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

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

*Malik*  
*09/11/17*

FORM NO. 4  
(SEE RULE 12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

ORDER SHEET

Org. App/ Misc. Petn/Cont. Petn/ Rev. Appl. 92/04

In O.A. \_\_\_\_\_

Name of the Applicant(s) S.K. Das & ans

Name of the Respondent(s) n.o.f. ans.

Advocate for the Applicant M. Chanda, G.N. Chakrabarti

Counsel for the Railway/ C.G.S.C. S. Nath, S. Chandray

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This application is in fact is filed/C.F. No. 387053 deposited vide No. 11.6.387053 Dated 12.4.04	23.4.2004	On the plea of counsel for the applicant list on 3.5.2004.
<p style="text-align: right;">mb Dy. Registrar <i>[Signature]</i></p>	17.5.2004	Heard Mr. S. Nath, learned counsel for the applicant.  The application is admitted. Issue notice to the parties. Returnable within four weeks. List on 18.6.2004 for orders.
<p>Notice &amp; order sent to D/section for issuing to respondent nos 1 to 6, by regd. mb with A/D post.  <i>[Signature]</i> 24/5/04.</p>	18.6.2004	Present: Hon'ble Smt Bharati Ray, Judicial Member.  Learned counsel for the respondents seeks four weeks time to file counter reply. Learned counsel for the applicant is present. The matter be listed after five weeks. Rejoinder, if any, to be filed in the meantime.

26.7.2004 Four weeks time is allowed to the respondents to file written statement as prayed by Mr.A.Deb Roy, learned Sr.C.G.S.C. Post thematter on 27.8.2004 for orders.

*K.R. P...*  
Member (A)

bb

5.8.2004 Four weeks time given to the respondents to file written statement. List on 9.9.2004 for orders.

*K.R. P...*  
Member (A)

mb

22.09.2004 Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.

Mr. S. Nath, learned counsel for the applicant and Mr. B. C. Pathak, learned Addl. C.G.S.C. for the respondents were present.

This is the fourth adjournment which is being sought by the respondents. Last and final adjournment is granted to the respondents for filing written statement and in case the adjournment is again sought by the respondents, the officer concerned ~~for~~ responsible for filing written statement shall be saddled with costs which shall be recovered from the personal pocket of the officer.

Stand over to 17.11.2004 for order.

*R...*  
Vice-Chairman

mb

9-8-04

*No. C/S has been Sec'd*  
*ds*

*Received*  
*Belainab*  
*25/9/04*

Notes of the Registry	Date	Order of the Tribunal
	22.11.2004	Mr.B.C.Pathak, learned Addl.C.G.S.C. states that he requires some more time to file written statement. List on 17.12.2004 for written statement.
13.12.04 w/s submitted by the Respondents Nos. 1 to 6.	17.12.2004	Present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.  Written statement has been filed. The copy of the same be furnished to learned Advocate for the applicant Mr. M.Chanda within one week from today.  Applicant may, in case so desires, file rejoinder affidavit within six weeks thereafter. Stand over to 31.1.2005.
15-2-05 w/s has been filed	16.02.2005	Present : The Hon'ble Mr. M.K. Gupta, Judicial Member.  On the request made by learned proxy counsel for the respondents, adjourned to 22.02.2005.
21-2-05 No rejoinder has been filed & w/s has been filed by the Respond. No. 1 to 6 & 5-12 admitted	22.02.2005	Present : The Hon'ble Mr. K.V. Prahladan Member (A).  Heard learned counsel for the applicant and learned counsel for the respondents.  List on 9.3.2005 for hearing.
7-3-05 No rejoinder has been filed		Member (A)

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member (J)

*[Signature]*  
Member (A)

bb

bb

mb

mb

(4)

9.3.2005 Present: Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

Written statement has been filed on behalf of BSNL. The written statement, on behalf of the other respondents is to be filed. Ms U. Das, learned Standing Counsel seeks time for filing written statement. Adjourned to 6.4.2005. No further adjournment.

*[Signature]*  
Vice-Chairman

nkm

6.4.2005 At the request made on behalf of Mr. B.C.Pathak, learned counsel for BSNL the case is adjourned to 27.4.2005.

*[Signature]*  
Vice-Chairman

bb

27.4.2005 Mr. M. Chanda, learned counsel for the applicant is present. At the request of Mr. B.C. Pathak, learned counsel for the BSNL, the case is adjourned to 11.5.2005.

*[Signature]*  
Vice-Chairman

mb

11.5.2005 Mr.S.Nath, learned counsel seeks for adjournment of the case on behalf of Mr.M. Chanda, learned counsel for the applicant post for hearing on 18.5.2005.

*[Signature]*  
Vice-Chairman

bb

26-4-05  
No. Responder has been  
filed.  
*[Signature]*

10-5-05  
No. Responder has been  
filed.  
*[Signature]*

WB has been  
filed. No. Responder has been  
filed.  
*[Signature]*

16.6.05

After hearing the counsel for the parties at some length on the question of preliminary jurisdiction we feel that the parties have not placed all the relevant records before us. In the circumstances we direct the parties to file all the relevant papers, memoranda <sup>guzhastandya</sup> of the Central Government and the BSNL for a proper consideration of the question of jurisdiction.

Post on 22.7.2005 for hearing.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

pg

22.7.2005

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

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

bb

10.8.2005

Post this case on 16.8.2005 at 2.30 P.M.

*[Signature]*  
Member

*[Signature]*  
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.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

20.6.05

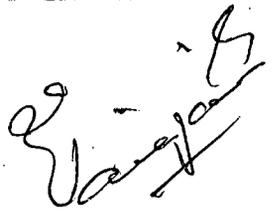
Rejoinder Submitted by the Applicant.

*[Signature]*

Office Notes	Date	Order of the Tribunal
<p>14-6-05 No. 15 has been cited.</p>	<p>18.5.05.</p>	<p>Mr. B.C. Pathak and Ms. U. Das learned counsel appearing on behalf of the BSNL submits that a preliminary main and an important question as to the jurisdiction of the Tribunal is involved and they would like to address on the said question as preliminary issue. Mr. M. Chanda learned counsel for the applicant in O.A. No. 92 of 2004 submits that the facts and circumstances of the applicant, in that case is different. Post these cases alongwith other cases in respect of which list is furnished by Mr. B.C. Pathak, for hearing on 8.6.05.</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman</p>
<p>lm</p>	<p>8.6.05</p>	<p>Since the jurisdiction aspect regarding maintainability of the application against the BSNL, as respondent is raised in the application, I am of the view that the matter must be heard by the Division Bench.</p> <p>post on 16.6.05 before Division Bench.</p> <p style="text-align: right;"><i>[Signature]</i> Vice-Chairman</p>
<p>pg</p>		

22.11.2005

Post before the next  
Division Bench.

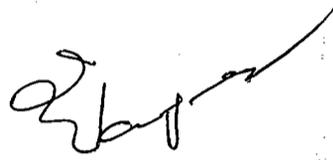


Vice-Chairman

mb

2.1.2006

Heard learned counsel for  
the parties. Hearing concluded.  
Judgment delivered in open Court,  
kept in separate sheets. The applica-  
tion is dismissed as without  
jurisdiction.



Vice-Chairman



Member

mb

17.1.06

Copy of the  
Judgment has been  
sent to the office  
for stamping the  
order as applied for  
as well as to the  
L/ADVOCATE  
for the Respondent.

for

9

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. Nos. 92/2004

DATE OF DECISION: 02.01.2006

Sri S.K. Das & Ors.

APPLICANT(S)

Mr. M. Chanda, Mr. G.N. Chakrabarty  
Mr. S. Nath, Mr. S. Choudhury

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. B.C. Pathak

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Vice-Chairman.

*G. Sivarajan*

.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 92 of 2004

Date of Order : This the 2nd January 2006.

The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.  
The Hon'ble Mr. N.D. Dayal, Administrative Member.

1. Sri Sashanka Kumar Das  
Son of Sri Suresh Chandra Das  
Village - Katigorah, P.O. - Kartigorah  
District - Cachar, Assam.
2. Sri Amaresh Das  
Son of Sri Harmohan Das  
Village - Bakrihawar Part VII  
P.O. - Kalinagar, P.S. Algapur  
District - Hailakandi, (Assam).
3. Md. Sahabuddin Mazarbhuiya  
Son of Late Masaf Ali Mazarbhuiya  
Village - Lattimara, District - Cachar (Assam.)
4. Md. Shamsul Haque  
Son of Late Rajendra Nath  
Village - Katirail, P.O. - Katirail  
District - Cachar (Assam).
5. Sri Dilip Nath  
Son of Late Rajendra Nath  
Village - Katirail, District - Cachar (Assam).
6. Sri Nripendra Chandra Das  
Son of Late Ganesh Chandra Das  
Village - Kakrahawar Part VII  
P.O. - Kalinagar, P.S. Algapur  
District - Hailakandi (Assam).

... Applicants

By Advocates Mr. M. Chanda, Mr. G.N. Chakrabarty, Mr. S. Nath  
Mr. S. Choudhury.

- Versus -

1. The Union of India,  
Through the Secretary to the Government of India,  
Ministry of Communication, Department of  
Telecommunication, New Delhi.
2. The Chief General Manager, Assam Circle,  
Department of Telecommunication, Govt. of India,  
Ulubari, Guwahati.
3. The General Manager, Telecom, Silchar SSA,  
Department of Telecommunication, Silchar, Assam.
4. Sub-Divisional Engineer, Telecom  
Department of Telecommunication, Hailakandi.
5. Sub-Divisional Officer, Telecom  
Department of Telecommunication, Karimganj.
6. Divisional Engineer ( P & A)  
Office of the General Manager  
Bharat Sanchar Nigam Limited  
Silchar.

... Respondents

By Advocate Mr. B.C. Pathak.

.....

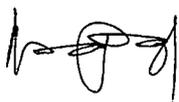
ORDER (ORAL)SIVARAJAN. J. (V.C.)

Heard Mr. M. Chanda, learned counsel for the applicants and Mr. B.C. Pathak, learned counsel for the BSNL.

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

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

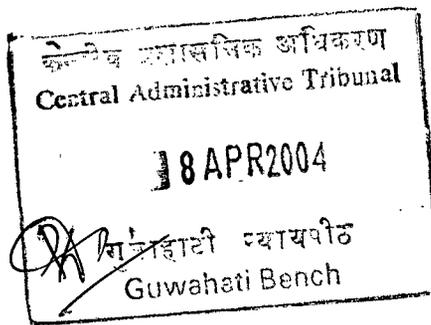
Issue copy to the counsel for the parties.



( N. D. DAYAL )  
ADMINISTRATIVE MEMBER



( G. SIVARAJAN )  
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 92 /2004

Sri Sasanka kumar Das and Others.

vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 22.12.1997, 29.12.1997 The applicants were appointed as casual workers under SDO(T), Silchar, SDO, SDF, Patherkandi.
- 29.6.1998 The benefit of temporary status which was granted to the applicants had been arbitrarily cancelled.
- 02.07.1998 After issuance of the cancellation of temporary status All India Telecom Employees Union Group D came up for admission before the Hon'ble Tribunal.
- 02.07.1998 The Hon'ble tribunal has passed an order to direct the respondents to reinstate in service.
- 31.08.1999 The Hon'ble tribunal dispose of the application with direction to the respondents to examine the case of each applicant.
- 25.10.1999 The applicants submitted representations along with the copy of the Judgment and Order.

- 09.02.2000 Govt. of India, Ministry of telecommunication sanctioned 672 posts for grant of temporary status.
- 03.05.2000 All the applicants are directed to appear before the scrutinizing committee with all records.
- 26.09.2000 The case of the applicants for grant of temporary status was rejected.
- 30.03.2001 The Hon'ble Tribunal vide its Judgment and order dated 30.3.2001 holding that all the applicants rendered 240 days of service as required under the rules.
- 24.07.2001 Divisional Engineer(P &A) directed the applicants to appear before the verification committee on 27.07.2001.
- 26.09.2001 Verification committee rejecting the prayer for grant of temporary status to the applicants.
- 12.03.2003 According to the Original Application No.28 of 2001 and 332 of 2000 applicants also deserves similar treatments for grant of temporary status.
- 29.05.2003 The Union of India who is the petitioner of the Gauhati High court was listed the matter before the Division Bench and it has become infructuous since the B.S.N.L Authority has passed necessary order.
- 03.06.2003 The Applicants filed another original Application before the Hon'ble Tribunal but Original Application was dismissed in view of the fact that the respondents approached before the Hon'ble High Court and the same is pending before the Hon'ble High Court.

PRAYER

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of cancellation of temporary status issued under letter dated 26.9.2001. (Annexure-6 series)
- 8.2 That the applicants be declared entitled to grant of Temporary Status and regularisation and the respondents be accordingly directed to grant them the benefit of the scheme named as Casual Labourers (Grant of temporary Status and regularisation) Scheme of the Department of Telecommunication, 1989 with effect from the date as had been granted to them vide letter dated 15.12.1997, 16.12.1997 and 22.12.1997.
- 8.3 That the respondents be directed to grant temporary status to the applicants in terms of the judgment and order dated 30.03.2001 passed in O.A. No. 408/2000 with and also in terms of Judgment and order passed by this Hon'ble tribunal.

8.4 That the respondents be directed to allow the applicants to continue in service in terms of the interim order passed by the Hon'ble Tribunal on 2.7.1998 and in terms of the judgment and order 31.8.1999 and 30.3.2001 passed in O.A. No. 141/98 and in O.A. No. 408/2000 respectively till the benefit of temporary status and regularisation are granted to them in terms of the order dated 15.12.1997, 16.12.1997 and 22.12.1997 with retrospective effect.

8.5 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to full back wages with effect from 30.6.1998 till the date of actual reinstatement.

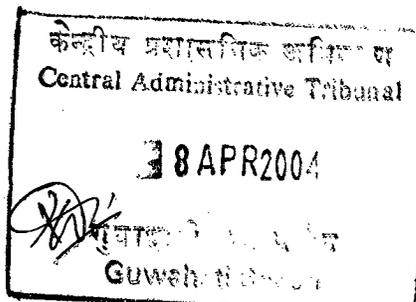
8.6 Costs of the application.

8.7 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

9.1 Pending disposal of this application the respondents be directed to allow the applicant to discharge their duties considering the interim order dated 2.7.98 and the judgment and order dated 31.8.1999 passed in O.A. No.141/98, and also in terms of order passed in O.A.No 408/2000.

\*\*\*\*\*



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Filed by the Applicant,  
Through Sunita Choudhury,  
Advocate  
on 12.4.2004.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985)

Title of the case : O.A. No. 92 /2004

Sri Sashanka Kumar Das & Others : Applicants

- Versus -

Union of India & Others : Respondents.

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Date: 12.4.2004

Filed by  
Sunita Choudhury  
Advocate

Sashanka Kumar Das.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI**

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985)

O.A. No. 92 /2004

**BETWEEN**

1. Sri Sashanka Kumar Das  
Son of Sri Suresh Chandra Das  
Village - Katigorah, P.O.- Kartigorah  
District - Cachar (Assam).
2. Sri Amaresh Das,  
Son of Sri Harmohan Das,  
Village - Bakrihawar Part VII  
P.O. Kalinagar, P.S. Algapur  
District - Hailakandi, (Assam).
3. Md. Sahabuddin Mazarbhuiya  
Son of Late Masaf Ali Mazarbhuiya  
Village - Lattimara, District-Cachar, (Assam).
4. Md. Shamsul Haque  
Son of Late Rajendra Nath  
Village - Katirail, P.O. Katirail  
District - Cachar, (Assam).
5. Sri Dilip Nath  
Son of Late Rajendra Nath  
Village - Katirail, District-Cachar (Assam).
6. Sri Nripendra Chandra Das  
Son of Late Ganesh Chandra Das  
Village - Bakrihawar Part VII  
P.O. Kalinagar, P.S. Algapur  
District Hailakandi, (Assam).

... Applicants.

Sashanka Kumar Das

-AND-

1. The Union of India,  
Through the Secretary to the Govt. of India,  
Ministry of Communication, Department of  
Telecommunication,  
New Delhi.
2. The Chief General Manager, Assam Circle,  
Department of Telecommunication, Govt. of India  
Ulubari, Guwahati
3. The General Manager, Telecom, Silchar SSA,  
Department of Telecommunications, Silchar, Assam.
4. Sub-Divisional Engineer, Telecom  
Department of Telecommunications, Hailakandi
5. Sub Divisional Officer, Telecom  
Department of Telecommunication, Karimganj
6. Divisional Engineer (P & A)  
Office of the General Manager  
Bharat Sanchar Nigam Limited,  
Silhcar.

.....Respondents.

### DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made praying for a direction to the respondents for grant of benefit and facilities of Temporary Status sanctioned under the Scheme named as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of

Sashanka Pr Das.

Telecommunication 1989, and for setting aside the impugned order issued under letter Nos.CAT/GH.OA.408/2000/27 dated 26.09.2001 (series) arbitrarily rejecting their prayer to grant the benefit of Temporary Status in terms of the Order of the Hon'ble Tribunal dated 30.03.2001 in O.A. No. 408 of 2000.

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicants further declare that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

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

4.2 That the applicants state that since they have similar grievance and pray for similar relief, the Hon'ble Tribunal be pleased to allow them to join in a single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

Sashanka Kumar Das.

4.3 That the applicants beg to state that they were appointed as casual workers under SDO(T), Silchar, SDO, SDE, Patharkandi on different dates on daily wages basis. The detail particulars of engagement are stated below :-

Sl. No.	Name	Date of engagement as Casual Labour
1.	Sri Sashanka Kr. Das	01.01.1988
2.	Sri Amaresh Das	01.01.1988
3.	Sri Sahabuddin Mazarbuiya	23.12.1987
4.	Sri Samsul Haque	23.12.1987
5.	Sri Dilip Nath	01.01.1988
6.	Sri Nripendra Ch. Das	01.01.1988

The fact of their engagement is also evident from the order of Temporary Status granted vide letter No.E/119/TSN/CM/97-98/33 dated 22.12.1997 and letter no.E/34/97-98 dated 29.12.1997. Since thereafter, all the applicants have been working continuously with effect from their date of initial engagement without any break.

Copy of the order granting Temporary Status dated 22.12.1997 and 29.12.1997 are annexed as Annexure - 1 series.

4.4 That most surprisingly, the benefit of temporary status which was granted to the applicants considering their long casual services, had been arbitrarily cancelled by the respondents without providing any opportunity to them or without assigning any reason therefore and also

Sashanka Kr Das.

in total violation of provision laid down in the relevant scheme for grant of Temporary Status and regularisation 1989. The detail particulars of the above mentioned orders are given below:-

Letter bearing numbers-(i)E-115/98-99/46 dated 29.6.98;(ii)E-115/98-99/45 dated 29.6.98; (iii) E-63/T and P/10 dated 29.6.98; (iv)E-119/TSM/CM/98-99/10 dated 29.6.98; (v) E-119/TSM/CM/98-99/9 dated 29.6.98; (vi) E-63/TNP/CM/98-99/10 dated 29.6.98

Copies of above mentioned orders dated 29.6.1998 are annexed as **Annexure - 2 (series)**.

4.5 That it is stated that as per the provision laid down in the scheme for grant of temporary status and regularisation 1989, the benefit of temporary status once conferred upon the casual employee could not be cancelled or terminated without serving statutory notice of one month. But in the instant case, no such notice had been served upon the applicants before issuance of the order of cancellation of Temporary Status granted to them.

4.6 That the applicants beg to state that after issuance of the impugned order of cancellation of Temporary Status, they finding no other alternative had approached the Hon'ble Tribunal through their recognised Union namely, All India Telecom Employees Union Group D in O.A. No. 141/98. The said Original Application came up for admission before the Hon'ble Tribunal on 2.7.1998 when

Seshanka K. Das

the Tribunal after hearing the parties had been pleased to admit the said O.A. on 2.7.98 and issued notice on the respondents to show cause as to why the interim order as prayed for should not be granted and as an ad interim measure. The Hon'ble Tribunal was also pleased to direct the respondents not to disengage the service of the applicants. The Tribunal further directed the respondents to allow the applicants to continue in their services. The relevant portion of the order passed in O.A. No. 141/98 dated 02.07.1998 is quoted below:

" Heard Mr. B. K. Sharma, learned counsel appearing on behalf of the applicant and Mr. S. Ali, learned Sr. C.G.S.C. for the respondents.

Application is admitted. Mr. B. K. Sharma prays for an interim order not to discontinue the services of the applicants. Mr. S. Ali, has no instructions in the matter.

Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.

Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services."

The applicants immediately after obtaining the interim order had approached the respondents repeatedly for reinstatement in service and also submitted the

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order of the Hon'ble Tribunal passed in O.A. No.141/98 but surprisingly the respondents did not take any action in spite of the clear order passed by the Hon'ble Tribunal, which amounts to contempt of court. It is also pertinent to mention here that the above order had been passed in presence of Sr. C.G.S.C. who had also communicated the order of the Hon'ble Tribunal and notices were also duly served upon the respondents by the Registry of the Hon'ble Tribunal. Therefore, inaction of the respondents in the instant case amounts to violation of the order of the Hon'ble Tribunal dated 2.7.1998 referred to above.

A copy of the order-dated 02.07.1998 is annexed as  
**Annexure - 3.**

4.7 That it is stated that the benefit of Temporary Status had been granted to the applicants after detail scrutiny of their service records and after finding them eligible/suitable for grant of temporary status. Therefore, they are covered by the terms and conditions laid down in the scheme to grant temporary status and regularisation. It is pertinent to mention here that the conferment of temporary status had also been approved in the minutes of LGCM held on 4.3.1996 in the Chamber of Telecom District Manager, Silchar. The said meeting was held on 4.3.1996, 13.6.1996, 29.8.1996, 14.2.1997, 27.6.1997, 22.7.1997, 22.9.1997 and 24.12.1997 and only thereafter the order of conferment

*Sankha Kr Das.*

of Temporary Status was passed by the Respondents in respect of the present applicants.

4.8 That the applicants beg to state that they had approached the authorities frequently and also attended office regularly but no work was allotted to them after passing of the impugned order of cancellation of Temporary status dated 29.06.1998 referred above.

4.9 That applicants beg to state that the O.A. No.141/98 the Respondents duly contested before the Hon'ble Tribunal and the Hon'ble Tribunal decided the same on 31.8.1999 with the following directions:

"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 scrutinize 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."

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In terms of the above judgment and order of the Hon'ble Tribunal the applicants submitted representations along with the copy of the judgment and order passed in O.A. No.141/98 on 25.10.1999 i.e. within the time limit fixed by the Hon'ble Tribunal. In the said representation the applicants, inter alia, prayed for consideration of their case in the light of the judgment and order passed by the Hon'ble Tribunal referred to above.

The applicants crave leave of this Tribunal to refer to and rely upon the said judgment and order-dated 31.8.1999 and representations referred to above at the time of hearing, if need be.

4.10 That the applicants state that it is relevant to mention here that after passing of the interim order dated 02.07.1998 the entire matter had been referred before the Directorate of Telecommunication, New Delhi by the office of the CGMT, Assam Circle and opinion was also sought regarding implementation of the Interim Order passed by the Hon'ble Tribunal in different cases of similar nature including the case of the present applicants in O.A. No. 141/98. However, it would be evident from the order of the respondent no. 2 issued under letter No. STES-21/160/26 dated 16.10.1998. It is stated in the said order that it would be appropriate and beneficial to DOT that the labourers might be re-engaged and in case DOT wishes to dispense with their

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services then procedure under Section 25F of the Industrial Disputes Act might be adopted after re-engaging the casual labourers. It is relevant to mention here that the applicants came to know from a reliable source that the local authorities sent compliance report to the Directorate of the Telecommunication in terms of the order dated 16.10.1998 but in fact the order of the Hon'ble Tribunal passed on 02.07.1998 directing the respondents to allow the applicants to continue in service had not been complied with in spite of the instruction passed by the Directorate of Telecommunication. Therefore, action of the respondents amounts to contempt of court. The Hon'ble Tribunal may, therefore, be pleased to declare that the applicants are still in service in terms of the Interim order passed on 02.07.1998 in O.A. No.141/98 and also in terms of the judgment and order passed by the Hon'ble Tribunal on 31.08.1999 wherein it was categorically ordered that interim order passed in any of the case should remain in force till the disposal of the representation of the applicants. It is categorically stated that although the applicants submitted their representation on 25.10.1999 in terms of the order dated 31.08.1999 but for a long time no communication were received, from the respondents regarding consideration of their cases for grant of temporary status. However, vide order dated 26.09.2000 the case of the applicants for grant of temporary status has been rejected. The respondents are,

Sashanka K. Das.

therefore, liable to pay wages for the period with effect from 30.06.1998 till the formal order of reinstatement is passed by the respondents or till the date of disposal of their representations.

4.11 That it is stated that all the applicants had been directed by the Member Scrutinising Committee i.e. Divisional Engineer (P&A), office of the GMT, Silchar to appear before the scrutinising committee with all records of casual Mazdoor on 03.05.2000 vide letter No.E-20/Scrutiny/CM/2000-2001/03 dated 26.04.2000 and it was further instructed that they should also bring their initial engagement particulars as Casual Mazdoor, appointment order/sponsorship of employment exchange in possession (2) all documents i.e. working particulars, payment particulars till last working day if any, available with the applicants, age proof certificate and copy of recent passport size photographs. It is relevant to mention here that although the applicants carried all the documents available with them as directed, but the screening committee did not look into the documents except the age proof certificate and copy of passport size photograph. It is pertinent to mention here that the applicants also had shown their order relating to grant of temporary status passed by the respondents earlier and the subsequent orders of cancellation of the same. In spite of all that no communication was received immediately thereafter regarding grant of temporary status or regarding

Sashanka Mr Das.

disposal of their representations as per the direction given by the Hon'ble Tribunal in its judgment and order dated 31.08.1999 in O.A. No. 141/98. It is also relevant to mention here that in the judgment and order dated 31.08.1999 it was categorically directed that the respondents should dispose of the representation of the applicants within a period of six months from the date of receipt of the representation, but the respondents did not take any steps in terms of the judgment.

4.12 That it is stated that the applicants had not been paid their due wage and salaries in spite of the interim order passed and the applicants are facing hardships as they have no other alternative source of income. Mention has to be made here that they have no scope for any alternate Govt. job as because they have crossed the age limit while serving the department of Telecommunication since 1987/88.

Non-sanction of benefit of temporary status even after rendering services for a long period of 13 years on the part of the respondents is highly arbitrary, illegal and unfair.

4.13 That it is stated that the Government of India, Ministry of Communication, Department of Telecommunication Services, New Delhi vide their letter bearing No.269-4/93-STM-II (Pt) dated 09.02.2000 sanctioned 672 posts for grant of temporary status amongst the existing casual workers and it is also

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stated in the said letter dated 9.2.2000 that all other condition stipulated in the letter dated 12.2.1989 remain unchanged. In this connection it is relevant to mention here that after receipt of the sanction letter from the department of Telecommunication Services the Chief General Manager, Telecom, Assam Circle distributed some of the posts for grant of temporary status among the various divisions/circles under the CGMT, Assam Telecom Services and the applicants came to know that still some more sanction posts are available with the respondents for conferring benefit of temporary status. It is relevant to mention here that benefit of temporary status has already been granted to the applicants as stated above but the same has been subsequently cancelled in total violation of the provisions laid down in the relevant scheme for grant of temporary status and regularisation. As such it should be presumed that by operation of law the applicants have acquired the temporary status sanctioned under the 1989 scheme. Therefore, Hon'ble Tribunal be pleased to declare that the present applicants are temporary status casual Mazdoor and further be pleased to direct the respondents to grant the benefit sanctioned under the scheme for grant of temporary status and regularization with immediate effect along with back wages or till the formal order reinstatement is passed.

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The applicants crave leave of this Tribunal to refer to and rely upon the sanction order dated 09.02.2000 and the scheme for grant of temporary status and regularisation scheme 1989 at the time of hearing.

