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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 162/2003

R.A./C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

Kalish
17.11.17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 162/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Makibul Ali

Respondants: - H. O. I. Iam

Advocate for the Applicants: - Ms. S. Sarma, Minu H. Sen

Advocate for the Respondants: - Case.

Notes of the Registry	Date	Order of the Tribunal
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29.8.03

Heard learned counsel for the parties.

Issue notice on the respondents to show cause as to why the application shall not be admitted. Returnable by four weeks. List on 24.10.03 for Admission.


Vice-Chairman

lm

Notice prepared & sent
to SAs for info. ltr
Respondent No. 163
to Regd. AID.

Sl No 1894/1898

Dtd 8/9/03

21.10.03

There is no Bench today.
Adjourned - 29.10.03.

8/0
20

3/4


29.10.2003

List again on 21.11.2003

to enable the respondents to file reply if any. Endeavour shall be made to dispose of the same at the admission stage.

No reply has been filed.

30
15.12.03.


Vice-Chairman

Appearance has been filed by the Addl. Case. 16.12.03

mb

List on 23.1.04 for written statement and further orders.

JS
17.12.03

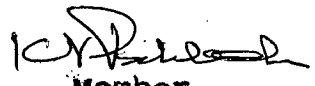

Member

pg

16.2.2004

List on 19.3.2004 for further order.

No written statement has been filed.


Member

30
18.3.04

bb

19.3.2004

Written statement has been filed.

List on 20.4.2004 for hearing.

19/3/04

Written statement has been filed on behalf of respondents 1 to 3.

JS
19/3/04


Member (A)

mb

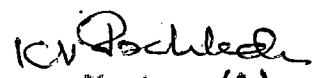
27.4.2004

Mr. A.K. Chaudhuri, learned Addl.

G.C.S.C. for the respondents states that he received rejoinder yesterday. He requires some documents in original which has been produced in the rejoinder. So he prayed for time to collect the same. Prayer is allowed. List on 19.5.2004. The respondents are also directed to produce the Original records.

Rejoinder filed on behalf of the Applicant.

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26.4.04


Member (A)

The case is ready for hearing.

mb

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16.5.04

19.05.2004 On the plea of counsel for the respondents list on 2.6.2004 for hearing.


Member (A)

mb

27.5.04

2.6.04

Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate Sheets.

Application is disposed of.

Reply on behalf of
the Respondents has
been submitted.


Member(A)

27.5.

7.6.04

Copy of the Judgt
has been sent to the
offce. for issuing
the fine to the
applicant as well
as to the Addl. Secy
for the Respon

45

Recd. Ch 9/6/04

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 111 162 of 2003

DATE OF DECISION 2.6.2004

Md.Mukibur Ali

.....APPLICANT(S).

Mr.S. Sarma, Miss U.Das

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Ors

.....RESPONDENT(S)

Mr.A.K.Choudhury, Addl.C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR.

THE HON'BLE

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

Judgment delivered by Hon'ble Member

prp

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applicant has also referred to the decisions rendered in O.A.188/91 dt.27.7.1995 and in O.A.179/2001 dated 6.2.2002 by which substitute GDS was given temporary status. The applicant also referred to the Full Bench Judgment decided by Hyderabad Bench of the Tribunal 1991-94 (Vol.3) 209 (Sakkubai and N-J, Ramulu -Vs- the Secretary, Ministry of Communications etc. and four others) in which part time labourers who completed 480 days were considered for temporary status.


2. The respondents contested the case and filed their written statement. The applicant was engaged only as substitute of Md.Mainur Ali and never engaged as Group D Staff. He was engaged for 90 days and after expiry of leave of regular stamp vendor the applicant was reverted to his original post of Waterman. Respondents also referred to W.P.C.T. No.58/2003 decided by Calcutta High Court and O.A.No.14/A&N/2003 dated 10.3.03 of Calcutta Bench of the Tribunal in support of their contentions that the Applicant was not eligible for temporary status.

3. Heard learned counsel of both sides and perused the judgment referred to by both sides. From the Service rules for postal ED staff it is not clear as to the eligibility criteria for stamp Vendors for temporary status and regularisation. The materials produced does not reveal the total number of days the Applicant worked as Stamp Vendor or waterman. Therefore, the applicant may file a representation narrating his grievances. If such representation is filed, the respondents shall consider the same for granting him temporary status and regularisation

contd/-3

keeping in mind the relevant rules and guidelines, if any, issued by Department of posts on this matter. This exercise shall be completed within four months from the date of receipt of this order.

The O.A. is accordingly disposed of. No order as to costs.


(K.V. PRAHALADAN)
ADMINISTRATIVE MEMBER

PG

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 462 of 2003

Sri Makibur Ali

..... Applicant.

-VS-

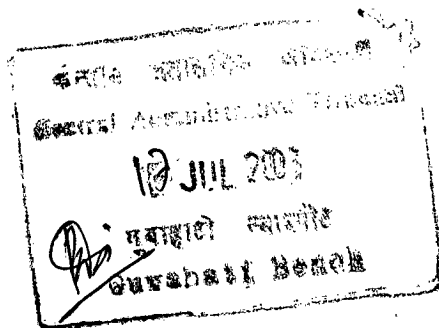
Union of India & ors.

..... Respondents.

LIST OF DATES

1. 09.10.2001 Appointment letter issued by Sub-Postmaster (LSG) Bamunimaidan, Guwahati.
2. 09.10.2001 Change Report.
3. 07.10.2001 Representation preferred by the applicant.
4. 20.12.2002 Reminder to the representation dated 07.10.2002.
5. 03.02.2003 Representation preferred by the applicant for regular absorption against any vacant Group-D and GDS posts.

a
Filed by
the applicant through
Alsha Das.
Advocate
14/7/03



10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 162 of 2003

BETWEEN

Sri Makibar Ali Applicant.

AND

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

I N D E X

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5.	Annexure-3	12 - 15
6.	Annexure-4	16
7.	Annexure-5	17
8.	Annexure-6	18

Filed by : Alsha Das

Regn. No. :

File : c:\WS7\MOKIBUR

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. 162 of 2003

Filed by
the applicant through
Alsha Das,
Advocate
14/7/03

BETWEEN

Md. Makibar Ali
Son of Late Injil Ali
Vill- Solmari
P.O. Belsor
Dist. Nalbari

..... Applicant.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India.
Ministry of Communication
Department of Posts, Dak Bhawan,
New Delhi-1
2. The Chief Post Master General
Department of Posts
Meghdoot Bhawan
Panbazar, Guwahati-1
3. The Sr. Superintendent of Post Offices
Guwahati Division,
Guwahati-1

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is not directed against any particular order but has been made seeking an appropriate direction towards the respondents to allow the applicant to continue as a Group-D or Gramin Dak Sewak (GDS) and to regularise his service as such in terms of the scheme circulated vide OM issued by Govt. of India, Department of Post dated 17.5.89 and its subsequent clarification issued from time to time.

MD. Makibar Ali

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2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

4.1. That the applicants is a citizen of India and as such he is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the present applicant got his initial appointment in a vacant Group-D post on daily wage basis in the Bamunimaidan Post Office, Guwahati in the year 2001 and as such he is continuing in the said capacity. The applicant after completion of his matriculation, registered his name in the Employment Exchange and at the time of his initial appointment his name was sponsored by Local Employment Exchange. The applicant fulfills all the required qualification as mentioned in the scheme prepared by the Department of Posts, for grant of temporary status and subsequent regularisation, but inspite of repeated requests the respondent have not yet regularised his service. It is pertinent to mention here that the respondents now have

MD. MAKIBAR SI

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decided to fill up numbers of vacant post in the Group-D category and the posts of GDS but inspite of repeated request his case has not been taken into consideration. The applicant preferred number of representations to the concerned authority for consideration of his case against the Group-D as well as GDS posts in terms of the scheme but same yielded no result in positive. On the other hand in phase manner the respondents are now filling up those posts by fresh recruitee and therefore, the applicant seeking an appropriate direction towards the respondents for consideration of his case, has come before this Hon'ble Tribunal.

4.3. That the applicant after completion of H.S.L.C. examination in the year 1996 had to abandon his further studies due to poverty and in search of Job he registered his name under the local Employment Exchange. Eventually the said employment exchange sponsored his name and the applicant got initial appointment vide order dated 9.10.2001 as a Group-D employee in Bamunimaidan Post Office.

A typed copy of the said appointment order dated 9.10.2001 and the charge report are annexed herewith and marked as Annexure-1 & 2 respectively.

4.4. That the applicant as stated above and after the issuance of Annexure-1 appointment order continued to perform duty as Casual Worker to the satisfaction of all concern and with some artificial break his appointment has been continuing till date.

MD. Makibar Ali

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4.5 That the applicant states that some of the Casual Workers of Postal Department claiming regularisation of their services approached Hon'ble Apex Court and the Hon'ble Apex Court was pleased to direct the respondents to prepare a scheme on rational basis to accommodate the Casual Workers. The respondents accordingly prepared a scheme and circulated the same vide OM dated 17.5.89 and 12.4.91. In the said scheme the respondents provide certain benefit to the Casual Workers who worked for a period of 240 days in a year.

An extract of the said scheme and its subsequent clarification is annexed herewith and marked as Annexure-3.

4.6. That the applicant kept on representing his case for granting the benefit of temporary status under the Annexure-3 scheme but same yielded no result in positive. The applicant his representation dated 7.10.2002 indicated the fact that he has completed the requisite number of working days in a particular year and as such he is entitled to get the benefit of the scheme but same is yet to be disposed of. The aforesaid representation was followed by another representation dated 20.7.2002 wherein he reminded the authority to take appropriate action but none of his representations have been given attention by the respondents.

Copies of the representations dated 7.10.2002 and 20.7.2002 are annexed herewith and marked as Annexure-4 & 5 respectively.

MD. MAKIBAR ALI

4.7. That the applicant begs to state that in the year 2003 number of posts have been sanctioned by the concerned Ministry under Group-D establishment of the respondents. Apart from that after modification of the recruitment rule of Extra Departmental Agents to Gramin Dak Sewak various vacancies have occurred under the respondents and most of them are yet to be filled up. However, the respondent have initiated process for filling up those vacancies by fresh recruitee without considering the cases of the Casual Workers including the applicant. The applicant having come to know about the aforesaid development preferred a representation dated 3.2.2003 offering his candidature for the said post of Group-D or GDS but nothing has been communicated to him till date. Situated thus he applicant has come under the protective hands of this Hon'ble Tribunal seeking an appropriate direction towards the respondents for consideration of his case for grant of temporary status under the scheme and to regularise his service, alternatively to consider his candidature for GDS posts presently lying vacant under the respondents.

A copy of the representation dated
3.2.2003. is annexed as Annexure-6.

4.8. That this application has been filed bonafide and secure ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondents have acted contrary to the settled provision of law and as such their such action/inaction are liable to be set aside and quashed.

18

5.2. For that the applicant who worked in Group-D capacity for a fairly long period fulfills required qualification for grant of temporary status and subsequent regularisation and as such appropriate direction need be issued to the respondents to extend all the benefit of the Annexure-3 scheme and its subsequent clarifications issued from time to time.

5.3. For that the respondents have discriminated the applicant in the matter of employment and as such appropriate direction need be issued towards the respondents to consider the case of the applicant as a departmental candidate for the said vacant post.

5.4. For that the respondents have acted contrary to the settled preposition of law in not disposing of my representation within a stipulated time frame and such appropriate direction need be issued for disposal of his representation and to consider his case for regularisation.

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8. RELIEF SOUGHT FOR:

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

8.1. To direct the Respondents to extend the benefit of the scheme for grant of temporary status and regularisation to the applicant and not to discharge him from his present employment.

8.2. To direct the respondents to consider his case for regular absorption in any group-D vacancy or GDS posts presently lying vacant by disposing of his representations.

8.3. Cost of the application.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicant prays for an interim order directing the respondents to allow him to continue as daily rated Mazdoor in any Post Office under the Respondent No.2.

10.

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

1. I.P.O. No. : 86 488701
2. Date : 1/7/03.
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

MD. MAKIBUR AH

VERIFICATION

I, Sri Makibar Ali, aged about 27 years, s/o Late Injil Ali, Vill-Solmari, P.O. Belsor, Dist.-Nalbari, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1., 4.2., 4.4., 4.8., 4.5. to 12. are true to my knowledge and those made in paragraphs 4.3., 4.5., 4.6., 4.7. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 11th day of July of 2003.

Signature.

Md. Makibar Ali

Signature

DEPARTMENT OF POSTS
SUB POST MASTER (LSG)
BAMUNIMAIDAN
GUWAHATI

No. BI/Makibur Ali/2001 Dated, Guwahati the 9th OCT/2001

Md. Makibur Ali, ED. Stamp Vendor Bamunimaidan is hereby order to work as Group-D at Bamunimaidan P.O. for a period of 90(ninty) days w.e.f. 10.10.2001 on purely temporary basis. He is to produce a suitable nominee in his place with his full responsibility.

The arrangement is purely on temporary and he may be terminated at any time without assigning any reason.

SUB POST MASTER (LSG)
BAMUNIMAIDAN
GUWAHATI

Cc. to

1. The Sr. Supdt. of P.O.s Guwahati Divn. Guwahati-1 for information
The arrangement may kindly be approved.
2. The Senior Post Master, Guwahati, G.P.O.
3. The Official Concerned
4. P/F
5. O/O

SUB POST MASTER (LSG)
BAMUNIMAIDAN
GUWAHATI

Noted
MDan
10/10/01

Contd. from
15/10/01

ए.सी.जी. 61
A.C.G.-61

भारतीय डाक विभाग
DEPARTMENT OF POST, INDIA

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

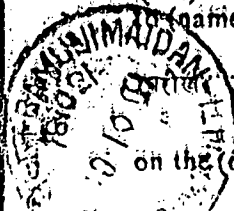
चार्ज की बदली पर आने रिपोर्ट और नकली और टिकटों की रसीद
Charge Report and Receipt for each and stamps, on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of *FD St. Nandan*

चार्ज (नाम) *Ind Makibon Ali*
was made over by (name)

(नाम) को
(name) *Ind Makibon Ali*

स्थान
at (place) *12/21*



..... को पूर्वाह्न में
..... after noon in accordance with
on the (date) for

सं. No. *82/107-01*

तारीख Dated *9-10-01*

के अनुसार दे दिया है
from *SFM 5/10/21*

Ind Makibon Ali
संलग्न अधिकारी
Relieved Officer

M. Makibon Ali
संलग्न अधिकारी
Relieving Officer

[कु.पू.उ.०
P.T.O.]

Attested

Wan
Advocate.

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

[G.I., M.F., O.M. No. F. 8 (2)-Estt. (Spl) 60, dated the 24th January, 1961; M.H.A., O.M. No. 6/52/60-Estt. (A), dated the 16th February, 1961; No. 16/10/66-Estt. (D), dated the 2nd December, 1966; No. 14/1/68-Estt. (C), dated the 12th February, 1969 and D.P. & A.R., O.M. No. 49014/19/84-Estt. (C), dated the 26th October, 1984.]

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

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

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

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

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

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

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

Attested
u don

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

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

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

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

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

IN THE DEPARTMENT OF POSTS

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

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

- (i) NTC Group 'D' officials.
 (ii) EDAs of the same Division.
 (iii) Casual labourers (full-time or part-time. For purpose of computation of eligible service, half of the service rendered as a part-time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years he will be treated, for purposes of recruitment, to have completed one year of service as full-time casual labourer).
 (iv) EDAs of other divisions in the same Region.
 (v) Substitutes (not working in Metropolitan cities).
 (vi) Direct recruits through employment exchanges.

