photographs (three numbers), Original Certificates, Testimonials, etc at the time of interview before the committee.

The committee shall examine/verify all the original certificates, testimonials, etc and all the particulars pertaining to their engagements, payments, vouchers etc. as per the Annexure "C".

The committee shall give clear recommendations regarding their

Continued to page-2

V. D.
Advocate

eligibility for conferment of TSM Status or otherwise as on 01.08.1998 in the light of the relevant Circulars (copy enclosed). If the case is not recommended for grant of Temporary Status as on 01.08.1998, the reasons thereof must be recorded in the remarks column. The committee shall submit there report, jointly signed by all the members, to this office within 15 days.

(B.K. Saha)
Superintending Engineer (A&P)

Copy for information and necessary action to :

- 1-2. The Superintending Engineer (C), BSNL Civil Circle, Shillong / Silchar.
- 3-4. The Senior Architect / Executive Engineer (Elect.), ESNL, CTO Bldg, Shillong.
- 5-9. The Executive Engineer (Civil), BSNL Civil Division, Shillong / Itanagar / Dimaipur / (NER)Silchar / Agartala along with enclosures as above.
- 10-13. The Sr.AO/ACAO, BSNL Civil Division, Shillong / Itanagar / Dimaipur / (NER)Silchar.
14. Guard File copy.

(P.K. Saha)
Superintending Engineer (A&P)

(P.K. Saha)
Superintending Engineer (A&P)

Constitution of committees

(1) For the area under the jurisdiction of Civil Division Itanagar,

- (i) The Executive Engineer (Civil) ,BSNL Civil Division, Itanagar - Chairman.
- (ii) The Sr. A.O., BSNL Civil Division, Itanagar- Member.
- (iii) One Independent S.D.E. from Telecom Side :- Member.

(2) For the area under the jurisdiction of Senior Architect, Civil Circle, Civil & Electrical Divisions , Shillong.

- (i) The Executive Engineer (Civil) ,BSNL Civil Division, Shillong- Chairman.
- (ii) The Sr. A.O., BSNL Civil Division, Shillong- Member.
- (iii) One Independent S.D.E. from Telecom Side - Member.

(3) For the area under the jurisdiction of Civil Division Dimapur.

- (i) The Executive Engineer (Civil) ,BSNL Civil Division, Dimapur :- Chairman.
- (ii) The Sr. A.O., BSNL Civil Division, Dimapur , Member.
- (iii) One Independent S.D.E. from Telecom Side - Member.

(4) For the area under the jurisdiction of Civil Divisions Silchar and Agartala.

- (i) The Executive Engineer (Civil) , BSNL Civil Division (NER), Silchar - Chairman.
- (ii) The A.C.A.O., BSNL Civil Division (NER), Silchar - Member.
- (iii) One Independent S.D.E. from Telecom Side - Member.

The second member of the committees shall be an Independent member (S.D.E. rank) from Telecom Side .

Revised
WPA
Advocates

Annexure "B-III"

DIMAPUR

1. Smt. Noksangla Longkumar O/o.EE(C), BSNL Civil Divn, Dimapur
2. Sri Pradip Roy O/o.EE(C), BSNL Civil Divn, Dimapur
3. Sri Aboni Borah O/o.EE(C), BSNL Civil Divn, Dimapur
4. Miss Ravele Solo O/o.EE(C), BSNL Civil Divn, Dimapur
5. Shri Y. Dhanbir Singh O/o.EE(C), BSNL Civil Divn, Dimapur
6. Shri Rabentlung Lotha O/o.EE(C), BSNL Civil Divn, Dimapur
7. Shri Susanta Sabu O/o.EE(C), BSNL Civil Divn, Dimapur
8. Smt. Athano. O/o.EE(C), BSNL Civil Divn, Dimapur

Note - The above list is as received from EEC, BSNL Civil Division, Dimapur vide his letter No. 16(4)TCD-DMP/94/Pt-II/176 Dated 25.05.2001.

Received
V. Datta
Advocate

BHARAT SANCHAR NICAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)
OFFICE OF THE EXECUTIVE ENGINEER :: CIVIL DIVISION, DIMALPUR.

Annexure - 8

Ne 16(4) TCD-DMP/2002/28

Dated: 14/01/2002

To,

1. Smt. Nekangla Longkumur.
2. Sri Prodip Roy.
3. Sri. Aboni Borah.
4. Miss. Ravole Solo
5. Sri. Y. Dhunbir Singh.
6. Sri Rabendranath Larma.
7. Sri. Susanta Sahu.
8. Smt. Athano.

Sub: Verification of eligibility criteria of Casual Labourers for grant of
Temporary Status as on 01.08.1998.

Ref: 3/1/2000/CH-Nez/311/15 dtd. 11.01.2002 received from SB (A&P),
Shillong.