4.14 That your applicants beg to state that most surprisingly vide order dated 26.09.2000 the General Manager, Telecom, Silchar, SSA, Silchar declared the applicants not eligible for conferment of temporary status Mazdoor under any scheme or order of D.O.T. including one time relaxation given by Telecom Commission on the basis of engagement records and it was further alleged that they did not fulfill the minimum eligibility criteria i.e. 240 days work in the Department of telecom in any calendar year preceding 01.08.1998 and it was also alleged that they were not in engagement as on 01.08.1998. The applicants again challenged the aforesaid decision of the General Manager, Telecom, Silchar, SSA, Silchar in O.A. No.408/2000 on the grounds, amongst others that the aforesaid impugned order rejecting the claim of the applicants had been passed without application of mind and also without reconciling the individual records of the applicants. In such compelling circumstances the applicants finding no other alternative approached this Hon'ble Tribunal against the impugned order dated 26.09.2000 and also prayed for a direction upon the respondents for grant of temporary status. The said

Sankha kumar Das.

Original Application was registered as O.A. 408/2000 (Sashanka Das & others Vs. Union of India & Ors.).

Copies of the impugned order dated 26.09.2000 are enclosed as **Annexure- 4 (Series)**.

4.15 That the said O.A. No.408/2000 was decided by this Hon'ble Tribunal on 30.03.2001 in presence of the counsel for the Respondents. The Hon'ble Tribunal held that the ground cited in the order dated 26.09.2000 could not be accepted in view of the order dated 02.07.1998 in O.A. No. 141/98 and moreover in view of the fact that the said order was neither modified nor vacated. In that circumstance, the Hon'ble Tribunal rejected the contention of the respondents that the applicants were not in engagement on or after 01.01.1998 and accordingly set aside the order dated 26.09.2000 refusing to grant temporary status to the applicants. The Hon'ble Tribunal also directed the respondents to re-consider the case of the applicants for grant of temporary status and regularisation as per law in the light of the observations made by the Tribunal in the said O.A. It is relevant to mention here that it is held by the Hon'ble Tribunal that that the statements of the applicants that they had worked more than 240 days all in the calendar years remains unrebutted and therefore it will be presumed to be admitted.

It is further submitted that when the matter for grant of temporary status has been settled by this

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Hon'ble tribunal vide judgment and order dated 30.03.2001 holding that the all the applicants rendered 240 days service as required under the rules as such the respondents have no scope to reopen the same by passing the order dated 30.03.2001 and as such the impugned order dated 26.09.2001 is liable to be set aside and quashed imposing heavy cost upon the respondent nos. 6,7, and 8 as all of them have acted deliberately contrary to the order dated 30.03.2001 passed in O.A. No. 408/2001 and again forced these applicants to approach this Hon'ble Tribunal once again.

It is relevant to mention here that the judgment and dated 30.03.2001 the respondents particularly Divisional Engineer (P. & A.) directed the applicants vide letter bearing No. CAT/GH OA 408/2000/21 dated 24.07.2001 to appear before the Verification Committee on 27.07.2001. It is relevant to mention here that all the applicants accordingly appeared and submitted the relevant documents to the authority at, Silchar but surprisingly the Committee without looking into the order of the Hon'ble Tribunal mechanically passed the impugned order bearing No. CAT/GH OA-408/2000/21 dated 24.07.2001, No. CAT/GH OA-408/2000/27 dated 26.09.2001, But most surprisingly the verification committee took a decision contrary to the

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order passed by this Hon'ble Tribunal rejecting the prayer for grant of temporary status to the applicants by the impugned order dated 26.9.2001.

Copy of the judgment and order dated 30.03.2001 is annexed as **Annexure-5** and impugned order dated 26.9.2001 are annexed as **Annexure- 6 (series)**.

4.16 That in this connection, it is relevant to mention here that all the applicants have rendered more than 240 days work in almost all the calendar years since their initial date of engagement and this has been duly certified by the concerned SDO (T), SDE while granting temporary status to the applicants vide order issued under letter dated 15.12.1997, 22.12.1997. Moreover, records of the applicants have been duly verified by the LJCM Meeting held on 4.5.96, 13.6.96, 29.8.96, 14.2.1997, 27.6.97, 27.7.97 and 21.12.97 which were constituted with the high officials of the establishment of the Respondents, Union of India. It is categorically stated that all the applicants have fulfilled all the criteria required for grant of temporary status. It is stated that the temporary status was earlier granted to the applicants by the respondents after being prima facie satisfied with the conditions laid down in the scheme. It is categorically and stoutly stated that they have rendered 240 days individually in each calendar year as such they acquired legal right for grant of temporary status.

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4.17 That the applicants state that after passing of the aforesaid order dated 30.3.2001 by this Hon'ble Tribunal they were called by the respondents vide letter dated 24.7.2001 to appear before a Verification Committee on 27.7.2001. Accordingly they appeared before the said Committee on that day. But surprisingly, the respondents in a very whimsical and arbitrary manner rejected the prayer of the applicants for grant of Temporary Status vide order dated 26.9.2001 without taking into consideration the spirit of the Order of the Tribunal passed in O.A. No. 408/2000.

4.18 That it is stated that the respondents, particularly the respondent nos. 6, 7, and 8 have acted with a mala fide intention and with an ill motive to harass the applicants without any reason. The facts and circumstances of the case narrated above, is nothing but exhibition of the vindictive attitude of the respondents towards the applicants. The chain of events clearly indicates that the actions of the respondents are very much arbitrary and unreasonable. The applicants state that as per the direction of this Tribunal passed earlier it was imperative upon the respondents to consider the case of the applicants in the light of the observations made by this Tribunal regarding grant of the benefit of Temporary status to them. But the respondents appear to have, taken an approach that such consideration is to be based on

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their Executive whims and fancy with least regard to the judicial directions. They have given a complete go bye to the directions of this Tribunal and consequently have acted without jurisdiction in passing the impugned order. The said order is therefore liable to be declared illegal and inoperative and the same is liable to be set aside.

4.19 That the applicants state that the mala fide intention and vindictive attitude of the respondents are writ large in the instant case. The respondents have driven the poor applicants to litigation on frivolous and flimsy grounds without taking into consideration the order of the Tribunal and thereby have caused undue hardship to them. The Hon'ble Tribunal may, therefore be pleased to impose heavy cost upon the respondents, more particularly the persons, namely, the respondent nos 7,8 and 9 who are responsible for such arbitrary and whimsical action.

4.20 That it is stated that all the applicants have already completed 240 days of service in a particular calendar year as required under the rule and this Hon'ble Tribunal in its judgment and order dated 30.03.01 in O.A. No. 408 of 2000 has affirmed the same. Therefore, the said period of working for 240 days cannot be questioned at this stage. It is further submitted that from the date of passing interim order in O.A. 141/98 the applicants again completed 240 days of service as required under the scheme by virtue of operation of

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law. Therefore the applicants have fulfilled all the criteria for grant of temporary status.

4.21 That the applicants beg to state that since by operation of law they are in service as casual worker, they are entitled to wages with effect from 01.07.1998 till the date of actual payment.

4.22 That it is stated that after passing of the impugned order date 26.09.2001 the present applicants approached this Hon'ble Tribunal challenging the impugned order dated 26.09.2001(Annexure-6 Series). The Hon'ble Tribunal was pleased to admit the said Original Application No. 96 of 2002. During the pendency of the said Original Application the respondents Union of India preferred a Writ Petition before the Hon'ble Gauhati High Court challenging the Judgment and Order dated 30.03.2001 passed in O.A. No. 408/2000 by this learned Tribunal without disclosing the fact before the Hon'ble High Court that necessary order has been passed and communicated to the applicants on 26.09.2001 pursuant to the direction passed by the learned Tribunal in its Judgment and order dated 30.01.2001. It is pertinent to mention here that the respondents also did not informed the applicants that they had preferred a Writ Petition before the Hon'ble High Court, which was registered as W.P. (C) No. 8677/01, even after passing of the impugned order dated 26.09.2001. No notices were received by the applicants from the

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Hon'ble High Court regarding filling of the Writ Petition as stated above.

In the circumstances applicants preferred another Original Application No. 96/2002 before this Hon'ble Tribunal as because they were in dark regarding pendency of the Writ Petition before the Hon'ble Gauhati High Court. Respondents also did not come forward even after receipt of the notices in O.A. No. 96/02 to inform the Hon'ble Tribunal or the applicants regarding filing of the writ petition. However, the applicants when learned from a reliable source that a writ petition has been filled by the Respondents Union of India, they collected a copy of the order of notice of motion and produced the same before the learned Tribunal. However the learned Tribunal dismissed the said Original Application on 03.06.2003 in view of the fact that the Judgment and Order passed by the learned Tribunal in O.A. No. 408/02 has been challenged before the Hon'ble Gauhati High Court and the same is pending before the High Court.

Most surprisingly the respondents Union of India who were Petitioners before the Hon'ble Gauhati High Court submitted on 29.05.2003, when the matter was listed before the Division Bench of the Hon'ble Gauhati High Court that the writ petition has become in fructuous since the B.S.N.L authority has passed necessary order after consideration of the case of the applicants. The Hon'ble Gauhati High Court accepted the

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submission of the writ petitioners and accordingly disposed the Writ Petition.

It appears from the above conduct of the respondents Union of India that they are playing hide and seek with the poor applicants and misguiding the Courts also and thus compelling the applicants to approach the Tribunal on several occasions for redressal of their grievances. Be it stated that the poor applicants also had to engage a Lawyer before the Hon'ble Gauhati High Court to defend the case in W.P.(C) No. 8677/01.

Since the writ petition has been disposed of as infructuous the present applicants in the compelling circumstances approaching this Hon'ble Court once again for restoration of their rights and entitlements for grant of Temporary Status.

A copy of the order dated passed in W.P(C) No.8677/01 and copy of the order dated 03.06.2003 passed in O.A. No. 96/2002 are enclosed herewith and marked as **Annexure-7 and 8 respectively.**

4.23 That it is stated that the cases of the present applicants are squarely covered following the decision of this Hon'ble Tribunal passed in O.A. No.28 of 2001 decided on 24.08.2001 in the case of Sri P.B. Roy Vs. Union of India and others as well as decision of this Hon'ble Tribunal rendered on 05.09.2001 in O.A. No.332 of 2000 (Sri D. Sarkar and Ors. Vs. Union of India and Ors. In the aforesaid two decisions also this Hon'ble

*Sashanka Bar Das.*

Tribunal categorically held that the applicants in those cases were in service at least with effect from 27.02.1998 to 29.06.2000 i.e. the date when the interim order was passed on 02.07.1998 in O.A. No. 141 of 1998 and thereafter they continuously deemed to have been in service till 29.06.2000, even if their working days are counted on the basis of the period of work rendered by the applicants following the interim order dated 02.07.1998 till the passing of the impugned order dated 26.09.2000, then also it would be evident from the records that the applicants have completed 240 days in each calendar years as required under the scheme.

Therefore it is categorically submitted that the applicants have completed 240 days service in each calendar year, as such they are entitled to the grant of Temporary Status under the relevant scheme.

In the circumstances stated above the Original Application deserves to be allowed with costs.

Copies of the Judgment and order dated 24.08.2001 passed in O.A. No. 28 of 2001 and Judgment and order dated 05.09.2001 passed in O.A. No. 332 of 2000 are annexed herewith and marked as Annexure-9 and 10 respectively.

4.24 That it is stated that the case of the present applicants are equally circumstanced like those of Sri P.B. Roy, Sri Dharendra Sarkar, Sri Birendra Das, Sri L. Rahaman and Sri Nihar Dey applicants in O.A. No. 28/2001 and in O.A. No. 332/2000. In this connection it

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is ought to be mentioned here that the benefit of Temporary Status has already been granted to the applicants in O.A. No. 332/2000 and in O.A. No. 28/2001, as such the present applicants also deserves similar treatments for grant of Temporary Status. It would be evident from the letter bearing No. E-34/TSM/PTKN/02-03/4 dated 12.03.2003 whereby Sri L. Rahman and Sri N. Dey were granted Temporary Status.

A copy of the order dated 12.03.2003 is enclose herewith and marked as Annexure- 11.

4.25 That it is stated that the respondents Union of India preferred a Writ Petition before the Hon'ble Gauhati High Court challenging the Judgment and Order dated 05.09.2001 passed in O.A. No. 332/2000 but the same was dismissed by the Hon'ble High Court and confirmed the Judgment of the Hon'ble Tribunal. As such the Hon'ble Tribunal be pleased to grant similar order for grant of Temporary Status to the present applicants.

4.26 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that the cases of the applicants are squarely covered following the decision of the Hon'ble Tribunal passed in O.A. No. 28/2001 as well as in O.A. No. 332/2000, as such they are entitled to the grant of Temporary Status.

*Sabhanika Bar Das.*

- 5.2 For that temporary status has already been granted to the applicants in O.A. No. 28/2001 and O.A. No. 332/2000, as such the applicants are being similarly situated also entitled to the grant of temporary status.
- 5.3 For that the impugned letter dated 26.09.2001 rejecting the claim of temporary status of the applicants have been issued without taking into consideration the spirit of the direction of this Hon'ble Tribunal in O.A. No. 408/2000 and without application of mind.
- 5.4 For that the impugned decision of the respondents not to grant temporary status is contrary to the rule and law and order of the Hon'ble Tribunal in the facts and circumstance of the case of the applicants.
- 5.5 For that the applicants have acquired a valuable and legal right for grant of temporary status in terms of casual labourers (Grant of Temporary status and Regularisation Scheme of the Department of Telecommunication, 1989).
- 5.6 For that all the applicants have fulfilled the criterion laid down in paragraph 5 (i) of the provision laid down in casual labourers (Grant of temporary status and Regularisation) Scheme, 1989.
- 5.7 For that the applicants have completed the requisite number of days in terms of provisions laid down in paragraph 5(i) of the casual labourers (for grant of temporary status and rgularisation) Scheme 1989.

Sashanka KC Dal.

- 5.8 For that the applicants have continuously worked since 1987/1988 without any break and performed works of permanent nature.
- 5.9 For that the present applicants were entrusted with the similar nature of works that are being performed by the regular Mazdoor of the department of Telecommunications.
- 5.10 For that the impugned order dated 26.9.2001 declaring the applicants ineligible for grant of temporary status is contrary to the findings of this Hon'ble Tribunal's decision given earlier in O.A. No. 408/2000 as well as the records of the respondents and also contrary to the findings given earlier by the scrutinising committee constituted by the department of telecommunication itself as well as to the certificates relating working period issued in respect of the respective applicant countersigned by the competent authority of the department of Telecommunication.
- 5.11 For that the decision communicated through the impugned letter dated 26.9.2001 is contrary to the order of the Hon'ble Tribunal.
- 5.12 For that the applicants were in engagement as on 1.8.1998 in terms of the interim order dated 2.7.1998 passed by the Hon'ble Tribunal passed in O.A. No. 141 of 1998, as such the impugned order dated 26.9.2001 is liable to be set aside and quashed.

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- 5.13 For that the benefit of temporary status granted to the applicants vide letter dated 15.12.1997, 16.12.1997 and 22.12.1997 can not be taken away by the respondents without following the procedure established by law.
- 5.14 For that no opportunity or notice as contemplated under the scheme has been provided to the applicants before passing of the impugned orders of cancellation of temporary status.
- 5.15 For that applicants have acquired temporary status by operation of law as they have fulfilled all the required conditions laid down in the relevant scheme for grant of temporary status and under the amended scheme.
- 5.16 For that the Interim order passed by the Hon'ble Tribunal on 2.7.1998 in O.A. No.141/98 was in force till 26.09.2000 but even then the applicants have not been allotted any work even after repeated approach before the competent authority.
- 5.17 For that the respondents have willfully restrained the applicants from discharging their duties and as such they are entitled to full back wages with effect from 30.6.1998 till the date of actual reinstatement.
- 5.18 For that the local authority did not allow the applicants to discharge their duties although the CGMT and Directorate of Telecommunication directed the local authority allow the applicants to discharge their

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duties in terms of the Interim order dated 2.7.1998 in O.A. No.141/98 of the Hon'ble Tribunal.

5.19 For that the instant impugned order has been passed on the same set of grounds, which were earlier taken by the respondents in O.A. No. 408/2000 but stood rejected by the Hon'ble Tribunal in the judgment and order dated 30.3.2001 and as such the impugned is arbitrary, unreasonable and without any basis.

5.20 For that temporary status has already been granted to the similarly situated applicants in O.A No.28/2001 and in O.A.No 332/2000.

6. Details of remedies exhausted.

That the applicants state that they have no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other court.

The applicants further declare that they had previously filed applications before the Hon'ble Tribunal which were registered as O.A. No.141/98, 408/2000 the same were finally decided on 31.8.1999 dated 30.3.2001, with a specific direction to the respondents to consider the case of the present applicants for grant of temporary status in the light of the scheme as stated above. But the cases for grant of temporary status has been rejected vide order dated 26.9.2001. The applicants also filed an Original Application No. 96/2002, which was dismissed by the Hon'ble Tribunal on 03.06.2003 in

Sashanka kr Das,

view of the pendency of W.P.c No. 8677/01 preferred by the Union of India. However, the said Writ petition declared in frames at the instance of Union of India, and the applicants further declare that no Writ Petition or Suit regarding the matter in respect of which this application is now pending before any court or any other authority or any other Bench of the Tribunal nor any such application.

8. Reliefs sought for:

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs:

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of cancellation of temporary status issued under letter dated 26.9.2001. (Annexure-6 series).
- 8.2 That the applicants be declared entitled to grant of Temporary Status and regularisation and the respondents be accordingly directed to grant them the benefit of the scheme named as Casual Labourers (Grant of temporary Status and regularisation) Scheme of the

Sashanka Kr Das.

Department of Telecommunication, 1989 with effect from the date as had been granted to them vide letter dated 15.12.1997, 16.12.1997 and 22.12.1997.

8.3 That the respondents be directed to grant temporary status to the applicants in terms of the judgment and order dated 30.03.2001 passed in O.A. No. 408/2000 with and also in terms of Judgment and order passed by this Hon'ble tribunal.

8.4 That the respondents be directed to allow the applicants to continue in service in terms of the interim order passed by the Hon'ble Tribunal on 2.7.1998 and in terms of the judgment and order 31.8.1999 and 30.3.2001 passed in O.A. No. 141/98 and in O.A. No. 408/2000 respectively till the benefit of temporary status and regularisation are granted to them in terms of the order dated 15.12.1997, 16.12.1997 and 22.12.1997 with retrospective effect.

8.5 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to full back wages with effect from 30.6.1998 till the date of actual reinstatement.

8.6 Costs of the application.

8.7 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

Sashanka Ne Das

9.1 Pending disposal of this application the respondents be directed to allow the applicant to discharge their duties considering the interim order dated 2.7.98 and the judgment and order dated 31.8.1999 passed in O.A. No.141/98, and also in terms of order passed in O.A.No 408/2000.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No.	:	116389053.
ii) Date of issue.	:	12.4.04.
iii) Issued from	:	G.P.O., Guwahati.
iv) Payable at	:	G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Sashanka Be Das,

VERIFICATION

I, Shri Sashanka Kumar Das, S/o Sri Suresh Chandra Das, Village Kartigorha, P.O. Kartigorha, District Cachar, Assam, one of the applicants of Original Application do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact. I have also been authorised by the other applicants to sign this verification on behalf of them.

And I sign this the 12<sup>th</sup> day of *April*, 2004.

*Sashanka Kumar Das.*

Annexure-1 (Series)

Govt. of India  
Department of Telecommunications  
Office of the Sub-Divisional Officer Telegraphs  
Hailakandi

To

1. Sri Sashanka Kumar Das,  
S/o Sri Suresh Ch. Das,  
P.O. & Vill - Katigorah  
Dist. Cachar.
2. Sri Amaresh Das,  
S/o late Hormohan Das  
Vill. Bokrihawar, Part -VII  
Dist. Hailakandi.
3. Sri Shim Roy,  
S/o Sri Atul Ch. Roy  
Vill Matijuri  
P.O. - Tempur,  
District-Hailakandi
4. Sri Arabinda Das  
S/o Sri Arun Das  
Vill. Sripur  
P.O. Fulbari  
Dist. Cachar

No. E-22/Rectt/14

Dated Hailakandi the 22nd Dec'97

Sub : Casual labours (Grant of Temporary Status and regularisation Scheme) 1989 engaged after 30.3.85.

With reference to the Telecom District Manager, Silchar, letter No. E-20/Grp.D/Rectt./99 dated 9.12.1997, you have been approved by Telecom District Manager, Silchar for granting of temporary status of casual Mazdoor subject to acceptance of the following certificates/records after verification, you are hereby directed to submit the following original certificates/documents along with an attested copy on or before 19.12.97 to this office positively.

1. Age proof certificate
2. Educational Qualification certificate
3. Work experience certificate
4. SC/ST certificate if any.
5. Two nos. of character certificate from Gazetted officer
6. Health Certificate
7. Employment Registration Card.

Sd/- Illegible  
(J.C. Bhattacharjee)  
Sub Divisional Officer Telegraphs  
Hailakandi

Copy to :

The Telecom District Manager, Silchar, 788001 for favour of his kind information.

Sd/-  
Sub Divisional Officer Telegraphs  
Hailakandi

*Approved  
Sangit Choudhury  
Advocate  
on 12.9.09  
Approved  
for  
Advocate*

52

Annexure-1 (Series)

Department of Telecommunications  
Office of the Sub-Divisional Officer Telegraphs  
Karimganj-788710

No. E-119/TSM/34 Dated at Karimganj the 22nd Dec '97

Sub : Casual Labours (Grant of Temporary status and regularisation scheme) 1989 engaged after 30.3.85 upto 22.6.88)

In pursuance of TDM/Silchar letter No. 20/Gr.D/Recruit/98 dtd. 9.12.97 the following casual labours are hereby conferred temporary status status Mazdoor provisionally approved by the TDM/Silchar.

They are directed to report for duty to the JTO (T) Karimganj temporarily. Their final place of posting will be decided by the TDM/Silchar and on receipt of the same further posting order will be issued for the interest of service.

1. Sri Nirpendra Ch. Das
2. Sri Samsul Haque
3. Sri Manindra Ch. Nath
4. Sri Sahabuddin Mazarbhyan
5. Sri Niranjan Ch. Das
6. Sri Hirendra Das
7. Sri Dhirendra Sarkar
8. Sri Dilip Kr. Nath
9. Sri Mohit Roy

Terms and conditions for granting of temporary status

1. The granting of temporary status is purely on temporary and may be terminated at any time by giving one month notice in writing by appointing authority without assigning reasons thereof.
2. The granting of temporary status carried with its liability for transfer within the S.S.A.
3. The Granting of temporary status shall also liable for field service within India during war/emergences.
4. The service condition will be Govern by the relevant Rules in force from time to time.

Sd/-  
Sub-divisional Officer  
Telegraphs Karimganj-788710

Copy to :

1. The TDM/Silchar w.r.to his letter No. mentioned above. He is requested kindly to issue necessary instruction for their place of posting as desired by him.
2. The A.O. Cash, O/o the TDM/Silchar.
3. The dE (E&A), O/o the TDM/Silchar.
4. The SDE, O/o the TDM/Silchar.
- 5-13. Official concerned.
14. E-119(T&P) file.

Sd/-  
Sub-divisional Officer  
Telegraphs Karimganj-788710

*Requested for Advocati*

Annexure-1(series)

Govt. of India  
Department of Telecommunications  
Office of the Sub-Divisional Officer Telegraphs  
Hailakandi

Memo No. E-22/Rectt/14 A Dated at Hailakandi the 29th Dec'97

In accordance with Telecom District Manager, Silchar letter No. 8-20/Gr.D/Rectt/98 dated 9.12.97 the following ..... casual labourers for granting of temporary status are .... under J.T.O (Phoes), Dhalipurghat as TSM wef 30.12.97. They are instructed to report to JOT(T) BDS, immediately.

1. Sri Sashanka Kumar Das
2. Sri Amaresh Das
3. Sri Ashim Roy
4. Sri Arabinda Das

The final place of posting order will be issued by the Telecom District Manager, Silchar.

Sd/-  
J.R.Bhattacharjee  
Sub-Divisional Officer Telephones  
Hailakandi

Copy to :

1. The Telecom District Manager, Silchar 788001 for information and necessary action.
2. The Sr. Accounts Officer (Cash), O/o the Telecom District Manager, Silchar.
3. The J.T.O., for information and necessary action.
4. Sri Sashanka Kumar Das, S/o Sri Suresh Ch. Das, Vill & P.O. Katigorah, Dist. Cachar.
5. Sri Amaresh das, S/o late Harmohan Das, Vill : Bokrihowar, Part-VII, P.O. Kalinagar.
6. Sri Ashim Roy/Son of Sri Atul Ch. Roy, vill-Matijuri, Hailakandi.
7. Sri Arabinda Das, S/o Sri Arun Das, Vill- Sripur, Cachar.

Sd/-  
Sub-Divisional Officer Telephones  
Hailakandi

*Submitted  
Surjit Choudhary  
Advocate  
21.12.97*

*Submitted  
J. Advocate*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Da. 29.6.98

Sri Sashanka Kr. Das  
T.S.M.  
Silchar

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/(8-99/ dated 27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/O TDM Silchar for information.
4. J.T.O. HQ I for information pl.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

*Attested  
Suryjit Choudhary  
Advocate  
On 12.8.09*

*Attested  
J. Advocate*

Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Amaresh Das  
T.S.M.  
Silchar

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98 as you have not qualified for TSM asep your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.
4. J.T.O. HQ I for information pl.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

*Attested  
J. S. Advocate*

Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Sahabuddin Mazarbhuiyan  
Telephone Exchange,  
Karimganj,

Sub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1998 engaged after 30.3.85 dated  
22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/213 dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar  
letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been  
cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-  
99/213 dated 27.6.98 as you have not qualified for TSM as per your  
previous engagement records.

The undersigned has been directed not to engage you anymore and as  
such your services are not longer required with effect from the forenoon  
of 29.6.98.

Sd/- Illegible  
29.6.98  
S.D.O. Phones  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TDM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Phones  
Karimganj

*Received  
from  
Advocate*

GOVERNMENT OF INDIA  
 Department of Telecommunications  
 (Annexure-2(Series))  
 Govt. of India

No. E-115/98-99/46

Da. 29.6.98

Sfi Samsul Haque  
Fakirabazar Telephone ExchangeSub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1993 engaged after 30.3.85 dated  
22.6.88.Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/(8-99/ dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/203 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
 S.D.O. Telegraph  
 Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
 S.D.O. Telegraph  
 Karimganj

*Attes Jaid  
 Adv a carte*

Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Dilip Nath  
Nilambazar Telephone Exchange.

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98.

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

Copy to :

- 1. TDM Silchar for favour of kind information pl.
- 2. CAO O/O TM Silchar for information pl.
- 3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

*Distd  
for  
Advocate*

Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Nripendra Ch. Das  
Telephone Exchange,  
Karimganj

Sub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1998 engaged after 30.3.85 dated  
22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/ dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar  
letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been  
cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-  
99/208 dated 27.6.98 as you have not qualified for TSM as per your  
previous engagement records.

The undersigned has been directed not to engage you anymore and as  
such your services are not longer required with effect from the forenoon  
of 29.6.98.

Sd/- Illegible 29.6.98  
S.D.O. Phones  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

*Subscribed  
Sujit Choudhary  
Advocate  
on 12.4.04.*

*Attested  
J. K. Das  
Advocate*

Annexure-3

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Original Application No. 141 of 1998

Applicant (s) : All India Telecom Employees Union & Another  
Vs.

Respondent (s) : U.O.I & Ors.

Advocate for Applicant (s) : B.K.Sharma, Mr. S.Sarma & Mr.  
U.K.Nair.

Advocate for Respondent(s) : C.G.S.C.

Notes of the Registry the Tribunal	Date	Order of
---------------------------------------	------	----------

2.7.98

Heard Mr. B.K.Sharma learned counsel appearing on behalf of the applicant and Mr. S.Ali, learned Sr. C.G.S.C. for the respondents.