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

[G.L., Dept. of Posts, Lr. No. 65-24/88-SPB. 1, dated the 17th May, 1989.]

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

1. 'Temporary Status' would be conferred on the casual labourers in employment as on 29-11-1989 and who continue to be currently employed and have rendered continuous service of at least one year; during the year they must have been engaged for a period of 240 days (206 days in the case of offices observing five days week).

2. Such casual workers engaged for full working hours, viz., 8 hours including ½ hour's lunch time will be paid at daily rates on the basis of the minimum of the pay-scale for a regular Group 'D' official including DA, HRA and CCA.

3. Benefit of increment at the same rate as applicable to a Group 'D' employee would be taken into account for calculating per month rate wages, after completion of one year of service from the date of conferment of Temporary Status. Such increment will be taken into account after every one year of service subject to performance of duty for at least 240 days (206 days in establishments observing five days week) in the year.

4. Leave entitlement will be one day for every 10 days' of work. Casual leave or any other kind of leave, except maternity leave, will not be admissible. No encashment of leave is permissible on termination of services for any reason or on the casual labourers quitting service.

5. Maternity leave to lady full time casual labourers will be allowed as admissible to regular Group 'D' employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attested

C. D. A.

Advocate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SWAMY'S—ESTABLISHMENT AND ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

IN THE DEPARTMENT OF TELECOMMUNICATIONS

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

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

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

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

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

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

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

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ANNEXURE - 4

To,
The Chief Post Master General
Assam Circle, Meghdoot Bhawan
Guwahati-1

Date: 7.10.2002

Sub:- Regularisation of my service in Group-D post under scheme.

Sir,

With due respect I beg to state that I got my appoint from the Employment Exchange as Group-D Worker from 9/10/2001. With some break and I am continuing in my service.

Sir, as per the scheme my service is required to be converted Temporary Status Mazdoor and by 2003 my service is required to be regularised, but till dated I have not been made Temporary Status Mazdoor.

Sir, I once again request you to consider my case and to appoint me as Temporary Status Mazdoor with Group-D pay Scale.

Yours Faithfully

Md. Makibur Rahman

Md. Makibur Rahman
S/o Late Injit Ali
P.O. Belsor
Dist. Nalbari

Copy to:-

(i) SSPOs, Guwahati-1

Attested
WDM
Advocate.

- 17 -
- 18 -

ANNEXURE - 85

To,
The Chief Post Master General
Assam Circle, Meghdoot Bhawan
Guwahati-1

Date:- 20/12/2002

Sub:- Reminder to my representation dated 7/10/2002.

Sir,

With due respect I beg to state that I have already submitted a representation for Temporary Status and regularisation but I have not received any information from the Post Master and SSPOs, Guwahati.

Sir, kindly consider my case for regularisation and Temporary Status immediately.

Yours Faithfully

md. makibar Ali

Md. Makibar Ali
S/o Late Injit Ali
P.O. Bazar
Dist. Nalbari

Copy to:-

(i) SSPOs, Guwahati-1

Attested
Wan
Advocate.

28
- 18 -
- 17 -
ANNEXURE - 6

To,
The Chief Post Master General
Assam Circle, Meghdoot Bhanjan
Guwahati-1

Date: 3.02.2003

Subj:- Regularise absorption against vacant Group-D and GDS Posts.

Sir,

With due respect I beg to state that at present in Guwahati Division there are several vacant posts under Group-D and GDS Posts are available and various advertisements have been issued.

Sir, I am an experienced Group-D employee and departmental candidate and preference may be given to me. I may be allowed to place my biodata I may be allowed to appear in the interview.

Sir, I hope that I may be given a chance to appear in the interview held shortly.

Your's Faithfully

MD. MAKIBAR ALI

Md. Makib - Ali
S/o Late Injil Ali
P.O. Belser
Dist. Nalbari

Copy to:-

(i) SSPOs, Guwahati-1

Attested
W. Sen
Advocate.

19 MAR 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of :-

G.A. No.162 of 2003

Shri Md. Makibar ... Applicant

-Versus-

Union of India & others

... Respondents

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENTS NOS.1, 2 & 3.

I, *Som Kamei, JPs* Sr. Superintendent of Post
Offices, Guwahati Division, Guwahati, do hereby solemnly affirm
and say as follows :-

1. That I am the Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati and as such fully acquainted with
the facts and circumstances of the case. I have gone through
a copy of the application and have understood the contents
thereof. Save and except whatever is specifically admitted in
this written statement the other contentions and statement
may be deemed to have been denied. I authorised to file the
written statement on behalf of all the respondents.
2. That the respondents beg to place the brief history of
the case as follows :-

The applicant is a part time contingent staff working
as Waterman of Bamunimaidan, SO since 2001.

In the year 2001 a post of Group D felt vacant at
Bamunimaidan S.O. As it was unmanageable, the work of Group 'D'
SPM Bamunimaidan temporarily engaged Md. Mainur Ali the regular
ED stamp Vendor of Bamunimaidan SO to officiate as Group D for
a period of 90 days with effect from 10-10-2001. At that time
Md. Mainur Ali provided the applicant to work as his substitute
for the post of ED stamp vendor for that period.

Hence the applicant was provided to work as substitute
by Mainur Ali ED stamp vendor for that period and after expiry of
such period he has been working as Waterman at Bamunimaidan S.O.
i.e. in his original post.

The applicant was never engaged as Group D against any
vacant post at Bamunimaidan SO.

3. That with regard to the statements made in paragraph 1 of the application, the respondents beg to state that the applicant is a contingent part time waterman and the applicant works for an hour daily. That the applicant does not come under the scheme circulated by Govt. of India, Department of Posts dated 17-5-1989. It is pertinent, to mention here that the applicant has never worked as Group D.

4. That the respondents have no comments to the statements made in paragraph 2, 3 and 4.1 of the application.

5. That with regard to the statements made in paragraph 4.2 of the application, the respondents beg to state that the applicant has been engaged as Contingent part time waterman for an hour daily at Bamunimaidan SO. The applicant was never appointed in a vacant Group D post on daily wage basis. So it is found that the applicant furnished false statement in this regard.

It is pertinent to mention here that the Department has its own recruitment proceedings either through. Employment Exchange or promotion basis.

6. That with regard to the statements made in paragraph 4.3 of the application, the respondents beg to state that the applicant has made a false statement in this para. The respondent ordered Mr. Mainur Ali ED stamp Vendor Bamunimaidan to work as Group D for a period of 90 days w.e.f. 10-10-2001 on purely temporary basis. He has also been ordered to produce a suitable substitute in his place with his full responsibility vide memo No.B1/Mainur Ali/2001, dtd.09-10-2001.

It is pertinent to mention here that the respondent did not ask for any candidate from the Employment Exchange and so there is no question of sponsoring the name of the applicant for the post and the applicant was never appointed as Group D at Bamunimaidan Post Office.

A copy of the order dated 09-10-2001 is Annexed here to and marked as ANNEXURE-1.

7. That with regard to the statements made in paragraph 4.4 of the application, the respondents beg to state that the applicant was provided by regular stamp vendor bamunimaidan to work as his substitute for 90 days and after expiry of leave of the regular stamp vendor the applicant reverted to his original post i.e. Waterman.

It is pertinent to mention here that the applicant stated in para 4.3 that he was appointed as Group D and in 4.4 he stated that he performed duty as casual worker.

It is also pertinent to know by the applicant that there are vast difference between group D, casual worker and contingent Part time worker. So at first the applicant, has to confirm himself that in which post he was appointed. In this regard proof is sought for.

8. That with regard to the statements made in paragraph 4.5 of the application, the respondents beg to state that the respondent contingent part time worker and does not cover under the scheme as the applicant annexed in Annexure-3.

9. That with regard to the statements made in paragraph 4.6 of the application, the respondents beg to state that as it is mentioned in para 4.5 that the applicant is a contingent part time worker, so the applicant does not cover under the scheme and the question does not arise to consider any representation of the applicant in this regard.

It is pertinent to mention here that the respondent did not receive any representation from the applicant.

10. That with regard to the statements made in paragraph 4.7 of the application, the respondents beg to state that as it mentioned in the foregoing para that the applicant is not a casual worker so he will not get any benefit of this scheme for the regular appointment.

11. That the respondents have no comments to the statements made in paragraph 4.8 of the application.

12. That with regard to the statements made in paragraph 5-5.5 of the application, the respondents beg to state that not admitted that in view of the submission made above that prayer for relief by the applicant is unfounded and is liable to be dismissed.

13. That the respondents have no comments to the statements made in paragraph 6 and 7 of the application.

14. That with regard to the statements made in paragraph 8-8.4 of the application, the respondents beg to state that not admitted that what have been commented in para 5-5.5 and on

the face of the fact submitted above the applicant is not entitled to any relief sought for.

15. That with regard to the statements made in paragraph 9 of the application, the respondents beg to state that not admitted since the applicant is continuing as contingent part time waterman at Bamunimaidan SO, the question of directing him to continue at daily rated casual Mazdoor does not arise.

16. That the respondents have no comments to the statements made in paragraph 10, 11, 12 of the application.

17. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

VERIFICATION

I, Som Kamei, IPS, Sr. Superintendent of Post Offices, Guwahati Division, Guwahati being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs / of the application are true to my knowledge and belief, those made in paragraphs 2 - 16 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 14 th day of November, 2003 at Guwahati.

Som Kamei
DEPONENT

चारण्ड अधीक्षक, डाकघर
गुवाहाटी मंडल, गुवाहाटी - 781001
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

5

Annexure 'B' 1

37

-23-

DEPARTMENT OF POSTS
SUB POST MASTER (LSD)
BAMUNIMATAIDAN
GUWAHATI

No. BI/Makibur Ali/2001 Dated, Guwahati the 9th OCT/2001

Md. Makibur Ali, ED. Stamp Vendor Bamunimaidan is hereby order to work as Group-D P.O. Bamunimaidan P.O. for a period of 90(ninty) days w.e.f. 10.10.2001 on purely temporary basis. He is to produce a suitable nominee in his place with his full responsibility.

The arrangement is purely on temporary and he may be terminated at any time without assigning any reason.

SUB POST MASTER (LSD)
BAMUNIMATAIDAN
GUWAHATI

Cc. to

The Sr. Supdt. of P.O.s Guwahati Divn. Guwahati for information.
The arrangement may kindly be approved.
The Senior Post Master, Guwahati, S.P.O.
The Official Concerned.
P/F
O/D

SUB POST MASTER (LSD)
BAMUNIMATAIDAN
GUWAHATI

Attended
AM Chandra
Adalgyse

6

- 24-

ANNEXURE

2

37

(Signature)
10/10/01

पं.सी.सी.-61
A.C.G.-61

भारतीय डाक विभाग
DEPARTMENT OF POST INDIA

(देखिए नियम 267, डाक-तार विभाग का खजाना I. वित्तिय संस्करण)
(See Rule 267, Post and Telegraphs Financial Hand Book, Volume-I, Second Edition)

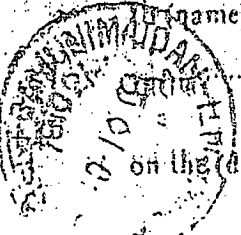
चार्ज की जवली पर जार्ज रिपोर्ट और जवली और विकसों की रसीद
Charge Report and Receipt for each and satups, on transfer of charge

जलपणित किया जाता है कि
Certified that the charge of the office of *ED St. Jordon*

चार्ज (नाम) *add placement Ali*
was made over by (name)

(नाम) को
(name) *ind makebon Ali*

स्थान
at (place) *pp 21*



को *पूरा* में
after noon in accordance with
on the (date) *7-10-01*

No. *02/1137-11*

तारीख
Dated *7-10-01*

के अनुसार ले लिया है
from *SFM 80 21*

ind makebon Ali
भारतीय डाक विभाग
Relieved Officer

ind makebon Ali
भारतीय डाक विभाग
Relieving Officer

हस्ताक्षर
P.T.O.

*Attended
PP Chandra
Addl CgSE*

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

[G.I., M.F., O.M. No. F. 8 (2)-Estt. (Spl) 60, dated the 24th January, 1961; M.H.A., O.M. No. 6/52/60-Estt. (A), dated the 16th February, 1961; No. 16/10/66-Estt. (D), dated the 2nd December, 1966; No. 14/1/68-Estt. (C), dated the 12th February, 1969 and D.P. & A.2., O.M. No. 49014/19/84-Estt. (C), dated the 26th October, 1984.]

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

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

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

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

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

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

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

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

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

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

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

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

IN THE DEPARTMENT OF POSTS

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

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

- (i) NTC Group 'D' officials.
- (ii) EDAs of the same Division.
- (iii) Casual labourers (full-time or part-time. For purpose of computation of eligible service, half of the service rendered as a part-time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years he will be treated, for purposes of recruitment, to have completed one year of service as full-time casual labourer).
- (iv) EDAs of other divisions in the same Region.
- (v) Substitutes (not working in Metropolitan cities).
- (vi) Direct recruits through employment exchanges.

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

[G.I., Dept. of Posts, Lr. No. 65-24/88-SPB. I, dated the 17th May, 1989.]

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

1. 'Temporary Status' would be conferred on the casual labourers in employment as on 29-11-1989 and who continue to be currently employed and have rendered continuous service of at least one year; during the year they must have been engaged for a period of 240 days (206 days in the case of offices observing five days week).

2. Such casual workers engaged for full working hours, viz., 8 hours including ½ hour's lunch time will be paid at daily rates on the basis of the minimum of the pay-scale for a regular Group 'D' official including DA, HRA and CCA.

3. Benefit of increment at the same rate as applicable to a Group 'D' employee would be taken into account for calculating per month rate wages, after completion of one year of service from the date of conferment of Temporary Status. Such increment will be taken into account after every one year of service subject to performance of duty for at least 240 days (206 days in establishments observing five days week) in the year.

4. Leave entitlement will be one day for every 10 days' of work. Casual leave or any other kind of leave, except maternity leave, will not be admissible. No encashment of leave is permissible on termination of services for any reason or on the casual labourers quitting service.

5. Maternity leave to lady full time casual labourers will be allowed as admissible to regular Group 'D' employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

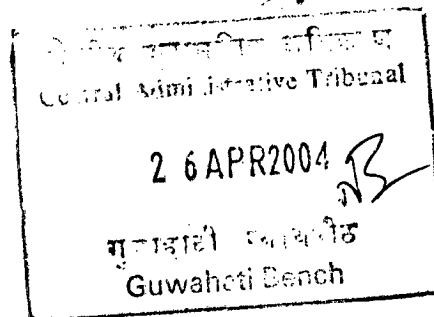
[G.I., Dept. of Posts, Lt. No. 45-36/92, dated the 1st March, 1993.]

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

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

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

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



Filed by
the applicant through
Ashra Das
Advocate
26/4/04

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.162 of 2003

Sri Makibur Ali

..... Applicant.

-VS-

Union of India & ors.

..... Respondents.

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

1. That the applicant has gone through the Written Statement submitted by the Respondent No.2 and 3. Save and except the statements which are not specifically admitted herein below, rest of the statements are treated to be total denial, and the statements which are not borne on records are also denied and the Respondents are put to the strictest proof thereof.

2. That with regard to the statement made in para 1 of the written statement the applicant does not admit anything contrary to the relevant records of the case.