As per the above referred letter, a committee has been constituted by Chief
Engineer(C), Shillong to verify the eligibility criteria of Casual Labourers for grant of
temporary status as on 01.08.98. The committee has decided to interview the casual
labourers on 22.01.2002 at 1100 hrs.

You are requested to present yourself before the committee along with the
following documents in original for verification:

1. Proof of date of birth certificates.
2. Educational qualification certificates.
3. Pass port size photographs (3Nos).
4. Any other testimonials regarding proof of residence etc.

Received 14/01/02
Executive Engineer (Civil),
BSNL, Civil Division,
Dimalpur.

①

②

③

Received

14/01/02

④

14/01/02

⑤

14/01/02

Received
14/01/02

Received
14/01/02

61 - Annexure - 9

BHARAT SANCHAR NIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISED)
OFFICE OF THE EXECUTIVE ENGINEER: CIVIL DIVISION,
DIMAPUR

No.16(5)/BSNL/CD-DMP/ 345

Dated :-25/11/03.

OFFICE ORDER

Consequent upon appointment conveyed by GMTD, BSNL, Nagaland Dimapur vide his letter No.E-7/Recrt.-RM/Pt-I/29 dtd. at Dimapur 05-08-03, the following staff have been regularised to the cadre of Regular Mazdoor w.e.f 01-10-2000 with scale of Pay 4000-120-5800 (IDA pay scale plus allowances as admissible from time to time.

The station of posting is shown as under against each of them.

<u>S/No.</u>	<u>Name of Regular Mazdoors</u>	<u>Date of regularisation</u>	<u>Present place of posting</u>
1.	Smt. Noksangla Longkumer	01-10-2000	Civil Division, Dimapur.
2.	Sri Pradip Roy	01-10-2000	Civil Division, Dimapur
3.	Miss Ravole Solo	01-10-2000	Civil Sub-Divn.-I, Dimapur
4.	Sri. Aboni Borah	01-10-2000	Civil Division, Dimapur
5.	Sri Rabenthung Lotha	01-10-2000	Civil Sub-Divn.-II, Dimapur
6.	Sri Y.Dhanabir Singh	01-10-2000	Civil Division, Dimapur

Executive Engineer (Civil),
BSNL, Civil Division,
Dimapur

Copy for information

1. The CGMT, BSNL, N.E-II Circle, Dimapur.
2. The GMTD, BSNL, Nagaland SSA, Dimapur.
3. The Chief Engineer (C), BSNL, N.E Zone, Shillong.
4. The Superintending Engineer(C), BSNL, Civil Circle, Shillong.
5. The Sr. Accounts Officer, BSNL, Civil Division, Dimapur.
6. Head Clerk, BSNL, Civil Division, Dimapur.
7. Official concerned

Executive Engineer (Civil)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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

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

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

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

O.A. 289 of 2001

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

By Advocate Sri S.Sarma.

Applicants

- Versus -

Union of India & ors. . . . Respondents

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

O.A. 364 of 2001

Sri Deo Kumar Rai
By Advocate Sri S.Sarma.

Applicant

- Versus -

Union of India & ors. . . . Respondents

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

O.A. 366 of 2001

Sri Jun Das,

By Advocate Sri S.Sarma.

Applicant

- Versus -

Union of India & ors.

Respondents

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

O.A. 372 of 2001

Sri Khitish Deb Nath

By Advocate Sri S.Sarma

Applicant

- Versus -

Union of India & ors.

Respondents

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

Appealed
Under
Article

O.A. 403 of 2001

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

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

O.A. 109 of 2002

sri-bilip Kumar Tante

By Advocate Sri N. Borah.

- V E T I S U S -

Union of India & Ors. Respondents

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

O.A. 160 of 2002

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

By Advocate Sri S. Sarma.

- Versus -

Union of India & Ors.

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

O R D E R

CHOWDHURY J. (V.C)

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

cont'd . . . 3

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

Amritpal
Sohal
Advocate

contd..4

statements were filed and some documents also annexed.

On assessment of documents it appears that there was no conformity with the findings reached by the authority alongwith the records produced regarding their engagements..

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

R.Dar
Advocate

We have perused

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

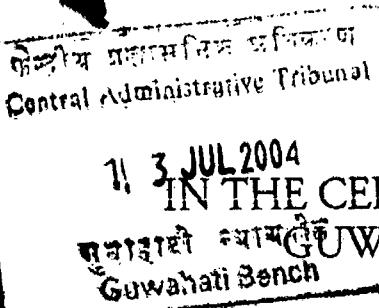
Advocates
V.D. &
Advocates.