Application is admitted. Mr. B.K.Sharma prays for an interim order not to discontinue the services of the applicants. Mr. S.Ali has no instructions in this matter.

Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.

Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services.

List it on 31.7.1998 for orders.

Member

Vice-Chairman

*Attested  
Sujit Choudhary  
Advocate  
07/12.9.09.*

*Attested  
Mr.  
Advocate*

Annexure-4 (series)

Govt. of India  
Department of Telecommunications  
Office of the General Manager Telecom Silchar  
Silchar SSA : Silchar

No. E-20/TSM/Regularisation/SC/04 Dated at Silchar the 26.09.2000

To

Srisashanka Kr. Das  
Son of Sri Suresh Ch. Das  
Vill. & P.O. Kaligorah  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

- 1. You did not complete 240 days work in department of Telecom. In any calendar year preceding 01.08.1998.
- 2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Admitted  
Sujit Choudhary  
Advocate  
on 12.9.09.*

*Admitted  
Sujit  
Advocate*

To

Sri. Amaresh Das  
Son of Harmohan Das  
VIII, Bakrihawar P.VII  
P.O. Kalinagar  
District-Hailakandi

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

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1. You did not complete 240 days work in department of Telecom. In any calendar year preceding 01.08.1998.
2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Attested  
by  
Adviser*

To

Sri Md. Sahabuddin Mazarbhuiyan  
Son of Md. Mosaraf Ali Mazarbhuiyan  
Vill. & P.O. Latimara  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. ESTE-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

1. You did not complete 240 days work in department of Telecom.  
In any calendar year preceding 01.08.1998.
2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Attested  
Advocate*

To

Sri Samsul Haque  
Son of Md. Motiur Rahman  
Vill. & Lattimara, Po.O. Lattimara  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

- 1. You did not complete 240 days work in department of Telecom. In any calendar year preceding 01.08.1998.
- 2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Advised  
on 12.9.99.*

*Advised  
Advocate*

Annexure-5

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 408 of 2000

Date of order : This the 30th day of March 2001.

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

Sashanka Kumar Das  
Son of Sri Suresh Chandra Das  
Village - Katigora, P.O. - Kartigora  
District - Cachar (Assam) & 5 Ors.

...Applicants

By Advocate Mr. M. Chanda

-versus-

1. The Union of India,  
Through the Secretary to the  
Govt. of India,  
Ministry of Communication,  
Department of Telecommunication,  
New Delhi.
2. The Chief General Manager,  
Assam Circle,  
Department of Telecommunication,  
Govt. of India  
Ulubari, Guwahati
3. The General Manager,  
Telecom, Silchar SSA,  
Department of Telecommunications,  
Silchar, Assam.
4. The General Manager,  
Telecom Department,  
Silchar SSA,  
Government of India,  
Department of Telecommunication  
Silchar, Assam.
5. Sub-Divisional Engineer, Telecom  
Department of Telecommunications,  
Hailakandi
6. Sub Divisional Officer, Telecom  
Department of Telecommunication,  
Karimganj

...Respondents

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

*Attested  
Sangeet Choudhury  
Advocate  
07/12/01*

*Attested  
Secy  
Advocate*

O R D E R

CHOWDHURY J (V.C.)

Granting benefit of Temporary Status and Regularisation under the Scheme of the Department of Telecommunication 1989 is the issue raised in this application under Section 19 of the Administrative Tribunals Act, 1985. The case of the applicants was espoused by the All India Telecom Employees Union Group D by submitting an application before this Tribunal which was registered as O.A. No. 41 of 1998. The said application along with series of like cases was finally disposed of on 31.03.1999 directing the respondents to examine the cases of the applicants in consultation with the records and thereafter pass a reasoned order. The respondents cited these six applicants to appear before the scrutinising committee along with documents. The applicants stated that they appeared before the scrutinising committee and produced the relevant records. The applicants were informed that their cases could not be recommended for conferment of temporary status on the ground that they did not complete 240 days work in the department in any calendar year preceding 01.08.1998. Hence this application assailing the legality and validity of the impugned communication dated 26.9.2000 as arbitrary and discriminatory. The applicants also sought for a direction for taking up their cases for grant of temporary status as per the policy.

The six applicants were appointed as casual labour under SDOT, Silchar, SDO, SDE, Patharkandi on different dates on daily wages basis. The detail particulars of engagement is mentioned below :

Sl. No.	Name	Date of engagement as casual labour
1	Sri Sashanka Kr. Das	1.1.1988
2	Sri Amaresh Das	1.1.1998
3	Mr. Sahabuddin Mazabhuiya	23.12.1987
4	Md. Samsul Haque	23.12.1987
5	Sri Dilip Nath	1.1.1998

*Attested  
Jain  
Advocate*

6	Sri Nripendra Ch. Das	1.1.1988
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67

These applicants along with others were granted Temporary Status by the department of Telecom vide orders dated 22.12.1997, 22.12.1997 and 27.12.1997. Subsequently the granted temporary status were withdrawn by the concerned authority by its order dated 29.6.1998 issued to the applicants separately. The application was disposed of directing the respondents to consider their respective cases. The withdrawal of the temporary status by order dated 29.6.1998 was not dealt, with by the Tribunal might be because the same was not specifically raised. Subsequently their cases were considered by the respondents and turned down which now assailing by the applicants by filig this instant application.

2. No written statement was filed by the respondents. The applicants in the application specifically stated that since 1987 they are/were rendering their services to the department and all of them individually rendered 240 days in its calendar year and for that purpose the applicants amongst others referred to Annexure-11 that was annexed to the application which contained the particulars of the casual labourers. The aforementioned records contained the services rendered from 1984-1995. Annexures of Sashanka Kr. Das, Amaresh Das and Samsul Haque were once granted temporary status and the same was arbitrarily withdrawn. The aforesaid cancellation was patently made in violation of the principles of natural justice and the procedure as well as the established norms followed by the department.

4. Mr. B.C.Pathak, learned Addl. C.G.S.C., however, submitted that since the applicant did not question the order dated 29.6.1998 at the appropriate time the claim of the applicants has now hit by waiver and estoppel. Be that as it may,, the claim of the applicants for grant of temporary status cannot be defected on the plea of waiver or estoppel. The statement of the applicants that they worked more than 240 days in all the calendar years remained unrebutted and therefore legally it will be presumed to be admitted. That apart the materials on records including Annexure-11 ..... points out that applicants worked more than

*Placed  
by  
Advocate*

240 days. The ground cited in the order dated 29.6.98 that these applicants were not in engagement as on 1.1.1998 could not be accepted in view of the order rendered by the Tribunal on 2.7.1998 in O.A. No. 141/98. In the aforementioned there was a specific order to the following extent :

"Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services."

The aforesaid order was not vacated or modified. The O.A. was finally disposed of on 31.8.1999 directing the respondents to consider the case of the applicants. It was also ordered upon the respondents to scrutinize and examine each case in consulting with the records and thereafter to pass a reasoned order on merits on each case within a period of six months and the interim order passed in any of those cases was to remain in force till disposal of the representation.

In the circumstances the reasoning assigned by the General Manager, Telecom, Silchar SSA-Silchar that the applicants were not in engagement as on 1.1.1998 cannot be accepted and the same is not sustainable in law. Accordingly the order dated 26.9.2000 refusing to grant temporary status to the applicants are set aside and the respondents are directed to reconsider the case of the six applicants for grant of temporary status and regularisation as per law in the light of the observation made above. The respondents are also ordered to complete the aforesaid exercise within six months from the date of receipt of a certified copy of this order.

The application is allowed to the extent indicated. There shall however, be no order as to costs.

Sd/- Vice Chairman.

*Attested  
J. K. Advocate*

## Annexure-6(Series)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
 (A. Govt. of India Enterprise)  
 OFFICE OF THE GENERAL MANGER  
 SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri MD. Samsul Haque was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Samsul Haque was put on duty from time to time beginning from 01.03.1991. The Committee also examined the records/certificates produced by Shri/Md. Samsul Haque including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Shri Md. Samsul Haque was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Md. Samsul Haque was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Md. Samsul Haque was engaged in each year is as follows:

Calendar year	No. days
1991	86
1992	43
1993	21
1994	51
1995	33
1996	32
1997	03
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Md. Samsul Haque has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Md. Samsul Haque as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Md. Samsul Haque for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. Shri Shri Md. Samsul Haque, S/o Md. Matiur Rahman, P.O. & Vill. Lathimara, District-Cachar (Assam).

*Approved*  
*Singh Choudhary*  
*Advocate*  
 07/12/01

*Attested*  
*Advocate*

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
(A. Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANGER  
SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Nripendra Chandra Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Nripendra Chandra Das was put on duty from time to time beginning from 17.09.86. The Committee also examined the records/certificates produced by Shri Nripendra Chandra Das including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Shri Nripendra Chandra Das was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Nripendra Chandra Das was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Nripendra Chandra Das was engaged in each year is as follows:

Calendar year	No. days
1986	01
1987	77
1988	39
1993	32
1994	86
1995	21
1997	06
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Nripendra Chandra Das has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Nripendra Chandra Das as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Nripendra Chandra Das for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
(Shrihari Roy)  
General Manager, BSNL  
Silchar SSA : Silchar

Copy together with the annexure is forwarded to:  
1. Shri Nripendra Chandra Das, s/o Late Ganesh Chandra Das, Vill Bakrihawar, P.O. Kalinagar, Dist. Hailakandi.

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Annexure-6(Series contd.)

**BHARAT SANCILAR NIGAM LTD. (BSNL)**  
(A. Govt. of India Engrprise)  
OFFICE OF THE GENERAL MANGER  
SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27.

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Dilip Nath was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Shri Dilip Nath was put on duty from time to time beginning from 01.12.1988. The Committee also examined the records/certificates produced by Shri Shri Dilip Nath including the controversial report of SDO Karimganj dated 10.07.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Shri Shri Dilip Nath was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Shri Dilip Nath was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Shri Dilip Nath was engaged in each year is as follows:

Calendar year	No. days
1988	30
1989	107
1991	110
1992	88
1993	94
1994	178
1995	93
1996	57
1997	07
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Dilip Nath has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Dilip Nath as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Dilip Nath for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.09/01  
(Shrihari Roy)

General Manager, BSNLSilchar SSA : Silchar

Copy together with the annexure is forwarded to:  
1. Shri Shri Dilip Nath, S/o Late Rajendra Chandra Nath, Village Mohanpur, P.O. Katigorah, District Cachar.

*Attested  
Juni  
Advocate*

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
 (A. Govt. of India Enterprise)  
 OFFICE OF THE GENERAL MANGER  
 SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Amaresh Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Amaresh Das was put on duty from time to time beginning from 22.02.1991. The Committee also examined the records/certificates produced by Shri Amaresh Das including the controversial report of CDO Hailakandi dated 11.8.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 23.09.1991 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Shri Amaresh Das was not engaged for any departmental work for the period shown in the report dated 11.8.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Amaresh Das was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Amaresh Das was engaged in each year is as follows:

Calendar year	No. days
1991	06
1995	22
1996	44
1997	29
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Amaresh Das has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Amaresh Das upto as summarized above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Amaresh Das for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. Shri Amaresh Das S/o Late Harmohan Das Village Bokrihawaar, Part-VIII District-Hailakandi.

*Attested  
 [Signature]  
 [Signature]*

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
(A. Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANGER  
SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Sashanka Kumar Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Sashanka Kumar Das was put on duty from time to time beginning from 01.11.1987. The Committee also examined the records/certificates produced by Shri Sashanka Kumar Das including the controversial report of SDO Karimganj dated 14.08.95 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster rolls for corresponding period reveal that Shri Sashanka Kumar Das was not engaged for any departmental work for the period shown in the report dated 14.08.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Sashanka Kumar Das was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Sashanka Kumar Das was engaged in each year is as follows:

Calendar year	No. days
1987	28
1989	31
1992	76
1994	25
1995	11
1996	22
1997	10
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Sashanka Kumar Das has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Sashanka Kumar Das as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Sashanka Kumar Das for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
(Shrihari Rdy)  
General Manager, BSNL  
Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. Shri Sashanka Kumar Das, S/o Shri Suresh Chandra Das, P.O. & Vill Katigorah, Dist. Silchar.

*Attested  
New  
Advo call*

## BHARAT SANCHAR NIGAM LTD. (BSNL)

(A. Govt. of India Enterprise)

OFFICE OF THE GENERAL MANGER

SILCHAR SSA : DILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 20.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Md. Sahabuddin Mazarbhuya was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Md. Sahabuddin Mazarbhuya was put on duty from time to time beginning from 08.12.1995. The Committee also examined the records/certificates produced Md. Sahabuddin Mazarbhuya including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Md. Sahabuddin Mazarbhuya was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Md. Sahabuddin Mazarbhuya was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Md. Sahabuddin Mazarbhuya was engaged in each year is as follows:

Calendar year	No. days
1991	15
1992	65
1993	15
1994	58
1995	11
1996	23
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Md. Sahabuddin Mazarbhuya has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Md. Sahabuddin Mazarbhuya as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Md. Sahabuddin Mazarbhuya for grant of Temporary Status and other benefit of the scheme is rejected.

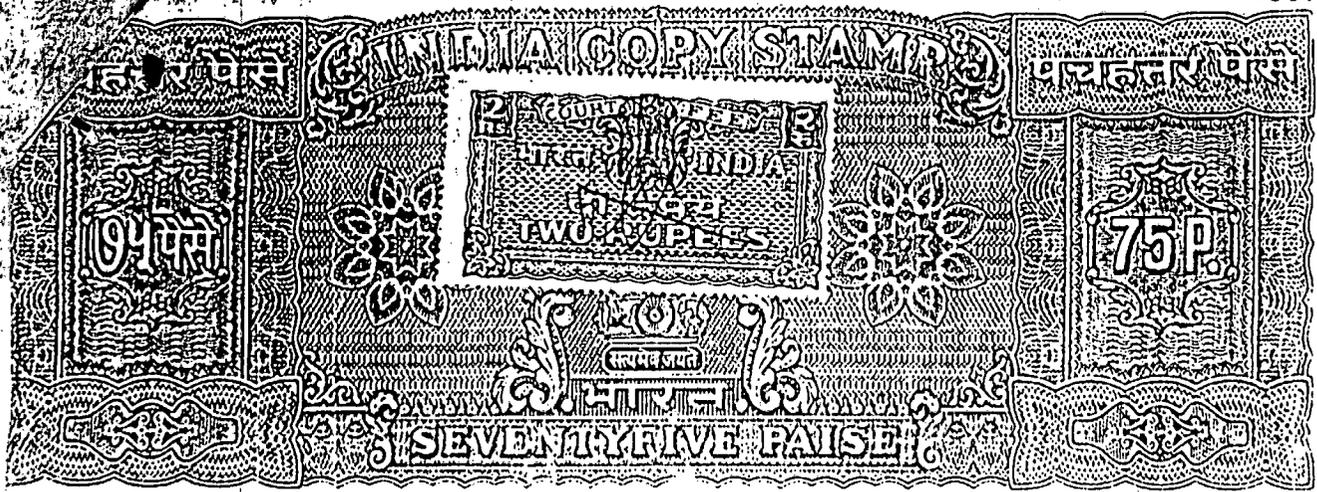
Sd/- Illegible 26.9.01  
(Shrihari Roy)  
General Manager, BSNL  
Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. Md. Sahabuddin Mazarbhuya, S/o Late Masaraf Ali Mazarbhuya, P.O. & Village Lathiara, District-cachar(Assam.)

*Asst. Secy  
Surjit Choudhary  
Advocate  
on 12.9.04.*

*Asst. Secy  
Surjit Choudhary  
Advocate*



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
28/7/03	27/7/03	30/7/03	31/7/03	31/7/03

IN THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM: NAGLAND: MIZORAM: MANIPUR: TRIPURA:  
MIZORAM AND ARUNACHAL PRADESH )

W.P.C. NO. 8677/2001.

Bharat Sanchar Nigam Limited, Through the Chief General Manger/ B.S. N.L. ...Petitioner.

-Vs-

1. Shri Sachanka Kr. Das, son of Shri Suresh Ch Das, vill & P.O. Katigorah, Dist-Cachar.
  2. Shri Amaresh Das, son of Late Harmohan Das, vill Bakrihwar Part VII, P.O. Kalinagar, Dist- Hailakandi.
  3. Md. Sahabuddin Mazarbhuiya, son of Md. Mosaraf Ali Mazarbhuiya, vill & P.O. Latimara, P.S. Katigorah, Dist-Cachar.
  4. Md. Samsul Hoque, son of Md. Matiur Rahman, vill Latimara PO. Latimara, Dist-Cachar.
  5. Shri Dilip Nath, son of Late Rajendra Chandra Nath, vill Mohanpur, P.O. Katirail, Dist-Cachar.
  6. Shri Nripendra Das, son of Late Ganesh Das, vill .Bakrihwar, P.O. Kalinagar, Dist- Hailakandi.
- ... Respondents.

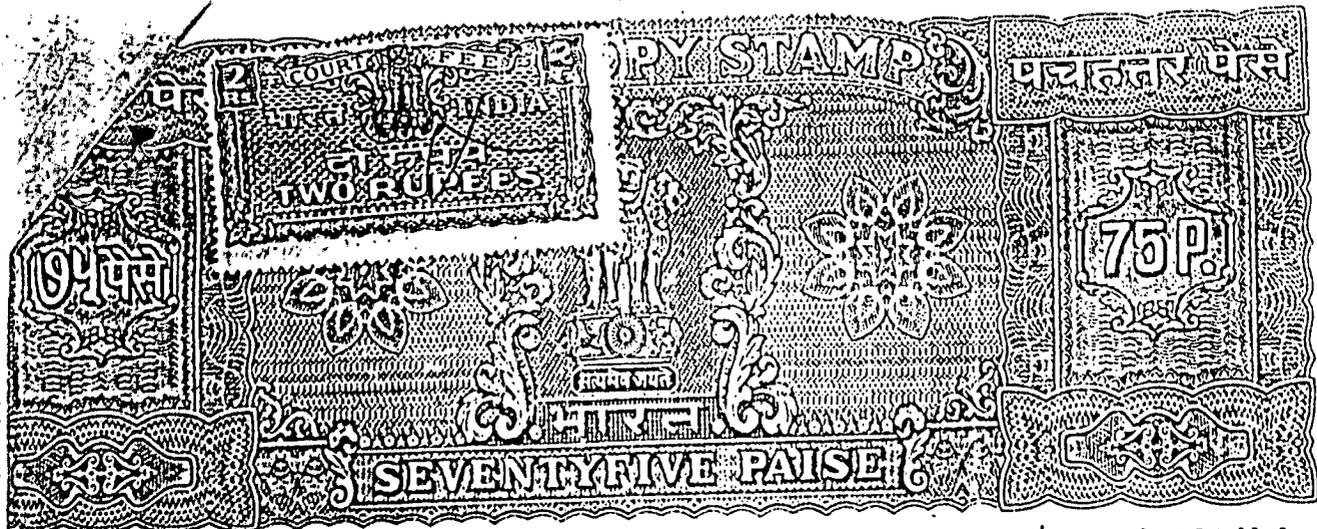
;;PRESENT;;

THE HON'BLE THE CHIEF JUSTICE MR. P.P. NAOLEKAR

THE HON'BLE MR. JUSTICE I.A. ANSARI

...2/-

*35*  
*Shree*  
*Chaudhary*  
*Ansari*  
07/12/9.04



आवेदन के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

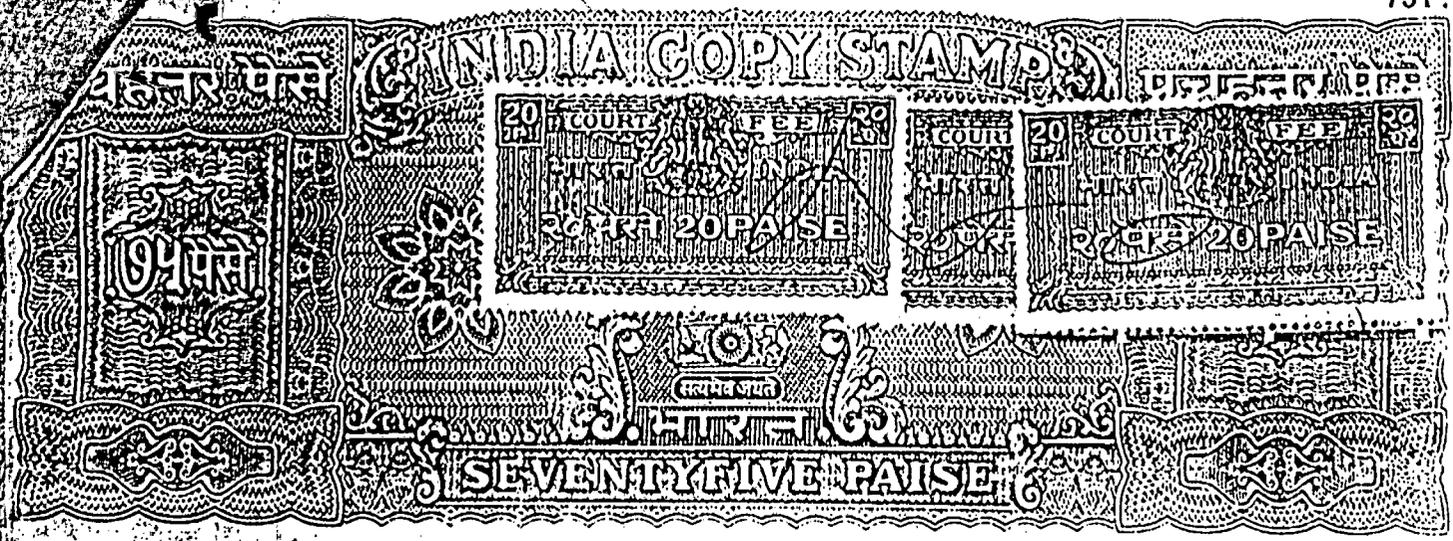
-2-

For the petitioner :- Mr.B. Sarma, Addl. CGSC.  
 For the respondent :- Miss. B.R. Sultana

Date:-29.5.2003. ORDER

Heard Mr.M. Choudhury, learned counsel for the petitioner.  
 In Original application No. 408/2000 the Central Administrative Tribunal, Guwahati Bench, by order dated 30th day of March, 2001, has directed the respondents therein, i.e. the Bharat Sanchar Nigam Limited to reconsider the cases of the six applicants for grant of temporary status and regularisation as per law in the light of the observations made in the Judgment. Aggrieved by the said order the present petition was filed by the Bharat Sanchar Nigam Limited, During pendency of the petition, as per directions issued by the Central Administrative Tribunal the Bharat Sanchar Nigam Limited has considered the cases of the six applicants and passed the order with which we are not concerned in this petition. Since the order has already been complied with by the Bharat Sanchar Nigam Limited and a fresh order has been issued in pursuance of the consideration of

...3/-



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

-3-

of the cases of the six applicants, the submission made by the learned counsel for the petitioner that the petition has become infructuous is accepted.

The petition stands disposed of as has become infructuous.

Sd/-I.A. ANSARI  
 JUDGE.

Sd/P.P. NAOLEKAR  
 CHIEF JUSTICE.

CERTIFIED TO BE TRUE COPY  
 Date 31.7.03  
 Superintendent (Copying Section)  
 Central High Court  
 Authorized U/S 76, Act I, 1970

3/2/03  
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31/7/03

FORM NO. 4

(See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,  
GUWAHATI.

ORDER SHEET

Original No. 96/2002  
Misc. Petition No.         
Contempt Petition No.         
Review Application No.       

Applicant(s) S.K. Das & others

Respondent(s) W.O.I Gans

Advocate for Applicant(s) M. Chanda, Mrs. N.D. Goswami

Advocate for Respondent(s) G.N. Chakraborty  
vs. Case

Notes of the registry | Date | ORDER OF THE TRIBUNAL

3-6-2003 : Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

When the matter was called upon none appeared for the applicant to press the application. Mr M.Chanda, learned counsel stated that he is no longer in this case and brief was returned to the parties.

I have also perused the order passed by the High Court dated 21.12.2001 in W.P.C.No.8677/2001. The High Court by the above mentioned order also stayed the order passed by the Tribunal in O.A.408/2000 dated 30.3.2001. It thus appear that the decision rendered by the Tribunal in O.A.408/2000 dated 30.3.2001 is still under examination before the High Court. The applicant sought for relief on the strength of the decision rendered by the Tribunal in O.A.408/2000 dated 30.3.2001 which is under scrutiny of the High Court. In the circumstances the O.A. stands dismissed. The matter shall however be subject to the out come of the decision of the High Court.

SD/VICE CHAIRMAN

*Asst Secy  
Sanjit Choudhury  
Advocate  
on 12.9.07.*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application Nos 28 of 2001.

Date of Order : This is the 24th Day of August, 2001.

79

HON'BLE MR. JUSTICE D.N.CHOWHURY, VICE CHAIRMAN

Sri Pritu Bhusan Roy  
S/O Sri Purna Chandra Roy  
C/O Sri Prasanna Chowdhury  
Villages - Girishganj  
District - Karimganj  
Assam.

. . . . Applicant.

By Mr.P.Roy & Mr.B.K.Talukdar

- Vs -

1. The Union of India  
Represented by the Secretary to the  
Govt. of India, Ministry of Communication  
New Delhi.
2. The Chief General Manager (Telecom)  
Assam Telecom Circle, Ulubari  
Guwahati-7.
3. Member, Scrutinizing Committee  
Divisional Engineer (P&A)  
D/O The G.M.Telecom, Silchar  
Assam.
4. The General Manager, Telecom  
Silchar S.S.A  
Silchar, Assam.
5. The District Manager  
Department of Telecommunication  
Silchar, Assam.
6. The Sub-Divisional Engineer (Group)  
Telecom, Patharkandi, Assam.

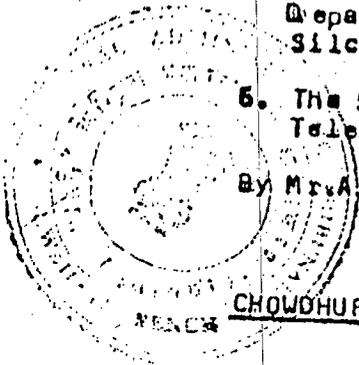
By Mr.A.Deb Roy, Sr.C.G.S.C

ORDER

CHOWHURY J.(V.C.) :

This is the second round of litigation. The applicant earlier also moved this Tribunal by way of D.A. 141 of 1998 through its Association, namely, All India Telecom Employees Union praying for conferment of granting the benefit of temporary status as per the Scheme of 1989. The Tribunal took up the said case alongwith like cases and disposed all the cases by a common judgment and order on 31.8.1999 directing the respondents to scrutinise and examine each case individually in consultation with the records and

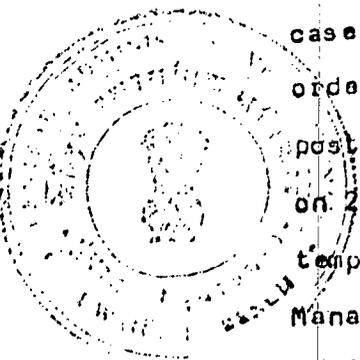
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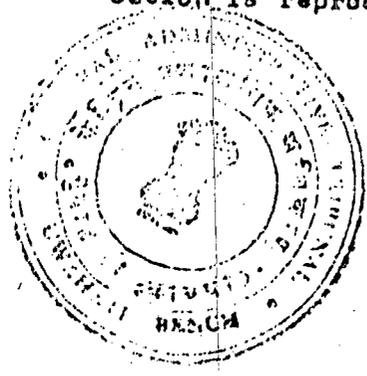
*Admitted  
Surgit Chakraborty  
Advocate  
on 12.9.01.*

pass a reasoned order thereafter in the event of filing the representations individually within the period prescribed. The applicant accordingly submitted a representation in writing and the respondents vide letter dated 26.4.2000 advised the applicant to appear before the Scrutinizing Committee on 3.5.2000. The applicant appeared before the said Committee and submitted all his documents. The respondent authority by its order dated 26.9.2000 informed the applicant that the Committee did not recommend his name for granting of the temporary status on the ground that he did not complete 240 days in any Calendar year preceeding 1.8.98 and that he was not in engagement as on 1.8.98. Hence this application assailing the legitimacy of the order of the respondents.