3. That with regard to the statement made in para 2 of the written statement the applicant while denying the contention made therein and reaffirming the statement made in the OA begs to state that the applicant initially appointed in a vacant Group-D

post on 9.10.2001 (Annexure-1 to the OA) on casual basis. The applicant had been working in the said post till July 2003 continuously. Now the Respondents is not providing the applicant any work regularly only because of pendency of this OA.

Copies of documents regarding the applicants' employment are annexed herewith and marked as Annexure-1 (colly).

4. That with regard to the statement made in para 3 of the written statement the applicant while denying the contentions made therein begs to state that the case of the applicant is fully covered by the scheme circulated by Govt. of India, Department of Posts dated 17.5.89, taking in to consideration his continuou service under the Respondents from 9.10.01 till July 2003 and as such he fulfills all the required qualifications as mentioned in the aforesaid scheme. The statement made in this paragraph is self contradictory. As per their Annexure-1 to the written statement the applicant was engaged as Group-D on casual basis at Bamunimaidan P.O. and as such the statement that the applicant has never worked as Group-D is self contradictory. There are only various modes of employment which includes temporary employment on direct recruitment, from one post to other, as such the employment offered to the applicant is bound to be on casual basis and therer is no dispute in this regard.

5. That with regard to the statement made in paragraph 4 of the written statement the applicant does not admit any thing contrary to the relevent records of the case.

6. That with regard to the statement made in paragraph 5 of the written statement the applicant while denying the contentions made therein and reiterating and reaffirming the statement made above as well as in the OA begs to state that the applicant was initially appointed on 9.10.01 against Group-D posts on casual basis for 90 days. After that said employment was extended from time to time till July 2003 as reflected in Annexure-1 colly. As stated in the OA the applicant's name was sponsored by Local Employment exchange, and he was appointed following the due process of selection.

7. That with regard to the statement made in para 6 & 7 of the written statement the applicant while denying the contention made therein and reiterating and reaffirming the statement made above as well as in the OA begs to state the applicant worked under the Respondents from 10.9.02 to July 2003 as Group-D employee on casualbasis at Bamunimaidan PO. The applicant also begs to annex two judgments of this Hon'ble Tribunal wherein it is made clear that even if he worked under the Respondents as substitute than also he is entitled for grant of temporary status and subsequent regularisation. Since the case of the applicant is similar to the applicants of the OAs bearing No.188/91, OA No.40/96 and 179/2001, he is praying before this Hon'ble Tribunal to grant the similar direction as has been granted to the applicants by this Hon'ble Tribunal.

Copies of the judgments and orders dated

- 31 -

M

27.7.95, 28.8.98 and 6.2.2002 passed OA Nos 188/91, 40/96 and 179/2001 are annexed herewith and marked as Annexure- 2, 3 and 4 respectively.

8. That the applicant begs to state that the applicant has been working under the Respondent since 9.10.2001 as Stamp Vendor at Bamunimaidan P.O. and he has completed more than 240 days that and as such the applicant prays before this Hon'ble Tribunal for a direction to grant him temporary status as per the judgments of this Hon'ble Tribunal, as well as the Full Bench judgment of Hyderabad Bench of Central Administrative Tribunal 1991-94 (Vol.3) 209 (Sakkubai and N-J. Ramulu-VS- the Secretary, Ministry of Communications etc. and four others) and the Supreme Court judgments passed in number of cases. The case of the applicant is also covered by the scheme of casual Labour (Grant of temporary Status and Regularisation scheme as well as its subsequent clarifications issued from time to time. In fact the said scheme underwent various rounds of litigations before the Hon'ble Tribunal and the applicability of the said scheme was extended from time to time making it applicable to the later recruits.

9. That in view of the above facts and circumstances stated above the application deserves to be allowed with cost.

VERIFICATION

I, Sri Makibur Ali, aged about 27 years, s/o Late Injil Ali, Vill-Solmari, P.O. Belsor, Dist.-Nalbari, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 5, 8, 9 are true to my knowledge and those made in paragraphs 3, 4, 6, 7 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 26th day of April of 2004.

Signature.

Md: Makibar Ali

2 sets

APPL-45

APPLICATION FOR LEAVE FOR EXTRA DEPARTMENTAL AGENTS
To be filled in quadruplicate

1. Name of the Agent: Mr. Phukan Nagen
2. Period for which leave is required: 11/10/02 to 11/11/02
3. Date from which leave is required: 20 days
4. Full Address while on leave: Panjab Phukan Nagen 611-2
5. Name, age and address of the substitute: Mr. Makibor Ali
6. Specimen signature of the substitute: Mr. Makibor Ali

I hereby propose Shri/Smt. Mr. Makibor Ali whose particulars are given above to work as my substitute during my leave on my responsibility according to the terms of the security bond executed by me.

A charge report signed by myself and by my nominee will be submitted as prescribed in

Rule-30 of Rules for Branch Offices

Rules 43 and 46 of P & T Manual Vol-IV-

Necessary approval may kindly be accorded to this arrangement. The allowance for the period of my leave may be paid to the above mentioned Shri/Smt.

Station:

Date:

Signature of the F.D. Agent.

(For use of the Sanctioning Authority)

Memo No.

Dated at Guwahati the

Shri/Smt.

Mr. Phukan Nagen

Design

ED

S.O.

has been permitted to proceed on leave for

20 days

from

11/10/02 to 11/11/02

The appointment of Shri/Smt.

his substitute is approved on the clear and understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason.

Date:

7/11/02

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Copy to:

- 1) Shri/Smt. Mr. Makibor Ali F.D.-BPM
- 2) B.O. Via: Mr. Makibor Ali Substitute of the BPM.
- 3) Shri/Smt. Mr. Makibor Ali B.O. Via: Mr. Makibor Ali
- 4) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HO for n/a.

O/C

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Attested
u/s
Advocate.

APP-45

- 7 -

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44

APPLICATION FOR LEAVE FOR EXTRA DEPARTMENTAL AGENTS (To be filled in quadruplicate)

1. Name : Md. Mainur Ali
2. Designation : ED HP
3. Period for which leave is required : 90 days
4. Date from which leave is required : 10-1-02 to 10-4-02
5. Full address while on leave : Pegali Phukan Nagar Glt-21
6. Name, age and address of the substitute : Md. Makibar Ali, 24 yrs. 10 months, Pegali Phukan Nagar Glt-21
7. Specimen signature of the substitute : Md. Makibar Ali

I hereby propose shri/smti Md. Mainur Ali whose particulars are given above to work as my substitute during my leave on my responsibility according to the terms of the security bond executed by me. A charge report signed by myself and by my nominee will be submitted as prescribed in.

Rule-50 of Rules for Branch Offices

Rules-45 and 46 of P&T Manual Vol-IV.

Necessary approval may kindly be accorded to this arrangement. The allowance for the period of my leave may be paid to the above mentioned Shri/Smt Md. Makibar Ali

Station:

Date :

Signature of the ED-Agent.
(For use of the Sanctioning Authority)

Memo No. B.I./Mainur Ali/1

Dated at Guwahati the 9-1-02

Shri/Smti Mainur Ali Design B2 Sr. Deputy
B.O. in a/c with ED HP S.O.
has been permitted to proceed on leave for 90 days days
from 10-1-02 to 10-4-02

The appointment of Shri/Smti Makibar Ali as his substitute is approved on the clear and understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason.

Date : 10-1-02

Copy to:

- 1) Shri/Smti ED HP
- 2) Shri/Smti ED HP, Substitute of the BPM,
- 3) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HO for n/a.
- 4) O/C

Attested
W. A.
Associate.

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

ए० सी० जी०-61 /A.C.G-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(देखिए नियम 267, डाक-सार वित्त पुस्तिका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I,
Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of *ED Stam Vander*

चार्ज..... (नाम) ने *Mainur Ali*
was made over by (name)

(नाम) को *Makibar Ali* स्थान
to (name) at (place)

तारीख..... को पूर्वाह्न में
अपराह्न

on the (date) *10/4/02* fore noon in accordance with *S.P.M. Bamugi*
after *mudra*

सं० *No. 131/M. Ali* तारीख Dated *10/4/02*



भारमुक्त अधिकारी
Relieved Officer

के अनुसार दे दिया ।
from

Md. Makibar Ali

भारप्राप्ती अधिकारी
Relieving Officer

[५०५०३०
P.T.O.]

Attest
L. Sen
M. Sen

1. Name : M.D. - (M. R. I. Y. C. A.) N. L. S.
2. Designation : J. D. - S. J. C. Y. C. A.
3. Period for which leave is required : 90 days
4. Date from which leave is required : 10-9-02 to 8-7-

5. Full address while on leave : Prinjabhi P. Kulkarni, Nagpur City - 21
6. Name, age and address of the substitute : Mr. Maheshwar N. Kulkarni, Nagpur City - 21
7. Specimen signature of the substitute : Mr. Maheshwar N. Kulkarni

I hereby propose shri/smti Mr. Maheshwar N. Kulkarni whose particulars are given above to work as my substitute during my leave on my responsibility according to the terms of the security bond executed by me.

A charge report signed by myself and by my nominee will be submitted as prescribed in.

Rules-45 and 46 of P&T Manual Vol-IV

Necessary approval may kindly be accorded to this arrangement. The allowance for the period of my leave may be paid to the above mentioned Shri/Smt


Date :

md. Maimon R. H.
Signature of the ED-Agent.
Sanctioning Authority)

Memo No. 211/ M. A. S. N. L. 702 Dated at Guwahati the 10/7/02
 Shri/Smti. Mr. A. S. N. L. 702 Design Asst. Secy.
Mr. A. S. N. L. 702 B.O. in a/c with Mr. A. S. N. L. 702 S.O.
 has been permitted to proceed on leave for 10/4/02 to 8/7/02 90 days
 from 10/4/02 to 8/7/02 90 days

The appointment of Shri/Smt. Md. Maki Durr Ali as his substitute is approved on the clear and understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason.

Date: 10/4/02

Sd/-  10/1/02
Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Copy to:

- 1) Shri/Smt. EID-BPM
B.O. Via:
2) Shri/Smti Substitute of the BPM,
..... B.O. Via:
3) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HQ for n/a.
4) O/C

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Attested

von

Adverse:

कोर-7/Corr-7

भारतीय डाक विभाग/Department of Posts, India

कार्यालय/Office of the

Guwahati-781024

To Mr. Sr. Supdt. of Post Office
Guwahati
(Guwahati)

B.1/Mamukhi/02 dt 9/7/02

Ref your letter NO B/A-Recruit/ED/Group D
dt 12/6/02 and 8/7/02

Sub - Temporary arrangement of
Group D

Temporary arrangement vide memo NO
B.1/M.A.1/02 dt 9/1/02 was terminated
on 8/4/02 and new arrangement was
made on 10.9.02 and again arrangement
of appointment on 8.4.02 was terminated on
6.7.02 and new arrangement was
made on 8.7.02

Sub Post Master (S.O.)

Banani

13/9/02

प्रमाणित - MGIP (FU) Sant. - 52 Postal/50 (SFS/S-1/5-3 Pl. III (23-8-50)-9-10-90-800,000 Pds

Amor
Wda
Mocac.

APP-45

APPLICATION FOR LEAVE FOR EXTRA DEPARTMENTAL AGENTS
(to be filled in quadruplicate)

1. Name Shri Maiman Ali
2. Designation ED
3. Period for which leave is required 30 days
4. Date from which leave is required 8/7/12
5. Full address while on leave Post Office, Phulbari, Guwahati
6. Name, age and address of the substitute Shri Md Makibor Ali
7. Specimen signature of the substitute [Signature]

I hereby propose, Shri/Smt. Shri Maiman Ali
whose particulars are given above to work as my substitute during my leave on my
responsibility according to the terms of the security bond executed by me.
A charge report signed by myself and by my nominee will be submitted as
prescribed in

Rule-50 of Rules for Branch Offices

Rules 45 and 46 of P&T Manual Vol-IV

Necessary approval may kindly be accorded to this arrangement. The allowance
for the period of my leave may be paid to the above mentioned Shri/Smt.

Station:
Date:

Shri Maiman Ali
Signature of the ED-Agent

(For use of the Sanctioning Authority)

Memo No. B-1/Maiman Ali/12 Dated at Guwahati the 8/7/12
Shri/Smt. Shri Maiman Ali Designation ED
B.O. in a/c with Shri Md Makibor Ali
has been permitted to proceed on leave for 30 days
from 8/7/12 to 6/8/12

The appointment of Shri/Smt. Shri Md Makibor Ali
his substitute is approved on the clear and understanding that the substitute may be
discharged by the Appointing Authority at any time without assigning any reason.

Date: 8/7/12

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Copy to:

- 1) Shri/Smt. ED-RPM
- 2) B.O. Via:
Shri/Smti Substitue of the BPM,
..... B.O. Via:
- 3) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HO for n/a
- 4) O/C

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Attested

vacate.

[Signature]
The Post master
Bamunimaidan
Guwahati-781021

- 12 -

- 39 -
49

Department of Post (India)

Office
781 001

The SPM

Bamuni Maidan

NOB/A-Reel/ED-Comp's

Date 22/7/02

For:-

Ref:-

Arrangement of Comp's

for memo no B/ Main R/L

dt 8/7/02

The arrangement made
for above letter is hereby approved,
under no circumstances the above arrangement
should exceed 90 days.

bee
Superintendent of Post Office
Guwahati Division, Guwahati-781 001

Attested
Wm
unclear

फॉर्म नं० जी०-६१
A. C. G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

(रेगुलेशन नियम 267, डाक-डाक वित्त पुस्तिका का खण्ड 1, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume 1, Second Edition)

चार्ज को बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की खर्च
Charge Report and Receipt for cash and stamps on transfer of Charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of

FD. Stamp vender.

चार्ज
was made over by (name)

(नाम) में
Md. Meenur Ali

(नाम) को
to (name)

Md. Makibar Ali

स्थान
at (place)

तारीख

को पंद्रह
अप्रैल में

on the (date)

fore noon in accordance with after

S.P.M. B.M.N.

सं०
No.

B1/M

तारीख
Dated

Md. Meenur Ali

भारत सरकार अधिकारी
Relieved Officer

के अनुसार दे दिया।
from

Md. Makibar Ali

भारत सरकार अधिकारी
Relieving Officer

(रूपमा पृष्ठ उपरि)
(P. T. O.)



Attested

Wan

Advocate

Department of Post

No B/M Mainu AB/02 dated Guwahati 7/10/02

and Mainu AB ED Stamp vander Bamuni maidan
is hereby ordered to work as Group D-1
for a period of 90 days W.F.F 7/10/02 to 9/1/03
on purely temporary basis. He is to produce
a suitable nominee in his place with his
full responsibility.

The arrangement is purely on
temporary and he may be terminated at
any time without assigning any reason.

Copy to (1) The Sr Supdt of POS Guwahati
for information and the
arrangement may kindly be
approved

Sr Postmaster Guwahati

बीमा नहीं NOT INSURED P.S.		क्रमांक
लगाये गये डाक टिकटों का मूल्य रु.	P.	No. 3891
Amount of Stamps affixed Ra.	P.	1610021
एक रजिस्ट्रि*	प्राप्त किया	तारीख मुहर
Received a Registered*	The Sr Supdt	Date Stamp
पानेवाले का नाम	पानेवाले अधिकारी के हस्ताक्षर	
Addressed to	Signature of Receiving Office	

बीमा नहीं NOT INSURED P.S.		क्रमांक
लगाये गये डाक टिकटों का मूल्य रु.	P.	No. 3891
Amount of Stamps affixed Ra.	P.	1610021
एक रजिस्ट्रि*	प्राप्त किया	तारीख मुहर
Received a Registered*	A.P.C.	Date Stamp
पानेवाले का नाम	N.C. branch	
Addressed to	Signature of Receiving Office	

Attested
W.C.C.
Advocate.