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

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

sd/ VICE CHAIRMAN
sd/ MEMBER (Adm)

Abdul
Wali
Advocate



11. 3 JUL 2004
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
गुवाहाटी अधायक
Guwahati Bench

* O.A. NO. 58/2004

Sri Susanta Sahu

...Applicant

-versus-

Union of India & Others

...Respondents

(Written statements filed by the Respondent No. 2 to 5)

The written statements of the respondents are as follows:

1. That a copy of the O.A. No. 58/2004 (hereinafter referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar and common, the respondents have filed their written statements as common for all of them.
2. That the statements made in the application, which are not specifically admitted by the respondents, are hereby denied.
3. That the cause of action as shown in the application in **Para 1** has no basis to justify any such cause of action for filing the instant application.
4. That with regard to the statements made in **para 2** of the application, the respondents state that the application is hopelessly barred by the law of limitation as the issue raised in the application relates back to a date in February 1998. Therefore, the application is not maintainable and the same is liable to be dismissed under the provisions of Section 20 read with Section 21 of the Central Administrative Tribunal Act, 1985 (hereinafter referred to as the Act).

5. That with regard to the statements made in **para 3** of the application, the answering respondents state that as the entire relief is sought against the Bharat Sanchar Nigam Ltd. (hereinafter referred to as the BSNL) and the authorities under it, no order or direction could be issued against the BSNL as no notification so far has been issued to extend jurisdiction against BSNL as required under Section 14(2) of the Act. It is needless to say that BSNL is a registered Company and entire assets and liabilities of the erstwhile Department of Telecom (DoT) of the Govt. of India has been transferred to BSNL w.e.f. 1.10.2000. It is also needless to mention here that the benches of this Hon'ble Tribunal, including this Bench at Guwahati have already held that the Central Administrative Tribunal (hereinafter referred to as the Tribunal) has no jurisdiction over Public Sector Enterprise like BSNL. Such orders have been passed in cases like OA No. 198/2001 (Calcutta Bench), OA No. 811/2002 (Earnakulam Bench), OA No. 1425/1998 (Calcutta Bench), CA No. 175/2003 (OA No. 4605/2002) (Allahabad Bench) and CP No. 6/2004 (Guwahati Bench).

The copy of the said orders passed in OA No. 198/2001, OA No. 811/2002, OA No. 1425/1998, CA No. 175/2003 (OA No. 4605/2002) and CP No. 6/2004 are annexed as **ANNEXURE-R1, R2, R3, R4 and R5** respectively.

6. That with regard to the statements made in **para 4.1** of the application, the respondents state that the applicant has no legally enforceable right in this instant application.

7. That with regard to the statements made in **para 4.2** of the application, the respondents state that the applicant was engaged as a part time casual worker for a specific work of cleaning on the basis of one hour per day and he was discontinued after the month of February 1998. The provisions of the "Casual Labourer (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications, 1989" (hereinafter referred to as the Scheme) does not apply to a part time labourer as clarified by the Govt. of India, DoT vide letter No. 269-10/89-STN dated 17.10.1990. According to the said clarification letter, a part time labourer

can be converted to a full time causal labourer subject to availability of work and suitability. But, there are already existing ban order of engagement of casual labourer vide letter No. 269-4/93-STN-II dated 22.6.1988 and reemphasized vide Govt. of India, DoT letter No. 269-4/93-STN-II dated 12.2.1999. In view of the above position, the question of engagement/ conversion of casual labourer has not been done. Therefore, the applicant is not entitled to the benefits provided in the Scheme.

In this connection the respondents also state that the applicant is not continuing in the engagement as claimed by him. As the application was made only on 17.3.04 after a lapse of 6 years, as such the statements are false, misleading and the applicant is thereby trying to misguide the Hon'ble Tribunal. His claim is totally baseless and is without any proof. His claim of continuing in engagement amounts to a disputed question of fact for which the Tribunal shall not exercise power and jurisdiction to go for such finding of facts with elaborate examination of witness and recording of evidence as the Tribunal has no power to examine witness on oath. This Hon'ble Tribunal has already turned down under Section 19 of the Act as it cannot go into resolving a disputed question of facts as done in OA No. 5/2003. As such the application is liable to be dismissed.

The respondents crave the leave of this Hon'ble Tribunal to allow them to rely upon and to produce the aforesaid letters and also the order passed in OA No. 5/2003 at the time of hearing of the case.

8. That with regard to the statements made in **para 4.3, 4.4 and 4.5** of the application, the respondents state that these are questions of law and nothing is admitted which are not regulated by such provisions of law. The respondents reiterate here that a part time labourer cannot get the benefit under the said Scheme. The applicant never completed 240 days in a year besides the fact that he was only a part time worker.
9. That with regard to the statements made in **para 4.6 and 4.7** of the application, the respondents state that by the order dated 31.8.1999 passed in a series of cases, this Hon'ble Tribunal expressed its inability to pass any order due to paucity of supporting evidence and accordingly directed the respondents to verify the engagement particulars of each

individual casual labourer. The Hon'ble Tribunal also directed the applicants to submit fresh representations with the help of supporting proof/document to justify their claim. On the basis of such representations and supporting proof, the respondents were further directed to consider their cases if they were found eligible for the benefit under the Scheme. By the said order dated 31.8.1999, the Hon'ble Tribunal also held that the interim order passed in any of the cases would remain in force till the disposal of the representations. As stated hereinabove, the applicant in the instant case was not in engagement as part time worker after the month of February, 1998 and he was not an applicant in the aforesaid series of cases. Hence, his continuance in engagement did not arise at all. The respondents also state that the applicant was in no way eligible for consideration under the said Scheme.