2. The applicant, in this application, claimed that he was engaged as a Casual Labourer in the Telecommunication Department on 1.1.88 and worked as such in the department till the temporary status was granted to him on 9.12.97. The concerned DPC on consideration of the case alongwith others granted the temporary status vide order dated 9.12.97 and 22.12.97 and thereafter he was posted at Kotamone Telephone Exchange, where he joined on 22.12.97. While working as such the order of granting temporary status was cancelled by the Telecom District Manager, Silchar vide his order dated 27.6.98. Being agrieved with the said order, the applicant, as mentioned above approached this Tribunal by way of filing an D.A. which was numbered as 141/98. The said application was admitted on 2.7.98 and the respondents were directed not to disengage the applicant and others and to allow him to continue in his service. As eluded, the case along with the like cases were disposed by the Tribunal by a common order dated 31.8.1999 directing the respondents to scrutinise and examine the case of each applicant.



The respondents entered appearance and submitted its written statement contesting the claim of the applicant. By the impugned order dated 26.9.2000 the respondents declined to accede to his representation in view of the recommendation of the Committee. Admittedly, the applicant alongwith eight others by order dated 22.12.97 were granted temporary status of Mazdoor provisionally on the approval of the TDM, Silchar. The said order preceeded by an order dated 9.12.97 approving the action of the SDE (Group), Telecom in granting temporary status to those nine persons including the applicant. The relevant part of the communi- cation is reproduced below.



\*NO.E-20/Grp-D/Rectt/98. Dated at Silchar, 09.12.97

To The S.D.E.(Group) Telecom, Patharkandi.

Sub:- Casual labours (Grant of temporary status and regularisation scheme) 1989 engaged after 30.3.85 upto 22.6.88).

In pursuance of the @DT New Delhi letter No.269-4/93-STN-II dated 17.12.93 and CGMT/Guwahati letter No.Rectt-3/10/ Part-II dated 4.10.94, the following nine Casual Mazdoors in your Sub-Division are approved for granting of temporary status on the basis of particulars furnished by you vide your letter No.E-27/95-96/ dt.26.10.95 and No.E-27/95-96/Pt.II dt.8.11.95.

You are directed to take further action after verification of their eligibility once again on the points mentioned below :-

- (1) Age at the time of engagement.
- (2) Educational qualification upto VIII standard.
- (3) No of days worked yearwise.

After conferring the provisional approval for granting of temporary status u.o.f. 9.12.97 to the Casual Mazdoors mentioned below. Intimation is to be given to TDM/Silchar for their place of posting which will be decided by TDM/Silchar."

In the list of approved 9 Casual Mazdoors of the said communication the name of the applicant appeared at Sl No.9. In pursuance to the said order and more particularly, in view of the TDM Silchar letter dated 16.1.98 the applicant alongwith others were posted at Kotamoni, wherein he joined on 22.12.97.

By order dated 29.6.98 the provisional temporary status conferred on the applicant vide TDM, Silchar letter dated 9.12.97 had been cancelled by TDM, Silchar vide his letter dated 27.6.98 holding the applicant was not qualified for granting temporary status as per his previous engagement record. The said order dated 29.6.98 dis-engaging the applicant as Casual Labcurer, issued by the SDE (Group) Telecom Patharkundi was based on the direction given by the Telecom District Manager vide memo dated 27.6.98. The full context of the said memo is also reproduced below :-

\*Ref: Letter No E-20/Grp-D/Rectt/97 dated at Silchar, 9-12-97.

As per above mentioned letters provisional TSM status was conferred to the following casula mazdoors. Later on posting order was given to them vide letter No.E-20/Grp-D/Rectt/109 dtd at Silchar, 16.1.98.

1. Sri Ratneswar Nath-Patharkandi Telephone Exch
2. Sri Pritu Bhusan Roy-Kotamoni Telephone Exch.
3. Sri Sukumar Sinha-Patharkandi Telephone Exch.
4. Sri Debendra Kr. Sinha-Dullaicherra Telephone Exch.
5. Sri Nihar Dey-Bazaricherra Telephone Exch.
6. Sri Sujit Kr. Sarmah-Saraigram Telephone Exch.



As per SDE Vigilance O/O TDM Silchar report vide letter No. AVO/CUN/98-99/1 dtd. 25.6.98, all the above casual mazdoors were absent for the last more than 365 days counting from the date 17.12.93. They do not qualify for regularisation as TSM as per their previous engagement record in the deptt.

As per this finding the provisional TSM status which was conferred to them, vide letter No. E-20/Grp-D/Rectt/97 dtd at Silchar, 9-12-97 is hereby canceled, with immediate effect. You are hereby ordered not to engaged those persons any more. "

4. The applicant, as mentioned earlier, moved this Tribunal assailing the legitimacy of the order dated 27.6.98 and the Tribunal disposed of the appeal by judgment and order dated 31.8.99 in O.A.141/98 directing the respondents to examine the matter in consultation with the records. The respondents by this impugned order dated 26.9.2000 declined to accede to the request of the applicant.

5. The granting of temporary status emanated from a direction given by the Supreme Court in Writ Petition (C) No.1280 of 1989 alongwith 1246, 1248 of 1986 and 176, 177 and 1248/88 Ram Gopal and Others -vs- Union of India and Others. Prior to the aforesaid order the Supreme Court had an occasion to deal with Casual Labourers in Telegraph Department in Daily Rated Casual Labour-vs- Union of India & Others. In the said case, the Supreme Court ordered the respondent authority Posts and Telegraph Department to prepare a Scheme for absorbing the Casual Labourers in daily duty who rendered continuous services in the department for more than one year. In the instant case on the own showing of the respondents, the applicant was granted temporary status by order dated 22.12.97, which was subsequently cancelled by order dated 29.6.98. The applicant was, however, allowed to continue as Casual Labourer on the strength of the order of the Tribunal dated 2.7.98 in O.A.141/98. By interim order the Tribunal ordered the respondents not to disengage the applicant and to allow him to continue in his services. The O.A. in question alongwith others was finally disposed on 31.8.99. In the said order also the Tribunal extended the interim order till disposal of the representation. The representation was eventually disposed on 26.9.2000. Therefore, at any rate, the applicant rendered his service as a Casual Labourer on and from December 1997

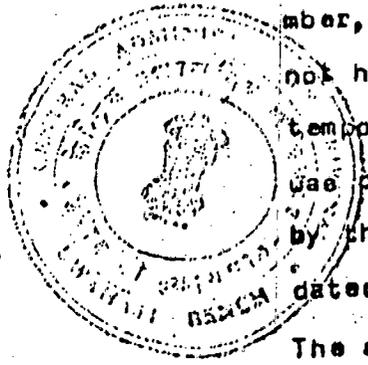


to 26.9.2000. The findings of the authority that he was not in engagement on 1.8.98 therefore, cannot be sustained. The services rendered by the applicant at least from December, 1997 till the disposal of the representation could not have been ignored. The applicant was earlier granted temporary status on the basis of his past record, which was cancelled at the instance of the communication sent by the SDE Vigilance O/D TDM Silchar report vide letter dated 25.6.98. The said report was not produced before us. The applicant was granted temporary status by order dated 9.12.97. The said order of granting temporary status was cancelled unilaterally on the basis of the report of the SDE Vigilance as reflected in the communication by the TDM, Silchar letter dated 27.6.98, which visited with civil consequences.

6. We have heard Mr.P.Roy, learned counsel for the applicant at length and also Mr.A.Deb Roy, learned Sr. C.G.S.C for the respondents.

7. The respondents have missed the direction of the Tribunal dated 31.8.99 by refusing to consider the case of the applicant in its full perspective. The action of the Scrutinizing Committee to confine its enquiry upto 1.8.98 also cannot be sustainable. Admittedly, the applicant was engaged as a Casual Labourer on and from 1.1.98 till he was sought to be disengaged by the order dated 29.6.98.

For the forgoing reasons, the order dated 26.9.2000 is set aside and the respondents are directed to consider the case of the applicant in the light of the observation made in this order. The application is accordingly, allowed to the extent indicated above. The respondents are ordered to complete the exercise with utmost expedition at any rate within three months from receipt

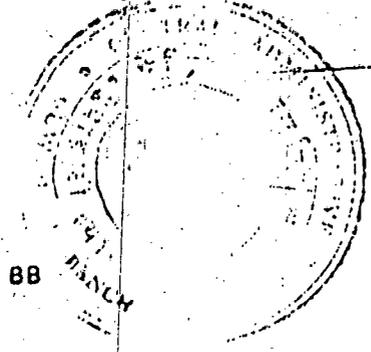


of this order.

There shall, however, be no order as to

costs.

So/VICE CHAIRMAN



Verified to be true copy  
XEROX COPY

*[Handwritten Signature]*  
5/3/03

Section Officer (D)  
C.A.T. GUWAHATI BRANCH  
Guwahati-781005

*[Handwritten Note]*  
Admitted  
Smt. J. Choudhury  
Advocates  
on 12.8.04.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI Bench.

Original Application No. 332 of 2000.

Date of Order : This is the 5th Day of September, 2001.

HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

- 1. Dhendra Sarkar  
S/O Late Roy Chand Sarkar  
Villager Bhyam Nagar  
District :- Karimganj  
P.O :- Karimganj  
Assam.
- 2. Sri Biceendra Das  
S/O Sri Kiran Chandra Das  
P.O :- Srigowri  
Village :- Dakshingram  
P.S :- Badarpur  
District :- Karimganj  
Assam.
- 3. Md. Lutfur Rahmah  
S/O Md. Akaddas Ali  
Village:- Hafania  
P.O:- Hafania (Maina)  
District:- Karimganj  
Assam.
- 4. Sri Nihar Dey  
S/O Sri Nripendra Dey  
Village:- patharkandi  
District:- Karimganj  
Assam.

... Applicants.

By Mr.M.Chanda, Mr.S.Sarma, Mrs.N.D.Goswami

- Vs -

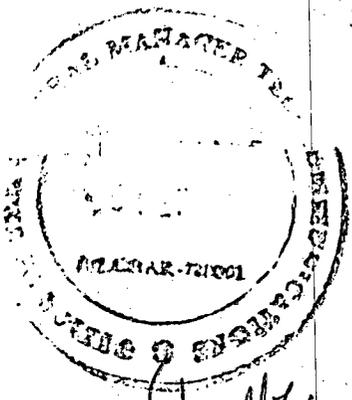
- 1. Union of India  
Through the Secretary to the  
Govt. of India  
Ministry of Communication  
New Delhi.
- 2. The Chief General Manager  
Assam Circle  
Govt. of India  
Department of Telecommunication  
Ulubari, Guwahati.
- 3. The General Manager  
Telecom, Silchar SSA  
Government of India  
Department of Telecommunications  
Silchar, Assam.
- 4. Sub-Divisional Engineer.(Group)  
Department of Telecommunications  
Patharkandi-788724.

... Respondents.

By Mr.B.C.pathak, Learned Addl.C.G.S.C.

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*Admitted by  
Sujit Choudhury  
12.9.01*

O R D E R

K.K.SHARMA, (ADMN. MEMBER) :

Four applicants have joined together to file this application under section 19 of the Administrative Tribunal Act, 1985. The main issue in this application pertains to the grant of temporary status under the Casual Labourers (Grant of Temporary Status and Regularisation Scheme of the Department of Telecommunications, 1989.

2. The four applicants came before this Tribunal against the cancellation of temporary status granted to them. The applicants were engaged as Casual Labourers by the S.D.O,T, Silchar, S.D.O., S.D.E, patharkandi from 1.6.1988, 1.3.1987, 23.1.1988 and 2.1.1988 respectively. The applicants have placed on records the letters of engagement. Two applicants were conferred temporary status with effect from 16.12.1987 and the remaining two applicants with effect from 22.12.1997. However, by the impugned orders dated 29.6.1998 (Annexure - 3 & 4) the temporary status of the applicants have been cancelled. The reason for cancellation for temporary status are as below :

"The provisional temporary status conferred on you vide TDM Silchar letter No.E-20/Grp -D/Rectt/98 datd. at Silchar 9.12.97 has been cancelled by TDM Silchar vide his letter No.X-11/TDM-SC/CM-Rectt/98-99/205 dtd.27.6.98 as you have not qualified for TSM as per your previous engagement record.

The Under signed has been directed not to engage you anymore and as such your services are no longer required with effect from the Fore-noon of 29.6.98."

3. Mr.M.Chanda, learned counsel appearing for the applicants, submits that the temporary status have been conferred after holding high level meetings, wherein Official Side was represented by the Officers and the staff side was represented by the members of the Union. Mr.Chanda referred



*K. K. Sharma*

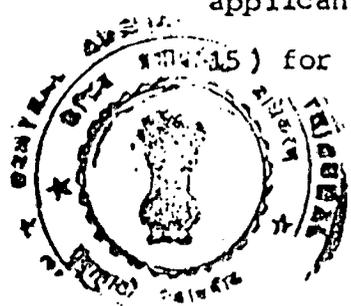
to the Interim order passed in O.A. No.141 of 1998 dated 2.7.1998 by this Tribunal, whereby direction was given to the respondents not to disengage the applicants. The applicant alongwith others have approached this Tribunal by filing O.A.No.141/98 which was finally disposed of on 31.8.1999 as under :

" 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 scrutinize 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."

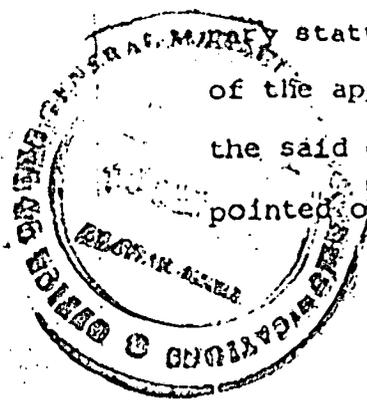
After the said order the applicants filed individual representations before the C.G.M. Assam Telecom Circle and requested for re-instatement. The representations of the applicants were rejected by order dated 26.9.2000 (Annexure-

15) for the following reasons :

- "1. You did not complete 240 days work in Department of Telecom in any calender year preceding 01.08.1998.
2. You were not in engagement as on 01.08.1998. The committee did not recommend your name for conferment of Temporary Status Maddeur."



Mr.Chanda referring to the order of this Tribunal in O.A. No.28 of 2001 dated 24.8.2001, has submitted that the applicants' case is squarely covered by the said order of this Tribunal. Like the applicant in O.A.28/2001, the applicants were appointed on different dates and were conferred temporary status on 15.12.1997 and 16.12.1997. Temporary status of the applicants was also cancelled like the applicant in the said O.A. by order dated 27.6.98. The learned counsel pointed out that the grant of temporary status to the



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applicant's was cancelled on the basis of letter No. X-11/TDM-SC/CH-Rectt/98-99/205 dated 27.8.98.

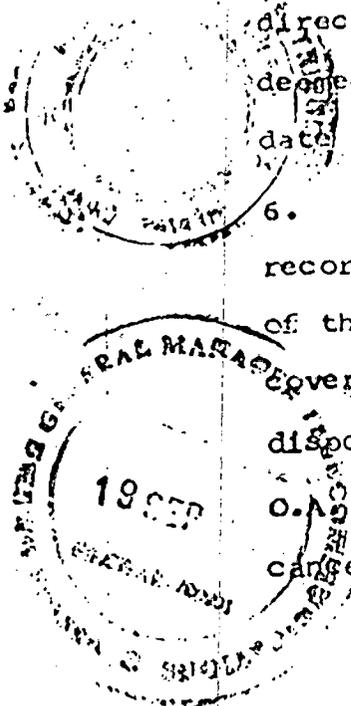
4. The reference to the said letter shows that the temporary status of the applicants was cancelled on the ground that the applicants were absent for more than 365 days from 17.12.1993. The learned counsel has disputed this observation by referring to the Annexure-"C" filed with the written statement, which shows that all of the applicants had worked in the year 1994. He argued that the reasons for cancellation of temporary status are not correct.

5. Mr.B.C.Pathak, learned Addl.C.C.S.C appearing on behalf of the respondents, argued that as per the direction given by this Tribunal in O.A.No.141/98 dated 31.8.99 the respondents appointed high level committee, which verified the records of each of the applicants. The committee found that none of the applicants have worked for more than 240 days in a calendar year and none of these applicants was in engagement as on 01.08.1998. He disputed the claim of the applicants that the applicant's case was covered under the scheme for granting of temporary status to the Casual Workers relying on the order in O.A.No.28 of 2001. Mr.Chanda, on the other side, submitted that by virtue of the interim order dated 2.7.98, by which the respondents were directed not to disengage the applicants, the applicants were deemed to be in service at least from 2.7.98 to 26.9.2000, the date on which the individual representations were rejected.

6. After carefully considering the materials on records and submissions made on behalf of the parties, I am of the view that the facts of this application are squarely covered by the judgment of this Tribunal in O.A. No.28/2001 disposed of on 24.8.2001. Like the applicant in the said O.A. the temporary status granted to the applicants was cancelled, like the applicant in the said O.A., the

11/1/2001

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applicants approached this Tribunal in O.A.141/1998 and like the applicant in the said O.A. the applicants made representations individually, which were rejected in like manner. Mr.M.Chanda, learned counsel for the applicants has also referred to Annexure-A (Series) to the additional rejoinder to show that the applicants also worked for more than 240 days in some of the years. Referring to the order in O.A.28/2001 dated 24.8.2001, the orders dated 26.9.2000 are accordingly set aside and the respondents are directed to consider the case of the applicants in the light of the observations made in O.A.28/2001.

The application is allowed to the extent indicated above. The respondents are ordered to complete the exercise with utmost expedition and in any case within three months from the receipt of this order.

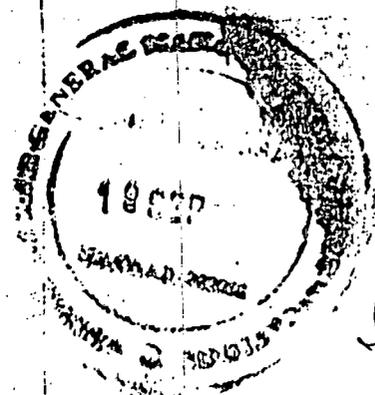
There shall, however, be no order as to costs.

Sd/-MEMBER (Adm)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

*NS-11-C  
6/11/09*

Section Officer (J)  
प्रशासन अधिकारी (न्यायिक खण्ड)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक अधिकरण  
Guwahati Bench, Guwahati  
गुवाहाटी न्यायकेंद्र, गुवाहाटी



*Subscribed  
Sanjit Choudhary  
Advocate  
on 12.9.09*

(A Govt. of India Enterprise)

Office of the Sub-Divisional Officer Telegraphs  
KARIMGANJ

No. E-119/TSM/4

Dated at Karimganj, the 12-03-2003.

As per the directions contained in General Manager Telecom, BSNL, Silchar Memo No. CAT/GH-OA 332/2000/SC/30 dated 11-03-2003, Sri Birendra Das, S/o Sri Kiron Chandra Das, Vill-Dakshingram, P.O.-Srigouri, Dist-Karimganj, Assam, the applicants in OA No. 332/2000, are approved by the competent authority for conferment of Temporary Status Mazdoor (TSM) with immediate effect.

Sri Birendra Das, S/o Sri Kiron Chandra Das is hereby conferred Temporary Status Mazdoor (TSM) with immediate effect and posted at Karimganj under SDOT, Karimganj. He will report for duty to the undersigned.

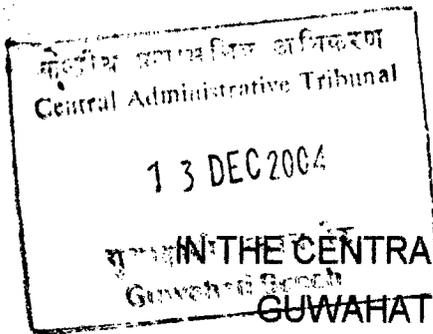
*sdh*  
(J. R. Nath)  
SDO Telegraphs  
BSNL, Karimganj.

Copy to: -

1. The GM Telecom, BSNL, Silchar for information w.r.to above please.
2. The DE (P & A), O/O the GMT, BSNL/Silchar.
3. The DET/Karimganj for information.
4. The Sr. AO (Cash), O/O the GMT, BSNL/Silchar.
- ✓ 5. Sri Birendra Das, S/o Sri Kiron Chandra Das, Vill-Dakshingram, P.O.-Srigouri, Dist-Karimganj, Assam
- 6-7. The SDE(HRD)/Staff, O/O the GMT, BSNL/Silchar.

*sdh*  
(J. R. Nath)  
SDO Telegraphs  
BSNL, Karimganj.

*Admitted  
Surgit Choudhary  
Advocate  
on 12.4.04*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : ATGUWAHATI.

O.A. No.92/2004

Shri Sashanka Das & others.....Applicants

-vs-

Union of India & others.....Respondents

(WRITTEN STATEMENTS FILED BY THE  
RESPONDENT No. 1 to 6)

The written statements of the above-mentioned respondents are as follows:

1. That a copy of the Original Application No.92/2004 (referred to as the "Application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof.
2. That after the formation of the Bharat Sanchar Nigam Limited, a Govt. company registered under the Companies Act, 1956 (referred to as the "BSNL") and all the assets and liabilities being transferred from the erstwhile Department of Telecommunication Services of the Ministry of Communications of the Govt. of India with effect from 1.10.2000, there exist no such post and official respondents as indicated as official respondent No. 2 to 6 in the application. For all such purpose, the BSNL and the official respondents under it are to be sued as a separate, distinct legal entity, which can sue or could be sued by its name as per law as a body corporate and as a State within the meaning of the Article 1

of the Constitution of India. But in this case that has not been done and as such, the application is not maintainable in this form and the same is liable to be dismissed with cost.

3. That the law being well settled that the Hon'ble Central Administrative Tribunal (referred to as the "Tribunal") does not have jurisdiction over the BSNL as the same has not been notified as required under Section 14(2) of the Central Administrative Tribunal Act, 1985 (referred to as the "Act") to bring it within the jurisdiction of the Hon'ble Tribunal.
4. That save and except those statements made in application which are specifically admitted, all the statements made in the application are hereby denied by the respondents.
5. That with regard to the statements made in para 1 of the application, the respondents state that the present application is mis-directed as the application is not maintainable by applying the doctrine of res-judicata.
6. That with regard to the statements made in para 2 of the application, the respondents state that as stated hereinabove, this Hon'ble Tribunal has no jurisdiction to try this application as it has no jurisdiction over BSNL.
7. That with regard to the statements made in para 3 of the application, the respondents state that the application is barred by law of limitation and the same has been filed only to get the limitation extended by misleading the matter in issue.
8. That the respondents have no comment to offer to the statements made in para 4.1 and 4.2 of the application.
9. That with regard to the statements made in para 4.3, the respondents state that the dates of engagement shown by the

applicants are false and fabricated and not in conformity with the official records in the department.

Casual labourers are not appointed against any written order. In earlier days they used to be engaged casually on verbal requisition depending on the availability of works on "No work no wage" basis. There is, however, no casual labourer in the department now a days.

It is not a fact that they had been working continuously with effect from their date of initial engagement without any break. The fact is that the applicants managed some false engagement certificates/particulars from Linemen /SI etc. which were forwarded to Divisional. Authority from field units without verification of their actual engagement particulars in the department .

Service unions in LJCM pressurized the administration for conferment of Temporary Status to the majdoors on the basis of those engagement certificate, pending verification of their actual engagement in the department. The applicant majdoors were provisionally approved for confinement of Temporary Status subject to verification of their actual engagement recorded in the department in the form of paid account vouchers.

A copy of one such letter conveying provisional approval vide No. E-20/Grp-D/Rectt/98dtd. 09-12-97 is enclosed herewith and marked as ANNEXURE-1.

The provisional approval did not give them any right for regularization or absorption in the department.

10. That with regard to the statements made in para 4.4, the respondents state that after giving provisional approval, the

engagement particulars received from the field units, on the basis of certificate of Line staff etc. were verified by the Dept. of Vigilance with reference to their paid account vouchers. The engagement particulars were found false and fabricated.

None of the applicants in this O.A.No.92/2004 completed 240 days in any year, thus failed to qualify for the benefit of Temporary Status Majdoor as per Scheme. The applicants had no right to continue in the Ty. Status basis on false certificates. The competent authority was compelled to cancel the provisional approval with immediate effect. The applicant majdoors were disengaged w.e.f. 29-6-1998.

A copy of one such order canceling the provisional approval vide No.x-1/TOM-SC/CM-Rectt/98-99/213 Dtd.27-06-1998 is annexed herewith and marked as ANNEXURE-2.

It is abundantly clear that fraudulent method was adopted by the applicants in obtaining false and fabricating engagement certificate from the linemen staff and pressurizing the administration through Service Union for regularization in the department. The applicants were not eligible for the benefit as per the provisions of the scheme. They had no legal right for continuation in engagement on the basis of false certificates. They had no right to claim for such benefit, continuation in engagement and subsequent regularization.

11. That with regard to the statements made in para 4.5, the respondents state that the engagement certificates were proved to be false. There was no reason or scope to allow them to continue in the temporary status and engagement in the department. The provisional approval was liable for cancellation forthwith. The applicants were disengaged w.e.f 29-06-1998.

12. That with regard to the statements made in para 4.6, the respondents state that the applicants were disengaged w.e.f 29.06.1998 before issuing the interim order passed by the Hon'ble Tribunal on 02-07-1998. The Hon'ble Tribunal in its order dtd.02-07-1998 directed as "Meanwhile the casual workers shall not be disengaged and the applicants shall be allowed to continue in their service".

The applicants were already in the status disengaged w.e.f.29-06-1998 onwards. Thus "Status Quo" was maintained. There is no violation of the order of the Hon'ble Tribunal. The applicants are misinterpreting the order of the Hon'ble Tribunal dtd.02-07-1998.

A copy of the interim order dtd.02-07-1998 passed in O.A.No.141/98 is annexed herewith and marked as ANNEXURE-3.

13. That with regard to the statements made in para 4.7, the respondents state that the statements made in this para are not correct and hence the same are denied. It is not a fact that the benefit of Ty.Status had been granted to the applicants after detailed scrutiny of this engagement records. This has been clearly and elaborately explained herein above.

It is evident from the admission of the applicant that the Service Union intervened into the issue of conferment of Ty. Status in the LJCM and coerced the administration to grant the T.S to applicants under duress de hors any provisions of the scheme.

The LJCM has no right represent the casual labour as they are not regular staff members of Service Unions as required by law, namely, the CCS (RSA) Rules 1993.

A copy of the relevant rulings of the constitution of LJCM and Rulings on membership is annexed herewith and marked as ANNEXURE<sup>R</sup>-4.

It is clearly stated that IV Rulings on memberships, the right to the Service Unions to represent casual labour has not been conceded.

Casual labourers are not departmental staff and not categorized in in any of the groups of employees for the purpose of forming Service Unions /associations.

A copy of the O.M.No.13-1/85-SRT (Vol. dt.15-2-1995 on the subject from Swamy's Establishment and Administration is annexed herewith and marked as ANNEXURE<sup>R</sup>-5.

From the aforesaid rulings it is abundantly clear that the Service Unions in L JCM illegally interfered into the affairs of casual labourers, embarrassed the administration and forced the SSA administration to confer Temp-Status to casual labourers on false certificate for their vested interest.

