

50/1007

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 03/2005.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... *04*Pg. *1*to *X*.....
2. Judgment/Order dtd. *11.10.2005*Pg. *X*to *no separate order submitted*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... *03/2005*Pg. *1*to *53*.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Corrected Copy.

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O R D E R S H E E T

Original Application No. 03/2005

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Sajal Kr. Das & Ors. (3)

Respondents: U.O.I. & Ors.

Advocate of the Applicants: Mr. N. Upadhaya, Mr. J. Das

Advocate for the Respondents: C.G.S.C.

Notes of the Registry | Date | Order of the Tribunal

11.01.2005

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

This application is in form
is filed for Rs. 10/-
deposited with P.B.D
No. 206/117278-

Dated 5.1.05

N. Upadhaya
Dy. Registrar

Slips Taken

Heard Mr. N. Upadhaya, learned
counsel for the applicants and also Mr.
A. Deb Roy, learned Sr. C.G.S.C. for the
respondents.

The grievance of the applicants is
non-implementation of the order of this
Tribunal passed in O.A. No. 299/1996
vide order dated 13.8.1997. This is
barred by limitation under Rule 21 of
CAT Act, 1985 and hence the O.A. is
liable to be dismissed.

The O.A. is, therefore, dismissed
on the ground of limitation at the
admission stage itself.

K.V. Prahladan
Member (A)

bb

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

O.A. No. 9 of 2005.

SHRI SAJAL KR. DAS & OTHERS

.....APPLICANTS
- VERSUS -

UNION OF INDIA & OTHERS

.....RESPONDENTS

SYNOPSIS

1. The applicants are the casual labourers in the department of Telecommunication, presently known as Bharat Sanchar Nigam Limited. The applicants alongwith other previously approached this Tribunal by way of Original Application No.299/1996 for redressal of their grievances that although the casual labourers working in the department of Telecommunication presently known as Bharat Sanchar Nigam Limited (B.S.N.L.) are similarly situated with that of the casual labourers working in the department of posts, but in their case certain benefits being enjoyed by the casual labourers of the department of posts have not been extended.
2. That this Hon'ble Tribunal disposed of the original Application No.299/1996 by its judgement & order dated 13th August, 1997 directing the respondents to give the similar benefits as has been extended to the casual labourers working in the department of posts.

Contd.../-

3. That after the judgement and order dated 13th August, 1997 the Respondents Authorities filed a Writ Petition being No.3007 of 1998 challenging the aforesaid judgement and order but the Hon'ble High Court was pleased to dismiss the same vide its judgement and order dated 06-01-1999. The fact of dismissal was not known to the applicants till January, 2004. And after coming to know the fact of dismissal the applicants submitted representation alongwith the dismissal order but the same are still pending for disposal.
4. That pursuant to the judgement and order dated 13th August, 1997 of this Hon'ble Tribunal the Respondents authorities regularised and granted temporary status to the similarly situated persons (who were also the applicants in O.A. No.299/96 alongwith the present applicants) of other telecom district of Assam Circle. But the same has been denied to the applicants and hence this has resulted in discrimination in violation of Article 14 and 16 of the Constitution of India.

① Sajal Kumar Das
 ② Mrinal Kanti
 Nanda
 ③ Jyotirmoy Das
 Filed by the
 Applicants through
 Tashadhin Das
 Advocate 6/01/05

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

(AN APPLICATION UNDER SECTION - 19 OF THE
 ADMINISTRATIVE TRIBUNAL ACT'1985)

Title of the Case: O.A. No. 3 of 2004

SHRI SAJAL KUMAR DAS & OTHERS

.....APPLICANTS.

-VERSUS-

UNION OF INDIA & OTHERS.

.....RESPONDENTS.