10. That with regard to the statements made in **para 4.8, 4.9, 4.10 and 4.11** of the application, the respondents state that although the applicant was called for interview with documentary evidence in support of his claim, it was found that he was not a full time casual labourer to come within the zone of consideration under the Scheme and he never completed 240 days in a year. This 240 days engagement criteria is applicable to a full time casual labourer and not applicable to the applicant as he was a part time worker only that too for one hour per day. The Verification Committee therefore did not recommend his case for conferment of temporary status. The applicant is not similarly situated with the other 6 numbers of applicants. Hence, he was not treated similarly. The respondents reiterate that the applicant had been a part time labourer and he could never prove that he was a full time labourer. The respondents from their records found that he was only a part time labourer and hence he is not entitled for benefit under the Scheme.
11. That with regard to the statements made in **para 4.12** of the application, the respondents state that the Scheme is meant for full time casual labourer and not for the part time casual labourer. The applicant in the instant case was engaged for sweeping of office premises only for 1 hour per day. He was not converted as fulltime casual labourer as his engagement was less than 8 hours a day. From the records of payment particulars of the applicant it is seen that he was paid in average a sum of

Rs. 500 per month on lump sum basis whereas in case of a full time casual labourer the monthly payment comes to a sum around Rs 3000/- per month. The applicant could not show any proof before the Verification Committee to justify his claim by showing that he was a full time labourer. The applicant never completed 240 days (which is criteria only for full time worker) in a year and he was disengaged after the month of February 1998 and as such he was not entitled for the conferment of temporary status and thereafter regularization under the Scheme.

12. That with regard to the statements made in **para 5.1 to 5.5** of the application, the respondents state that the grounds shown by the applicant are not tenable in law and in view of the facts and circumstances of the case and the provisions of law, the application is liable to be dismissed with cost.
13. That with regard to the statements made in **para 6 and 7**, the respondents state that the applicant had no occasion to exhaust the remedies available to him as he failed to raise his claim at the appropriate time and forum before it was barred by limitation and jurisdiction.
14. That with regard to the statements made in **para 8.1 to 8.4 and 9** of the application, the respondents state that from the facts and circumstances of the case and in any view of the matter and the provisions of law, the applicant is not entitled to any relief whatsoever as prayed for. The application being filed devoid of any merit, being bared by limitation and suffering from want of jurisdiction the same is liable to be dismissed with cost. The applicant is also not entitled to any interim direction as he is no longer in engagement in service after the month of February 1998 and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall be pleased to dismiss the application with cost.

Verification

I, Shri Jyotirmoy Roy, at present working as Executive Engineer (c) in the office of the OSNL Civil Dm. Dimapur being competent and duly authorized to sign this verification do hereby solemnly affirm and state that the statements made in para 1, 2, 3, 4, 6, 8, 9, 10, ~~11~~, 12, 13 & 14 are true to my knowledge and belief, those made in para 5, 7 & 11 - - - being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 20 th day of June, 2004 at Guwahati.

Jyotirmoy Roy.

DEPONENT

Executive Engineer
6th Civil Division
Dimapur

DOCUMENT - 6

12/89

(B) ANNEXURE : R1

GENERAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

ANNEXURE : R1

U.O.A. 190 of 2001

Plaintiff : Mr. B. K. Mandal, Counsel
Defendant : Shashi B. Banerjee, M.A., M.L.A., M.L.C., Member of Parliament
Hon'ble Mr. S.P. Singh, Minister of State for Environment

DISMANATI BANERJEE

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B. K. Mandal, Counsel

For the Respondent : Mr. B. B. Banerjee, Counsel

Heard on : 1.3.2001

Order on : 1.3.2001

9.3.2001

R. K. Ray, V.C.

1. Counsel for both sides are present. This case is relating to the Department of Telecom which has now become a corporate body. Shashi B. Banerjee is limited to definitely a corporate body under the Government of India within the meaning of Article 19 of the Constitution. But that has not been notified till today and therefore, this court has no jurisdiction to entertain such petition.

2. Accordingly, the O.A. is disposed of. ^{at the stage of admitted} The applicant may approach the appropriate forum in respect of his grievances made in this O.A. No order as to costs.