Snb Post master (LSG)
Bamunimaidan
Guwahati-781021

APPLICATION FOR LEAVE FOR EXTRA DEPARTMENTAL AGENTS

To be filled in quadruplicate)

1. Name Md Maimun Ali
 2. Designation : ED Extra member
 3. Period for which leave is required : 90 days
 4. Date from which leave is required : 7-1-03 - 6-4-03
 5. Full address while on leave : Pingalaphukan margin 21/4
 6. Name, age and address of the substitute : Md. Makibar Ali, 25 yrs
 7. Specimen signature of the substitute : Md. Makibar Ali
- I hereby propose shri/smti Md. Makibar Ali whose particulars are given above to work in my absence during my leave on my responsibility according to the terms of the security bond executed by me. A charge report signed by myself and by my nominee will be submitted as prescribed in.

Rule-50 of Rules for Branch Offices

Rules-45 and 46 of P&T Manual Vol-IV.

Necessary approval may kindly be accorded to this arrangement. The allowance for the period of my leave may be paid to the above mentioned Shri/Smt Makibar Ali.

Station:

Date :

Md. Maimun Ali

Signature of the ED-Agent.

(For use of the Sanctioning Authority)

Memo No. B.1/M. Ali/03 Dated at Guwahati the 7-1-03

Shri/Smti.

Design

B.1/M. Ali Maimun Ali ED Extra member
has been permitted to proceed on leave for 90 days 16/4/03 days
from 7-1-03 to 6-4-03

The appointment of Shri/Smti. Md. Makibar Ali as his substitute is approved on the clear and understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason.

Date : 6-4-03

Copy to:

- 1) Shri/Smt.
- 2) B.O. Via:
- 3) Shri/Smti.
- 4) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HQ for n/a.

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

ED-BPM

Substitute of the BPM,

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

Attested
[Signature]
Advocate.

43-
63

16 -

7/1/03

सं. जी०-61
A. C. G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

Postmaster (LSO)
Saidmaidan
5wahat 181021

(देखिए नियम 267, डाक-तार वित्त पुस्तिका का खण्ड 1, द्वितीय सूची)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume 1, Second Schedule)

चार्ज को बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की खर्च
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of

ED. Stup, under

चार्ज (नाम) में
was made over by (name)

Md. Maimun Ali.

(नाम) को
to (name)

Makibur Ali.

स्थान
at (place) B.M.

तारीख को पूर्णतः
भरपाई में

on the (date) 7/1/03 fore noon in accordance with

सं. No. 34/ma

तारीख
Dated

Md. Maimun Ali.

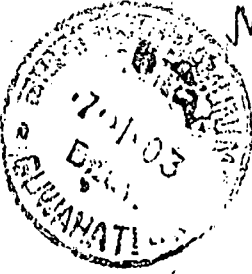
भारत-नत अधिकारी
Relieved Officer

के अनुसार दे दिया।
from

Md. Makibar Ali

भारत-नत अधिकारी
Relieving Officer

(कृपया पत्र उन्मिट्टें)
(P. T. O.)



Attache
under
Advocate

S
S
S
M

APPLICATION FOR LEAVE FOR EXTRA DEPARTMENTAL AGENTS

To be filled in quadruplicate)

1. Name : MD. MAIMAN ALI
 2. Designation : F.D. S. P. Member
 3. Period for which leave is required : 89 days
 4. Date from which leave is required : 29 days
 5. Full address while on leave : Kanjak Phukan Nagen 64-21
 6. Name, age and address of the substitute : MD. MAKIBUR ALI 25 Jan 31
 7. Specimen signature of the substitute : MD. MAKIBUR ALI
- I hereby propose Shri/smti MD. MAIMAN ALI whose particulars are given above to work as my substitute during my leave on my responsibility according to the terms of the security bond executed by me.
- A charge report signed by myself and by my nominee will be submitted as prescribed in.

Rule-50 of Rules for Branch Officers

Rules-45 and 46 of P&T Manual Vol-IV

Necessary approval may kindly be accorded to this arrangement. The allowance for the period of my leave may be paid to the above mentioned Shri/Smt MAKIBUR ALI

Station:

Date:

Signature of the ED-Agent.

(For use of the Sanctioning Authority)

Memo No. B.I/M. D. L. 102 Dated at Guwahati the

Shri/Smti.

Design

has been permitted to proceed on leave for 89 days from 29 days days

The appointment of Shri/Smti MD. MAKIBUR ALI as his substitute is approved on the clear and understanding that the substitute may be discharged by the Appointing Authority at any time without assigning any reason.

Date:

Sr. Superintendent of Post Offices
Guwahati-Division, Guwahati-781001

Copy to:

- 1) Shri/Smt. MD. MAIMAN ALI ED-BPM
- 2) B.O. Via: MD. MAKIBUR ALI Substitute of the BPM,
- 3) Shri/Smti MD. MAKIBUR ALI B.O. Via:
- 4) The Sr. Postmaster Guwahati GPO/Postmaster, Guwahati University HO for n/a.

Attested

Advocate

Sr. Superintendent of Post Offices,
Guwahati Division, Guwahati-781001

2001
OCTOBER

Month of October - 18 - 93
Attendance Register For the

No.	NAME	Designation	ATTEN																						DANCE					
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	Ana bionda Boro-																													
	Mr. M. Rahmani	PA.																												
	Dr. M. Deka																													
	H. Rahman																													
	Bipin Ch. Das.																													
	Dr. Deka																													
	P. Sanyal																													
	C. Boro loj-																													
	Bipin Barmam																													
	Symon Roy																													
	B. Chaudhury																													
	Mr. Joyinur Ali																													
	Boro loj Sanyal																													
90	Dr. Boro loj Sanyal																													
	Jayinur Sanyal																													
	Adit Mahanta																													
	Mahanta Ali																													
NOVEMBER			NOV																						NOV					
1	Dr. Boro loj Sanyal																													
2	Mr. M. Rahmani	PA.																												
3	Dr. K. Deka																													
4	Mr. H. Rahman																													
5	Dr. Joyinur Mahanta																													
6	Bipin Ch. Das.																													
7	H. Rahman																													
8	P. Sanyal																													
9	C. Boro loj																													
10	Bipin Barmam																													
11	Symon Roy																													
12	B. Chaudhury																													
13	Mr. Joyinur Ali																													
14	Dr. Boro loj Sanyal																													
15	Bipin Ch. Das.																													
16	H. Rahman	E/D																												

AMAR

Arrested

Warrant
Arrested

G-61

(देखिए नियम 267, डाक-तार विन्ध पुस्तिका का खण्ड I, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook,
Volume I, Second Edition)

चाज की बदली पर चाज रिपीट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of ED, St. Louis

चाज (नाम) ने
was made over by (name) md. mmd am m l -

(नाम) को
to (name)

md: Makibart Ali

तारीख को पूर्वाह्न में

on the (date)... 8/7/64... fore noon in accordance with after

सं० No. B. L. M. A. L. तारीख
Dated

भारमुक्त अधिकारी
Relieved Officer

के अनुसार दे दिया।
from
Md. Makibar Ali
भारग्राही अधिकारी
Relieving Officer

कृ० पू० सं०
[P.T.O.]

Attendance Register

A T T E N

[illegible]

·AMΛ'P

Attested

Advocate

A1A18

No.	NAME	Designation	ATTEN																						DANCE						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Mr. Anandinda Baro	SPM																														
Mr. M. Rahman	P.D.																														
Mr. K. M. Das	"																														
Mr. H. Ahmed	"																														
Mr. Bismit Ch. Das	P. Man.																														
Mr. Hemant Das	"																														
Mr. P. Sarma	"																														
Mr. B. Barman	"																														
Mr. S. K. Ray	"																														
Mr. B. Choudhury	G/O																														
Mr. M. Ali																															
Mr. B. Sarma																															
Mr. B. Talukder	F/O																														
Mr. A. Mahanta	O/A																														
Mr. Mahabir Das	E/D																														
C.																															
Shri C. R. Barndale	Admn.																														

AMAR

Attest:

Advocate

ਬਰਬਰ
ਕੁਝ ਹੋਰ ਨਾਮ

[illegible]

Arrested
User
Advocates.

FEBRUARY

1-2-02

Attendance Register for the

22

Month of

49-
February

1-2-02		ATTEN																				DANCE										
NAME.		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Sri Arabinda Boroghm																																
Md. M. Rahman P.A.																																
Sri K.M. Deka P.A.																																
A. Mahanta Teacher																																
Md. H. Ahmed P.A.																																
Sri B.C. Barman P/m																																
H.D. Deka																																
C.M. Baradolo																																
Samitron Roy																																
Prabhat Sarma																																
Bipin Ch. Das S/P																																
B.N. Choudhury (G.D)																																
Md Maimur Ali (G.D)																																
Sri Baden Talukder S/P																																
Md Makibul Ali - S/rend																																
Sri Barada Sarma ED/LB																																

Attested

Wm
Adhikari

1-3-02

Attendance Register for the

Month

50
26

No.	NAME	ATTEN																				ANCH							
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
1	Sri Arcabinda Botko Sprinkler																												
2	Md. M. Rahman P.A.																												
3	Md. H. Ahmed P.A.																												
4	Sri K.M. Deka P.A.																												
5	Sri Adit Mahanta Ticeon Arcabinda Kalita																												
6	Sri Bipin Ch. Das Sording Pomun																												
7	Sri H.D. Deka Postman																												
8	Sri C. R. Bardoloi "																												
9	Sri P. C. Sarma "																												
10	Sri Bipin Ch. Rahman "																												
11	Sri Samiran Roy "																												
12	Sri P. N. Chandhury Group D "																												
13	Md. Mainam Ali officier "																												
14	Sri Baidan Lalukela Stamp Vendor																												
15	Md. Makibur Ali "																												
16	Sri Baroda Sarma EDLB Persn																												
17	Sri																												

Arrested
by
Advocate.

Attested
by
Advocate.

APRIL

Attendance Register for the

Month of 24 - 51 - 11

1-4-02

NAME	ATTEN																				DANCE										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1. Mrs. Nituparna Dey Spm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Md. Mirzamar Rahman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. Md. H. Ahmed P.A.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4. Sri K. M. Deka P.A.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5. Sri Adit Mahanti Treas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6. Sri Arabinda Kalita P.A.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7. Sri Bipin Ch. Das Sg. Pm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8. Sri H. D. Deka Pm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9. Sri C. R. Bardoloi "	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10. Sri P. C. Sarma "	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
11. Sri B. C. Barman "	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
12. Sri Samiran Roy "	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
13. Sri B. N. Choudhary 'G.D'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
14. Md. Mainur Ali 'official G.D'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
15. Sri Badan Tekurda Stamp	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
16. Md. Makibur Ali. Vm	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sri Bar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
under Sarma E.T. L.B.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Poon	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Attest

W. A. R.

Advocate

21	22	23	24	25	26	27	28	29	30	3
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Attested
W. J. [Signature]
Advocate.

JUNE

1-6-02

Attendance Register for the

26

Month of June

385

NAME

ATTN

DANCE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

21 22 23 24 25 26 27 28 29 30 31

M. Nisargama Day S. N.

M. Mirzama Rahman P. N.

M. H. Ahmad P. N.

S. K. M. Deha P. N.

" P. D. Mahanta (J. N. S. N.)

" B. P. D. Das (S. N. S. N.)

" H. D. Deha P. N.

" C. R. Bardoloi "

" P. C. Sarma "

" B. C. Barman "

" S. K. Roy "

" B. N. Choudhury A. D.

M. M. M. Ali Official A. D.

S. B. B. Talukder (S. N. S. N.)

M. M. M. Ali "

S. B. B. Talukder F. D. L. P. N.

Witness
W. N.
Witness

July
1-7-02

Attenuance Register for the

27 - 54 -
Month of July

NAME	ATTEN																				DANCE										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Mrs. Nitupama Dey Sph																															
Md. Mirza Nur Rahman P/A																															
Md. H. Ahmed																															
Sri K.M. Deka																															
Sri Adil Mahanta Thakur																															
Sri Bipin Ch. Das Sph																															
Sri H.D. Deka Postman																															
" C.R. Barakoi																															
" P.C. Sarma																															
" B.C. Bhattacharya																															
" S.C. Roy																															
Sri B.N. Choudhury 'G.D'																															
Md. Mainur Ali																															
Sri Baran Talukder Sph																															
Nad. Makibin Ali																															
Sri Baran Sarma E.P.L.																															

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Month of 6 Jan

A T T E N

D A N C E

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----

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Samiran Roy

Barbara Sarnecki E.D.B.

WALL
ADVOCATE

SEPTEMBER

Attendance Register for The

29-58
Month nth of 60

No.	NAME	ATTENDANCE																				DANCE							
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	22	23	24	25	26	27	28	29
1	Mr. Nishayama Day SPM																												
2	Mr. Mijunwa Robinson P/A																												
3	Mr. H. Ahmed																												
4	Sri. K. M. Deha																												
5	Sri. Abul Mulkia (Tammam)																												
6	Sri. Bafun el. Mth. Das. Kty. SM																												
7	Sri. Hingstachlin Deha. Portman																												
8	Sri. C. R. Baroloai																												
9	Sri. Patalha el. Sammal																												
10	Sri. B. C. Pashyian																												
11	Sri. Samson K. Ray																												
12	Sri. B. N. Chaurdhary G.O																												
13	Mr. Manur Ali																												
14	Sri. Badan Talchdar (Siam Ban)																												
15	Mr. Mchikun Ali																												
16	Sri. Barada Samal. FOLB																												

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Wan
Adm. Sec.

October

Attendance Register for the

30

Month of

Oct

NAME

ATTEN

DANCE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

21 22 23 24 25 26 27 28 29 30 31

Mrs. Nizapanna Day Spm	H	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Mr. Nizapanna Rahman P/O	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Mr. H. Ahmed	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
K. M. Khan	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Adil Mahanta	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Bipin ch. Das	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Harey Bhadrachand Datta P/O	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
C. R. Borselari	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Prithvi ch. Sarma	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
B. C. Basman	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
S. Riaz	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
B. N. Choudhary A.O	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Mr. Mainul Ali	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Badan Jalukdar S/V	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Mahabub Ali S/V	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Badan Sarma S/D	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T

Attest

Wan
Advocate

November

31

Attendance Register for the

Month of ⁶⁰ Nov-60

NAME	ATTEN																				DANCE											Actual number of days worked
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Nirupama Dey SPPL																																
Mirzanur Rahmat P/A																																
Hassanuddin Ahmed P/A																																
K.M. Deka P/A																																
Azlit Mahanta Taccasur																																
Sipin ch. Das - Stg. P/A																																
Hogskahar Deka P/A																																
R. Bardalai																																
Kabhor ch. Sarmah																																
B.C. Borman																																
Srinan Roy																																
Alimkhanata Choudhary (G.O.)																																
Mainur Ali																																
Badan Jalukder S/P																																
Makibur Ali S/P																																
Bansida Sarmah SP/P																																

Attest

Advocate

59-

Attendance Register for the
December. 2002-

Month of 6

Arrested
by
Advocate.

Happy New Year - 2003
Attendance Register For

For the month of

January 2003.

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Atlas

W.D. on
Advocate.

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61
For the month

[illegible]

Advocate.