INDEX

SL.NO.	PARTICULARS	PAGE NO.
01	APPLICATION	-- 1 - 15
02	VERIFICATION	-- 16 - 17
03	ANNEXURE - 1	-- 18 - 19
04	ANNEXURE - 2	-- 20 - 24
05	ANNEXURE - 3	-- 25 -
06	ANNEXURE - 4	-- 26
07	ANNEXURE - 5	-- 27 - 30
08	ANNEXURE - 6	-- 31 - 33
09	ANNEXURE - 7 (A) (B) (C)	-- 34 - 43
10	ANNEXURE - 8 (A) (B) (C)	-- 44 - 49
11	ANNEXURE - 9 (A) (B) (C)	-- 50 - 53

For Use in Tribunal's Office

Date of filling :

Registration No.

 REGISTRAR

Contd.../-

-1-

(1) Sajal Kumar Das
(2) Mrinal Kanti
Namasudra
(3) Jyotirmoy Das

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

- BETWEEN -

1. Shri Sajal Kumar Das,
S/O. Shri Lalit Mohan Das,
Village - Siddeswar,
P.O. Katigorah,
Dist: Cachar, Assam.
2. Shri Mrinal Kanti Namasudra,
S/O. Shri Mantu Kumar Namasudra,
Village - Balidhara,
P.O. Latu.
Dist: Karimganj, Assam.
3. Shri Jyotirmoy Das,
S/O. Sri Jyotindra Ch. Das,
Vill. Bakrihawar, P.O. Kalinagar,
Dist. Hailakandi, Assam.

.....APPLICANTS

- AND -

1. The Union of India,
Represented by the Secretary,
Ministry of Communication,
Govt. of India, New Delhi.
2. The Director General,
Bharat Sanchar Nigam Limited,
New Delhi.

Contd.../-

(1) Sajal Kumar Das
(2) Moinakanti
(3) Nandakanta
Jyotirmoy Das

3. The Chief General Manager, B.S.N.L.,
Assam Telecom Circle, Ulubari,
Guwahati-7, Assam.
4. The General Manager, B.S.N.L.,
Silchar S.S.A.,
L.B. Road, Silchar, Cachar, Assam.
5. The S.D.O. (Telegraph), B.S.N.L.,
Karimganj, Dist. Karimganj, Assam.
6. The S.D.E., BSNL, Badarpur, District,
Karimganj, Assam.

.....RESPONDENTS

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE

APPLICATION IS MADE:

The instant application is ^{1.23} ~~directed~~ praying for appropriate direction of this Hon'ble Tribunal to the respondents to extend the similar benefits and treatment to the casual labourers viz., the applicants in this instant application as have been extended to the casual labourers of the Department of posts.

Contd.../-

① Sojal Kumar Das
② Mrinal Kant
③ Namasandra
Gyotimoy Das

X

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION:

The applicants further declare that the instant application has been filed within the limitation period prescribed under Section - 21 of the Administrative Tribunals Act'1985.

4. FACTS OF THE CASE:

4.1: That in the instant application the applicants No. 2 is the casual labourer in the Office of the S.D.O., Telegraph, B.S.N.L., Karimganj, The applicants Nos. 1 & 3 are the casual labourers in the office of the S.D.E., Badarpurghat, District, Karimganj. Accordingly all of them have same cause of action and relief sought for are also same. Thus the instant application to be moved under Rule 5(4) (a) of the C.A.T.(Procedure) Rules'1987.

4.2: That the casual labourers whose interest are being represented in the instant case have been continuing in their services in the Department of Telecommunication presently known as B.S.N.L. under the General Manager, B.S.N.L., Silchar S.S.A., Assam Circle. The applicants No.1, 2 and 3 have been

working in the said Department since January 1989, January'1991 and January'1989 respectively as casual labourers without any break.

4.3: That pursuant to a judgement delivered in respect of casual labourers in the Department of Posts the casual labourers ~~working in the Bharat Sanchar Nigam Limited~~ working in the Bharat Sanchar Nigam Limited had approached the Hon'ble Supreme Court for similar direction as was rendered in respect of casual labourers of the Department of Posts. The Hon'ble Supreme Court acting on several writ petitions issued certain directions vide Judgement & Order dated 17-4-90 for the casual labourers in the department of Telecommunication in the same line as that of the judgement delivered in respect of the casual labourers of the Department of Posts. It will be pertinent to mention here that both the Departments i.e., the Department of Posts and the Department of Telecommunication fall under the same Ministry i.e. the Ministry of Communication.