14. That with regard to the statements made in para 4.8, the respondents state that the applicants were disengaged w.e.f 29-06-1998. The status quo was maintained till final disposal of the case in O.A.No.141/98 and they were not in engagement whatsoever.
15. That with regard to the statements made in para 4.9, the respondents state that in accordance with the direction of the Hon'ble Tribunal dated 31-08-1999, the CGMT, Assam Telecom Circle/Guwahati directed to constitute a committee vide CGMT GH D.O.No.Estt-9/12/PART-1/23 dated the 28.3.2000 (Copy enclosed and marked as ANNEXURE<sup>R</sup>-6) for detailed scrutiny and verification of engagement records of

each applicant on receipt of their application. A committee was formed for Silchar SSA vide.No.E-20/Scrutiny/CM/02 Dated at Silchar, the 12-04-2000 (a copy of which is annexed herewith and marked as ANNEXURE<sup>P</sup> 7).

The committee thoroughly scrutinized and examined the engagement records of each applicant majdoors since 1986 to 1998 from paid account vouchers. The scrutinization process was elaborate and exhaustive process. The committee thoroughly scrutinized all A/C vouchers, recorded the engagement particulars of individual applicants and submitted its report to the GMTD/Silchar on 09.06.2000 as per the direction and guidelines in CGMT/GH D.O. and the GMTD/Silchar order as referred to above.

The respondents respectfully submit that whosoever is engaged in the SSA in whatever place, his engagement record and particulars will be available in the A/C Vouchers, which are the most authentic documents to determine the actual engagement of a casual labour.

As per the said verification committee report also, none of the applicants in OA No.141/98 completed 240 days service in any calendar year. As per the conditions laid down in the direction before the committee and the scheme, none of the applicants in OA 141/98 was considered eligible for the conferment of Temporary Status on the basis of their previous engagement records in the department.

Moreover, 240 days engagement in a year is prerequisite for conferment of TSM Status as per scheme of 1989. None of the applicants in OA 141/98 were recommended by the committee. The applicants in this O.A.92/2004 were involved in O.A No.141/98 also. Their engagement particulars were also scrutinized by the said committee. Their actual engagement

particulars in the department, as per committee report, are annexed herewith and marked as ANNEXURE<sup>P</sup>-8.

On the basis of the recommendation of the verification committee and direction of the Hon'ble Tribunal, in its order dated 31-08-1999, GMTD/Silchar disposed of the representation of every individual applicants including those involved 141/98 by passing reasoned order vide No. E-20/TSM Regularisation/SC/04 Dated at Silchar, the 26-09-2000. The copies of disposal order in respect of 6 (Six) applicants in this O.A No.92/04 are annexed herewith as ANNEXURE<sup>P</sup>-9 (Series).

The direction contained in the Hon'ble Tribunal order dtd.31-08-1999 has been complied with by the respondents with utmost sincerity.

16. That with regard to the statements made in para 4.10, the respondents state that the applicants were not in engagement since 29.6.1998 till the final disposal of their representations on 26.9.2000 in terms of the order dtd .31.8.1999. The direction contained in the Hon'ble Tribunal order dtd. 31-8-1999 had been complied with by the respondents with utmost sincerity.

The respondent authorities are not supposed to pay wages for the period with effect from 30.06.1998 as the applicant were disengaged w.e.f 29.6.1998.

17. That with regard to the statements made in para 4.11, the respondents state that the verification committee examined all the relevant documents produced by the applicants and also from the department. The engagement particulars were verified on the basis of authentic payment vouchers in the accounts department and not on the basis of certificates given by Linestaff which were found to be forged and baseless and

without any authority. The certificates were found to be not based on actual payment vouchers.

The respondents in this regard respectfully submit that whosoever is engaged in the department, his engagement particulars will be available in the payment vouchers maintained by the respective department. But the payment vouchers available did not support their claims relating to engagement. Thus the certificates produced by the Line staff and forwarded to divisional office were false and not based on official records of payment vouchers and thus can not be relied upon.

The representations of the applicants were disposed of after detailed scrutiny and verification only and the process was elaborate and exhaustive.

18. That with regard to the statements made in para 4.12, the respondents state that the applicants had been paid up to the period for which they were engaged in the department. They were disengaged w.e.f 29-06-1998. Since they were not in engagement w.e.f 29-06-1998, the question of payment of wages does not arise.

It is relevant here to mention that the action of the applicants for getting false engagement certificates, pressuring the administration through unions for provisional Ty. Status etc. are totally unfair and illegal. They were not eligible for the Ty. Status as per their engagement records and as per departmental scheme. As such their continuation in engagement would encourage fraudulent and illegal activities. Action of the administration for their disengagement is fully reasonable and justified.

19. That with regard to the statements made in para 4.13, the respondents state that the conferment of temporary status has

no relevance with the sanctioned post of Regular Mazdoor. All eligible cases have been conferred Ty. Status and regularized in the dept. as per the provisions laid down in the Scheme.

There is no scope for regularization of any applicant unless he qualifies for the eligibility criteria laid down in the scheme. Mere production of false engagement certificates do not make them eligible and confer any right for regularization in the department.

The applicants are not eligible for the benefits under the scheme and as such not entitled for regularization or any such back wages etc. as prayed for. It is relevant to mention here that all eligible candidates are conferred with the Ty. Status and subsequently regularized as Regular Majdoor in the department. A copy of the scheme called, "Casual Labourers Grant of Temporary Status and Regularization Scheme 1989 of DOT" is annexed herewith and marked as ANNEXURE-10.

20. That with regard to the statements made in para 4.14, the respondents state that the order dtd.26-09-2000 was issued in compliance to the direction of the Hon'ble Tribunal's order dtd. 31-08-1999 after detailed scrutiny and verification of engagement records of the applicants by a duly constituted verification committee. Hence nothing was done illegally or in violation of the said order of the Hon'ble Tribunal. The applicants did not fulfill the minimum eligible criteria as laid down by the scheme.
21. That with regard to the statements made in para 4.15, the respondents state that the applicants were disengaged w.e.f. 29-06-1998 and they continued to be disengaged till final disposal of the O.A 141/98 on 31-08-1999 and thereafter. The applicants were in the status "disengaged" on 02-07-1998 i.e. on the day of the passing of the interim order by the Hon'ble Tribunal. But the applicants were already disengaged prior to

the interim order dt.02-07-1998 as such "status quo" was maintained. The verification committee submitted its findings and report to GMTD/Silchar, on 08-08-2001. On the basis of the findings and recommendation of committee, the representations of the applicants were duly disposed of vide GMTD/Silchar No.CAT/GH O.A 408 /2000 /27 dtd 26-09-2001 and the same are annexed as and marked as ANNEXURE<sup>R</sup>-11 (series ). The applicants did not fulfill the eligibility criteria for conferment of Ty.Status as per their engagement records in the department . Their prayer for granting Ty. Status could not be acceded to and hence rejected.

22. That with regard to the statements made in para 4.16, the respondents state that the statements made in this para are not correct and supported by any cogent and irrefutable proof. It is not a fact that the applicants rendered 240 days in almost all calender years. It is not a fact that SDO (T)/ SDE certified the engagement before granting Ty.Status provisionally. In this regard the respondents reiterate and reasserts the foregoing statements made in this written statements.
23. That with regard to the statements made in para 4.17, the respondents state that as per direction of Hon'ble Tribunal order dtd.30-03-2001 in O.A. No. 408/2000, the applicants were called before the verification committee on 27-07-2001 vide this office letter No.CAT/GH O.A.408/2000/21 dated 24-07-2001 which contains the receipt signature of the applicants . Here also, they could not produce any document to support their claims and to justify their conferment of temporary status .They continue to stick to the engagement certificates of Line staff only which have no locus standi. As such, the arguments of the applicants are not based on any fact supported by proof and hence not acceptable.
24. That with regard to the statements made in para 4.18, the respondents state that the applicants are ignoring the fact that

they were conferred with temporary status provisionally subject to verification of the engagement particulars and the correctness of the certificates relied upon by them. As state above that was done under duress. They are involved in the conspiracy and involved/induced LJCM/Unions to achieve their illegal goal and wrongful gains. Mere averment can not change their engagement status and authentic recodes in the department. The department has regularized all eligible casual majdoors. There is no reason to believe unjustified allegations of vindictive attitude of the respondents towards the applicants. Allegations made against the respondents are totally unjustified, unreasonable and not based on fact or any law.

All directions from Hon'ble Tribunal has been complied with sincerity and honour. The reasoned order passed by the respondents authority is justified and reasonable.

25. That with regard to the statements made in para 4.19, the respondents state that the allegations are false and baseless. The respondents reiterate the foregoing statements here also and deny the allegations.
26. That with regard to the statements made in para 4.20, the respondents state that the applicants did not complete 240 days in and year which have clearly stated hereinabove. Their engagement certificates were false and fabricated . As such their conferment of Ty. Status and regularization in the Dept. if allowed, such action will certainly encourage fraudulent activities which is not desirable in the eye of law. The applicants have not fulfilled the eligibility conditions. Therefore, the actions of the respondents are justified and there is no genuine and legal ground to set aside the actions of the respondents.

27. That with regard to the statements made in para 4.21, the respondents reiterate and reassert the foregoing statements and state that the applicants were not in engagement w.e.f. 29-06-1998 and as such not entitled to any back wages w.e.f.29-06-1998 and after wards.
28. That with regard to the statements made in para 4.22, the respondents reassert the foregoing statements and state that the actions of the respondents are in accordance with the rules and regularizations on the subject . There is no justification of the allegations against the respondents authorities in the department . The procedures were rightly followed by the department. The allegations of playing hide and sick by the department with the applicants are baseless and without any proof. Rather they are the applicants who are to be blamed for their fraudulent and forceful act to procure the order for temporary status de hors rule/provisions of the scheme.
29. That with regard to the statements made in para 4.23, the respondents state that the applicants did not complete 240 days in any year during the period of their casual engagements . They were disengaged w.e.f. 29-6-1998 and were never reengaged after that date i.e. 29-06-1998. The respondents reiterate the foregoing statements here also.
30. That with regard to the statements made in para 4.24, 4.25 and 4.26, the respondents reassert the foregoing statements and state that the applicants are not entitled to get the benefit of the scheme as they failed to fulfill the required criteria as required by the scheme.
31. That with regard to the statements made in para 5.1 to 5.20, the respondents state that under the facts and circumstances of the case and the provisions of the law and the scheme, the grounds shown by the applicants are not at all tenable in law and the application is liable to be dismissed with cost.

In this connection, the respondent state that the law is well settled that when the appointment is obtained by fraudulent means, the termination without disciplinary proceeding is not illegal. Forged or bogus appointment is void-ab-initio. The law is also well settled that the service procured by fraud can be terminated even after long service, no enquiry is necessary. The beneficiary of wrong act can not claim protection. The decision of court with regard to fraudulent appointment, which is advisory in notice is not binding. The law is also settled that an order obtained by collusion is vitiated. Hence, the applicants are not entitled to any benefit as the action of the respondents have not violated any legally enforceable right of the applicants.

32. That the answering respondents have no comment to offer to the statements made in para 6 and 7 of the application.
33. That with regard to the statements made in para 8.1 to 8.7 and 9.1 to 9.2, the respondents state that in any view of the matter and under the facts and circumstances of the case and the provisions of law and the scheme, the applicants are not entitled to any relief whatsoever 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, perused the records and after hearing the parties and perusing the records shall also be pleased to dismissed the application with cost.

VERIFICATION

I, Sri. Shankar Chandra Das S/O Late Gopikram Das aged about 58 years resident of Telecom Officers Colony Guwahati working as Asstt Director Teleca (Legal) in the office of the Chief General Manager Assam, BSNL Guwahati do hereby solemnly affirm and state that the statement made in the para 1 to 8, 11, 14, 16, 17, 18, 22 to 31 and 32 are true to my knowledge and belief, those made in para 9, 10, 12, 13, 15, 19, and 21 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Court. I have not suppressed any material facts.

Shankar Chandra Das  
Deponent

Assistant Director T. (Legal)  
Office of the Chief General Manager BSNL  
Assam Telecom Circle Guwahati-7

16

ANNEXURE - 1

ANNEXURE

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
SILCHAR

No. E-26/Cep D/Rectt/98

Dated at Silchar, 09-12-97.

To

The S.D.O. Telegraphs,  
Karinganji Telegraphs Sub-Division,  
Karinganji.

Sub : Casual labours (Grant of temporary status and regularisation scheme) 1989 engaged after 30-3-85 upto 22-3-88)

In pursuance of the DOT New Delhi letter No. 269-4/93-STN-II dated 17-12-93 and CGMT/Guwahati letter No. Rectt-3/10/Part-II dated 4-01-94, the following nine casual mazdoors in your Sub-Division are approved for granting of temporary status on the basis of particulars furnished by you vide your letter No. E-119/Pt. II/95-96 dt. 8-12-95 & 10-7-95.

You are directed to take further action after verification of their eligibility once again on the points mentioned below :-

- (1) Age at the time of engagement.
- (2) Educational qualification upto VIII standard.
- (3) No. of days worked yearwise.

After conferring the provisional approval for granting of temporary status w.e.f. 9-12-97 to the casual mazdoors mentioned above, intimation is to be given to TDM/Silchar for their place of posting which will be decided by TDM/Silchar.

List of Mazdoors approved for TSM :-

1. Sri Nripendra Ch. Das, S/O Sri Ganesh Ch. Das, Vill-Bakrihwar.
2. Sri Samsul Haque, S/O Sri Masiur Rahaman, Vill-Lattimara.
3. Sri Manindra Ch. Nath, S/O Sri Mahendra Ch. Nath, Vill-Kankelash.
4. Sri Sahabuddin Masarbhuyan, S/O Md. Mosaraf Ali, Vill-Lattimara.
5. Sri Nirojan Ch. Das, S/O Sri Sujit Ram Das, Vill-Paterakandi.
6. Sri Birendra Das, S/O Sri Kiran Ch. Das, Vill-Dak, Ingram.
7. Sri Dharendra Sarkar, S/O Late Raychand Sarkar, Vill-Shyamnagar.
8. Sri Dilip Nath, S/O Late Rajendra Ch. Nath, Vill-Katirail.
9. Sri Mohit Roy, S/O Late Ramcharan Roy, Vill-Umapati.

(S. K. Samanta)

Telecom. District Manager  
Silchar.

Copy to :-

The A.O. Cachar, TDM/Silchar.

-89-  
ANNEXURE: R2 108  
ANNEXURE - 27

13

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE TELECOM DISTRICT MANAGER, SILCHAR

No : X-11/708-SEZON-Rectt/96-99/211 Dated at Silchar, 22-06-98

To

The SLD Phone  
Karimganj.

Sub : Casual labourers (Grant of temporary status and regularisation scheme), 1989 engaged after 30-3-85 upto 22-6-89.

Ref : 1. Letter No E-2076p-D/Rectt/97 dtd. 9-12-97.  
2. Letter No E-2076p-D/Rectt/98 dtd. 9-12-97..

As per above mentioned letters provisional ISM status was conferred to the following casual mazdoors. Later on posting order was given to them vide letter No. E-2076p-D/Rectt/111 dtd at Silchar, 15-1-98.

Noted  
in 7/98  
KRM  
vgy.

- 1. Sri Anisur Rahman - Karimganj Phone Sub-Division
- 2. Sri Lutfur Rahman - do
- 3. Sri Mahabubur R. Balaibar - do
- 4. Sri Salahuddin Bhazart Bazar - do
- 5. Sri Mubir - do
- 6. Sri Miran - do
- 7. Sri Farid - do
- 8. Sri M. Apurva - do

As per SLD vigilance report ISM Silchar report vide letter No. AM/2076-99/111 dtd. 23.6.97, all the above casual mazdoors were absent for the last more than 30 days counting from the date 17-1-98. They do not qualify for regularisation as ISM as per their previous engagement record in the deptt.

As per this order, the provisional ISM status which was conferred to them vide letter No. E-2076p-D/Rectt/97 dtd. at Silchar, 9-12-97 and E-2076p-D/Rectt/98 dtd. 9-12-97 is hereby cancelled with immediate effect. You are hereby ordered not to engage those persons anymore.

  
Telecom District Manager  
Silchar.

Copy to :

- 1. CAO D/O TDM Silchar for information. No pay is to be drawn against the above persons from 29-6-98.
- 2. DE (P&A) D/O TDM Silchar : Please ensure the implementation of this order.
- 3. SDO Karimganj.
- 4. SDE Patharandi.

  
Telecom District Manager  
Silchar.

Case (Payable)  
Sh. Chandra Mohan  
1/8/98

FORM NO. 74  
(See Rule 42)

The Central Administrative Tribunal  
GUWAHATI BENCH GUWAHATI

ORDER SHEET  
APPLICATION NO. 4 OF 1998

Applicant(s) - All India Telecom Employees Union  
Respondent(s) - U.N.I.C. ...  
Advocate for Applicant(s) - Mr. D.K. Sharma  
Advocate for Respondent(s) - Mr. S. Ali

C.S.C.

Notes of the Registry	Date	Order of the Tribunal
	2-7-98	<p>Heard Mr. D.K. Sharma learned counsel appearing on behalf of the applicant and Mr. S. Ali, learned Sr. C.S.C for the respondents.</p> <p>Application is admitted. Mr. D.K. Sharma prays for an interim order, not to discontinue the services of the applicants. Mr. S. Ali has no instructions in this matter.</p> <p>Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.</p> <p>Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services.</p> <p>List it on 31-7-98 for orders.</p> <p>Number: ... Vice-Chairman</p>

post  
lm

4. No action is to be taken on direct reference from branch unions except when specifically ordered by Minister/Deputy Minister/Chairman, Telecom. Board/Member of the Telecoms Board.

16-2/65-SR dated 3-8-86

5. On behalf of Unions/Associations, their General Secretaries or the holders of corresponding office or the President only should normally address the Administration. The Assistant Secretaries/Deputy General Secretaries wherever specifically authorised by their General Secretaries, may also address communications to the Administration but the references made by them should contain a clear indication that the same are being made under the authority of the General Secretary concerned.

31-1/64-SR dated 5-4-1969

6. The Administration will send replies to communications from Unions/Associations addressed to the General Secretaries of the Unions/Associations and to the Headquarters address of the Branch Unions concerned with the only exception of D.O. letters from President. Replies to such D.Os. may be sent to the President but these will also be invariably addressed to the Headquarters address of the Union/Branch Unions concerned unless the sender of the reply is of the opinion that there are special reasons or circumstances for sending a reply direct to the address of the President.

31-3/66-SR dt. 24-11-66

7. The Unions/Associations shall not espouse or support the cause of individual government servants relating to service matters. When such references are received, the Unions/Associations may be informed that they are precluded from taking up individual cases with the Administration and as such their references are being filed.

16-2/72-SR dated 7-7-72

8. As per the existing system, the entire working of an office is appropriately distributed among its different sections for quick and proper disposal. When a communication is received which deals with more than one subject, it creates administrative inconvenience and difficulty, necessitates preparation of extracts for action in appropriate files in the concerned sections and delays the disposal of items referred to in the communication. With a view to facilitate quick and straight disposal, each union's communication addressed to the administrative authorities concerned at different levels, should deal with only one subject.

9. Creation and abolition of posts is purely an administrative matter and it is not a subject which the Union can discuss with the Administration. It is for the Department to decide whether a parti-

cular post is justified or not and it is not the function of the Union to determine the justification or otherwise of the posts. Views of the Union may, however, be considered when the question is examined on merits. No correspondence will be entertained with the Union regarding creation of individual posts. The question of fixation of standards for creation of posts is a different matter and does not fall in the above category.

16-6/65-SR dated 31-3-1965

### III. Office Bearers

1. Honourably retired Telecom. officials of any arm of service are eligible to hold office in Associations/Unions.

17-9/59-SR dated 23-2-60 and 33-7/77-SR dated 26-12-77

2. Telecom. employees are permitted to hold office in Unions/Associations of their own arm of service and their own Circle/Division and All India Union concerned only. A class III employee can become an office bearer of a Union/Association of Class IV employees subject to the conditions that (a) the official belongs to the same arm of service and the same circle in the case of Circle Union and same Division in the case of Branch Union below Circle level and (b) the constitution of the Union of Class IV employees provides for membership of Class III employees. There is no objection to an employee holding office simultaneously in two or more branch Unions at Division/Circle and All India level provided the branches belong to his own arm of service, Circle and Division. The above restrictions shall not however apply in case of employees holding office of President/Vice-President.

17-23/73-SR dated 8-1-75

3. Prescribed facilities should not be extended to branches of Unions/Associations where any of the office bearers are non-employees (outsiders).

17-7/74-SR dated 17-1-75 and 17-28/84-SR dated 9-10-84

### IV. Rulings on Membership

1. The right of the Unions to represent casual labour has not been conceded. But if any grievances of casual labour covered by the recommendations of the Pay Commission are brought to notice by the Federation or Unions, stated to it, this will be examined. However, no reply in respect of such grievances would be sent to the Federation or Unions if they do not want to it.

32-1/64-SR dated 11-8-64

2. The trainees who have been recruited directly and yet to be absorbed in the Department will not join/form/organise any Unions/

20-92-  
WJ

# Trade Union Facilities

## Compilation of instructions

DOT No. 10-12/87 SRT dated 1-5-87

A compilation of instructions on trade union facilities was circulated in this office (letter No. 10-1/72-SR dated the 28th June 1978). Some of the instructions have since been modified and some fresh instructions have also been issued. A need was therefore felt to make the compilation up-to-date to make it handy and convenient for the use of all administrative authorities. The compilation now made up-to-date incorporating all instructions issued up to 31st March 1987 is enclosed. Efforts have been made to incorporate all the instructions but if still omissions are there, these may be brought to the notice of the Directorate.

## II. Recognition

1. Request for recognition for Unions/Associations should be forwarded to Deptt. of Telecom. for consideration.

2. As a general rule, Unions/Associations are granted recognition on All India basis i.e., the All India body is recognised. The All India Union so recognised may form branches at Circle, Divisional and local levels as provided in their constitutions. The branches so formed are entitled to get trade union facilities. No separate recognition orders are required from the Directorate for each newly opened branch.

3. If a new circle branch is formed, the concerned All India Union will inform the Directorate which will advise the Circle Head for extension of trade union facilities.

4. If a new branch is formed, below circle level, the concerned circle union will intimate the fact to the circle head who will advise his divisional head/local officer incharge of the branch for extension of trade union facilities.

5. When a new branch is formed, it may not be possible for a variety of trade union reasons to send notices etc. in advance to the Administration, or to publish any notice about the meeting. In such cases even if a formal notice is not issued for convening a meeting of the prospective members for forming a new branch and elections of office bearers, the intention to hold such a meeting should be communicated confidentially, if necessary, to the head of Circle/Division as the case may be. This should be done by the Circle Secretary in the case of formation of a Divisional branch and by the General Secretary in the case of Circle Branch.

6. The trade union facilities herein mentioned are admissible to the recognised Unions only.

7. The terms and conditions under which the Unions/Associations are recognised are reproduced at Annexure-I.

8. A list of recognised Unions/Associations as on 1.4.1987 is reproduced at Annexure-II. (Not published)

9. The Unions/Associations have their branches at the Circle and Divisional levels and correspondence is exchanged with these branches by the heads of Circles and Divisional officers respectively. The Federation is an All India body and it does not have branches at Circle or lower levels. Only the Federation at the Central level is authorised to coordinate the activities of Central Unions. No other coordinating committee at any other level is recognised by the Department. (21-7/67-SR dated 6-2-68, 13-8/77-SR dated 22.12.77)

## II. Channel of Communications

1. While Government servants are free to join any Associations subject to the condition laid down in the CCS (Conduct) Rules, 1964, the Government is not supposed to enter into correspondence with the Association on their service grievances unless they have been granted recognition by the Government for this purpose. Therefore, as a rule, no correspondence should be entered into with any unrecognised Unions/Associations nor copies of their letters, etc. should be forwarded to any subordinate unit for action.

2. The All India Unions have their branches at Circle, Divisional and local levels. The Central Unions and their branches should correspond directly only with the authorities incharge of the unit they represent, i.e. a local Union should correspond only with the local authority, a Divisional Union with the Divisional authority, a Circle Union with the Head of the Circle and the Central Unions with the D.G. or the Government through the D.G.

3. Representatives of the Unions are limited to the matters concerning the unit they represent, i.e. a Divisional Union should take up matter concerning the Division as a whole, the Circle Union matters concerning the Circle as a whole and the Central Unions matters of All India interest. If a Branch Union is not satisfied with the decision or reply given by its accredited authority, the next higher branch Union may take up such matters with its accredited authority and while doing so, the Union should clearly state that the matter was taken up initially with the lower authorities concerned and state the replies or decision received from that authority. If Central Union intends to take up the matter concerning a particular circle, it may submit a representation to the Director General but should bring about in the representation the fact that the Circle Branch was taken up initially with the Head of the Circle and also state the reference of the same.

(S/T/150-19157-S/T/4/28.10.52)

Besides the Chairman there shall be not more than five members on the official side to be nominated by the Chairman.

(c) Representatives on the staff side.

There shall not be more than 14 members on the staff side nominated by the Associations/Unions/Federations recognised for the purpose of representation on the Departmental Council.

Note 1: Where there are two or more Federations/Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible representation of the council, on the basis of the respective numerical strengths of the categories concerned.

Note 2: Where there are two or more Associations/Unions representing the same categories of staff, the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

Note 3: If there has been change in the membership of the Association/Union proportional representation given could only be changed after verification of membership to be done in the manner as prescribed by the Government.

Note 4: Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to Associations/Unions.

Note 5: For the purpose of nomination on the staff side, only those Federations/Associations/Unions will be recognised which have enjoyed recognition in the past, and which represent broadly and adequately all the categories of employees of a Department. However, in the case of a Department where there has been no recognised Federation/Association/Union in the past or where the existing Federation/Association/Union does not represent all the categories adequately, another Federation/Association/Union may be recognised.

(2) No person who is not an employee or an honourably retired employee of the Central Government shall be a member of a joint Council.

Note: Government may permit an ex-employee to be member of a Council after examining the merits of each individual case.

(d) Secretaries

The official and staff sides may each appoint its Secretary or Secretaries from amongst its representatives.

(e) Leader

The staff side shall elect by simple majority, one of its members as its leader, who shall hold that office for a period of one year but shall be eligible for re-election; a vacancy caused by death, retirement, resignation transfer, etc. will be filled for the unexpired term.

6. Nomination of representatives on the staff side by recognised employees' organisations.

(1) At the commencement of the constitution, and thereafter when occasions arise, each recognised employees' organisation which term shall include a Federation, a Confederation, an Association and a Union eligible for representation on the Council shall be intimated in form 'A' the number of members it may nominate on the Council.

(2) On receipt of intimation as in Clause (1), a recognised employees' organisation may intimate in form 'B' the names of its representatives nominated by its Executive Committee.

(3) In the event of retirement, resignation, death etc of a representative of an employees' organisation, such organisation may nominate or, in the case of retirement, re-nominate its representative in form 'C'.

(4) On receipt of intimation under Clause (2) or (3) above, as the case may be, the Chairman of the Council shall consider whether the nomination is in accordance with provisions of the scheme and inform the employees' organisation concerned.

7. Term of Membership

The Associations will nominate their representatives for a term of 3 years, but there will be no bar to re-nomination; vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

Note: Any Association may replace on the Council such of its representatives as have ceased to be its office bearers at annual election by exigencies such as a vote of no confidence.

8. Appointment of Committees

The Council may appoint Committees from amongst its members to study and report on any matter falling within its scope.

### Local Councils

CT 15-11-47

Reference is made to the letter No. 22-55/84-SRT dated 11-11-47, in which the Chief Engineer is asked to clarify as under:-

1. The number of members of the Local Councils in the various districts of the Province.

2. The manner in which the members of the Local Councils are appointed.

3. The manner in which the members of the Local Councils are elected.

CT 15-11-47-SRT 11-11-47

In reply to the letter of even No. dated the 23rd August 1947, it is clarified that Local Councils will be set up in all telephone District Divisions also.