For the mont

[illegible]

DANCE 77											No.
23	24	25	26	27	28	29	30	31	Actual No.		
1	1	1			1	1	1				
2	2	2									
3	3	3									
4	4	4									
5	5	5									
6	6	6									
7	7	7									
8	8	8									
9	9	9									
10	10	10									
11	11	11									
12	12	12									
13	13	13									
14	14	14									
15	15	15									
16	16	16									
17	17	17									
18	18	18									
19	19	19									
20	20	20									
21	21	21									
22	22	22									
23	23	23									
24	24	24									
25	25	25									
26	26	26									
27	27	27									
28	28	28									
29	29	29									
30	30	30									
31	31	31									

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March

Attendance Register For the month

NAME

Designation

ATTEN

DANCE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

Mrs. Niluspama Dey

Spmt

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

2. Md. Mirzamar Rahman

P.A

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

3. Md. Harusuddin Ahmed

P.A

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

4. Sri Kunja Mohan Deka

P.A

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

5. Sri Adit Mahanta

Torant

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

6. Sri Bipin Ch. Das. Sg. P. Man

Sg. P. Man

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

7. Sri Hangshobhan Deka

P. Man

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

8. Sri C. R. Baradai

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

9. Sri Prabhat Sarma

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

10. Sri Bipin Ch. Barma

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

11. Sri Samiran Roy

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

12. Sri Balindren Choudhury

G.D. P.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

13. Md. Maimun Ali

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

14. Sri Badan Talukder

S. V. Man.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

15. Md. Makibur Ali

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

16. Sri Barida Sarma

Ed. L. B. Man.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

17. M. J. Javed Ali

"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

23 24 25 26 27 28 29 30 31

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W. Man
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Attendance Register

For the

Sl. No.	NAME	Designation	ATTEN																						DANC				
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
1.	Mrs Nirupama Roy	SPM	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2.	MD. Mirzanur Rahman	PA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.	MD Harasuddin Ahmed	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4.	Sri Kurnjandana Sena	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5.	Sri Aditya Mahanta	Trainer	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6.	Sri Bipin Chandra	SPM	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7.	Sri Hongsheela Sena	Postman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8.	Sri C.R. Bordalai	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9.	Sri Prabhat Senapati	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10.	Sri Bipin Chandra	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
11.	Sri Samiran Roy	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
12.	Sri Balindran Choudhury	LD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
13.	MD. Mainur Ali	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
14.	Sri Budan Talukder	S/ver	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
15.	MD. Makihali	"	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
16.	Sri Parada Prasad	LD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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37-A Attendance Register For the month

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		ATTEN																						DANCE							Actual	
NAME	Designation	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29		30
Nirupama Dey	Sfm																															
Mirzamar Rahman	P.A																															
Hassanuddin Ahmed	P.A																															
Kunja Mohan Deka	P.A																															
Adit Mahanta	Treasurer																															
Bipin Ch. Das	Sgt. P. Man																															
Hangshabhan Deka	P. Man																															
C.R. Bhandari	"																															
Prabhat Samra	"																															
Bipin Ch. Das	"																															
Samiran Roy	"																															
Balindan Choudhury	G.D. P.																															
Md. Maimur Ali	"																															
Sri Badan Talukder	S/Vandh.																															
Md. Mahibul Ali	"																															
Sri Parada Samra	Ed. LR P. Man																															
M. Javed Ali	"																															

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For the month

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For the month

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Registered with 2/10

ANNEXURE - 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

DESPATCH NO. 4366

DATED GUWAHATI, THE 14/10/95

ORIGINAL APPLICATION NO. : 188/91

MISC. APPLICATION NO. :

CONTEMPT PETITION NO. :

REVIEW APPLICATION NO. :

TRANSFER APPLICATION NO. :

Sdri. Kailash Das

APPLICANT (S)
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

To,

The Sr. Supdt. of Post Offices
Guwahati Division,
Guwahati.

Sir,

I am directed to forward herewith a copy of Judgment/Order dtd.
27.7.95 passed by the Bench of this Tribunal comprising of Hon'ble
Justice, Sdri. M. G. Chaudhari Vice-Chairman and Hon'ble
Sdri. G. L. Sanghvi Member, Administrative in
the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Enclo. : As above.

(Nine pages)

Yours faithfully,

SECTION OFFICER (J)

Attested
by
Secretary.

GKC/16895.

- 39 - 69 - 89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO.188 OF 1991

Date of decision: This the 27th day of July 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)
.....

Shri Kailash Das
Stamp Vendor (since discharged)
Bharalumukh, Guwahati.

.....Applicant

By Advocate Shri B.K. Sharma

- versus -

1. Union of India, represented by
the Secretary to the Government of India
Ministry of Communication,
New Delhi.

2. The Director General (Posts),
New Delhi.

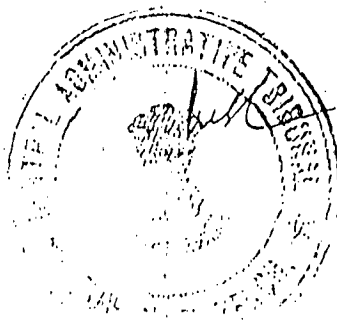
3. The Chief Post Master General
Assam Circle,
Guwahati.

4. The Sr. Superintendent of Post Offices,
Guwahati Division,
Guwahati.

5. Sub Postmaster, Bharalumukh,
Guwahati.

.....Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.
.....



Attested

Advocate

ORDER

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicant.

Mr A.K. Choudhury, Addl. C.G.S.C., for the respondents.

The applicant belongs to SC Community. By order dated 25.4.1988 issued by the Sub Postmaster, Bharalumukh, Guwahati, the applicant was appointed as Stamp Vendor on adhoc basis. The relevant clause in the order reads thus: "The following orders are issued to have immediate effect in the interest of service..... Hence Shri Kailash Das an out-sider is appointed as Stamp Vender and he will relieve Shri A. Rahman as such." That appears to have been so stated because Rahman who was a Stamp Vender was temporarily appointed as Postmaster in the temporary vacancy of one Manik Ch Das. The order stipulated that the order would be terminated at any time without any reason whatsoever and the appointee will have no further claim on the post for continuation. The applicant continued to work as Stamp Vender in pursuance of the said order in the Sub Postoffice, Bharalumukh, from 5.11.1983 till 31.3.1990 in the following spells:

- i) 5.11.1983 to 14.2.1984
- ii) 5.11.1984 to 20.6.1986, and
- iii) 25.4.1988 to 31.3.1990.

That is also borne out by the certificate issued by the Sub Postmaster dated 31.3.1990 (original perused) and statement in para 9 of the written statement. It is thus apparent that in the last two spells the

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applicant has worked continuously for more than one year.

2. The service of the applicant was terminated orally and it was certified vide Annexure-5, dated 31.3.1990 that he had relinquished the charge. Although the applicant filed representations against that termination he was not granted any relief. Hence he filed the instant original application on 11.10.1991. He prays that the oral order of termination and Annexure-5 be set aside and the respondents be directed to regularise his service and permanently absorb him as Stamp Vender with retrospective effect.

3. The respondents resist the application. They contend that the applicant was neither an extra departmental official nor a regular employee, but had worked as substitute of A. Rahman and his appointment ceased automatically on A. Rahman having resumed his duty. They place reliance on EDAn Service and Conduct Rules, 1964 and General Instructions under the relevant rules, namely, Rule 5. They also rely on Rule 2. They further contend that as the applicant was not a regular employee of the department of Posts the Tribunal has no jurisdiction to entertain his grievance and the application is also not within the period of limitation. The respondents also contend that as the applicant was a substitute and as no notice of termination is required to be given to a substitute it was not necessary to give notice of termination to the applicant for terminating his

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service.

4. It is true that as the termination was effected on 31.3.1990 and the application was filed on 11.10.1991 it would appear to be filed beyond the prescribed period of limitation of one year. However, the applicant has stated that he had filed representations although he has not produced any copies of the said representations prior to the one filed on 28.2.1991. However, it appears that even prior to the termination the applicant had been representing for regularisation. We say so on the basis of original letters shown to us by Mr B.K. Sharma, learned counsel for the applicant. That apart, the respondents have admitted in para 13 of the written statement that the representations were received from the applicant, but according to them there is no scope for their consideration under the existing rules of the department. Under the circumstances we overrule the objection of limitation.

5. The contention relating to lack of jurisdiction in the Tribunal to entertain the application has no substance in it inasmuch as even according to the written statement, the appointment of the applicant was governed by EDAs Conduct and Service Rules. That apart, the order of appointment does not read as a contractual appointment, but as an appointment on adhoc basis to a post in the department. It, therefore, becomes a service matter and is within the purview of this Tribunal. Hence the

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said objection is rejected.

6. In the representation, Annexure-B, the applicant had referred to a letter of the Directorate containing the instructions that substitutes who were on the roll on 5.2.1986 and had put in 240 days service in a year on that date should not be discharged. The respondents have not disputed the existence of that letter. However, a copy of that letter is not produced. Mr B.K. Sharma drew our attention to another circular issued by the office of the Postmaster General, Assam Circle, dated 19.4.1989 (No.Staff/13-22/88/Casual Labour/Rlg/corr), which refers to the letter of the Director No.45-95/87-SPB.I dated 10.3.1989 issued on the subject of absorption of casual labourers in the light of the Supreme Court Judgment which also stated that casual labourers who were having more than one year of service as on 5.2.1986 should not be discharged from service until further orders and these instructions were being issued in compliance of the Supreme Court Judgment dated 26.9.1988. A copy of that circular is available in the record of O.A.No.163/89. However, more significantly Mr B.K. Sharma produced a circular issued by the Chief Postmaster General, Assam Circle, on the subject of engagement of persons to work as substitutes bearing No.B/R-4 dated 12.2.1991. It reproduces the letter of the Directorate dated 28.8.1990, which contains the instructions as follows:

"Employment of substitutes was permissible in special circumstances in regard to vacancies in Postman's cadre, but it is seen that in some circles substitutes were being employed against Gr. D vacancies as well. This was not correct. If such

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Immediate effect. The Assistant Superintendent of Post Offices,

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a practice obtains in your circle, it should be discontinued forthwith. However, if there are existing substitutes against Postman vacancies or gr. D vacancies who were on the rolls on 5.2.86 and had put in 240 days of service in a year on that date, they should not be discharged."

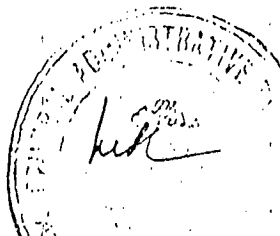
Although the circular relates to vacancies in the post of Postman and the applicant was appointed as Stamp Vender and not in the post of Postman, the principle followed in the light of Supreme Court Judgment as reflected in the above noted circulars should also apply to persons like the applicant who may have been appointed as Stamp Vender. In this connection it is pertinent to note that in the written statement it has been repeatedly asserted that the applicant was a substitute although contradictory statements have also been made that he was an outsider and protection is not available to extra departmental employee. The aforesaid policy, therefore, should apply to the applicant as a substitute. The EDA Conduct and Service Rules define an employee as a person employed as an Extra Departmental Agent and also includes an Extra Departmental Stamp Vender. Admittedly, the applicant was an outsider when he was appointed in the sense that he was not in the service of the Department till then. The said category has necessarily to be understood as same as extra departmental employee. The word extra would indicate a person who is not a member of the department and was, therefore, extra. The applicant being an outsider and having been appointed as substitute in the post in the department he accorded to the definition of extra departmental Stamp Vender under the said rules. The termination of

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the service of the applicant thus appears to be contrary to the spirit of the policy being followed by the department in the light of the judgment of the Supreme Court and thus cannot be sustained in law.

7. The question is also directly covered by the Full Bench decision of the Central Administrative Tribunal rendered at Hyderabad Bench in the case of Sakkubai and N.J. Ramulu -vs- The Secretary, Ministry of Communications etc. and four others, reported in Full Bench Judgment of CAT 1991-94 (Vol.3) 209. That was also a case of casual labourers in the Postal Department who had sought conferment of temporary status pending absorption in Group 'D' posts. The provisions of the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme" were examined and it was held that the grant of temporary status and consequential benefits envisaged in the scheme applied to casual labourers and the respondents were directed to confer upon the applicants (in that case) temporary status in Group 'D' posts pending their absorption in Group 'D' posts in accordance with the scheme. The Full Bench was pleased to uphold the said view taken by the Ernakulam Bench of the Central Administrative Tribunal. It was observed that the view taken by the Ernakulam Bench was eminently just and equitable. It was also observed that the object of the Scheme is to confer temporary status upon casual labourers who have been rendering service for long periods without any security of tenure.



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Immediate effect. The Assistant Superintendent of Post Offices,

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8. Although the applicant in the instant case has not prayed in terms for being conferred temporary status he will have to pass through that stage before being considered for regularisation under the provision of the aforesaid Scheme. Under the Scheme temporary status would be conferred on the casual labourers in employment as on 29.11.1989, and who continue to be currently employed and have rendered continuous service of atleast one year; during the year, they must have been engaged for a period of 240 days (206 days in case of offices observing 5 days weeks). The applicant would in our view accord to the description of being a casual labourer for the purpose of extending him the benefit of the Scheme. The very nature of his appointment by whatever label it may be described by the respondents, it not being a regular appointment even on temporary basis to a post can also be described as casual engagement. The manner in which the same has been termed by the respondents also is in consistence with that position. The applicant clearly appears to have worked continuously for more than 240 days in each of the two spells as already mentioned earlier. We, therefore, hold that the case of the applicant is required to be considered by the respondents under the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989."

9. In the result the application is allowed and the respondents are directed to confer upon the applicant temporary status in Group 'D' post from 29.11.1989 together with consequential benefits

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subject to following directions and thereafter consider his absorption in Group 'D' post in accordance with "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme." The applicant, however, will not be entitled to any arrears of emoluments arising out of the above said direction till the date of filing the O.A., i.e. 11.10.1991. The above directions shall be complied with by the respondents within a period of four months from the date of receipt of the copy of the order. Consistently with the above direction, the oral order of termination of the applicant from service with effect from 31.3.1990 is set aside. The consequential order, Annexure-5, since is exhausted no order in that respect. *The respondents may pass such consequential orders as may be necessary to give effect to above directions.*

10. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

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Section Officer (J)

उपनिवेश (अधीनस्थ) विभाग
Central Administrative Tribunal

एन. ए. ए. बिल्डिंग
प्लॉट नं. 1, अजमेर रोड
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Attest

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 40 of 1996.

Date of Order : This the 28th day of August, 1998.

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

Shri G.L.Sanglyine, Administrative Member.

Smt Anima Kalita
C/O Late Chandradhar Kalita,
P.O. Kamakhya, Guwahati
at present working as EDDA
under the respondent No.4

. . . Applicant

By Advocate Shri B.K.Sharma & S.Sarma.

- Versus -

1. Union of India
represented by the Secretary
to the Government of India,
Ministry of Communication,
New Delhi.
2. The Director General of Posts,
New Delhi.
3. The Chief Post Master General,
Assam Circle, Guwahati.
4. The Sr. Superintendent of post Offices,
Guwahati Division, Guwahati-1.
5. Sub Post Master,
Kamakhya Post Office,
Kamakhya, Guwahati-10.
6. Harapati Patowari,
C/O Lambadar Deka,
Fatasil Ambari, Near Kali Mandir,
Guwahati.

. . . Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C
for respondents No.1 to 5, and Shri M.Deka
for respondent No.6.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

The applicant works as an Extra Departmental Delivery Agent (EDDA for short) in Kamakhya Post Office, Kamakhya, Guwahati-10. The Assistant Superintendent of post Offices, Guwahati West Sub-Division issued an order No.A-1/Kamakhya dated 27.11.1995, terminating the work of the applicant with immediate effect. The Assistant Superintendent of Post Offices,

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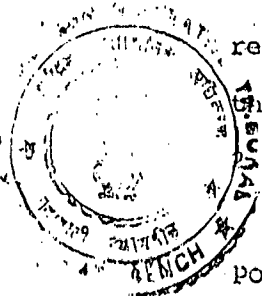
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Guwahati West Sub-Division, Guwahati also issued order under Memo No.A-1/Kamakhya dated 29.2.1996 making provisional appointment of Shri Harapati Patowary, respondent No.6, to the post of Extra Departmental Delivery Agent of Kamakhya Post Office pending finalisation of disciplinary proceeding against Shri Bipin Chandra Mahanta or regular appointment whichever is earlier. The applicant felt aggrieved with the aforesaid orders and had submitted this Original Application. In this application the applicant prays that the aforesaid orders be set aside and quashed. She also prays for directions to the respondents to grant her temporary status leading to regularisation of her service and not to appoint any outsider to the post of EDDA of Kamakhya Post Office in her place. The respondents have contested the application. The official respondents as well as the respondent No.6 have submitted their written statements.

The brief facts of the case are :-

Shri Bipin Ch. Mahanta was the regular EDDA of Kamakhya Post Office. He availed leave from 24.8.94 to 30.11.94 and nominated the applicant, Smt Anima Kalita, to work as substitute during his leave period. Mahanta however did not return to his duty after expiry of leave. The applicant continued from 1.12.94 to 8.12.94. On 9.12.94 the Assistant Superintendent of Post Offices, Guwahati West Sub Division issued the order No.A-1/Kamakhya dated 9.12.94 permitting the applicant to work as EDDA, Kamakhya till joining of Shri Bipin Mahanta who was absenting from duty without authority, pending further action as deem fit. On the strength of the order the applicant continued to work as EDDA in the Sub Post Office till the terminating order dated 27.11.1995 was issued. However, it has been stated that even after the said order dated 27.11.95 the applicant continued to work as EDDA in the Post Office



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even on the date of filing of this Original Application on 12.3.96. She is now continuing as EDDA by virtue of an interim order dated 13.3.96. On 12.12.95 the Assistant Superintendent of Post Offices notified to the Employment Exchanges at Bharalumukh and Pub-Saranian for sponsoring names of candidates to fill up the vacant post of EDDA at Kamakhya Sub Post Office which had fallen vacant temporarily. Four names were sponsored and Shri Harapati Patowari, respondent No.6, was selected and appointed. Annexure-5 order dated 29.2.1996 was issued in his favour. The name of the applicant was not communicated by the respondents to the Employment Exchanges and the Employment Exchanges also did not sponsor her name.

3. On hearing the learned counsel on both sides the first question to be considered is whether the applicant is entitled to temporary status which would lead to regularisation of her service and absorption in a regular establishment. Temporary status is granted to casual labourers. The contention of the respondents is that the applicant was only a substitute of a regular EDDA and therefore she is not entitled to claim for regular absorption in the department. On perusal of the relevant rules we understand what a substitute is in this context. A regular EDDA when he is proceeding on authorised leave or absence has to provide a substitute and arrange that his work is to be carried on by the substitute. This arrangement is however, with the written approval of the leave sanctioning authority. The substitute who performs the work receives the allowance/remuneration payable to the regular EDDA for such duration. The substitute is an agent of the EDDA concerned and the original EDDA is liable for action committed by the substitute provided by him. The regular EDDA may also be on unauthorised absence but he provided the substitute without the approval of the competent



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authority. The rules/instructions also provide that if the absence from duty of the regular EDDA is likely to be indefinite, regular appointment of EDDA should be made immediately by appointing authority but the person so appointed need not necessarily be the substitute. Bipin Mahanta was granted leave for the period from 24.8.1994 to 30.11.1994 and for this period he had made arrangement and provided a substitute, namely, the applicant. Thus for this period the applicant was a substitute. Mahanta did not return to duty after expiry of leave and he had not made any further arrangement for a substitute for the period after the expiry of his leave. The applicant cannot therefore be held to be a substitute of the original EDDA after the expiry of leave of Mahanta. After 9.12.1994 specially the situation had changed completely. The applicant was not a substitute and she was not appointed as an EDDA but she was simply permitted to work as EDDA Kamakhya Sub Post Office till joining of Shri Bipin Ch. Mahanta who is absent from duty without authority, pending further action as deem fit. Her service was terminated with immediate effect on 27.11.1995 vide order dated 27.11.1995. Yet the respondents had continued to obtain service from her till the date of submission of this original Application. In the above facts and circumstances we are of the view that the applicant was not a substitute after the expiry of leave of Mahanta. Thereafter she was not appointed against the post of EDDA Kamakhya Sub Post Office. Nevertheless she was permitted by the respondents to do their works in the Sub Post Office on payment. In our opinion such arrangement is of the nature of casual employment. The applicant had worked under such situation from 1.12.1994 till 12.3.1996. Thus the applicant had put in 240 days continuous service in a year. In the circumstances we direct the respondents to consider conferring

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temporary status to the applicant as may be admissible under the relevant rules or scheme. The applicant is at liberty to agitate further before appropriate authority if she is aggrieved by the order of the respondents. The next question is whether the termination order dated 27.11.1995 is sustainable. As already mentioned hereinabove the applicant was no longer a substitute after 30.11.1994 and by the order dated 9.12.1994 she was not appointed as EDDA or was allowed to work as a substitute. No doubt she was permitted to work as EDDA till joining by Shri Bipin Ch. Mahanta. By this order no vested right of the applicant to the post of EDDA was created. Further, the aforesaid arrangement was without observing formalities and it had not subjected the applicant to the ED Agents (Conduct and Services) Rules 1964. Moreover, Mahanta had remained absent for a long time. In such circumstances it was administratively necessary for the respondents to bring an end the arrangement and, in our view, the respondents were within their rights to terminate the arrangement and that they had done so bonafide. We do not find any reason to justify interference with the order of termination. The termination however is to be considered only as an artificial break which will not forfeit the past services of the applicant from being considered for the purpose of granting her temporary status. As stated earlier the termination has immediate effect but even after the order was issued the applicant continued to work. In the above mentioned facts and circumstances we direct the respondents to retain the applicant as a casual employee in any other capacity under the control of respondent No.4 without monetary loss and to consider granting her temporary status in due course.

4. In view of the findings and directions above we consider that it is not necessary to go into the question of legality or otherwise, of the appointment of respondent

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No.6 to the post of EDDA Kamakhya Sub Post Office.

5. The application is disposed of in the lines as indicated above.

No order as to costs.



Sd/- VICE CHAIRMAN
Sd/- MEMBER (ADMIN)

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Section Officer

জনস্বাস্থ্য অধিদপ্তর (স্বাস্থ্য সার্জন)
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক আধিকার
Kowloon Bench, Guwahati
গুৱাহাটী-৬

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Attorneys

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.179 of 2001

Date of Order: This the 6th Day of February, 2002.

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

1. Smti Anima Kalita,
Presently working as Safaiwala,
Kamakhya Sub-Post Office, Guwahati-781010 ... Applicant.

By Advocate Mr. B.K. Sharma, Mr. S. Sarma. Mrs. U. Das

-Vs-

1. Union of India,
represented by the Secretary to the
Government of India, Ministry of
communication, New Delhi.
2. The Director General of Posts, New Delhi.
3. The Chief Post-master General, Assam Circle,
Guwahati.
4. The Senior Superintendent of Post Offices,
Guwahati Division, Guwahati-1.
5. The Sub Post Master, Kamakhya Post Office,
Guwahati-10.

... Respondents

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

ORDER.CHOWDHURY, J(V.C.):

This is the second round of litigation. The Applicant earlier was a regular Extra Departmental Delivery Agent (EDDA) in Kamakhya Post office, Kamakhya. He went on leave from 24.8.94 to 30.11.94. The applicant ^{was} allowed to work as substitute during his leave period. The regular incumbent did not return to his duty after expiry of leave. The applicant continued from 1.12.94 to 8.12.94. On 9.12.94 the Assistant Superintendent of Post Offices, Guwahati West Sub Division issued the order No.A-1/Kamakhya dated 9.12.94 permitting the applicant to work as EDDA, Kamakhya till joining of Shri Bipin Mahanta who was absenting from

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duty without authority, pending further action as it deem fit. Thus the applicant continued to work as EDDA even after termination order dated 27.11.95. The applicant assailed the same before the Tribunal by way of O.A. which was registered in O.A.No.40 of 96. On consideration of the materials on record the Tribunal held that the applicant was not appointed against the post of EDDA, Kamakhya Sub-Post Office, she was permitted by the Respondents to do their works in the Sub Post office, for a particular period as Casual Employment. The applicant had worked under such situation from 1.12.1994 till 12.3.1996. Thus the applicant had put in 240 days continuous service in a year. The Respondents were accordingly directed to consider her case for conferment of temporary status to the applicant as may be admissible under the relevant rules or scheme. The Tribunal did not interfere with the order of termination, but the said termination order was treated as an artificial break which would not forfeit the past services of the applicant from being considered for the purpose of grant of her temporary status. The Respondents were also directed to retain the applicant as a Casual employee in any other capacity under the control of Respondent No.4, the Senior Superintendent of Post offices, Guwahati Division, Guwahati without causing any monetary loss and to consider her case granting temporary status in due course. The applicant draw the attention of the matter to the authority in pursuance to the order of the Tribunal, the applicant had been relieved from the post of EDDA and she was absorbed in part time Safaiwala post with pay of EDDA with present pay protection with the order dated 22.9.98 since there was delay in conferment of temporary status and she

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was not paid the revised pay and DA with effect from January 1999 coupled with her 8 days duty allowance with effect from 6.10.98 to 13.10.98 and other consequential benefits. The applicant also submitted Legal Notice before the Chief Postmaster General, Assam Circle, Guwahati. Thereafter the Respondents by communication dated 23.2.99 informed the applicant that she was relieved on 6.10.98 as EDDA and joined on 14.10.98 as Safaiwala. Since she did not perform any duties for the period with effect from 7.10.98 to 13.10.98 and thereafter the Respondents by communication dated 23.2.99 informed the applicant that she was relieved on 6.10.98 as EDDA and joined on 14.10.98 as Safaiwala. Since she did not perform any duties for the period with effect from 7.10.98 to 13.10.98 and therefore she was not entitled for any allowance. The applicant submitted representation dated 9.4.99 to the Senior Supdt. of Post Offices, Guwahati Division, Guwahati praying for revised pay scale and amount of duty allowance for eight days with effect from 10.98 to 13.10.98 for redressed of the long pending grievance. Failing to get appropriate remedy the applicant thus moved this Tribunal seeking for a direction to give her revision of pay including the pay for the period with effect from 6.10.98 to 13.10.98.

The Respondents authority in his written statement stated that the applicant was conferred with the Temporary Status with effect from 22.9.98 and she was absorbed in part time Safaiwala post with pay of EDDA. Her claim for allowance for eight days from 7.10.98 to 3.10.99 was refused as she was not holding any post in the department

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during the period. Accordingly the applicant was relieved from the post of EDDA on 6.10.98 and joined as Safaiwala on 14.10.98. She remained absent with effect from 7.10.98 to 13.10.98 wilfully. She was therefore not entitled to get the pre-revised scale for the said period. The Respondents also stated that she had been given the pre-revised protection of pay which was ~~extended~~ since the Tribunal did not direct the Respondent No.4 to allow her future revision of pay and DA, vide order dated 28.8.98, therefore, the same was not granted.

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I have heard Mr.S.Sarma learned counsel for the applicant and Mr.A.Deb Roy, Sr.C.G.S.C. for the Respondents. There is no justification for not granting the revised pay to the applicant. The revision of pay is equally applicable to all the employees. No direction is required from the Court or Tribunal to grant any relief to give effect to pay revision. For the other part of the reliefs, there is no dispute that the applicant was not paid her salary for the period from 6.10.98 to 13.10.98. As per order of this Tribunal the Respondents were directed to retain the applicant as Casual employee in any other capacity under the Respondents without monetary loss. The Respondents were not justified in treating the period as wilful absence. It was duty of the Respondents to engage her in service.

The applicant is now conferred with temporary status. The Respondents are directed to provide her all the benefits that has flown from the scheme of Casual Labour (Grant of Temporary status and Regularisation) Scheme and to release her arrear pay as per the revised rate with effect from January 1999 and also eight days duty allowance for the period from

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Advocate

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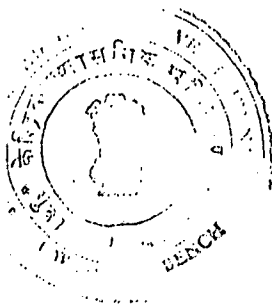
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6.10.98 to 13.10.98 and the revised pay scale of the EDDA with DA and all other benefits. The Respondents shall complete the exercise within two months from the date of receipt of this order.

In the facts and circumstances the application is allowed to the extent indicated above. No costs.

58- Vice-Chairman

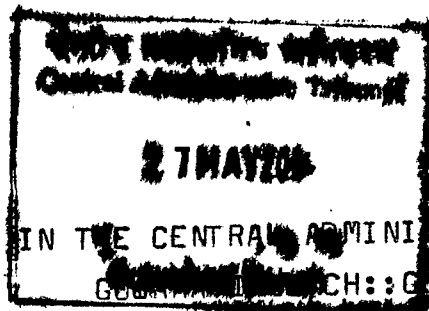


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Filed by
Shri Makibur Ali
Adl. Central Govt. Standing Coun.
27.5.04
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For Guwahati
Mr. Subodh, J. & J.
Post Office - 781001
St. Dept. of Post Offices
Guwahati Dist., Guwahati - 781001

In the matter of :-

O.A. No.162 of 2003

Shri Makibur Ali .. Applicant

-Versus-

Union of India & Ors.

...Respondent

REPLY ON BEHALF OF THE RESPONDENTS TO THE
REJOINDER FILED BY THE APPLICANT.

The Respondents most respectfully beg to state as
follows :-

1. That with regard to paragraph 1 & 2 of the rejoinder the respondent beg to state that the statement made by the applicant are denied.

2. That with regard to the statements made in paragraph 3 of the rejoinder the respondent beg to state that the applicant was never appointed as Group-D on casual basis. The applicant was engaged as part time contingent water man for an hour daily.

The Annexure-I attached to the OA by the applicant is a fabricated one and totally denied. As stated by the respondent in the written statements that order was issued on 9-10-2001 in the name of Gramin Dak Sevak Stamp Vendor Mainur Ali not to the applicant.

A copy of said order is Annexed herewith as Annexure-A.

It is pertinent to mention here that the applicant was provided to work as a substitute of Mainur Ali.

In this regard the respondent beg to state that as per Gramin Dak Sevak (conduct and Employment) Rule-2001, wherever any vacancy arises in Group-D. Postman, Packer etc. for short duration as per provision of Gramin Dak Sevak (Rule) 2001 senior GDS staff are ordered to officiate in such vacant post for short duration. In such cases the original incumbent will have to provide a suitable substitute in his original place on his responsibility. In this case

Makibur Ali was provided to work as substitute by Mainur Ali who has been ordered to officiate as Group-D vide memo No.81/Mainur Ali/2001, dtd.9-10-2001.