A copy of the aforesaid judgement and order dated 17-04-1990 delivered in respect of the casual labourers Line staff group-D is annexed hereto as ANNEXURE-1 to this application.

Contd.../-

-5-

(1) Sajal Kumar Das
(2) Meenal Kanti
Narasimha
(3) Jyotirmay Das

9

4.4: That be stated here that, the Govt. of India, Ministry of communication framed a scheme under the name and style "Casual Labourer (Grant of Temporary Status and Regularisation) Scheme" and the same was communicate vide letter No.269-10/89-STN dated 07-11-1989.

A copy of the letter dated 07-11-89 together with scheme is annexed hereto as ANNEXURE-2 to this application.

4.5: That as per the said scheme, certain benefits have been granted to the casual labourers such as conferment of temporary status, wages and daily rates with reference to the minimum pay scale for regular Group-D officials including D.A., H.R.A. and C.C.A. etc.

4.6: That the respondents after issuance of the aforesaid ANNEXURE-2 letter dated 07-11-1989 communicating the scheme has also issued further clarification from time to time of which mention may be made of letter No.269-4/93-STW-II dated 17-12-1993 by which it was stipulated that the benefits of the scheme should be confined to the casual labourers who were engaged during the period from 31-03-1985 to 22-06-1988.

A copy of the letter dated 17-12-1993 is annexed herewith as ANNEXURE-3 to this application.

4.7: That on the other hand, the casual labourers working in the Department of Posts who were in employment as on 29-11-1989 were eligible to be conferred as

Contd.../-

10
① Sajal Kumar Das.
② Minimal Kanti
Namasudhi
③ Jyotirmoy Das

"Temporary status" on satisfying the other eligibility conditions. The stipulated condition dated 29-11-1989 has now been further extended upto 10-09-1993 pursuant to a judgement of the Ernakulam Bench of C.A.T. delivered on 13-03-95 in O.A. No.750/94. Pursuant to the said judgement delivered by the Ernakulam Bench of the C.A.T., the Govt. of India issued letter No.66-52/92-SBP-I dated 01-11-1995 by which the benefit of conferring temporary status to the casual labourers have been extended to the recruitees upto 10-09-1993.

A copy of the aforesaid letter dated 01-11-1995 is annexed as ANNEXURE-4 to this application.

4.8: That the aforesaid judgement and order dated 13-03-1995 in O.A. No.750/94 and the circular dated 01-11-1995 of the Govt. of India is required to be extended to the casual labourers of the Department of Telecommunication, presently B.S.N.L., more so when they are similarly situated with that of the casual labourers working in the Department of Posts performing identical and similar nature of work. As stated above, both the Departments are under the same Ministry and the scheme were prepared pursuant to the Supreme Court's judgement referred to above. There cannot be any earthly reason as to why the applicants shall not be extended the same benefit as have been extended to the casual labourers working in the Department of Posts.

4.9: That the applicants state that the casual labourers who are continuously working in the Department of

Contd.../-

- 7 -

(1) Sajal Kumar Das.
(2) Madinal Kumar
(3) Namasudha
Jyotirmay Das

11

Telecommunication presently B.S.N.L. are similarly situated with that of the casual labourers working in the department of Posts. In both the cases, relevant scheme was prepared as per the direction of the Hon'ble Supreme Court and the Hon'ble Supreme Court delivered their judgement and order dated 17-04-1990 in respect of the casual labourers of the Department of Telecommunication presently B.S.N.L. following the judgement delivered in respect of the casual labourers of the Department of Posts. As already stated above, both the Department are under the same Ministry i.e. the Ministry of Communication. There is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. The casual labourers working in the Department of Posts on attaining the temporary status are granted much more benefits than the casual labourers of the Department of Tele-communication presently B.S.N.L. Similarly benefits are required to be extended to the casual labourers of the Department of Telecommunication presently B.S.N.L. having regard to the fact that both the Department i.e. the Department of Telecommunication and the Department of Posts are under the same Ministry and basic foundation of the scheme for both the Departments are Supreme Court's judgement referred to above. If the casual labourers of the Department of Posts can be extended with the benefits as enumerated above based on the Supreme Court's judgement, there is no earthly reason as to why the casual labourers of the Department of Telecommunication should not be extended with the similar benefits.