#### Integration of Civil Wing

CT 15-11-47-SRT 11-11-47

Reference is made to the letter of even No. dated the 11th August 1947, in which the number of seats in the Local Councils in the Civil Wing is asked to be increased to 14. It is decided that the number of seats in the Local Councils may be increased to 14 so as to be commensurate with the Union functions in the Civil Wing. The number of 14 seats will not be further increased in the event of formation of new telephone districts or upgrade of existing telephone districts.

#### Official Side representation

CT 15-11-47-SRT 15-11-47

Reference is made to the letter of even No. dated the 6th August 1947 on the above subject wherein the decision was taken to have an official member, the Chief Engineer concerned, on the Local Councils of the Provincial Council.

It is decided that the official member of the Local Councils shall be the Chief Engineer concerned in the District in which the Local Council is set up. The official member shall be appointed by the Chief Engineer concerned in the District in which the Local Council is set up. The official member shall be appointed by the Chief Engineer concerned in the District in which the Local Council is set up.

### Local Councils

### Model Constitution

Constitution of Local Councils of Telephone Districts of the Province of the Chief Engineer, Province of the Chief Engineer, Province of the Chief Engineer.

#### 1. Short Title

This Constitution may be called the constitution of the Local Councils of District Telephone SSAs by a reference in future to Chief Engineer in the Department of Telecommunications under the Section for Joint Consultative Machinery and Control only with reference to Central Government Employees.

#### 2. Application

This Constitution shall cover all the civil employees of the Central Government for whom there are no provisions in the Constitution of the Province of the Chief Engineer and all the subordinate officers and employees of the same.

#### 3. Object

The object of the Council is to promote and improve relations and to secure the best possible co-operation between the Central Government in its capacity as employer, and the general body of its employes in matters of common concern and further to increase the efficiency of the public service combined with the well-being of the employed.

#### 4. Scope and Functions

The scope of the Council will include all local matters relating to conditions of service, work, welfare of the employees, and improvement of efficiency and standard of work with particular reference to local conditions.

The object is to be promoted at the local councils should be limited to the following:-  
1. The Local Councils of the Chief Engineer, Province of the Chief Engineer, Province of the Chief Engineer.

#### 5. Composition

The Council shall consist of the following:-  
1. The Chief Engineer, Province of the Chief Engineer, Province of the Chief Engineer.  
2. The Chief Engineer, Province of the Chief Engineer, Province of the Chief Engineer.

SWAMY'S—ESTABLISHMENT AND ADMINISTRATION

23  
 categorization and submit fresh application in case continuation applications submitted earlier are not in accordance with the above instructions.

(10) The employees working in MTNL (excluding the corporate employees) are at present DoT employees and their service conditions are governed by CCS (Conduct) Rules. They will be taken as a part of DoT employees for forming the unions.

15

Letter No. 13-1/85-SRT (Vol. II), dated 30-5-1994

Clarifications for forming service Unions/Associations under CCS (Recognition of Service Associations) Rules, 1993

I am directed to invite your kind attention to DoT, OM of even number, dated 19-4-1994, (vide *Sl. No. 14 above*) in which the various employees of the Department have been categorized for the purpose of forming service unions/associations.

2. References have been received from some of the units as also the service unions seeking clarification on some of the points regarding categorization referred to above. The same are clarified as under for your information, guidance and necessary action.

Point 1.—Whether the CCS (RSA) Rules, 1993, apply to industrial workers of Telecom Factories/Telecom Stores, etc.

*Clarification.*—No. The CCS (RSA) Rules do not apply to the industrial employees of Telecom Factories/Telecom Stores, etc. However, these rules apply to the non-industrial employees of these units and such employees are entitled to form a union along with Telecom Group 'C'/D' employees referred to in items 6 (1) and 6 (2) of this office OM, dated 19-4-1994, cited above.

Point 2.—Whether the Stenographers can form a separate union exclusively in terms of the OM, dated 19-4-1994.

*Clarification.*—No. The Stenographers posted in the SSA Units/Telegraph Traffic Divisions are eligible to form a union along with Telecom Grade 'C' employees referred to in item 6 (2) of the OM, dated 19-4-1994. Stenographers/PAs including Senior PAs posted in Circle Headquarters Offices of the Telecom Circles can form a union along with administrative office employees referred to in item 6 (4) of the OM. The Stenographers/PAs working in the Civil Wing/WPC Wing would form a union along with the Civil Wing/WPC employees referred to in items 6 (5) and 6 (7) of the OM.

Point 3.—Whether all the employees working in the Telecom Circle Headquarters Office would form a union of administrative office employees referred to in item 6 (4).

*Clarification.*—Yes. However, this will exclude JTOs, ASTTs and other employees of the Civil Wing, etc., who are frequently transferable from the

CCS (RECOGNITION OF SERVICE ASSOCIATIONS) RULES-  
 49

Circle Headquarters Office and will include Telecom Accounts Clerks posted in these offices.

16  
 O.M. No. 13-1/85-SRT (Vol. IV), dated 15-2-1995

Categorization of Group 'C'/Group 'D' employees for the purpose of forming service unions/associations under CCS (RSA) Rules, 1993, in Department of Telecom

A few staff federations and the service unions had desired that the issue of categorization of employees vide this office OM of even number, dated 19-4-1994 (*copy enclosed*) may be reconsidered.

2. Taking note of the demand of the service unions, to mention a few, All India Telecom Stenographers Association, National Union of Telecom Engineering Employees, Line Staff and Group 'D' Bhartiya Telecom Technicians' Union, Telecom Accounts Association, NFTA, the above issue has been reconsidered by this office. It has been observed that the categorization as decided vide OM, dated 19-4-1994, and the clarificatory orders issued by this office subsequent thereto is in order and does not require any further modification. The proposal of forming an exclusive union by the Stenographers/PAs and Telecom Technicians has not been agreed to. As already clarified vide this Office Letter No. 36-1/94-SRT, dated 14-9-1994, the Stenographers working in Telecom Circles including Senior PAs would form the union along with the Administrative Office employees referred to as item 4 of Para. 6 of the OM, dated 19-4-1994. The Telecom Technicians would form the service union along with the other Group 'C' employees, referred to under item 2 of Para. 6 of the OM, dated 19-4-1994.

3. Taking the above aspects into account, the list of categories and the details of employees covered by each category is enclosed for information of all concerned. The recognition of applicant service unions whose applications have been received within the stipulated date, viz., 21-1-1995, would be considered as per this categorization.

LIST OF CATEGORIES CONSTITUTED

Sl. No.	Name of category	Details of employees covered in the category
1.	Line Staff and Group 'D' employees	Line Staff such as Linemen, SIs, Lis, Regular Mazdoors and Group 'D' employees of Telecom Engineering, non-Industrial Group 'D' employees of Telecom Factories, Telegraph Traffic, Accounts Wings of the Department excluding the Group 'D' employees working in Circle Headquarters Offices, Civil Wing and WPC/Monitoring Organization who are since included in other categories, viz., category Nos. 4, 5 and 7 respectively.
2.	Telecom Group 'C' employees	All Group 'C' employees of the Telecom Engineering, Telecom Factories (non-industrial employees), Telegraph Traffic and the Telecom Accounts Wings excluding

ANNEXURE : R S

24-96

SWAMI'S ESTABLISHMENT AND ADMINISTRATION

Sl. No.	Name of category	Details of employees covered in the category
1	JTOs	Group 'C' employees working in the Circle Headquarters Offices, JTOs, JEs, (Civil), Group 'C' employees of the Civil Wing and WPC Monitoring Organization who are since covered under category Nos. 4, 5, 6 and 7 respectively. Junior Accounts Officers are also excluded. They are categorized with Group 'B' officers of the Accounts Officers Association.
2	JTOs	JTOs including Telegraph Assistant Superintendents of Telegraph Traffic who have since been merged with JTOs.
4	Administrative Office employees	Group 'C/D' employees posted in the Circle Headquarters who are not transferable outside the Circle Headquarters. This category would also include Senior PAs/PAs/ Stenographers posted in the SSAs and the Circle Headquarters Offices.
5	Telecom Civil Wing Non-Gazetted Staff	All Group 'C/D' employees of the Civil Wing (Electrical, Civil, Arch Disciplines) excluding JEAs who are since covered under category No. 6.
6	JEAs of Civil Wing	This category would cover JEAs in all the 3 disciplines of the Civil Wing, i.e., Civil, Electrical, Arch.
7	Non-Gazetted Staff of WPC and Monitoring Organization	All Group 'C/D' employees of the WPC and Monitoring Organization of the Department.

ENCLOSURE

G.I., Dept. of Telecom, O.M. No. 13-1/85-SRT (Vol. II), dated 19-1-1994

Not reproduced?—See Sl. No. 14 above

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Letter No. 6-1/97-SR (Pl), dated 22-7-1997

Categorization of employees for forming Service Unions in Administrative Employees' Union

Attention of Service Unions and others concerned is invited to this Office Memo No. 13-1/85-SRT (Vol. IV), dated 15-2-1995 (Sl. No. 16 above) and No. 6-1/97-SR, dated 3-6-1997 on the subject noted above.

2. A question has now been raised whether (i) the Telecom Accounts Clerks working as Precheckers in SSAs are part of Circle Office staff for the purpose of forming Unions in the category of Administrative Employees' Union and to be included in the Administrative Offices Employees' Union category.

(ii) Whether the Telecom Accounts Clerks posted in Telecom Circle Headquarters Office would form a Union in the category of Administrative Office Employees' Unions.

3. The matter has been examined and after a careful consideration, it is clarified that both the categories of staff mentioned at (i) and (ii) of the preceding paras. above would be eligible for forming service Unions in the category of Administrative Office Employees' Union. Consequently, the wording Group 'C' employees posted in Circle Headquarters who are not transferable outside the Circle Headquarters mentioned against item 4 of this office Letter No. 13-1/85 SR (Vol. IV), dated 15-2-1995 (Serial No. 16 above) reiterated vide Letter No. 6-1/97 SR, dated 3-6-1997 would include the Telecom Accounts Clerk posted in Telecom Circle Headquarters and who are not transferable outside the Circle Headquarters.

E. ORDERS FROM DEPARTMENT OF POSTS

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\* Letter No. 13-1/93-SR, dated 10-8-1994

Defining categories of employees for the purpose of CCS (Recognition of Service Associations) Rules

The undersigned is directed to refer to Postal Directorate's letter of even number, dated 25-2-1994, on the above subject and to say that the issue to define distinct categories of employees for the purpose of forming Service Associations has been under consideration for some time and it has now been decided to define the categories of employees as under—

(a) Group 'C' Staff.—It has been decided that all the Group 'C' staff of Postal and Circle Administrative Offices may be brought under this category. After the introduction of TBOP/BCR in the Circle Offices, the services of Postal Staff and Administrative Staff have been made interchangeable and, therefore, it is suggested to make one Category of Postal and Administration Wings of the Department.

(b) Group 'C' (RMS).—The Group 'C' staff working in RMS will be under this category.

(c) Group 'D' Postal and Administrative Staff.—This group will include all Group 'D' employees including Postmen and Group 'D' employees of Administrative Wing of the Department.

(d) Group 'D' (RMS).—This group will include all the Group 'D' employees of the RMS Wing of the Department.

(e) IPO/IRM Association.—This group will include IPOs/ASPOs and IRMs/ASIRMs.

(f) Postal Civil Wing, Non-Gazetted Staff.—This group shall cover both Groups 'C' and 'D' employees of the Civil Wing (Electrical, Civil/Architects) including the Juniors Engineers.

\* See also letter, dated 29-11-1995—Sl. No. 21.

D.O.No, Estt-9/12/PART-1/23

Government of India,  
Deptt. of Telecommunications  
O/O the Chief General Manager,  
Assam Telecom Circle,  
Guwahati- 781007.

Dated the 28th March, 2000.

My dear Sir,

A list of casual Mazdoors working as on 1.8.98 was forwarded by your office for granting temporary status as per scheme pronounced by Telecom Directorate in its letter no.269-10/9-STN dated 7.11.89 (copy enclosed). The names of casual mazdoors recommended by your SSA are given in Annexure "A". However, it is observed that apart from these names, additional numbers of Casual Mazdoors have approached Hon'ble CAT from your SSA for granting of Temporary Status to them. (As enclosed Annexure B).

2. The Hon'ble CAT has directed that the matter be sorted out by making detailed scrutiny and examination in consultation with the records and a spending order be passed in every case individually. For this purpose, it is required that a committee comprising 3 members be constituted by you out of which one member shall be a nominee of Circle Office while 2nd member would be DE(P&A) of your SSA and 3rd member should be Accounts Officer from Finance side of your SSA. Mr. ~~Swal~~ ~~Swal~~ ~~Swal~~..... of Circle Office is hereby nominated as member for the aforesaid committee for your SSA. The above mentioned committee should be constituted immediately so that it completes its task 30.4.2000 positively.

3. Broad Terms of reference of the committee should be as under.

i) The committee shall interview all casual labourers appearing in Annexure A and B above and obtain their photograph (duly attested by the committee) as well as signatures.

ii) The engagement/payment record of each labourer shall be verified on the basis of payment particulars and signatures of labourers.

iii) A list of Mazdoors eligible for grant of Temporary Status should be prepared on the basis of guidelines for granting temporary status to Casual Mazdoors issued by Deptt. of Telecom vide letter no.269-10/89-STN dtd.7.11.89 and subsequent letter no.269-4/93-STN II dtd.17.12.93 and also 269-4/93-STN II dt.12.02.99 and 269-4/93-STN II(Pt) dt.13.2.2000 (copy enclosed).

Contd...P/2.

17  
13

-:2:-

iv) Further Directorate vide letter no.271-85/97-STN-II dtd.17.2.1998 (copy attached) observed that the casual labourers were being engaged on the basis of false certificates for attendance. Needless to mention the verification of records by the committee, should be done strictly on the basis of authentic documents.

v) The committee should verify the number of casual labourers without temporary status who have completed 240 days in any preceding year and were in service as on 01.08.1998 as per following details.

Period of Recruitment	Numbers
A. upto 30.3.1985	
B. Between 31.3.1985 to 22.06.88	
C. From 23.06.1988 to 01.08.1998.	

The details of each casual labourer should be recorded seperately in the format attached herewith as Annexure C (Page-1 and Page-2). More sheets can be attached if needed but recording of details has to be individually for each casual labourer.

vi) The committee shall submit the report to the SSA Head for further necessary action who will complete the formalities of declaring TSM to eligible Mazdoor subject to number authorised by Directorate. In respect of non-eligible mazdoors and the one's who have gone to the court, the speaking orders on their disengagement/non-confirmation of TSM status should be passed by each SSA head and delivered to him through Registered letter/under receipt.

In this connection please note that any delay in deciding the representations of each individual labourer may attract 'Contempt of the Court' proceedings.

vii) The above instructions and term of reference are being issued with the specific approval of CGMT Assam Telecom Circle.

It is requested that the necessary action may kindly be initiated so as to complete the task positively before 30.4.2000.

In case of any querries please write to and call the under-signed on 540167(O) / 524524(R).

With Kind regards

*(Signature)*  
(Mojash, Shukla)  
Dy. General Manager (Admin)

To, Shri. *(Signature)*  
General Manager, *(Signature)*  
Telecom District Manager, .....

## Copy to:

1. CGMT(Task Force),GH ! They are also requested to  
! constitute committees for
2. Director( Mtce ), ETR, GH. ! verifying the records of each  
! casual labourer as above and  
! prepared list of eligible C/M  
! for conferment of TSM. The list  
! duly recommended may be for-  
! warded to the respective head  
! of SSA for conferment of TSM.
3. S.E.(Civil), HQ, Guwahati. ! He is requested to forward  
! the verification finding  
! report to C.O., Guwahati for  
! conferment of TSM.

for C.G.M.T. Assam Circle.  
Guwahati-781 007.



28 - 150 -  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM  
SILCHAR SSA :: SILCHAR

ANNEXURE : R7  
ANNEXURE  
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No. E-20/Scrutiny/CM/02

Dated at Silchar, the 12-04-2000

A committee comprising of the following members has been constituted in accordance with the instruction contained in D.O. No. Estt-9/12/PART-1/23 dated, the 28<sup>th</sup> March '2000 from DGM (Admn), O/O the CGMT, Assam Circle, Guwahati, for detailed scrutiny of records of Casual Mazdoors working as on 01-08-98 recommended by SSA & those who approached to Hon'ble CAT/Guwahati in various Court Cases for granting temporary status.

1. Sri I.R. Paul, DE (P&A), O/O the GMT/Silchar - Member.
2. Sri M.R. Choudhury, Sr. A.O. (Cash), O/O the GMT/Silchar - Member.
3. Sri Sankar Das, SDE (RRC), O/O the CGMT/Guwahati - Member.

With a view to completing the task by 30-04-2000 all the members are requested to co-ordinate each other and proceed with the task expeditiously.

*DSB*  
*12/4/00*  
(Daya Shankar)  
Deputy General Manager (O&P)  
O/O the General Manager Telecom  
Silchar SSA : Silchar.

Copy to: -

1. CGMT, Assam Circle, Guwahati.
2. Sri Mahesh Sukla, DGM (Admn), O/O the CGMT/GH. He is requested to arrange release of Sri Sankar Das, SDE (RRC) immediately.
3. Sri I.R. Paul, DE (P&A), O/O the GMT/Silchar.
4. CAO, O/O the GMT/Silchar.
5. Sri M.R. Choudhury, Sr. A.O. (Cash), O/O the GMT/Silchar.
6. Sri Sankar Das, SDE (RRC), O/O the CGMT/Guwahati.
7. Office Copy.

*DSB*  
*12/4/00*  
(Daya Shankar)  
Deputy General Manager (O&P)  
O/O the General Manager Telecom  
Silchar SSA : Silchar.

Verification of records of Casual Labourer in Assam Telecom Circle.

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TO BE  
BY THE  
MAJOR  
PRESENT  
TIL  
0000

Ref: Hon'ble CAT Guwahati bench decision dtd 31-08-99.

1. NAME OF THE APPLICANT CASUAL MAZDOOR
2. CIA NO IF THE LABOURER HAS COME TO COURT
3. FATHER'S NAME AND ADDRESS
4. DATE OF BIRTH
5. AGE AS ON 01-9-1988
6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD)
7. NATURE OF DUTY PERFORMED
8. PRESENT STATUS OF THE MAZDOOR
9. SPECIMEN SIGNATURE OF THE MAZDOOR
10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (As per Circular No. 2) TILL 01-09-88
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GUIDELINE
12. RECOMMENDATION OF THE SSA HEAD/UNIT

SRI SASHANKA KR. DAS  
191/98  
Sri. Suresh Ch. Das  
P.O. 2 Vill - Keti'goreh  
944 - Caciver.

- 30 - 09 - 1968  
20 yrs. 10 months or days  
02 - 11 - 1987  
Engaged locally  
Helper to the line staff for mt construction of tele. guidos,  
Not in work  
Sashanka K. Das

Separate sheet attached.  
Not recommended for permanent status  
Not recommended

General Manager Telecom  
1-7

9/24/99  
2005/10/2/411  
Circle Office number

personally  
10/SSAG/1/12/16  
(copy)

Dhan  
19/6  
DE(P&A)/SSA  
DE(P&A) S

ANNEXURE "C" (Page-2)

STATEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT  
 NAME OF THE APPLICANT: SACHANKA KUMAR DAS  
 CASUAL MAZDOOR

YEAR	Month	No of Dg's	MODE OF PAYMENT'S MASTER ROLL/ACG-17 PARTICULARS VOUCHER NOS	AMOUNT	ENGAGED BY WHOM	FILING/ PASSING AUTHORITY	NAME OF A.O. WITH HAS PAID
1987	Nov.	25	MR. VR-11	1120.00	SDOT/HLK	DET/SC	A.O. (cont./sc)
1987	May	21	MR. VR-26	953.25	SDOT/KRM	"	"
1992	March	23	MR.	520.00	SDOT/SL	"	"
1992	July	125	ACG-17 VR-23 A/c no. 13	1000.00	SDOT/HLK	"	"
1992	Nov	28	ACG-17 VR-23 A/c no. 13	1120.00	SDOT/SL	"	"
1994	March	25	ACG-17 VR-23 A/c no. 3	1225.00	SDOT/HLK	TD/SC	"
1995	May	10	ACG-17 VR-3(1) A/c no. 9	890.00	"	"	"
1995	Dec	4	ACG-17 VR-4(1) A/c no. 25	40.00	"	"	"
1996	Feb.	22	ACG-17 VR-5 A/c no. 47	1122.00	SDOT/KRM	TD/SC	"
1997	May	7	ACG-17 VR-12 A/c no. 9	770.00	SDOT/HLK	"	"
	May	2	ACG-17 VR-23 A/c no. 9	220.00	"	"	"
1997	Dec.	1	ACG-17 VR-5(1) A/c no. 24	40.00	SDOT/HLK	TD/SC	A.O. Contd.

SIGNATURE OF THE COMMITTEE MEMBERS:

(Sachanka Das)

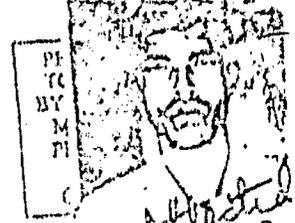
(M.R. Choudhury)

(I.R. Das)



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104-

123

tion of records of Casual Labourers in Assam Telecom Circle.

Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

- 1. NAME OF THE APPLICANT : SRI. AMRESH DAS.
- 2. CASUAL MAZDOOR
- 3. O/A NO. IF THE LABOURER HAS GONE TO COURT : 141/98.
- 4. FATHER'S NAME AND ADDRESS : Late Harman Chouh, Dist Vill - Bakri Harman Ph-7a Po - Kalingapur, PS - Nalagarh, MZ - Cachin.
- 5. DATE OF BIRTH : 01-01-1965
- 6. AGE AS ON 01-08-1998 : 33 yrs. 7 months - days
- 7. DATE OF INITIAL ENGAGEMENT : 23-09-1991
- 8. MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD) : Engaged locally.
- 9. NATURE OF DUTY PERFORMED : Helper to the line staff for construction and maintenance of telecommunication.
- 10. PRESENT STATUS OF THE MAZDOOR : Not in work.
- 11. SPECIMEN SIGNATURE OF THE MAZDOOR : *Amresh Das*
- 12. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-08-98 : Separate sheet attached.
- 13. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE : Not recommended for grant temporary status.
- 14. RECOMMENDATION OF THE SSA HEAD/UNIT : Not recommended.

General Manager Telecom  
GILCHIN

*Signature*  
Circle Office member

*Signature*  
AO/SSA  
(Cash) 9/6/21

*Signature*  
DE (PEA)/SSA

MONTHLY PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

OF THE APPLICANT: ANARESHU DAS  
CAL MAZDOOR

105  
124

YEAR	MONTH	No of days	MODE OF PAYMENT MASTER RECEIPT NO. PARTICULARS VOUCHER NO.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID.
1971	Sept.	6	ACC-12 <u>22-11</u> <u>1/11/75</u>	210.00	SDOT/HLK	TDE/SC	No. Cash/SC
1975	Dec.	22	ACC-12 <u>22-11</u> <u>1/11/75</u>	1122.00	"	"	"
1995	January	30	ACC-12 <u>22-11</u> <u>1/11/75</u>	1625.00	SDOT/KRM	TDM/SC	"
	Feb	24	ACC-12 <u>22-31</u> <u>1/11/75</u>	1224.00	"	"	"
1997	March	3	ACC-12 <u>22-14</u> <u>1/11/75</u>	150.00	SDOT/KRM	"	"
	March	8	ACC-12 <u>22-27</u> <u>1/11/75</u>	500.00	SDOT/HLK	"	"
	"	3	ACC-12 <u>22-34</u> <u>1/11/75</u>	150.00	SDOT/KRM	"	"
	May	3	ACC-12 <u>22-32(3)</u> <u>1/11/75</u>	150.00	"	"	"
	"	3	ACC-12 <u>22-32(5)</u> <u>1/11/75</u>	150.00	"	"	"
	"	3	ACC-12 <u>22-32(16)</u> <u>1/11/75</u>	150.00	"	"	"
	"	3	ACC-12 <u>22-39(8)</u> <u>1/11/75</u>	150.00	"	"	"
	May	3	ACC-12 <u>22-37(9)</u> <u>1/11/75</u>	150.00	"	"	"

SIGNATURES OF THE COMMITTEE MEMBERS:

(Signature)  
(Sd/- D.S.)  
SDS (R/C/GH)

(Signature)  
(M.R. Choudhury)  
Sr. A.O. Cash  
O/O the GM/SC

(Signature)  
(I.R. Paul) 9/6/1  
D.E. (P&A)  
O/O the GM/SC



35

30

PH. TO BY T. 10/11/98 P.F.J. CC

107-126  
O/O the G. M. Telecom  
SUCCHAR

certification of records of Casual Labourers in Arsan Telecom Circle.

Ref: Hon'ble CAT Guwanati bench decision dtd. 31-08-99.

1. NAME OF THE APPLICANT CASUAL MAZDOOR
2. O/A NO. IF THE LABOURER HAS GONE TO COURT
3. FATHER'S NAME AND ADDRESS
4. DATE OF BIRTH
5. AGE AS ON 01-03-1998
6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD
7. NATURE OF DUTY PERFORMED
8. PRESENT STATUS OF THE MAZDOOR
9. SPECIMEN SIGNATURE OF THE MAZDOOR
10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) T.H.L. 01-08-93
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LRM?
12. RECOMMENDATION OF THE SSA HEAD/UNIT

MR. SAHABUDDIN.  
(122-42 R. BILUVA)

: 121/98

: Late Masarruf Ali Nazam Ahmadi  
PO & Vill - Lohimara, PS - Raghurath  
Dist - Cochin.

: 05-05-1968

: 30 yrs. 02 months 27 days

: 01-09-1992

: Engaged locally.

: Helper to the line staff for m  
construction of Telecom. outlet  
plants.

: Not in work.

: - Sahabuddin Nazam

Separate sheet attached.

Not recommended for grant  
temporary status.

Not recommended

13/6

Gen. Manager Telecom  
SUCCHAR

Chief Officer

10/5/2000  
(cash)

Signature  
DE (P) / SSA

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

NAME OF THE APPLICANT MD. SAHAB UDDIN MAZAR  
 CASUAL MAZDOOR

YEAR	MONTH	No of days	REGISTER NO. & ACCOUNT PARTICULARS & VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID.
1992	APR	15	AC-47 Vn-19 A/c No 3	600.00	SDOF/ICRM	PDE/SC	NO (C)/S
	MAY	16	AC-47 Vn-6 A/c No 6	450.00	"	"	"
	AUG	20	AC-47 Vn-15 A/c No 20	890.00	"	"	"
	SEP	20	AC-47 Vn-15 A/c No 23	800.00	"	"	"
1993	SEP	15	AC-47 Vn-9 A/c No 22	600.00	"	"	"
1994	FEB	18	AC-47 Vn-12 A/c No 63	810.00	"	"	"
	JUN	22	AC-47 Vn-6 A/c No 13	990.00	"	"	"
	JUL	18	AC-47 Vn-11 A/c No 15	810.00	"	"	"
1995	MAR	11	M/R Vn-38	550.00	"	"	"
1996	JAN	20	AC-47 Vn-66 A/c No 60	900.00	"	"	"
1997	OCT	15	M/R Vn-10	565.00	"	"	"
1998	MAY	3	ICM Vn-6 A/c No 6	135.00	"	"	"

SIGNATURE OF THE APPLICANT

(Signature)  
 (S. A. Mazhar)  
 Sr. A.O. Cash

(Signature)  
 (M.R. Choudhury)  
 Sr. A.O. Cash

(Signature)  
 (L.R. Paul)  
 D.E. (P.R.A) 9/6/1



Location of records of Casual Labourers in Assam Telecom Circle.