C. S.
NUMBER (A)



VERIFICATION

7.11.22

91

rec

ANNEXURE : ~~N~~ R2

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 813/2002

pur.

Thursday, 20th November, 2002

CORAM

HON'BLE M.R. A.M. HAJIEMAH, MVR, CHIEF MEMBER
HON'BLE M.R. P. U.P. HAYAT, ADMITTERATIVE MEMBER

J. Santhoshan Pillai,
S/o Jawadhan Pillai
Staff No. 3358, Senior Telecom Operating
Assistant (P), Telephone Exchange,
Kampalloor, Kundara
residing at Krishnayillam Veedu,
Ambipolka, Kundara.
Applicant

(By Advocate Mr. Vinnu S. Chempazhanthiyil)

v.

1. Assistant General Manager (Admin)
Office of the General Manager (Telecom)
District, BSNL, Kollam.
2. General Manager, Telecom District,
BSNL, Kollam.
3. The Director General,
Telecom Department, New Delhi.
4. Union of India, rep. by its
Secretary, Ministry of Communications,
New Delhi.
5. K.M. Georgekutty
Senior TOW(P),
Telephone Exchange, Pathanapuram. Respondent

(By Advocate Mr. K. Ravivankutty, AGSC - RI - 4)

The application having been heard on 20.11.2002, the
Tribunal on the same day delivered the following:

Contd...
2/

92

HS

2.

ORDER

HONOURABLE MR. A.V. HARIDASAN, VICE-CHAIRMAN

The applicant working as Senior Telecom Operating Assistant (P) under the Bharat Sanchar Nigam Limited (BSNL) for short) has filed this application challenging the order dated 1.8.2002 by which the applicant's posting has been changed from Kundara to Pathanapuram, order dated 7.8.2002 (A6) by which the 5th respondent has been posted to Kundara and the 9th order dated 21.11.2002 by which his representation for retention at Kundara or at Kottiyam has been rejected. The applicant claimed that he being an ex-territorial army man he is entitled to a posting in a choice station and that the order turning down the request is unsustainable.

2. Shri K. Ravankutty took notice for official respondent. He argued that the application may not be entertained as the applicant being an employee of the BSNL and as the same has not been notified under the Administrative Tribunal Act, the Tribunal does not have jurisdiction. On the facts the counsel argued that the applicant having claimed to be a member of the territorial army in the year 1999 he is not entitled to any benefit and he supports the impugned order on the ground that it was for

HC

3.

We have considered the question of jurisdiction of the Tribunal to entertain this application. Since the applicant has been absorbed as an employee of the BSNL he is no more an employee of the Telecom Department. As the BSNL has not been absorbed under the Administrative Tribunals Act, this Tribunal cannot exercise jurisdiction in regard to service matters of such employees of BSNL. The applicant being one who has been absorbed we find that this Tribunal does not have jurisdiction to entertain this application.

4. In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act.

dated the 20th day of November, 2002

Sd/-

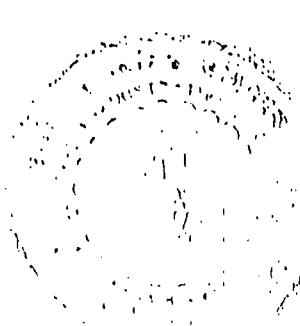
(T. H. T. HAYAR)

ADMINISTRATIVE MEMBER

Sd/-

(A. V. HALLIDASAI)

VICE CHAIRMAN



1/1

In the Central Administrative Tribunal
Calcutta Bench

OA No. 1425/9A

19-9-2003

DRM (af)
GM
0361-2681306
1/22

Present : Hon'ble Mr. S. Biswas, Member(A)

Makhan Lal Mazumdar

V.P.

Telecom

For the Applicant : Mr. B. Mukherjee, Counsel

For the Respondent : Mr. U. Sanyal, Counsel

ORDER

Heard both sides.

2. In this case, the applicant is a Group 'B' in the Telecommunication Department. Consequently, this is not within the jurisdiction of this Tribunal. Hence, as the Tribunal has no jurisdiction, the OA is ~~disposed of~~ ^{disposed of}. No costs. However, liberty is given to the applicant to approach the appropriate forum for redressal of the grievance.