Contd.../-

- 8 -

(1) Sojal Kumar Das.
(2) Mdinal Karati
(3) Nimesh Chandra
Sanyal

12

4.10: That it is to be stated here that the applicants earlier also moved this Tribunal by way of O.A. No.299/96 through it's association viz., All India Telecom Employees Union praying for conferment of granting the benefit of temporary status as per the Scheme of 1989. This Hon'ble Tribunal disposed the said application by it's judgement and order dated 13th August'1997 directing the respondents to give the similar benefits as has been extended to the casual labourers working in the postal department within a period of 3 (three) months from the date of receipts copy of the said order.

A copy of the Judgement and Order passed by this Hon'ble Tribunal dated 13-08-1997 is annexed as ANNEXURE-5 to this application.

4.11: That after the judgement and order dated 13-08-1997 of this Hon'ble Tribunal, the Respondents Authorities filed a Writ Petition being No.3007 of 1998 against the said judgement and order dated 13-08-1997. But the Hon'ble Gauhati High Court was pleased to dismiss the said Writ Petition vide it's judgement and order dated 06-01-1999.

A copy of the aforesaid judgement and order dated 06-01-1999 is annexed hereto as ANNEXURE-6 to this application.

4.12: That though the aforesaid Writ Petition No.3007/98 was dismissed on 06-01-1999, this fact of dismissal was not known to the applicants as they did not

Contd.../-

9
(1) Sajal Kumar Das.
(2) Mrinal Kanti
Namasudha
(3) Jyotirmoy Das

13

receive any communication from the registry of the Hon'ble High Court neither they were informed by the Association who were all along pursuing the case. Hence the applicants are on bonafide belief that the aforesaid writ petition filed by the respondents before the Hon'ble High Court is still pending. This fact of pending case also occurred due to misleading statements made by the Respondents who in their successive minutes of the meeting held on 21-08-2002, 20-05-2003, 14-08-2003 in presence of the members of both staff side and management side recorded in the aforesaid agendas that the matter is still pending before the Hon'ble High Court. Further, whenever the applicants approached the Respondents, the applicants were always told that the aforesaid case is pending and their regularization will be taken up after the disposal of the case. It was only on making an inquiry before the Hon'ble High Court on 21-01-2004, the applicants came to know that the aforesaid writ petition No.3007/1998 has been dismissed on 06-01-1999. The applicants immediately obtained a certified copy on 29-01-2004 and submitted the same before the authority concern on 04-02-2004, followed by Others on 17-03-2004.

Be it stated here that the applicants being residents of Barak Valley had to face the problems of transportation as the roads is always badly damage for months without repair, so one had to think twice before taking such strenuous journey. Further the applicants being poverty stricken could

Contd.../-

-10-

(1) Sojal Kumar Das.
(2) Mr. Jyoti Kumar Das
(3) Jyoti Kumar Das

14

only manage fund in January' 2004 to come over to Guwahati to meet the expenses.

Copy of the aforesaid minutes of meeting held on 21-08-2002, 05-05-2003, 14-08-2003 are annexed as ANNEXURE-7(A), 7(B) & 7(C) respectively.

- AND -

The representations dated 04-02-2004, and 17-03-2004 are annexed as ANNEXURE-8(A), 8(B) & 8(C) respectively to this application.

4.13: That thereafter the applicants had submitted remainder dated 17-05-2004, 21-06-2004, respectively in reference to their Representations dated 04-02-2004, 17-03-2004 to the General manager, B.S.N.L., Silchar S.S.A., Silchar. But surprisingly the respondents authority did not respond the same till this date and the same are pending for disposal.