(29)

FILE TO: BY: MA PRI CO

Stamp: DE (PEA) SILCHAR - TRAIL

Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

- 1. NAME OF THE APPLICANT CASUAL MAZDOOR : MD. SAMBUL HASBE
- 2. O/A NO. IF THE LABOURER HAS GONE TO COURT : 141/98.
- 3. FATHER'S NAME AND ADDRESS : M. Mohiur Rehman, P.O. VII - Lohimara, P.S. - Katiqorah, Dist - Cachar.
- 4. DATE OF BIRTH : 12-03-1968.
- 5. AGE AS ON 01-08-1998 : 30 yrs. 4 months 20 days.
- 6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD) : 01-03-1991  
Engaged locally.
- 7. NATURE OF DUTY PERFORMED : Helper to the line staff for
- 8. PRESENT STATUS OF THE MAZDOOR : work on construction of telecom plants.  
→ Not in work.
- 9. SPECIMEN SIGNATURE OF THE MAZDOOR : *Sambul Hasbe*
- 10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-07-95 : Separate sheet attached.
- 11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE : Not recommended for granting temporary status.  
Not recommended
- 12. RECOMMENDATION OF THE SSA HEAD/UNIT : *Sambul*  
B/L  
General Manager Telecom SILCHAR

Stamp: 20/12/99

Circle P. number

Stamp: 20/12/99 (cat)

Stamp: DE (PEA)/SSA

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

NAME OF THE APPLICANT: MAZDOR  
CASUAL MAZDOR

YEAR	Month	No of days	NO. OF DEPARTMENT MASTER ROLL / ACC-1 PARTIAL ROLL / VOUCHER / HOS	AMOUNT	ENGAGED BY WHOM	BILLING PASSING AUTHORITY	MAN A.O. HAS
1991	March	28	M.R. 17-39 1/10/17-48	1001.00	SDOT/KRM	DET/SC	A.A.G.
	April	18	M.R. 17-11 1/10/17-2	644.00	"	"	"
	June	13	ACC-17 17-5 1/10/17-13	455.00	"	"	"
	June	12	ACC-17 17-6 1/10/17-16	420.00	"	"	"
	Oct.	15	M.R. 17-10 1/10/17-	566.00	"	"	"
1992	March	14	M.R. 17-10 1/10/17-	560.00	"	"	"
	May	5	ACC-17 17-3 1/10/17-	35.00	"	"	"
	"	5	ACC-17 17-7 1/10/17-	35.00	"	"	"
	June	9	ACC-17 17-2 1/10/17-	360.00	"	"	"
	Dec.	13	ACC-17 17-25 1/10/17-36	720.00	"	"	"
1993	Dec.	21	ACC-17 17-12 1/10/17-35	945.00	"	TDE/SC	"
1994	April	23	ACC-17 17-11 1/10/17-4	1035.00	"	"	"
1994	Dec.	28	ACC-17 17-11 1/10/17-10	1260.00	SDOP/KRM	"	"
1995	March	11	M.R. 17385/3	550.00	SDOT/KRM	"	"
1995	Nov.	22	ACC-17 17-23 1/10/17-	990.00	SDOP/KRM	"	"

SIGNATURE OF THE COMMITTEE MEMBERS

Continued to Page 3

*(Signature)*  
(Sankar Das)  
SDE(RR/CH)  
(Circle Office Member)

*(Signature)*  
(M.R. Choudhury)  
Sr. A.O. Cash  
O/O the GMT/SC

*(Signature)*  
(D.E. (P&S))  
O/O the GMT/SC

SACRIFICE PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

NAME OF THE APPLICANT: SANKU MAQUE  
CASUAL MAZDOOR

Page (2)

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YR-AR	Mo.Mn	No of days	NO. OF PAYMENT MASTER N. SLIP/ACC-17 PARTICULARS & VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID.
1996	January	20	ACC-17 $\frac{Yr. 67}{N/C 57-67}$	910.00	SDOP/KRM	TDM/SC	A.O. Guly/50
1996	Feb.	5	ACC-17 $\frac{Yr. 11}{N/C 10-64}$	225.00	"	"	"
1996	Dec.	7	ACC-17 $\frac{Yr. 165}{N/C 10-64}$	190.00	"	"	"
1997	Oct.	1	ACC-17 $\frac{Yr. 2312}{N/C 17-12}$	50.00	SDOP/KRM	"	"
	"	1	ACC-17 $\frac{Yr. 3312}{N/C 17-12}$	50.00	"	"	"
	"	1	ACC-17 $\frac{Yr. 3912}{N/C 17-12}$	50.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

*(S) Sanku Das*  
(Sanku Das)  
SDR(RRC/GH)

*M. R. Choudhury*  
M. R. Choudhury  
Sr A.O. Cash

*Paul*  
C. R. Paul  
D.D. (P&A) 9/6/1



Office of the Adm. Officer, Telecom Circle

Ref. No. AT/Guwahati/Adm. Officer/11-08-99.

(22)

Office of the G.M. Telecom Circle  
SILCHAR-781001.

- 1. NAME OF THE APPLICANT CASUAL MAZDOOR : SRI DILIP NATH.
- 2. D.O. NO. IF THE LABOURER HAS COME TO COURT : 19/98
- 3. FATHER'S NAME AND ADDRESS : Late Rajendra Ch. Nath.  
Vill - Mochampur, P.O. - Katiqorah  
Dist - Cachar.
- 4. DATE OF BIRTH : 22-11-1969
- 5. AGE AS ON 01-01-1999 : 29 yrs. 8 months 02 days
- 6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD) : 01-12-1988  
Engaged locally.
- 7. NATURE OF DUTY PERFORMED : Member to the line staff for maintenance of Telecom mazdoor's
- 8. PRESENT STATUS OF THE MAZDOOR : Not in work.
- 9. SIGNATURE OF THE MAZDOOR : Dilip Ch. Nath
- 10. ENGAGEMENT PARTICULARS (DATE OF INITIAL ENGAGEMENT (at or since) Till 01-03-99) : *Exempt sheet attached*
- 11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE : *Not recommended for temporary status.*
- 12. RECOMMENDATION OF THE SSA HEAD/UNIT : *Not recommended*

*General Manager Telecom  
SILCHAR*  
13/6

*12/12/99  
SILCHAR*

*10/SSA  
(Cont.) 9/6/21C*

*13/6  
SILCHAR*

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

NAME OF THE APPLICANT: DILIP NATH  
 CASUAL MAZDOOR

Page 2

YEAR	Month	No of days	MODE OF PAYMENT i.e. MASTER ROLL/ACQ-17 PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/PASSING AUTHORITY	NAME OF A.O. WHI HAS PAID
1988	Dec.	30	ACQ-17 47-22 N/11.16	722.00	S.D. T. RAM	D.S. Y. S.	A.O. (Cash)
1989	Jan.	27	ACQ-17 47-22(4) N/11.16	830.75	"	"	"
	Feb.	24	ACQ-17 47-22 N/11.16	738.00	"	"	"
	March	26	ACQ-17 47-22(18) N/11.16	799.50	"	"	"
	July	30	ACQ-17 47-18 N/11.16	767.50	"	"	"
1991	May	14	ACQ-17 47-18 N/11.16	529.00	"	"	"
	June	13	ACQ-17 47-18 N/11.16	455.00	"	"	"
	"	12	ACQ-17 47-18 N/11.16	420.00	"	"	"
	July	12	ACQ-17 47-25 N/11.16	453.00	"	"	"
	"	23	ACQ-17 47-8 N/11.16	390.00	"	"	"
	Sept.	15	ACQ-17 47-16 N/11.16	566.00	"	"	"
	Oct.	15	ACQ-17 47-16 N/11.16	566.00	"	"	"
	Oct.	16	ACQ-17 47-37 N/11.16	660.00	"	"	"
1992	Feb.	78	ACQ-17 47-27 N/11.16	720.00	"	"	"
	March	28	ACQ-17 47-27 N/11.16	720.00	"	"	"
	April	2	ACQ-17 47-16 N/11.16	80.00	"	"	"
	Sept.	25	ACQ-17 47-16 N/11.16	1000.00	"	"	"
	Oct.	25	ACQ-17 47-24 N/11.16	1000.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

(Sankar Das)  
 SDE(RRC/GH)

(M.R. Choudhury)  
 Sr. A.O. Cash

(I.R. Das)  
 D.E. (P&A)

ENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

NAME OF THE APPLICANT: DILIP KATH  
 OFFICE: MAZDOR

Page 2 135

YEAR	Month	Days	AMOUNT PAID FOR MONTHLY CONTRIBUTION	AMOUNT	ENGAGED BY WHOM	BILLING/PASSING AUTHORITY	NAME AND SIGNATURE
1993	January	1	44-17 A/C-10	40.00	S.D.S./KAM	T.D.S./SC	A.G. KATH
	"	15	44-23 A/C-10	500.00	S.D.S./KAM	"	"
	March	18	44-11 A/C-47	720.00	"	"	"
	April	1	44-25(2) A/C-4	40.00	"	"	"
	"	1	44-25(2) A/C-4	40.00	"	"	"
	April	1	44-9 A/C-8	40.00	"	"	"
	May	12	44-52 A/C-10.5	480.00	"	"	"
	July	13	44-5 A/C-10.5	1000.00	"	"	"
	"	2	44-7 A/C-10.5	80.00	"	"	"
	"	7	44-5 A/C-10.5	80.00	"	"	"
	Nov.	1	44-6 A/C-10.5	240.00	"	"	"
	"	2	44-10 A/C-10.5	80.00	"	"	"
	"	2	44-20 A/C-10.5	80.00	"	"	"
	"	2	44-21 A/C-10.5	80.00	"	"	"
	"	2	44-22 A/C-10.5	80.00	"	"	"
	Dec.	6	44-7 A/C-10.5	240.00	"	"	"
1994	Feb.	26	44-4 A/C-10.5	1170.00	"	"	"
	March	18	44-11 A/C-10.5	720.00	"	"	"
	April	24	44-3 A/C-10.5	1080.00	"	"	"
	June	19	44-13 A/C-10.5	855.00	"	"	"

SIGNATURE OF THE CONCERNED MEMBERS

*(Signature)*  
 (Senior Das)  
 SUC (RRO/GH)  
 (C/O the Office Member)

*(Signature)*  
 M.R. Choudhary  
 Sr. A.O. Cash  
 O/O the GMT/SC

*(Signature)*  
 (I.R. Das)  
 D.E. (P/A)  
 O/O the GMT/SC

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MEMORANDUM FOR THE RECORD  
DATE OF INITIAL ENGAGEMENT

NAME OF THE APPLICANT: PHILIP MATHAL

Page 1

YEAR	MONTH	DATE	MEMORANDUM NO. (A.O. V. NO.)	AMOUNT	ENGAGED BY WHOM	BILLING/PASSING AUTHORITY	NAME A.O. V. HAD P.
1994	July	22	47-11 A/C No. 18	970.00	SDOT/KRM	TDE/SC	A.C. No.
	Sept.	20	47-4 A/C No. 24	900.00	"	"	"
	Oct.	24	47-19 A/C No. 31	1080.00	"	"	"
	Nov.	25	47-18 A/C No. 35	1250.00	"	"	"
1995	January	11	47-20 A/C No. 40	715.00	SDOT/KRM	"	"
	"	14	47-7 A/C No. 42	800.00	SDOT/KRM	"	"
	Feb	11	47-71 A/C No. 54	715.00	SDOT/KRM	"	"
	March	12	47-15	600.00	"	"	"
	July	15	47-12 A/C No. 8	675.00	JTD (D)/KRM	"	"
	Aug.	10	47-23(10) A/C No. 20	450.00	SDOT/KRM	"	"
	Sept.	20	47-24 A/C No. 27	900.00	"	"	"
1996	January	20	47-62 A/C No. 40	900.00	"	TDM/SC	"
	April	2	47-14 A/C No. 2	100.00	"	"	"
	"	3	47-4(1) A/C No. 5	135.00	"	"	"
	"	2	47-6(2) A/C No. 6	90.00	"	"	"
	"	2	47-13(1) A/C No. 4	90.00	"	"	"
	"	2	47-13(2) A/C No. 4	90.00	"	"	"
	"	2	47-13(1) A/C No. 4	135.00	"	"	"
	"	2	47-13(2) A/C No. 4	90.00	"	"	"

MEMORANDUM FOR THE RECORD MEMBERS

Signature  
Director

Signature  
(N.R. Choudhury)  
Sr. A.O. Cash

Signature  
(I.R. Panigrahi)  
D.G. (P. & A.)

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ANNEXURE 'C' (PART-2)

STATEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

Page 4

NAME OF THE APPLICANT: CASUAL MAZDOOR

YEAR	Month	No of days	MODE OF PAYMENT IN MASTER ROLL / CO-OP PARTICULARS No. / WORKER NO.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME & A.O. WHO HAS PAID
1996	Aug	3	Acc-17- 22-5 23-12-6	135.00	SDOY/KAM	SDOY/SC	A.C. Const.
"	"	2	" 22-10 23-12-6	90.00	"	"	"
"	Oct	2	" 22-25 23-12-6	140.00	"	"	"
"	Oct	2	" 22-25 23-12-6	140.00	"	"	"
"	Nov	2	" 22-25 23-12-6	140.00	"	"	"
"	"	2	" 22-25 23-12-6	140.00	"	"	"
"	"	2	" 22-25 23-12-6	140.00	"	"	"
"	"	2	" 22-25 23-12-6	140.00	"	"	"
"	"	2	" 22-25 23-12-6	140.00	"	"	"
"	"	2	" 22-25 23-12-6	140.00	"	"	"
1997	Aug	3	" 22-2 23-12-6	150.00	"	"	"
"	Sept	2	" 22-2 23-12-6	100.00	"	"	"
"	"	2	" 22-2 23-12-6	100.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS

(Sankar Das)

(M.R. Choudhury)  
Sr. A.O. Cash

(S. P. Paul)  
D.L. (P&A)



Verification of records of Casual Labourers in Assam Telecom Circle.

Re: Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

(28)  
Ojo the G...  
ST. CHAR - ...

- 1. NAME OF THE APPLICANT CASUAL MAZDOOR : SRI NRIPENDRA DAS.
- 2. O/A NO. IF THE LABOURER HAS GONE TO COURT : 141/98
- 3. FATHER'S NAME AND ADDRESS : Late Ganesh Chandra Das.  
Vill. Bakrihawan P.O. Kalinagar  
Dist. Hailakandi.
- 4. DATE OF BIRTH : 31.01.1966
- 5. AGE AS ON 01-05-1995 : 32 yrs. 6 months of age
- 6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD : 17-09-1986  
Engaged locally
- 7. NATURE OF DUTY PERFORMED : Helper to the line staff for maintenance of telecomm. outdoor.
- 8. PRESENT STATUS OF THE MAZDOOR : Not in work.
- 9. SPECIMEN SIGNATURE OF THE MAZDOOR : Nripendra Ch. Das
- 10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-05-95 : Separate sheet attached.
- 11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GUIDELINE : Not recommended for grant of temporary status.  
Not recommended
- 12. RECOMMENDATION OF THE SSA HEAD/UNIT : *[Signature]*  
General Manager Telecom  
SILCHAR

Circle (Date number)

Approved  
S. D. S. S. / C / 216  
(Case)

Def'd  
DEPT. ASST.  
DEPT. ASST.

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

NAME OF THE APPLICANT: NRI PANDRA D.A.S.  
 CASUAL MAZDOOR

Page 1

YEAR	Month	No of days	MODE OF PAYMENT TO MASTER ROLL / AGG 17 PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME A.O.W HAS P/
1986	Sept.	1	ACG-17 Yr-8(12) 1/10/86	14.00	DEPT/MLL	DET/SC.	Ho. Comd
1987	Oct.	16	ACG-17 Yr-8(12) 1/10/86	272.00	COT/SC	"	"
1987	Nov.	30	ACG-17 Yr-8(12) 1/10/86	510.00	COT/SC	"	"
"	DEC.	27	ACG-17 Yr-8(12) 1/10/86	277.00	SDOT/SC	"	"
1988	January	31	Yr-8 A/C no. 48	527.00	COT/SC	"	"
1988	Feb.	8	ACG-17 Yr-8 A/C no. 12	136.00	SDOT/SC	"	"
1988	Oct.	12	ACG-17 Yr-8 A/C no. 11	420.00	"	"	"
1988	Nov.	21	ACG-17 Yr-8 A/C no. 11	800.00	"	"	"
1991	Feb.	25	ACG-17 Yr-13 A/C no. 46	1125.00	SDOT/KRM	"	"
	March	13	ACG-17 Yr-5 A/C no. 48	720.00	"	"	"
	May	19	ACG-17 Yr-19 A/C no. 7	855.00	"	"	"
	May	7	ACG-17 Yr-7 A/C no. 11	315.00	"	"	"
1994	June	17	ACG-17 Yr-7 A/C no. 11	765.00	"	"	"
1995	March	17	ACG-17 Yr-48 A/C no. 39	850.00	"	"	"
1995	NOV.	2	ACG-17 Yr-8(12) A/C no. 39	40.00	"	"	"
1995	DEC.	2	ACG-17 Yr-8(12) A/C no. 37	40.00	"	"	"

SIGNATURES OF THE COMMITTEE MEMBERS:

(Sanjay Datta)  
 SDF, RRCC (G)

(M.R. Choudhury)  
 Sr. A.O. Cash

(I.R. Datta)  
 D.E. (P&A)







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AA REFERENCE 124 -  
AIR TELE : Rg  
Series  
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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/C4

Dated at Silchar, the 26 - 07 - 2000

To

✓ Sri Sasthanka K. Das.  
S/o Sri Suresh Ch. Das.  
Vill. D. P.O. Kaliyapani  
Dist. Cachar

Sub: - Grant of Temporary Status Mazdoor.

Ref - Hon'ble CAT/Guwahati order dt. 31-8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dt. the 28-03-2000.

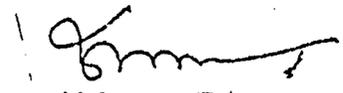
The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records, as you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom, in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stand<sup>r</sup>, disposed of.

  
General Manager Telecom  
Silchar SSA :: Silchar.  
General Manager Telecom,  
SILCHAR



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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

Dated at Silchar, the 26-09-2000

No. E-29/TSM Regularisation/SC/04

To

Sri Amarlesh Das.  
S/o Late Harinchan Das.  
W.H. Bakrihwar Pt. VII  
P.O. Kalinagar, Dist. Hailakandi.

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dt. 31.8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Est:-9/12/PART-1/23 dt. the 28-03-2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records, as you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. In any calendar year preceeding 01-08-1998
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

General Manager Telecom  
Silchar SSA :: Silchar  
General Manager Telecom  
Silchar SSA :: Silchar



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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26-09

To

✓  
Sri. S. S. Uddin Nazar Bhuiyan  
s/o Md. Mosaraj Ali Nazar Bhuiyan  
vill. Latimara P.S. Katigorah  
Dist. Cachar.

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31-8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the Instru the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement pr were thoroughly scrutinized and examined by a committee in consultation with the reco committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwa Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted to the undersigned.

As per the said committee report, you were not found eligible for confe Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxat by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement re you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any cal preceding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Tempor Mazdoor.

Under the circumstances stated above, your request for granting Tempor Mazdoor cannot be acceded to and as such your representation stands, disposed of

General Manager Tel.



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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/66

Dated at Silchar, the 26-09

To

Sri Samsud Haque  
s/o Md. Motiur Rahman  
vill - Lattimara P.O. Lattimara  
Dist. - Cachar

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement part were thoroughly scrutinized and examined by a committee in consultation with the record committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement record you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

General Manager, Telecom  
Silchar SSA - Silchar



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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

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No. E-20/TSM Regularisation/SC/99

Dated at Silchar, the 26 - 09

To

Sri Dilip Nath  
s/o Late Rajendra Chandra Nath  
Vill - Mohanpur P.O. Katirail  
Dist. Cachar

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dt. 31-8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement papers were thoroughly scrutinized and examined by a committee in consultation with the records committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati Memo No. Estt-9/12/PART-1/23 dt. the 28-03-2000.

The committee after through scrutiny and examination of records submitted it to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands disposed of.

  
General Manager Telecom  
Silchar SSA :: Silchar



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GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

Dated at Silchar, the 6-07

No. E-20/TSM Regularisation/SC/04

To

Sri Nripendra Das  
S/o Late Ganes Ch. Das  
vill - Bakriharwar  
P.O. - Kalinagar. Dist. Hailakandi

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8.99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement papers were thoroughly scrutinized and examined by a committee in consultation with the record committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Gauhati Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any period preceding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands disposed of.

General Manager  
Silchar SSA

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one year of service subject to performance of duty for at least 240 days (225 days in establishments observing five days week) in the year. So paid weekly off is not to be taken into account for the purpose of computation of 240 days or 206 days for drawal of increments.

[ G.I., Dept. of Posts, Lt. No. 45-26 SPB-I, dated the 15th March, 1994. ]

9. Casual labourers recruited after 29-11-1989 and up to 1-9-1993 are also to be conferred 'Temporary Status'.—According to the orders on the scheme issued vide Letters No. 45-95/87-SPB, I, dated 12-4-1991 and No. 66-9-91-SPB, I, dated 30-11-1992 [ Orders (5) above ], full time casual labourers who were in employment as on 29-11-1989 were eligible to be conferred 'Temporary Status' on satisfying other eligibility conditions.

The question of extending the benefits of the scheme to those full time casual labourers who were engaged recruited after 29-11-1989 has been considered in this office in the light of the judgment of the CAT, Ernakulam Bench, Ernakulam delivered on 13-3-1995 in O.A. No. 750 of 1994.

It has been decided that full time casual labourers recruited after 29-11-1989 and up to 1-9-1993 may also be considered for the grant of benefits under the scheme.

This issues with the approval of IS and FA vide Dy. No. 2423 of 1995, dated 9-10-1995.

[ C.I., Dept. of Post, Letter No. 66-5267-SPB-I, dated the 1st November, 1995 as amended by Letter dated 2nd November, 1995. ]

#### IN THE DEPARTMENT OF TELECOMMUNICATIONS

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

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

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

## ANNEXURE - 10

### CASUAL LABOURERS ANNEXURE : R10

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

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

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

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

#### ANNEXURE

##### Casual Labourers (Grant of Temporary Status and Regularization) Scheme

1. This Scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications, 1989".

2. This Scheme will come into force with effect from 1-10-1989 onwards.

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

#### PROVISIONS.

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 regularization of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant Recruitment Rules.

However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies.

In the case of illiterate Casual Labourers, the regularization 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 casual labour for the purposes the age-limits prescribed for appointment to the Group 'D' cadre, if required.

Outside recruitment for filling up the vacancies in Group '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 should be conferred a Temporary Status, as per the details given below.

### 5. Temporary Status

- (i) Temporary Status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five-day week). Such casual labourers will be designated as Temporary Mazdoor.
- (ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.

#### No change of duties

- (iii) Conferment of temporary status on a casual labourer 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 anywhere 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 Group 'D' posts.

### ENTITLEMENT

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

- (i) Wages at daily rates with reference to the minimum of the pay scale for a regular Group 'D' official 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

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- (iii) Leave entitlement will be on *pro rata* basis, one day for every 10 days of work. Casual leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularization. They will not be entitled to the benefit of encashment 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 benefits after their regularization.
  - (v) After rendering three years continuous service on attainment of Temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of this Department.
  - (vi) Until they are regularized, they would be entitled to Productivity-Linked Bonus only at rates as applicable to casual labour.
7. No benefits other than those specified above will be admissible to casual labourers with Temporary status.

### TERMINATION OF SERVICE

8. Despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947, on the ground of non-availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

9. If a labourer with temporary status commits a misconduct and the same is proved in the enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefits of encashment 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 detail within the framework of the Scheme.

Clarifications.—Clarifications in respect of certain points raised are given below—

Point (i).—*Continuous service*.—How to reckon continuous service of "at least one year" for the purpose of determining the eligibility for grant of temporary status in respect of the casual labourers who did not fulfil the condition on 1-10-1989?

Clarification.—Any casual labourer who had been engaged prior to 30.3.1985 and did not qualify for...

20/07/2001

para. 5.1 of the Casual Labourers (Grant of Temporary Status and Regularizations) Scheme on 1-10-1989, will become eligible for grant of temporary status subsequently on completion of performance of duty of 240 days (206 days in the case of offices observing 5 days a week) during the preceding 12 calendar months. Such temporary status could be granted with retrospective effect from the date the prescribed condition is fulfilled subject to the condition that the date of effect should not be earlier than 1-10-1989. Further break in service after 30-3-1985, if any, should have been duly condoned in accordance with the rules.

Point (2).—*Age-limit.*—Will casual labourers initially engaged after crossing the upper age-limit prescribed for recruitment be eligible for grant of temporary status?

*Clarification.*—Yes. No age-limit has been prescribed for grant of temporary status. However, for the purpose of subsequent regularization, the conditions regarding age prescribed in the relevant Recruitment Rules will apply.

Point (3).—*Minor staff.*—Will minor casual labourers engaged prior to 31-3-1985, who attained majority after 30-3-1985, be eligible for temporary status?

*Clarification.*—Yes. However, the period of service rendered before attaining the minimum age prescribed will not be counted for any purpose.

Point (4).—*Qualifying period.*—For the purpose of assessing leave entitlement how should qualifying period be reckoned?

*Clarification.*—Qualifying period should be reckoned with reference to the days of duty performed ignoring days of weekly off, leave and absence, etc. All days of duty will be counted irrespective of intervening spells of absence, which do not constitute break in service.

Point (5).—*Maternity benefit.*—Entitlement to Maternity Benefits in respect of female casual labourers/temporary mazdoors.

*Clarification.*—Maternity benefits will be admissible to female casual labourers/temporary mazdoors in accordance with the provisions of the Maternity Benefit Act, 1961.

Point (6).—*Leave.*—Frequency at which leave will be credited.

*Clarification.*—Twice a year. On the 1st of January and 1st of July credit will be afforded for the preceding half-year, without ignoring any fraction. However, if on any occasion, when leave is applied for, sufficient leave is not at credit, leave entitlement may be computed till the date of application of leave and the admissibility decided accordingly.

Point (7).—*Working Hours.*—

*Clarification.*—Working hours of a temporary mazdoor will be the same as prescribed for corresponding Group 'D' cadre.

Point (8).—*Part-time.*—Can temporary status be conferred on a part-time employee?

*Clarification.*—No. They may, however, be brought on the strength of full-time casual labourers, subject to availability of work and suitability. For this purpose, work requirements of different types and at neighbouring units can be pooled. Subject to their completing 240 days or 206 days of work on full-time basis, as the case may be, in the preceding twelve months they may be considered for grant of temporary status. However, part-time casual labourers will be merged with full-time casual labourers/temporary mazdoors in a common single panel in accordance with the existing instructions for the purpose of regularization of service.

Point (9).—*Regularization.*—When will a temporary mazdoor who does not complete 240/206 days, as the case may be, in a year become eligible for increment?

*Clarification.*—In the case of a temporary mazdoor who does not complete 240/206 days in a year, increment will be admissible from the first day of the month. Subsequent to the month in which the temporary mazdoor completes 240/206 days, grant of subsequent increments will also be regulated in the same manner.

Point (10).—*Combined Seniority.*—How the combined seniority will be fixed in respect of the casual labourers working in administrative offices having 5 days week and those working in operative offices having 6 days week?

*Clarification.*—The number of days of work performed by a casual labourer in administrative offices will be brought at par with those working in operative offices having 6 days week and then fixing the combined seniority.

[ G.I., Dept. of Telecom, Lt. No. 262-10/89-STN, dated the 17th October, 1990. ]

2. No wages/paid weekly off to Casual Labourers not employed on any day, even on the days of bandh, curfew, etc.—Certain Circles/Units have sought for clarification on the following points related to the above subject:—

- (i) There are occasions when Casual Labourers do not attend to the work, on account of extraneous conditions like bandh, curfew, etc. The point of doubt is whether wages would be admissible to the Casual Labourers on such occasions.
- (ii) If wages are not admissible to the Casual Labour for the day/days of non-employment discussed in (i) above, whether it would be admissible to shift the weekly off (normally granted to the Casual Labour), to such day/days of non-employment?