Sd/-

Member(A)

(a) No. of the "Appn" 4951
(b) Name of the applicant : Mr. S. Biswas, Adv.
(c) Dt. of presentation of application for copy 19.9.03
(d) No. of pages 02
(e) Copying fee charged Free
(f) Dt. of preparation of copy 02/10/2003
(g) Dt. of delivery of the copy 29.10.03
to the applicant

verified and certified
correspond to the copy
S. Biswas
Central Office
29.10.03
Calcutta, India

ATTN. P.S. Venkatesan

Ans. P.I.D

OPEN COURT

Ann. - 7

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

मिथुन प्रतिलिपि

CIVIL MISCELLANEOUS APPLICATION NO. 175 OF 2003

IN

ORIGINAL APPLICATION/DIARY NO. 4605 OF 2002
ALLAHABAD THIS THE 30th DAY OF OCTOBER, 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. R.K. Patel, Junior Telecom Officer.
2. Ram Swaroop, Line Man.
3. Meena Lal, Telecom Technical Assistant.
4. Kamlesh Kumar Mishra, Regular Mazdoor.
5. Ram Sehwan Patel, Regular Mazdoor.
6. Shanker Lal, Regular Mazdoor.
All posted at Telephone Exchange Saran, District-Allahabad.
7. Ajay, Phone Mechanic.
8. Sudh Rao, Phone Mechanic.
9. Hemesh Chandra, Phone Mechanic.
10. Saledin, Regular Mazdoor.
11. Radha Devi, Regular Mazdoor.
12. Anoop Kumar, Regular Mazdoor.
All posted at Karchana Telephone Exchange, District-Allahabad.
13. Raja Ram, Phone Mechanic.
Posted as Jaisa Exchange, District Allahabad.
14. B.G. Singh, Junior Telecom Officer.
15. Radha Prasad, Phone Mechanic Posted at Choorpur, Telephone Exchange, Allahabad.

(By Advocate Shri R.B. Singh)

14/10/03

- 2 -

1. Sri Prithvipal Singh,
CMD, Bharat Sanchar Nigam Ltd.,
New Delhi.

2. Sri V.K. Shukla,
Chief General Manager, U.P. at Lucknow.

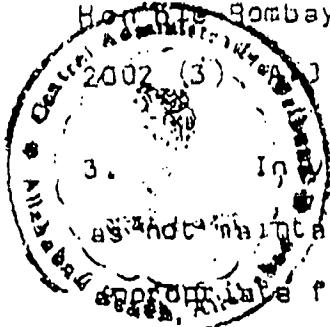
..... Respondents
(By Advocate -----)

ORDERHON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

This Contempt Petition is filed against the officers of Bharat Sanchar Nigam Limited a newly constituted corporation. Since no notification under section 14(2) has been issued in respect of this newly constituted corporation i.e., B.S.N.L. This Contempt Petition is not maintainable before this Tribunal.

2. The legal position has been well settled in this regard by the Judgments of Division Bench of Hon'ble Delhi High Court in Ram Gopal Verma Vs. U.O.I. and Ors A.I.S.L.J. 2002(1) 352 and Hon'ble Bombay High Court in B.S.N.L. Vs. A.R. Patil and Ors. etc 2002 (3) A.I.S.L.J. 1.

3. In view of the above the contempt petition is rejected as not maintainable with liberty to the applicant to approach the appropriate forum.



S. D.

TRUE
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Seal Office
Central Admin. Tribunal
New Delhi
S. D.

-14-

79

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

81
ANNEXURE : Q R5

Contempt Petition No.6 of 2004

Date of decision: This the 1st day of April 2004

The Hon'ble Shri Kuldip Singh, Judicial Member

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

Shri Pankaj Borah,
S/o Late Baburam Borah,
Resident of Village- Bhakatgaon,
P.O.- Nabhang, Golaghat, Assam.

.....Petitioner

By Advocates Mr A. Damgupta and
Mr S. Chakraborty.

- versus -

1. Shri Binod Kumar Mishra
General Manager
Telecom, Kamrup Telecom District,
Guwahati.
2. Shri Kamal Krishna Das
Divisional Engineer (ADMN).
Office of General Manager, Telecom,
Kamrup Telecom District,
Guwahati.

.....Respondents

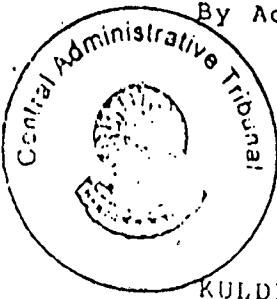
By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....

O R D E R (ORAL)

KULDIP SINGH, JUDICIAL MEMBER

The petitioner has filed this Contempt Petition on 25.2.2004 whereas the order in the O.A. was passed on 26.8.2002. Even excluding the time for communication of this order and the time given for implementation of the order then also the Contempt Petition has become barred by limitation under the provisions of Section 20 of the Contempt of Courts Act. The respondents have taken another objection that the officers belong to the Bharat Sanchar Nigam Limited (BSNL for short), therefore, the Tribunal



100

: 2 :

has no jurisdiction. The learned counsel for the respondents even quoted a judgment of the Delhi High Court in Ram Gopal Verma Vs. Union of India and others, reported in 2002 (1) SLJ 352, wherein it was held that the Tribunal has no jurisdiction for a Public Sector Enterprise unless notification is issued under Section 14(2) of the Administrative Tribunals Act. The learned counsel for the respondents also referred to another judgment passed by the Allahabad Bench of the Tribunal in Civil Misc. Contempt Application No.175 of 2003 wherein also the contempt petition was also filed against officers of the BSNL and since no notification have been issued in respect of the BSNL under Section 14(2) of the Administrative Tribunals Act, it was held that the Tribunal had no jurisdiction over the BSNL.