Copies of the Gramin Dak Sevak (Rule) 2001 regarding the appointment of substitute in annexed herewith as Annexure-B.

In this connection the respondent again beg to state, ~~that~~ with respect to Annexure-I to the rejoinder by the applicant regarding attendance register, that the applicant was working as substitute of Mainur Ali and attendance register marked his presence in the office and did not give him any right to be treated as regular Gramin Dak Sevak staff.

3. That with regard to the statements made in paragraph 4 of the rejoinder the respondent beg to state that as stated in the written statement that the applicant is not covered under the ~~same~~ scheme circulated by the Govt. of India DOP 17-5-89. As the applicant is a contingent part time water man so the question of temporary status does not arise.

It is to mention here that the status of part time and full time casual Labour are quite different from contingent part time worker. Difference is that Salary of the contingent part time worker are paid from contingency fund whereas salary of the casual labour are paid from consolidated fund of India.

4. That the statements made in paragraph 5 & 6 of the application are denied.

5. That with regard to the statements made in paragraph 7 of ~~the~~ ~~app~~ the rejoinder the respondents deny the contention made therein. The respondents beg to annex one judgement of Hon'ble High Court, Calcutta dated 09-06-2003, Circuit Bench Port Blair in WPCT No.58/2003 upholding the order dated 10-3-2003 of Hon'ble Tribunal, Calcutta. It is made clear that substitutes of Gramin Dak Sevak have no right to seek absorption in any post or in any capacity.

6. That in view of the foregoing facts the application is liable to be dismissed with costs.

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VERIFICATION

I, Som Kamei IPS, Senior Superintendent of Post Offices, Guwahati Division, Guwahati-781001 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 of the application are true to my knowledge and belief, those made in paragraphs 2-5 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 18th day of May, 2004

Deponent

—
Som Kamei
সম কামৈ, আই.পি.এস.
গুৱাহাটী পোষ্ট অফিস, গুৱাহাটী - ৭৮১০০১
Sr. Supdt. of Post Offices
Guwahati Div., Guwahati-781001

Department of Posts

O/o - ~~Postmaster, Baramitola,~~
G. Govardhan Pillai

No. B1/Mairur Ali/2001 Dated Guwahati, 9th Oct/2001

Md. Mairur Ali, ED Stamp Vendor, Baramitola, is hereby order to work as Group-D at Baramitola PO for a period of 90 days basis. He is to produce a suitable nominee in his place with his full responsibility. The arrangement is purely on temporary and he may be terminated at any time without assigning any reason.

Gd
Postmaster,
Baramitola,
G. Govardhan Pillai

Copy to 1) In an input of P.O. Guwahati, D.N. Guwahati 781001 for information. The arrangement may kindly be approved.

- 2) The Senior Postmaster, Guwahati, Gd.
- 3) In Office -
- 4) P/R
- 5) Spare

Postmaster,
Baramitola,
G. Govardhan Pillai

AK Choudhary

Guwahati

2002

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ANNEXURE-B
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(3) *Clarifications.*— In framing these instructions for the grant of leave to ED Agents, it was kept in mind that there is greater need for the Divisional Superintendents to look into the affairs of the ED Agents than at present. The Directorate is in receipt of a large number of representations, suit notices and even writ petitions from ED Agents and the reports received in such cases from the subordinate authorities show that in general there is a tendency to leave the control of the work of ED Agents mainly to Inspectors or in some cases, even to Overseers. The Inspectors and Overseers quite often cause a lot of embarrassment to the department by acting in a manner not contemplated or laid down in rules. It is for this reason that in the instructions that have been issued in regard to leave for ED Agents, we have specifically provided for certain duties to be performed by the Divisional Superintendents personally. The points raised in the various communications from the Circles for clarification of the orders may now be examined.

2. *Leave to be sanctioned by appointing authorities.*—The first point is in regard to the powers possessed by Inspectors under Rule 261 of the P. & T. Manual, Vol. VIII, to sanction leave to ED Agents up to 4 months. In respect of ED Branch Postmasters and Sub-Postmasters, the appointing authorities are the Divisional Superintendents and according to the orders that we have now issued, the Divisional Superintendents will have to sanction leave to ED Postmasters. In respect of other classes of ED Agents, the Inspectors being the appointing authorities will continue to sanction leave. We may explain that the intention is that, as far as possible, the ED Agents, including the Postmasters, should apply in advance for leave and get the leave sanctioned in advance. In rare cases where it is not practicable to obtain such advance sanction, the Inspectors may authorize the Postmasters to go on leave but they should immediately forward the applications to the Divisional Superintendents, who will then formally issue leave memos. Since it has now been decided to grant gratuities to ED Agents, it is necessary to maintain the records properly and therefore, formal sanctions for leave will have to be issued by the appointing authorities.

3. *Approval of the substitutes in place of ED Agents proceeding on leave.*— At present, it appears that the choice of the substitute is left to the ED Agent himself. In most cases, this arrangement appears to have worked satisfactorily. There are, however, a few cases, where the substitutes appointed, later claim regular appointment as ED Agents and are not prepared to quit when required.

It is provided in the latest instructions that the substitutes should be approved by the appointing authorities. It is not the intention that there should be any elaborate procedure to be followed for according such approval. In cases where leave is not got sanctioned in advance, we may not even insist upon prior approval of the substitute but the Department should not be precluded from making such inquiries into the antecedents of the substitutes as considered necessary and to ask an ED Agent to provide another substitute, if it is found that the one actually proposed by the ED Agent is not acceptable.

It will be a good working arrangement, if substitutes nominated by the ED Agent are approved in advance by the competent authority so that, there may be no difficulty in granting leave of absence at a short notice in cases of illness or any unforeseen circumstances affecting the ED Agent.

The order sanctioning leave should also specifically convey the approval of the appointing authority to the substitute working in place of the ED Agent on leave and should also make it clear that the substitute may be discharged by the Appointing Authority at any time without assigning any reasons. It is also necessary for the Appointing Authority to ensure that such a substitute is not allowed to work indefinitely. If the absence from duty of the regular ED Agent is likely to last indefinitely, the Appointing Authority should take immediate steps to make a regular appointment and the person so appointed need not necessarily be the substitute.

4. *Arrangement in the place of an ED Agent appointed to regular departmental post.*—The next point that has to be considered is about the arrangement for carrying on the work of an ED Agent who takes leave when he is appointed against a regular post (departmental) such as Postman, Packer, etc. In such cases, it would not be correct for the EDA to be considered as being on leave. If the vacancy in the regular post against which he is appointed is for a short duration, only then he may provide his own substitute, subject to the same conditions as in the case of an ED Agent proceeding on leave. If, however, the EDA is appointed to a regular departmental post for an indefinite period and there is no likelihood of his returning as ED Agent, then the Appointing Authority should make arrangements to fill up the post of ED Agent in the normal manner by calling for cases. It should be made clear that the arrangement will continue only so long as the person originally working as ED Agent and now working as Packer, Postman, etc., is not regularly appointed to the departmental post. When the ED Agent is regularly appointed as Packer, etc., the position will be subject to review.

5. *How to compute the period of one year.*—The doubt raised here is, whether it should be calendar year or financial year. It should refer to any continuous period of 12 months. The said continuous period of 12 months should be reckoned from the beginning of any stretch of leave taken by an ED Agent previous to the stretch of leave under consideration. If, during the period of 12 months computed as above, an ED Agent had been absent for more than 180 days, he is to be removed from service after following the procedure laid down in Rule 8.

6. *Procedure to be followed for terminating the services of an ED Agent who takes leave frequently or for more than 180 days at a stretch.*—In view of the revision of Rule 8, following the Supreme Court's judgment of 22nd April, 1977, it is no more possible to remove an ED Agent on the ground of absence beyond the maximum permissible period of leave of 180 days at a stretch without taking disciplinary action against him.

7. *Whether the substitutes should furnish security.*—The answer to this would be in the negative. When applying for leave in the prescribed form, the

ED Agent undertakes to be responsible for the work of the substitute. Besides, the security bond furnished by him also makes it clear that he would be responsible for the actions of the substitute. In these circumstances, it is not necessary to get any security from the substitutes.

[D.G., P. & T., Letter No. 43/15/65-Pen., dated the 31st March, 1969; No. 5-5-72 ED Cell, dated the 18th April, 1972; No. 43-146/70-Pen./Disc. II, dated the 13th January, 1972; No. 151/477-Disc. II, dated the 10th May, 1977; and No. 43-158/81-Pen., dated the 3rd September, 1981.]

8. *Provisional appointment of substitute till absorption of ED Agent in regular departmental post.*—In Para 4 above, it was made clear that if an ED Agent is appointed against a regular post (departmental) such as Postman, Packer, etc., and the vacancy is of a short duration, he may provide his own substitute subject to the same conditions as in the case of ED Agent proceeding on leave. If, however, an ED Agent is appointed to a regular departmental post for an indefinite period and there is no likelihood of his returning as ED Agent, then the Appointing Authority should make arrangements to fill up the post of ED Agent in the normal manner by calling for applications. When appointment of ED Agents are made in such cases, it has to be made clear that the arrangement will continue only so long as the person originally working as ED Agent and now working as Packer, Postman, etc., is not regularly appointed to the departmental post and when he is regularly appointed as Packer, etc., the position will be reviewed. In case the original ED Agent has to revert back for want of vacancy in the departmental post, he will automatically get back his job as ED Agent and his previous service as ED Agent will be taken into account for considering his title to *ex gratia* gratuity after condoning his absence for the period he worked as Group 'D' or Postman, etc. The provisions of Para. 1(5) that if an ED Agent remains on leave for more than 180 days at a stretch he shall cease to be an ED Agent are not applicable in such cases.

[D.G., P. & T., Letter No. 43/34/71-Pen., dated the 20th March, 1971.]

(4) *Responsibility of permanent ED Agent for irregularities committed by his substitute.*—Clarifications were requested by some circles as to what action should be taken against a permanent ED Agent for the irregularities committed by his substitute during leave. The matter was examined in detail in consultation with the Ministry of Law. In this connection, a copy each of this Office U.O. No. 43-13/70-Pen., dated 29-7-1970, to the Ministry of Law and their U.O. No. 14280/70-Adv. (A), dated 1-9-1970, containing their advice is reproduced below for information and guidance.

2. As regards Para. 3 of the Law Ministry's Note, the matter will be examined further in this office.

[D.G., P. & T., Letter No. 43-13/70-Pen., dated the 11th November, 1970.]

Copy of U.O. No. 43-13/70-Pen., dated 29-7-1970

In this case, we are dealing with the extent of responsibility of the permanent EDBPM for the irregularities committed by his nominee during

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leave. Notes on pages 3-7/N will recall the case. A specimen copy of the security bond form executed by ED Agents is placed below at pages 18-20/c which may please be perused. Whenever an ED Agent proceeds on leave, a substitute is provided by him who works in his place on the responsibility of the permanent ED Agent. The question arises as to what extent the original incumbent may be held liable for the defaults of the substitute provided by him. In this connection, the judgment delivered by the Sub-Divisional Magistrate, Dindigul, may please be perused, at page 7/c. In that case, it has been held that the nominee, while discharging the duties of a public servant, remains a private agent of the permanent Branch Postmaster, and no prosecution would lie against him for criminal breach of trust under Section 409, Indian Penal Code. Thus, it becomes quite necessary to recover the losses suffered by the Department in such cases, from the original ED Agent who offered the substitute to work on his responsibility. Ministry of Law may kindly see and advise on the following points:—

- (a) Whether the losses suffered by the Department due to the defaults of the substitute may be recovered from the original ED Agent who offered the substitute to work on his responsibility;
- (b) Whether any of the punishments mentioned in Rule 7 of P & T ED Agents (Conduct and Service) Rules, 1964, may be inflicted on the permanent ED Agent for the defaults of his substitute;
- (c) Whether the judgment delivered by the Sub-Divisional Magistrate can be contested successfully in Higher Courts.

U.O. No. 14280/70-Adv. (A), dated 31-8-1970

The ED Agent has in his application for leave agreed that his substitute will work on the responsibility of the ED Agent during the absence on leave of the latter according to the terms of the security bond executed by the ED Agent. Consequently, the substitute becomes an agent of the ED Agent in so far as the postal authorities are concerned and the ED Agent as the principal will be liable in a Civil action by third parties for the torts committed by his nominee.

2. The postal authorities may bring in a civil action against the ED Agent for the losses arising out of the tortious action of the nominee of the ED Agent.

3. As correctly pointed out by Shri _____, the present form of the surety bond does not make the surety liable to indemnify the postal authorities for losses occasioned by the defaults of the nominee of the ED Agent. Since the ED Agent has undertaken to hold himself liable for the acts of his nominee, no such contractual liability has been undertaken by the surety. Consequently, if it is intended that the surety should be liable not only for the acts of the ED Agent, but also for those of his nominee, the bond will have to be suitably amended in consultation with our Conveyancing Section.

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4. It will not be possible to prosecute the ED Agent in a Criminal Court under Section 409, Indian Penal Code, for the offence committed by his nominee unless it can be established that the ED Agent had conspired with his nominee to commit the offence. Same is true of taking disciplinary action against the ED Agent for the fault of his nominee. Undoubtedly, a penalty can be imposed for good and sufficient reasons and in order to successfully penalize an ED Agent for the acts of his nominee, a simple proof of the fact that the nominee misbehaved may not be considered as a good and sufficient reason. All the same, if the Department is able to prove that the ED Agent had not taken reasonable care in appointing his nominee, had failed to verify the antecedents of the nominee or by his negligence had permitted the nominee to commit the tort, it would be possible to proceed against the ED Agent departmentally. Needless to say, the decision in this regard will depend upon the facts and circumstances of each individual case.

5. Answers to questions raised are given *ad seriatim*.

- (a) Yes, by a Civil Suit.
- (b) No, unless circumstances indicated above also exist.
- (c) No.

(Sd.) V.V. Vaze
Addl. Legal Adviser

(5) Divisional Heads may sanction leave in excess of 180 days in certain cases.—The instructions in force at present, no ED Agent can be permitted leave of absence for more than 90 days at a stretch. In exceptional circumstances, leave of absence can be extended up to 180 days by the Divisional Superintendents. According to the existing instructions, leave of absence in excess of 180 days can be granted by the Director of Postal Services, only in cases where the necessity for leave arises due to an ED Agent officiating in a Departmental Post. The Heads of Circles can sanction leave to the ED Agents in excess of 180 days on account of genuine illness.

2. References have been received from certain quarters stating that past experience shows that in most of the cases, the ED Agents avail of leave without allowance in excess of 180 days only to officiate in the leave vacancies of Group 'D'/Postman cadres due to the ban on employment of outsiders. Since at present, powers to grant Leave Without Allowance in excess of 180 days in such cases are exercised by the Director of Postal Services, this results in considerable delay. Since no discretion is now exercised by the Director of Postal Services in sanctioning Leave Without Allowance exceeding 180 days in such cases, suggestion has been made that the powers which are now exercised by the Director of Postal Services may be delegated to the Divisional Heads which will quicken the pace of issue of sanction, settlement of gratuity cases, etc.