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 BHARAT SANCHAR NIGAM LTD. (BSNL)

(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER

SILCHAR SSA :: SILCHAR

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 26/9/01

No. CAT/GH SA 408/2000/27

Dated at Silchar, the 26-09-2001

In compliance to the direction contained in Judgements order dated 30-03-2000 passed by Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Sashanka Kumar Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/ Muster Rolls to ascertain the number of days that Shri Sashanka Kumar Das was put on duty from time to time beginning from 03-11-1987. The Committee also examined the records/ certificates produced by Shri Sashanka Kumar Das including the controversial report of SDOF Hailakandi dated 14-08-1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author (s) that the report dated 14-08-1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/ Muster Rolls for corresponding period reveal that Shri Sashanka Kumar Das was not engaged for any departmental work for the period shown in the report dated 14-08-1995 and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

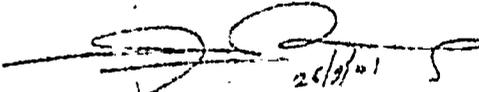
The above exercise has clearly revealed that Shri Sashanka Kumar Das was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Sashanka Kumar Das was engaged in each year is as follows:-

Calendar year	No. of days
1987	28
1989	31
1992	76
1994	25
1995	11
1996	22
1997	10
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Sashanka Kumar Das has not been engaged for any work after 28-06-1998.

The length of the casual service rendered by Shri Sashanka Kumar Das as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Sashanka Kumar Das for grant of Temporary Status and other benefit of the scheme is rejected.

  
 26/9/01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA :: Silchar

Copy together with the annexure is forwarded to:-

- Shri Sashanka Kumar Das  
 S/O Shri Suresh Chandra Das  
 P.O. - K. Nagarh  
 Post - Cachar

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BHARAT SANCHAR 13 NIGAM LTD. (BSNL)

(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER  
SILCHAR SSA :: SILCHAR

No. CAT/GH/01/108/3000/27

Dated at Silchar, the 26-09-2001

In compliance to the direction contained in Judgements order dated 30-03-2000 passed by Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Amoresh Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/ Muster Rolls to ascertain the number of days that Shri Amoresh Das was put on duty from time to time beginning from 23-09-1991. The Committee also examined the records / certificates produced by Shri Amoresh Das including the controversial report of SDOT Hailakandi dated 14-08-1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author (s) that the report dated 14-08-1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers / Muster Rolls for corresponding period reveal that Shri Amoresh Das was not engaged for any departmental work for the period shown in the report dated 14-08-1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

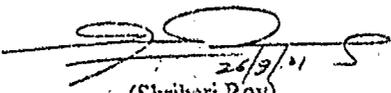
The above exercise has clearly revealed that Shri Amoresh Das was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Amoresh Das was engaged in each year is as follows:

Calendar year	No. of days
1991	06
1995	22
1996	44
1997	29
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Amoresh Das has not been engaged for any work after 28-06-1998.

The length of the casual service rendered by Shri Amoresh Das as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Amoresh Das for grant of Temporary Status and other benefit of the scheme is rejected.

  
26/9/01  
(Shrihari Roy)  
General Manager, BSNL,  
Silchar SSA :: Silchar

Copy together with the annexure is forwarded to :-

1. Shri Amoresh Das  
S/O Late Harnath Das  
Vill. - Bakri Howar Part - 7  
P.O. - Kalinagar, Dist. - Hailakandi.

2. CAT/GH - for kind information.

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**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
 (A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER**  
 SILCHAR SSA :: SILCHAR

No. COM/GR DA 408/2000/27 Dated at Silchar, the 26-09-2001

In compliance to the direction contained in Judgements order dated 30-03-2000 passed by Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri Md. Sahabuddin Mazarbhuya was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/ Muster Rolls to ascertain the number of days that Shri Md. Sahabuddin Mazarbhuya was put on duty from time to time beginning from 01-01-1992. The Committee also examined the records/certificates produced by Shri Md. Sahabuddin Mazarbhuya including the controversial report of SIDOT Karimganj dated 08-12-1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author (s) that the report dated 08-12-1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers / Muster Rolls for corresponding period reveal that Shri Md. Sahabuddin Mazarbhuya was not engaged for any departmental work for the period shown in the report dated 08-12-1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

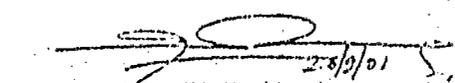
The above exercise has clearly revealed that Shri Md. Sahabuddin Mazarbhuya was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Md. Sahabuddin Mazarbhuya was engaged in each year is as follows: -

Calendar year	No. of days
1991	15
1992	65
1993	15
1994	58
1995	11
1996	23
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Md. Sahabuddin Mazarbhuya has not been engaged for any work after 28-06-1998.

The length of the casual service rendered by Shri Md. Sahabuddin Mazarbhuya as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Md. Sahabuddin Mazarbhuya for grant of Temporary Status and other benefit of the scheme is rejected.

  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA :: Silchar

Copy together with the annexure is forwarded to: -

1. Shri Md. Sahabuddin Mazarbhuya  
S/O Late Masaraf Ali Mazarbhuya  
P.O. & Vill. - Lathimara  
Dist. - Cachar (ASSAM)
2. COM/GR for kind information

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**BHARAT SANCHAR NIGAM LTD. (BSNL)**

(A Govt. of India Enterprise)

**OFFICE OF THE GENERAL MANAGER**

SILCHAR SSA :: SILCHAR

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26-09-2001

In compliance to the direction contained in Judgements order dated 30-03-2000 passed by Hon'ble Administrative Tribunal, Guwahati in O. A. No. 408/2000 the case of Shri Md. Samsul Haque was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/ Muster Rolls to ascertain the number of days that Shri Md. Samsul Haque was put on duty from time to time beginning from 01-03-1991. The Committee also examined the records/certificates produced by Shri Md. Samsul Haque including the controversial report of SDOT Karimganj dated 08-12-1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author (s) that the report dated 08-12-1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/ Muster Rolls for corresponding period reveal that Shri Md. Samsul Haque was not engaged for any departmental work for the period shown in the report dated 08-12-1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

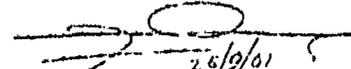
The above exercise has clearly revealed that Shri Md. Samsul Haque was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Md. Samsul Haque was engaged in each year is as follows: -

Calendar year	No. of days
1991	86
1992	43
1993	21
1994	51
1995	33
1996	32
1997	03
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Md. Samsul Haque has not been engaged for any work after 28-06-1998.

The length of the casual service rendered by Shri Md. Samsul Haque as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Md. Samsul Haque for grant of Temporary Status and other benefit of the scheme is rejected.

  
 26/9/01  
 (Shrilari Roy)  
 General Manager, BSNL,  
 Silchar SSA :: Silchar

Copy together with the annexure is forwarded to: -

1. Shri Md. Samsul Haque  
S/O Md. Matiar Rahman  
P.O. & Vill. - Lathimara  
Dist. - Cachar (ASSAM)

2. C.G. MT/GH for kind information



66  
- 138 -  
152

BHARAT SANCHAR NIGAM LTD. (BSNL)

(A Govt. of India Enterprise)  
OFFICE OF THE GENERAL MANAGER  
SILCHAR SSA :: SILCHAR

No. CAT/CH OA 408/2000/27 Dated at Silchar, the 26-09-2001

In compliance to the direction contained in Judgements order dated 30-03-2000 passed by Hon'ble Administrative Tribunal, Guwahati in O A No 408/2000 the case of Shri. Nripendra Chandra Das was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/ Muster Rolls to ascertain the number of days that Shri. Nripendra Chandra Das was put on duty from time to time beginning from 17-09-1986. The Committee also examined the records/ certificates produced by Shri. Nripendra Chandra Das including the controversial report of SDOT Karimganj dated 08-12-1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author (s) that the report dated 08-12-1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers / Muster Rolls for corresponding period reveal that Shri. Nripendra Chandra Das was not engaged for any departmental work for the period shown in the report dated 08-12-1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

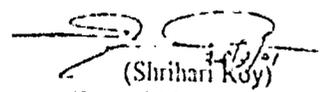
The above exercise has clearly revealed that Shri. Nripendra Chandra Das was occasionally and intermittently engaged on casual basis for performance of work for which regular post is not provided. The number of days that Shri. Nripendra Chandra Das was engaged in each year is as follows:-

Calendar year	No. of days
1986	01
1987	77
1988	39
1989	32
1990	26
1995	21
1997	06
1998	179

Month-wise details are available in Annexure.

It is also established by records that Shri. Nripendra Chandra Das has not been engaged for any work after 28-06-1998.

The length of the actual service rendered by Shri. Nripendra Chandra Das as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri. Nripendra Chandra Das for grant of Temporary Status and other benefit of the scheme is rejected.

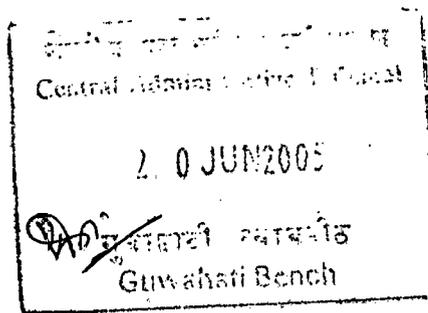
  
(Shrihari Koy)

General Manager, BSNL  
Silchar SSA :: Silchar

Copy together with the annexure is forwarded to:-

1. Shri. Nripendra Chandra Das  
SO Late Gen. M. Chandra Das  
Village: Dakshinapara  
P.O. - Kalinagar, Dist. - Hojai

2. For the kind information.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHAT

In the matter of:

O.A. No. 92/2004

Shri Sashanka Kr. Das & Ors.

-Vs-

Union of India & Ors.

-AND-

In the matter of:

Rejoinder submitted by the applicants in  
reply to the written statement.

The humble applicants above named most humbly and respectfully state as under: -

1. That with regard to the statements made in paragraph 2, 3, 4, 5, 6 and 7 the applicants categorically deny the contention of the respondents raised therein, it is surprised to note that when the written statement has been filed by the Respondent No. 1 to 6, how the Respondent No. 1 to 5 could plead the case on behalf of BSNL. It is relevant to mention here that there was specific agreement entered into by the Bharat Sanchar Nigam Ltd., with the Govt. of India while taken over the entire assets and liabilities of the erstwhile department of Telecommunication, therefore, it is obligatory on the part of the BSNL to honour the Court cases as per agreement raised with the Govt. of India, the then department of Telecommunication. The Hon'ble Court be pleased to direct the Respondent BSNL to produce the copy of the Memorandum of Understanding and agreement signed by the BSNL with the department of Telecommunication. It is pertinent to

mention here that the scheme of Casual Labourers Grant of Temporary Status and facts framed by the Govt. of India, i.e. Union of India and in the instant case the present applicants praying for conferment of temporary status under the relevant Scheme of 1989 issued by the Directorate of Telecommunication i.e. Union of India as such primarily it is the duty and responsibility of Union of India to confer temporary status to those casual labourers who were appointed before transfer of assets and liabilities of Telecommunication department to BSNL and the BSNL is duty bound in terms of its agreement to comply with the order of said Hon'ble Tribunal for conferment of temporary status. All the present applicants were initially appointed in between 1988-1990, therefore, the Hon'ble Tribunal has jurisdiction to entertain the application of the casual labourers under Section 19 of the Central Administrative Tribunal Act, 1985. Moreover, the present applicants are not the regularly absorbed employees of BSNL but praying for conferment of temporary status as such the applicants are rightly approached before this Hon'ble Tribunal. The question of issuance of notification under Section 14 (2) of the Central Administrative Tribunal's Act, 1985 is not relevant in the facts and circumstances of the instant case. Contention of the Respondents made in para 5, 6 and 7 are categorically denied.

2. That with regard to the contention raised in paragraphs 9, 10, 11 and 12 of the written statement the applicants categorically deny the correctness of the same and further beg to say that it is the deliberate false statement that the service Unions in LJCM pressurized the administration for conferment of temporary status. It is categorically denied that the certificate regarding number of working days issued by the competent Authority are false and fabricated rather this statements made in paragraphs 9,10 and 11 are false and misleading to avoid conferment of temporary status to the applicants. The present applicants acquired valuable and legal rights for conferment of temporary status. The respondents are put to strictest proof to the fact

that the applicants had adopted fraudulent at any point of time. It is relevant to mention here that similar plea was raised by the respondents in O.A. No. 332/2000, O.A. No. 128/2001 and also in O.A. No. 408/2000, however the same respondents have already granted temporary status to other similarly situated casual workers, more particularly in O.A. No. 332/2000 and also in O.A. No. 28/2001, but they are repeating the similar allegations in the instant case of the applicants. So far the Original Application earlier preferred by the present applicants i.e. O.A. No. 408/2000 in the said case also similar objections were raised by the present respondents but the learned Tribunal on scrutiny of the materials on records allowed the said Original Application setting aside the impugned orders passed by the respondents. In the said Original Application the learned Tribunal also held that the applicants had worked more than 240 days in each calendar years and the said statement remained unrebutted and therefore legally presumed to be illegal. The said judgment of the learned Tribunal passed on 30.03.2001 in O.A. No. 408/2000 has been confirmed by the Hon'ble High Court dismissing the Writ Petition preferred by the present respondents through W.P. (C) No. 8677/2001 vide order dated 29.05.2003 initially that too on the submission made by the learned Counsel for the petitioner of aforesaid petition. However, the present respondents again preferred a review application which was registered as R.A. 107/2003 wherein it was contended by the respondent Union of India that the learned Counsel of the petitioner had wrongly submitted before the Hon'ble High Court that the petition has become infructuous and on considering the said submission the writ petition was restored to the file and number vide order dated 22.06.2004. In this connection it may be stated that the present respondents of the review application again mislead the Hon'ble High Court suppressing the fact to the effect that, infact in terms of the order dated 30.03.2001 passed in O.A. No. 408/2000 the respondents passed the order dated 26.09.2001 i.e.

Annexure- VI Series, but this fact was suppressed before the Hon'ble High Court. However, the Division Bench of the Hon'ble Gauhati High Court vide its order dated 22.06.2004 dismissed the writ petition and as such the judgment dated 30.03.2001 passed in O.A. No. 408/2000 has attained finality and therefore, further arguments of the respondents on the ground of number of working days is barred by law of estoppel. Moreover, the question of jurisdiction never raised before this Hon'ble Court when the earlier judgment was passed in favour of applicant as such respondents cannot raise such plea at this stage when the earlier judgment has attained finality in this connection the applicants rely on the order dated 20.05.2004 passed in Review Application No. 41/2004 in W.P (C) No. 724/2004 by the Division Bench of the Hon'ble High Court.

Copy of the Hon'ble High Court's order dated 22.06.2004 passed in Review Application No. 107/03, order dated 22.06.04 passed in W.P (C) No. 8677/01 and order dated 28.05.04 passed in R.A. No. 41/04 in W.P. (C) No. 724/04 are annexed hereto and marked as Annexure- A, B and C respectively.

3. That the statements made in paragraphs 13, 14, 15, 16, 17, 18, 19 and 29 are categorically denied and further beg to state that the statements made in above paragraphs are totally false and misleading. Moreover, in view of the decision passed by the learned Tribunal in O.A. No. 408/2000 there is no scope on the part of the respondents to further agitate or to reopen the question of number of working days when the learned Tribunal had given a specific findings on the basis of the records of the applicants have rendered 240 days service in each calendar years and more so in view of the fact that the Hon'ble High Court also confirmed the judgment passed by this Hon'ble Tribunal in O.A. No. 408/2000 that the grant of temporary status earlier given to the applicants under de hors the rules is a deliberate false statement. On the basis of the order passed by this learned Tribunal

in O.A. No. 332/2000 and 28/2001 to the other batch mates of the applicants who are similarly circumstanced were granted temporary status by the BSNL itself. Therefore, the grant of temporary status of the applicants under de hors is a totally false and misleading statement.

4. That the statements made in paragraphs 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 33 the applicants deny the correctness of the same and further beg to say that the contention of the respondents that the applicants were disengaged w.e.f. 29.06.1998 and the status quo in terms of the interim order dated 02.07.1998 was maintained till disposal of the O.A. No. 141/98 i.e. till 31.08.99 is totally false, once the status quo was maintained the interim order dated 02.07.98 the same was continued till 26.09.2001 as because in the operative part of the judgment dated 31.08.99 in O.A No. 141/98, Hon'ble Tribunal specifically held that the interim order shall continue till the claims of the applicants are considered. Therefore, in terms of Hon'ble Tribunal's interim order passed in O.A. No. 141/98 continues upto 26.09.2000 since the claim of the applicants were disposed of on 26.09.2000 and in the meanwhile the respondents, on several occasions prayed for extensions of time for implementation of the Tribunal's order was also under operation till 26.09.2000.

In the circumstances stated above the Original Application deserves to be allowed with costs.

VERIFICATION

I, Shri Sashanka Kumar Das, S/o Sri Suresh Chandra Das, Village Katigorha, P.O. Katigorha, District-Cachar, Assam, one of the applicants of Original Application and as such, I am fully conversant with the facts and circumstances of the case do hereby solemnly affirm and verify that I am the applicant No. 1 in the instant application and duly authorized by the others to verify the statements made in this rejoinder. The statements made in Paragraph 1 to 4 of the rejoinder are true to my knowledge and the rest are my humble submissions before this Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 14<sup>th</sup> day of June, 2005.

Sashanka Kumar Das.

तारीख Application for the copy.	संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	तारीख Date of making over the copy to the applicant.
25/6/07	25/6/07	25/6/07	25/6/07	25/6/07

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Annexure-A

IN THE GAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from the judgment of the Tribunal dated 1.1.2001 W.P.C.No. 8677 of 2001

Civil Rule 113

The Union of India Petitioner

Sri Sachanka K. Das & others Respondent

Appellant Mr. Bipul Kumar  
For Petitioner Addl. C.G. S. Sompro

Respondent Miss Begum Roushan, Para S. H. no  
For Opposite Party

certified to be true copy  
Jm  
Advocate

- 2 -

-AND-

IN THE MATTER OF;

Bharat Sanchar Nigam Limited,  
through the Chief General  
Manager/BSNL.

...Applicant

-VS-

1. Shri Sachanka Kr. Das,  
S/o. Shri Suresh Ch. Das,  
Vill & P.O. Katigorah,  
Dist. Cachar.
2. Shri Amaresh Das,  
S/o. Late Harmohan Das,  
Vill-Bakrihwar Pt. VII,  
P.O. Kalinagar, Dist. Hailakandi.
3. Md. Sahabuddin Mazabhuiya,  
S/o. Md. Mosaraf Ali Mazarbhuiya,  
Vill & P.O. Latimara P.S. Katigorah,  
Dist. Cachar.
4. Md. Samsul Haque,  
S/o. Md. Motiur Rahman,  
Vill-Lattimara P.C. Lattimara,  
Dist. Cachar.
5. Shri Dilip Nath,  
S/o. Late Rajendra Chandra Nath,  
Vill-Mohanpur, P.O. Katirail  
Dist. Cachar.

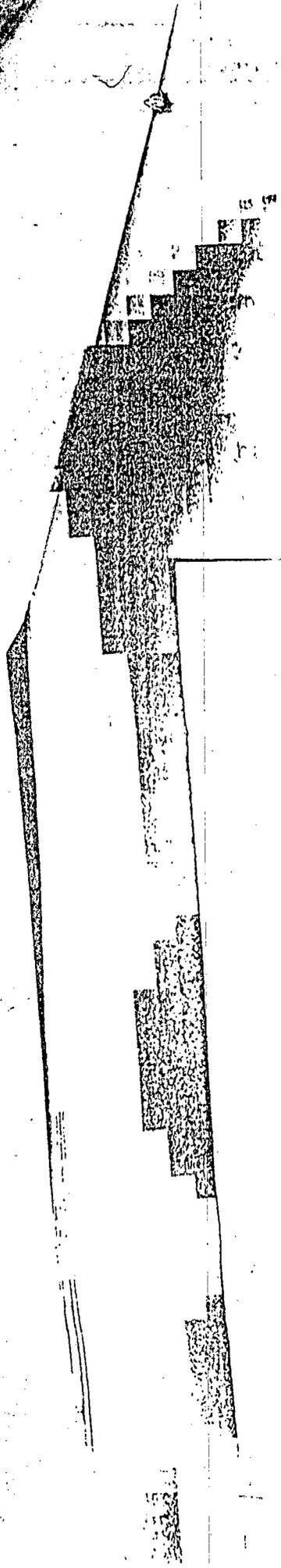
contd...3.

66

6. Shri Nripendra Das,  
S/o. Late Ganesh Ch. Das,  
Vill - Bakribawar,  
P.O. Kalinagar,  
Dist. Hailakandi.

... Respondent.

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167

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

WP(C)8677/2001

PRESENT

THE HON'BLE CHIEF JUSTICE MR PP NAOLEKHAR

THE HON'BLE MR JUSTICE IA ANSARI

22.6.2004

The petition is heard in motion.

The direction given by the Central Administrative Tribunal to the respondents is only to consider the cases of 6 applicants for grant of temporary status and regularization as per law and in the light of the observations made in the judgment. Thus, the direction of the Tribunal is only to the effect of reconsideration of the cases of 6 applicants in accordance with law. We, therefore, do not find any infirmity in the order passed by the Tribunal.

The petition is dismissed.

*sd- IA Ansari  
Judge*

*all P.P. made later  
in high court*

CERTIFIED TO BE TRUE COPY  
*AK. S. Sarpaty*  
 Date 29/6/04  
 Superintendent (Copy; Section)  
 Gauhati High Court  
 Authorised U/s. 76, Act 1, 1872

*25/6/04*

*25/6/04  
25/6/04*

Original application for the copy.	रोखा सूचित करने की तिथि तारीख. Date fixed for notifying the requisite number of stamps and folios.	देने की तारीख - 11 Date of delivery of the requisite stamps and folios.	तैयार होने की तिथि Date on which the copy was ready for delivery.	तैयार करने की तिथि Date of making over the copy to the applicant.
22/9/14	22/9/14	22/9/14	22/9/14	22/9/14

ANNEXURE - B

IN THE GAUHATI HIGH COURT  
 (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
 Mizoram & Arunachal Pradesh)  
 CIVIL APPELLATE SIDE

Appeal from \_\_\_\_\_ R. A. No. 107 of 2003  
 Civil Rule \_\_\_\_\_

Appellant  
 Petitioner  
 Bharat Sanchor Nyam Limited.

Versus

Sanchanka Dab & S. Co.

Respondent  
 Opposite Party

Appellant Mr. B. P. Patil  
 For Petitioner Dr. M. Patil  
 Mr. D. B. Patil  
 Respondent Mr. B. Patil  
 For Opposite Party *for and on behalf of the Respondent*

Noting by Officer of Adhoc \_\_\_\_\_ Serial \_\_\_\_\_ Date \_\_\_\_\_ Office notes, remarks, orders or comments \_\_\_\_\_

Certified to be true copy  
 J. P. Advani

In the matter of:

Review Application No. 107/2003

Bharat Sanchar Nigam Ltd.

.....Petitioner

-vs-

Sachanka Kr. Das & 5 others

.....Respondents

-AND-



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3

170

Reports, orders or proceedings with signature

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

REVIEW APPLN. 107/2003

PRESENT

HON'BLE THE CHIEF JUSTICE MR PP NAOLEKAR  
THE HON'BLE MR JUSTICE IA ANSARI

22.6.2004

I heard Mr BC Pathak, learned counsel for the review petitioner, and Mrs BRA Sultana, learned counsel for the opposite parties.

It is the submission of the learned counsel for the review petitioner that Mr BM Choudhury, learned counsel appearing in the case has made a wrong concession before this Court that as per the direction issued by the Central Administrative Tribunal, the cases of the 6 applicants have been considered by the Bharat Sanchar Nigam Limited and on that concession, the writ petition was dismissed. In fact, the cases of the 6 applicants for grant of temporary status have not been considered by the Bharat Sanchar Nigam Limited. In support of this submission, learned counsel for the review petitioner has relied on the affidavit filed by Mr BM Choudhury, learned counsel, who has stated in the affidavit that he was not having any instruction regarding the consideration of the cases of the applicants and he has made a wrong concession. On the basis of the affidavit so filed, the very base on which the order has been passed is found to be non-existent and in view thereof, the order passed by this Court on 29.5.2003 is set aside. The writ petition is restored to its file and number.

The review petition shall accordingly stand disposed of:

Sd/- A Ansari  
Judge

Sd/- P.P. Naolekar  
Chief Justice

*Disposed of  
Pl. communicate*

CERTIFIED TO BE TRUE COPY  
 .....*Harishwar*.....  
 Date.....*22.6.2004*.....  
 Superior Court (Criminal Section)/  
 Gauhati High Court  
 Authorised U/S 76, Act I, 1872

*Handwritten signature*

*Page 2/002  
22/9/14*

आवेदक की  
प्रति  
Application for  
the copy.

स्टाम्प और फोलियो की अपेक्षित  
संख्या सूचित करने की निश्चित  
तारीख  
Date fixed for notice of  
the requisite number of  
stamps and folios.

अपेक्षित स्टाम्प और फोलियो  
देने की तारीख  
Date of delivery of the  
requisite stamps and  
folios.

तारीख, जबकि देने के लिए  
प्रतिनिधि तैयार थी  
Date on which the copy  
was ready for delivery.

आवेदक को प्रतिनिधि देने की  
तारीख  
Date of making over the  
copy to the applicant.

Annexure-C

IN THE GAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

R. P. No. 41 of 2004

Appellant

Petitioner

Bharat Sanchar Nigam Limited

Versus

Smti. Tripti Das

Respondent

Opposite Party

Appellant  
For

MR. B. C. Pathak Court

Petitioner

MR. B. Pathak High Court

Respondent  
For

Opposite Party

Certified to be true copy  
Advocate

-AND-

In the matter of:

**W.P(C) No. 724/2004**

Bharat Sanchar Nigam Limited,  
represented through the Chief  
General Manager, Assam Circle,  
Guwahati.

**... Petitioners**

-Versus-

Smti. Tripti Das,  
W/o. Sudeep Kumar Das,  
Resident of Udal Bakra, Rodali  
Path, P.O. Udalbakra, P.S. .  
Dispur, District - Kamrup,  
Assam.

Gauhati High Court

**...Respondent**

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

**REVIEW APPLICATION NO.41/04  
IN W.P(C) NO.724/04**

**BEFORE  
HON'BLE THE CHIEF JUSTICE MR.P.P.NAOLEKAR  
THE HON'BLE MR.JUSTICE AMITAVA ROY**

28.05.04

Heard Mr.B.C.Pathak, learned counsel for the review petitioner.

By this petition, review of the judgment and order dated 10.02.2004 passed by this Court in W.P(C) No.724/04 has been sought on the ground that the respondent herein has worked with the appellant for less than 240 days in a year and, therefore, the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Gauhati High Court the Department of Telecommunication, 1989, has no application to the case of the respondent.

It is an admitted fact that in the previous litigation before the Central Administrative Tribunal, the Tribunal has reached to the finding that the respondent had worked for more than 240 days. That order having not been challenged, has attained finality and in the subsequent proceeding the question of number of days worked could not have been raised.

It is then submitted by the learned counsel for the review petitioner that the Central Administrative Tribunal

Sh Court-8/01-80,000 21-8-2001

had no jurisdiction to entertain the petition filed before it as the appellant Company has not been brought within the jurisdiction of the Central Administrative Tribunal. Learned

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Noun by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
	2	3	4
			<p>counsel for the applicant/review petitioner has frankly admitted that the question of jurisdiction of the Central Administrative Tribunal had never been raised before the Tribunal either in the written statement filed before the Tribunal nor in argument before it or <u>argued</u> before us. Thus, for the first time, the question cannot be permitted to be raised before this Court in a review petition, when the decision on the said question would require investigation of factual situation. In view thereof the review petition is dismissed.</p>

Gauhati High Court