2. Following the aforementioned two judgments we also hold that this Tribunal has no jurisdiction over the BSNL and accordingly the Contempt Petition is dismissed.

Sd/ MEMBER(J)

Sd/ MEMBER(A)

TRUE COPY
R.P.

N.S.
Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati 781005

1/14

संघीय नियन्त्रित अधिकार
Central Administrative Tribunal

31 JAN 2005

गुवाहाटी न्यायालय
Guwahati Bench

-83-

Filed by
the applicant through
Mr. B. B. Das
Advocate
28/1/05

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 58/04

Sushanta Sahu

.....Applicant

-VS-

Union of India & Ors.

.....Respondents

REJOINDER FILED BY THE APPLICANT AGAINST THE WRITTEN
STATEMENT FILED BY THE RESPONDENTS

1. That the applicant has received a copy of written statement and has gone through the same. Save and except the statements which are not specifically admitted herein below are denied. The statements which are not borne on records are also denied and rests may be treated as total denial and the applicant is put to the strictest proof thereof.
2. That with regard to the statement made in para 1 & 2 of the Written Statement the applicant prefers no comment on it.

3. That with regard to the statement made in para 3 of the written statement the applicant while denying the contentions made therein begs to state that the statement made in para has no legs to stand because he has been working since 1995 without any break hence he has rightly claim temporary status under the scheme of 1989.

4. That with regard to the statement made in para 4 of the written statement the applicant while denying the contentions made therein begs to state that the present applicant is still working under the department. His case was all along under consideration for grant of temporary status along with his colleagues (Annexure-7 colly and 8 to the OA). Raising the point of limitation the Respondents have tried to mislead the court. The applicant basically aggrieved by the order dated 25.11.03 by which the services of the similarly situated employees have been regularised ignoring the case of the present applicant. The applicant respectfully states before the Hon'ble Tribunal that he could produce the slips beyond February 1998 because now the Respondents have stopped issuing the ACG-17 pay slips. When similarly situated persons have been granted the benefit of regularisation, being the model employer the Respondents could not have taken this step motherly attitude with this applicant without any rhymes and reasons. The law on this point is well settled and same is violative of Article 14 and 16 of the Constitution of India.

5. That with regard to the statement made in para 5 of the Written Statement the applicant while denying the contentions made therein begs to state that the present

applicant is a casual worker of Telecommunication Department and he is claiming the benefit of the scheme of 1989 formulated by the Department of Telecommunication. He is yet to come under the BSNL. Now his basic grievance against the DOT. The Central Administrative Tribunal, Chandigarh Bench has decided the issue of jurisdiction by passing judgment and order dated 06/05/03. in OA No. 1116 Ch-2002 which has been public in ATJ. The orders of various Benches of Central Administrative Tribunal which are annexed in the Written Statement as Annexure R1 to R5 are relating to Group-A, Group-B, Group-C and Group-D employees absorbed by the BSNL. There is no iota of doubt that the present applicant is a casual worker under Telecom Department hence jurisdiction lies in the Central Administrative Tribunal, Guwahati Bench.

6. That with regard to the statement made in para 6 of the Written Statement the applicant while denying the contentions made therein begs to reiterate and reaffirm the statement made above as well as in the OA.

7. That with regard to the statement made in para 7 of the written statement the applicant while denying the contentions made therein begs to reiterate and reaffirm the statement made above as well as in the OA. The applicant submits that he is a full time casual worker and he is still continuing in the said capacity. He has not been discontinued after the month of February 1998 as stated in the said paragraph. The Respondents have stopped issuing the ACG-17 pay slips beyond February 1998. Even assuring not admitting the statements made by the Respondents then also the case of the applicant is squarely covered by the scheme

of 1989 (Annexed to the OA) since he has already completed 305 days in the year 1996 and 304 days in the year 1997. As per the Full Bench Judgment of the Central Administrative Tribunal it is clearly mentioned that in case of a part time labourer for grant of temporary status he has to complete 240 days in 2 years which has been possessed by the present applicant. As per the order dated 1.9.99 the Govt. of India, Department of Telecommunication mentioned about its approval on grant of temporary status to the casual labourers who were eligible as on 1.8.98. This point has against clearities by this Hon'ble Bench in the judgment and order dated 3.9.02 passed in OA No.289/02 & ors. (Annexure-16 to the OA) relevant page is page 3.

The statements made in the second paragraphs are vague, misleading and without any basis. Instead of making clear-cut statement in respect of Annexure-1 (colly), 7 (colly), 8 and 9 the Respondents have made the statement only to frustrate the claim of the applicant.