3. The above suggestion has been examined in this office carefully. Having regard to all relevant factors including pressing demands from the service unions for expeditious settlement of *ex gratia* cases, etc., it has been

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decided that power of sanction of Leave Without Allowance in excess of 180 days taken to officiate in the leave vacancy of Group 'D' Postman cadres by the ED Agents, will now be exercised by the Divisional Heads instead of the Director of Postal Services as at present. However, the power to condone the absence in excess of 180 days on genuine illness grounds will continue to be exercised by the same authority as hithertofore. While exercising the powers now delegated to the Divisional Heads, they will ensure that such officiating arrangements of ED Agents in Group 'D' Postman cadres for periods exceeding 180 days are allowed to continue in exceptional circumstances only and not as a matter of rule. This is essential as during such long uninterrupted officiating arrangements, the regular incumbents of the posts of ED Agents are required to provide their substitutes and if such arrangement is allowed to continue for periods exceeding 180 days as a matter of rule, this will legitimize the claims of all the ED substitutes for regularization of their services as ED Agents thereby creating lots of administrative problems. It has to be ensured that the powers now delegated are exercised judiciously with full sense of responsibility.

4. These orders will come into force from the date of issue.

5. The contents of this letter may kindly be brought to the notice of all concerned for compliance/guidance.

[D.G., Posts, Letter No. 18-34/92-ED & Trg., dated the 25th November, 1993.]

(6) Guidelines for regulating substitute/provisional arrangements made in place of regular Gramin Dak Sevaks.—References are received from Circles for regularizing the employment of substitutes provided by regular GDSs during their periods of leave/absence on the ground that they have been functioning in that capacity "for a longer period". A number of cases also stand filed in the Tribunals and Courts on this issue. Apparently, instructions issued from time to time are not followed rationally by competent authorities in allowing substitutes to continue indefinitely or for long periods.

2. In this context, I am directed to draw your attention to the DG (Posts)'s instructions given below Rule 5 of the P. & T ED Agents (Conduct & Service) Rules, 1964 corresponding to Rule 7 of the Gramin Dak Sevaks (Conduct & Employment) Rules, 2001 which *inter alia*, stipulate the following:

"During leave, every GDS should arrange for his work being carried on by a substitute who should be a person approved by the authority competent to sanction leave to him. Such approval should be obtained in writing" and that:

"It is necessary for the appointing authority to ensure that such a substitute is not allowed to work indefinitely. If the absence from duty of the regular GDS is likely to last indefinitely, the appointing authority should take immediate steps to make a regular appointment and the person so appointed need not necessarily be the substitute."

3. Instructions issued vide this office letter No. 118-34/92-ED & TRG., dated 25-11-1993 enjoined all Divisional Heads to ensure that long leave beyond 180 days is not granted to a GDS as a matter of routine to avoid substitutes continuing in place of regular incumbents for long periods.

4. Subsequently, vide letter No. 19-6/2000-ED & TRG., dated 29-12-2000, the decision of the larger Bench of CAT Bangalore on the issue of whether weightage should be given to persons who have rendered past employment on provisional basis or in the capacity of substitute of GDS, was circulated. Recently, vide letter, dated 19-2-2002, the judgment of the larger Bench of Hon'ble High Court of Karnataka, Bangalore upholding the judgment of the larger Bench of CAT Bangalore mentioned above, has also been circulated. The said judgment clearly reiterates the position that the substitutes have no legal right as far as regularization in the Department is concerned. It also takes note that the Department's Recruitment Rules for Gramin Dak Sevaks do not provide for recognition of past service that may have been rendered by them against any post.

5. In the case of *Devika Guha v. Union of India*, the Supreme Court has also not recognized the right of the substitutes for regularization. On the other hand, the Apex Court has maintained that substitutes have no legal claim on the basis of having worked continuously and if there are cases where the substitutes have worked for a "longer period", it is for the Department to consider the same as to whether there was a proper case for absorption or not, and pass appropriate orders.

6. The matter has been examined in consultation with Ministry of Law. Since the Apex Court has held that substitutes have no legal claim, there can be no definition of the term "longer period" as absorption of substitutes *per se* on regular vacancies without following prescribed procedures of recruitment could lead to nepotism.

7. Thus, it has become necessary to review and reiterate the existing guidelines relating to "substitute" arrangement of GDSs. This would also involve clarification of the status of the substitute, who is provided at the risk and responsibility of the regular incumbent, *vis-a-vis* provisional appointees, who are appointed by the Department to meet an interim need.

8. As per extant orders, a regular GDS is required to provide a substitute at his own risk and responsibility but subject to approval by the appointing authority. Hence it is the duty of the appointing authority to ensure that any ineligible person is not approved as a substitute and any "substitute" arrangement is not allowed to continue for long periods. Accordingly, the following guidelines may inevitably be kept in view while dealing with matters relating to "substitute arrangements" or their continuance:

(i) Before resorting to substitute arrangement, the following options may be explored:

(a) In case of short-term arrangements as far as possible, work will be managed by combining duties, and "substitutes" will not be provided in leave arrangements. In single-handed BOs, the

work shall be managed by giving combined duty to GDS Mail Deliverer/Mail Carrier (Gramin Dak Vitaraka/Vahak) of the neighbouring BO/SO in whose beat the BO falls.

- (b) Even in long-term arrangements, the combination of duties as in (a) above will be resorted to; substitutes will be allowed only if workload of the BO as well as its financial position justifies such engagement or filling of the post on regular basis.
- (c) In towns and cities, where departmental officials are also available in the same office, the possibility of managing the work by regular staff by combination of duties or by grant of OTA beyond normal working hours may be explored.
- (ii) If substitute arrangement is found to be unavoidable, then it should be ensured that—
 - (a) No substitute will be allowed to take over charge unless the competent leave-sanctioning/appointing authority is fully satisfied that the substitute possesses all the qualifications prescribed for that appointment and has been provided under the risk and responsibility of the regular incumbent.
 - (b) Drawing & Disbursing authorities shall not draw allowances of any substitute unless the claim is accompanied by a certificate from the competent authority about the possession of requisite qualifications by the substitutes and their approval for making/continuing the arrangement.
 - (c) Continuation of substitute arrangements beyond 180 days at a stretch, may only be allowed by the authority next higher to the appointing authority, and only in exceptional cases where action has been initiated for regular appointment, if justified by workload and financial norms.
 - (d) No substitute arrangement shall continue beyond one year. Hence regular/alternative arrangements must be made during the period beyond 180 days to ensure this. If for any unavoidable reason a substitute arrangement is required to be continued beyond one year, specific approval of the Head of Circle will be necessary for reasons to be recorded by the concerned authority.

9. In the case of provisional appointments, it is clarified that such appointments should be resorted to only in cases where the GDS is unable, quite unexpectedly, to undertake his duties due to his own actions (unauthorized absence, fraud, misappropriation, etc.), due to circumstances beyond his control like sudden serious illness/ accident/death or because the department does not want him/her to continue (due to reasons of misconduct/ dismissal/removal/put off duty, etc.) In all other cases, action should be taken well in advance to fill the post on a regular basis. Even where the post falls vacant unexpectedly, efforts should be made to manage the work through combination of duties as spelt out in Para. 8 (i) (a) & (c). Similarly, even in case of long-term deputation of GDS to the APS, action may be taken to fill

up the post on regular basis and the GDS, on return from deputation may be suitably adjusted against vacancies in existence at that given time.

10. Where provisional appointment becomes unavoidable, action may be initiated to fill the post following all the formalities prescribed for regular appointment, but clearly stipulating that the appointment is on a provisional basis. On no account, should a provisional appointment be made without following every formality that is prescribed for regular appointment. Since the whole process will take a period not exceeding 60-90 days, stop-gap arrangement may preferably be made at the local level in the interim through combination of duties or by allowing the GDS from a neighbouring office to function, or by deploying a Mail Overseer to look after the work. Under no circumstances, should such local arrangement exceed 90 days. If, due to some unavoidable reasons, the local arrangement needs to be continued beyond 90 days, approval of the next higher authority is to be taken on a one time basis for reasons to be recorded in writing.

11. In cases where the incumbent dies in harness, there is no objection to a dependant being allowed to function on interim basis, provided the dependant fulfils the qualification/relaxed qualification applicable for post fallen vacant. This may only be resorted to if arrangement by combination of duties is not feasible. However, in such cases also, such interim appointment should not exceed one year and every effort should be made to take a final view within that time frame. It also needs to be clearly stipulated that such provisional appointment does not entitle the dependant to a claim for the post unless his/her case for compassionate appointment is approved by the Circle Relaxation Committee.

12. The extant provisions provide for a provisional appointee to be placed on a waiting list for being considered for a regular appointment after he/she has completed three years of continuous employment. To avoid prolongation of such provisional appointments, approval of the next higher authority should be taken in respect of all provisional appointments exceeding 180 and where the period exceeds one year, express approval of the Head of the Region/Circle, as the case may be, would be necessary. Where the regular incumbent is not reinstated, immediate action must be taken to regularize the regularly selected provisional appointee against the said post without resorting to fresh recruitment.

13. The above instructions may kindly be brought to the notice of all appointing authorities of GDSs for strict compliance. Any violation of the above instructions shall be viewed seriously and action would be required to be taken against officials who allow substitute/provisional arrangements to continue beyond the prescribed limits in contravention of the above instructions.

14. If any previous instructions on the issues of 'substitute' and 'provisional appointment' are found contrary to these provisions, the same will stand superseded by the latter.

[D.G., Posts, Lr. No. 17-115/2001-GDS, dated the 21st October, 2002.]

AK Chavala

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Amended

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संसद मार्ग,
नई दिल्ली-110 001

Government of India
Ministry of Communications
Department of Posts

Dated: March 31, 2004

No.19-38/2003-GDS

To

All Heads of Circles,

Sub: Substitutes of Gramin Dak Sevak (GDSs) have no right to seek absorption; Judgement dated 09.6.2003 of Hon'ble High Court Calcutta, Circuit Bench Port Blair in WPCT No. 58/2003 upholding the order dated 10.3.2003 of Hon'ble CAT Calcutta in OA No.14/A&N/2003 filed by Shri Sanjib Kr Mondal, Ex- GDS Mail Deliverer in Port Blair HO, regarding

Sir,

I am directed to enclose herewith copies of order dated 10.3.2003 of Hon'ble CAT Calcutta Bench in OA No.14/A&N/2003, and Judgement dated 09.6.2003 of Hon'ble High Court Calcutta, Circuit Bench Port Blair in WPCT No. 58/2003 on the above said subject.

2. You are requested kindly to bring the same to the notice of all concerned in the Circle for information and guidance.
3. The receipt of this letter may be acknowledged.

Yours faithfully,

(Anand Prakash)
Assistant Director General (GDS)

Encl: as stated

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AD Chakrabarti

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Annexure C
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
CIRCUIT BENCH AT PORT BLAIR

W.P.C.T. No. 5 of 2003

In the matter of

An application under Article 226 of the
Constitution of India

AND

In the matter of

Shri. Sanjib Kumar Mondal

S/o Shri. B.B. Mondal

R/o Prothrapur,

Port Blair

Petitioner

-Versus-

The Union of India (Service through the
Secretary, Govt. of India, Ministry of
Communication, Sanchar Bhawan,
New Delhi - 110001
And 4 others.

...Respondents

662/12
C.A.N.
Date.....26/6/03.....

W.P.C.T. No. 58 of 2003

VI, 10

Plaintiff's Office
or Advocate

Serial
No.

Date

Office notes, reports, orders or proceedings with signatures

9.6.03

Ms. Shymali Ganguly... for the
petitioner.
Mr. R.S. Saxop..... for the
respondent.
.....

Let the matter appear
tomorrow (10.6.03) for hearing.

(Barin Ghosh, J.)

(Jayanta Kumar Dasgupta, J.)

Amendment C 1

AL 10

Section B, Office
of Advocate

Serial
No

Date

Office notes, reports, orders or proceedings with sign

WPCT NO.058 OF 2003

Shri Sanjib Kr. Mondal -vs- The Union of India &
Others

13.06.2003

Ms.S.Ganguly . . . for the petitioner
Mr.BK.Das . . . for the Respondent No.1
Mr.R.S.Saroop . . . for the other respondents.

On being nominated by Shri Goutam Roy Choudhry, who was working as an Extra Departmental Delivery Agent(E.D.D.A), the petitioner functioned as such w.e.f. 13.1.1999 and continued to render such service until 14.1.2003. The rules permit an Extra Departmental Delivery Agent to nominate a person with the approval of the appropriate authority to discharge his functions in his absence in certain cases. The rules at the same time makes it abundantly clear that such nominees should not be permitted to render the nominated service for a period in excess of 180 days, except in exceptional cases. Shri Goutam Roy Choudhry nominated the petitioner for he was elevated to the post of Postman. Shri Goutam Roy Choudhry became the regular Postman w.e.f. 19.12.2002. Much prior thereto, in any case immediately after 19.12.2002, the nomination of the petitioner should have been revoked in terms of the rules.

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings
			<p>Be that as it may, this nomination was ultimately revoked on 14.1.2003 by the authority concerned and accordingly, the authority concerned prevented the petitioner from discharging the further duty of the nominated EDDA.</p> <p>The petitioner approached the Tribunal seeking regularization in the post of EDDA, principally on the ground that he has rendered such services for a period in excess of three years.</p> <p>The appointment to the post in question is governed by the rules. The rules do not permit absorption of nominated EDDAs. The rules provided that in case EDDAs are required for the incumbent has been promoted, the post must be filled up by appointment.</p> <p>In that view of the matter, the petitioner has no right to seek absorption and accordingly the Tribunal has rightly rejected the application made by the petitioner before it.</p>

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Noting by Office
• or Advocate

Serial
No.

Date

Office notes, reports, orders or proceedings with signatures

For the reason recorded above, we do not
intent to interfere with the order of the Tribunal
and accordingly dismissed the writ petition.

Before parting with, we would only like to
add that in the event the Department requires
EDDAs to be appointed afresh, they shall take
steps as per the rules to fill up such post.

There shall be no order as to costs.

[Signature]
(Barin Ghosh, J.)

[Signature]
(Jayanta Kumar Biswas, J.)

Certified to be true Copy

[Signature]
Chief Ministerial Officer
High Court of Calcutta at Port Blair
Authorized U, S 76, Evidence Act I of 1870

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Annexure 20
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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A. 14/AN/2003

Date of order : 10.3.2003

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

SANJIB KR. MONDAL

VS.

UNION OF INDIA & ORS.

Applicant

Mr. M.S. Banerjee, counsel
Mr. A. Banerjee, counsel

For the respondents :

Mr. B.K. Das, counsel
Mr. S. Chakraborty, counsel

ORDER

Heard ld. counsel for both sides.

2. Ld. counsel for the applicant submitted that the applicant served as a nominee in the place of Sri Gautam Roy Chowdhury who was holding the charge of Extra Departmental Delivery Agent (E.D.D.A.) w.e.f. 13.11.99 and that after the regular incumbent on that post became regular Postman w.e.f. 19.12.2002, the applicant was not permitted to work as nominee in the department and the respondents have appointed the respondent No.6 in place of Sri Gautam Roy Chowdhury.

3. Admittedly, the applicant was working as nominee of Gautam Roy Chowdhury and he cannot claim continuation/as a matter of right. It is also pertinent to note that it is only an arrangement between the original incumbent and the applicant and the applicant is not entitled to get any termination notice

contd..2

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as per the E.D.D.A. Rules. Ld. counsel for the applicant could not place any rule to show that even a nominee requires a notice of termination. The applicant being a nominee only cannot find fault with the department in appointing the respondent No.6 in place of the original incumbent, Gautam Roy Chowdhury who was appointed as regular Postman. We see no reason to entertain this application and, therefore, the same is dismissed. No order as to costs.

MEMBER(J)

S. M.



प्रमाणित प्रति प्रमाणित
Certified to be true copy

Court Clerk,
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
कलकत्ता न्यायाधीश
Calcutta Bench

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