In respect of third paragraph the applicant begs to submit that the facts and circumstances of OA No.5/2003 is totally different and does not cover the case of the present applicant.

8. That with regard to the statement made in para 8 of the Written Statement the Respondents while denying contention made therein begs to reiterate and reaffirm the statement made above as well as OA. The applicant humbly and respectfully submits that he has annexed service particulars at least to show that he has already completed 305 days in

the year 1996 and 364 days in the year 1997.

9. That with regard to the statement made in para 9 of the Written Statement the applicant while denying the contentions made therein begs to state that the respondents have tried to misread/misinterpret the judgment and order passed the Hon'ble Tribunal. As per the judgment and order passed by this Hon'ble Tribunal dated 3.9.02 in OA No.289/01 has already dealt with the question regarding cut-off date. (Annexure-10 to the OA, relevant page No.3).

10. That with regard to the statement made in para 10 to 14 of the written statement the applicant while denying the contentions made therein begs to reiterate and reaffirm the statement made above as well as in the OA. The applicant further begs to submit that he has been working without any brake since 1995. Even assuming not admitting that he is a part time casual labour than also as per the judgment of Full Bench of the Central Administrative Tribunal the present applicant is entitled for grant of temporary status and regularisation.

The applicant craves leave of this Hon'ble Tribunal to rely and refer upon the full Bench judgment at the time of hearing this case.

The applicant also begs to submit that since the Respondents are liable in not granting temporary status and regularisation after completion of requisite days required for the benefit of the scheme, now they can not cover ^Wtheir fault by taking the ground of limitation. The Respondents

- 6 -

are acting illegally in not granting temporary status and regularisation even after completion of requisite numbers of days as mentioned in the scheme which is meant for full time as well as part time causal labourer. The Respondents have acted illegally in denying the applicant from granting temporary status and regularising which has been given to the similarly situated employees like that of the present applicant, hence this is not at all sustainable in the eye of law as violative of Article 14 and 16 of the Constitution of India.

The applicant begs to rely and refer upon the order passed by the Hon'ble Tribunal in OA No.110/03 dated 19.3.04 and has been annexed herewith as Annexure RJ-1.

VERIFICATION

I, Sri Sushanta Sahu, aged about 26 years, son of Satyabadi Sahu, presently working as Casual Worker, O/O Telecom Civil Division, Dimapur, under Chief Engineer (Civil) Circle, N.E.Zone, Shillong, do hereby solemnly affirm and verify that the statements made in paragraphs1.2..... are true to my knowledge and those made in paragraphs3 to 10..... are matter of records 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
28th day of Jan, 2005


Signature.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.110 of 2003.

Date of Order : This the 19th Day of March, 2004.

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

Shri Sujit Das,
 S/o Late Ananta Das,
 Casual Mazdoor, under Sub-Divisional Officer,
 Haflong. ...Applicant

By Advocate Miss Usha Das.

- Versus -

1. The Union of India,
 represented by Secretary to the
 Govt. of India,
 Ministry of Communication,
 Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecom,
 Assam Circle, Ulubari,
 Guwahati.
3. The General Manager, Telecom,
 Silchar SSA, Silchar-1.
4. The Sub-Divisional Officer, Telecom,
 Haflong. ...Respondents

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

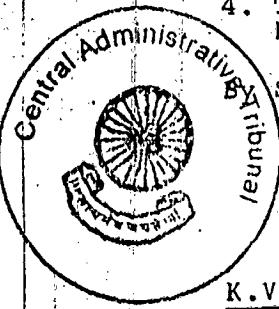
ORDER (ORAL)

K.V.PRAHLADAN, MEMBER(A)

The applicant Sri Sujit Das joined the Telecom Department as a casual worker in 1987 and he continued as such till 1998. As per the letter issued by B.S.N.L dated 1.10.2001 in Annexure-9, since he has completed 240 days he is eligible for grant of temporary status in terms of "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989".

2. Heard Miss Usha Das, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C. for the respondents. Mr Deb Roy submitted that the applicant was not in engagement since 1993 and therefore no question of regularisation can arise.

Attested
 Usha
 Advocate



Attested
 Usha
 Advocate

and

3. Considering the facts and circumstances of the case, the respondents are directed to re-engage the applicant as casual worker and consider his case for grant of temporary status and regularisation as per the scheme, since he was eligible for temporary status on 1.8.1998. The applicant is not eligible for any backwages, he will not be eligible to claim any arrears of pay and allowances. The above direction shall be completed within three months from the date of receipt of this order.

The application is accordingly allowed. No order as to costs.

Sd/ MEMBER(ADM)



TRUE COPY
MSAFARI

26/3/03
Section 11(1)(J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

26/3/03
MSAFARI

APPLIED
MSAFARI
MSAFARI