Copies of the Reminder dated 17-05-04 & 21-06-2004 are annexed as ANNEXURE-9(A), 9(B) and 9(C) to this application.

4.14: That the applicants state that inspite of the aforesaid judgement and order dated 13-08-1997 of this Hon'ble Tribunal and many representations in this regard filled by the applicants the respondents are sitting over the matter and have not done

Contd.../-

(1) Sajal Kumar Das
(2) Mrinal Kanti
Narasimha
(3) Jyotirmoy Das

15

-11-

anything towards the redressal of the grievances of the applicants, whereas, the similarly situated persons of other Telecom Districts of Assam Circle have got the benefits of temporary status in accordance with the aforesaid judgement and order dated 13-08-1997 of this Hon'ble Tribunal. This has resulted in discrimination in violation of Article 14 and 16 of the Constitution of India.

That the denial of the aforesaid benefits to the applicants has resulted in discrimination and there is gross violation of the principles enunciated in Article 14 and 16 of the Constitution of India. There is no intelligible differentia so as to deprive the applicants who are working as casual labourers in the Office of the S.D.O. (Telegraph), Karimganj and the S.D.E. Badarpurghat respectively under the General Manager, B.S.N.L., Silchar S.S.A. of Assam Circle.

4.15: That the instant application has been filed for appropriate direction by this Hon'ble Tribunal towards redressal of the grievances of the applicants in this Original Application. That the applicants being similarly situated with that of the casual labourers line staff Group-D working in different Telecom Districts of Assam Circle they are entitled to benefits as has been extended to the others. The denial of the same has resulted in hostile discrimination and hence this Original Application for appropriate reliefs.

10/11/97

① Sajal Kumar Das.
② Arjun Kumar
③ Nimesh Kumar
④ Nimesh Kumar

15

4.16: That the applicants state that their whole grievances that differential treatment have been meted out to the casual labourers of Telecom District, Silchar S.S.A. in comparison to the casual labourers of other districts. Under these circumstances there is no earthly reason as to why the applicants should be deprived of such benefits which are conferred to the casual labourers of the other Telecom Districts. Hence this application for appropriate reliefs to the applicants.

5. GROUND FOR RELIEFS WITH LEGAL PROVISIONS:

5.1: For that the denial of similar benefits to the applicants in the instant case prima-facie illegal and arbitrary.

5.2: For that the benefits which the casual labourers working in the Telecommunication Department (B.S. N.L) of the other districts of Assam Circle are deriving having been based on this Hon'ble Tribunal judgement and order dated 13th August'1997 there is no earthly reason as to why the said benefit should not be extended to the applicants.

5.3: For that it is the settle principle of law that when some principles have been laid down in any judgement extending certain benefits to certain set of employees, the said benefits are required to be extended to similarly situated employees without requiring them to approach the authority afresh.

5.4: For that the discrimination meted out to the applicants is not based on any reasonable intelligible differentia and accordingly the same is

Contd.../-

in violation of Article 14 and 16 of the Constitution of India.

5.5: For that if the benefits which has been given to the casual labourers as Line Staff Group D to the Department of Telecommunication (B.S.N.L.) of other districts of the same Circle can be extended based on the order of this Hon'ble Tribunal dated 13-08-1997 there is no earthly reason as to why the said benefits should not be extended to the applicants.

5.6: For that in any other view of the matter the action / inaction on the part of the respondents are not sustainable and appropriate direction is required to be given in the instant case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to them and there is no alternative remedy available to them.

7. That the applicant further declare that no any such application, writ petition or suit is pending before this Tribunal or any other Tribunal or any other authority / Court.

8. RELIEFS SOUGHT:

Under the facts and circumstances stated above, the applicants most respectfully pray 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 the records, be pleased to grant the following reliefs to the applicants:

Contd.../-

(1) Sajid Kumar Das
(2) Misra Kanti
Narasimha
(3) Jyoti May Das

18

- 14 -

- (i) To direct the respondents to extend similar benefits as has been extended to the casual labourers of the Department of Posts vide ANNEXURE-3 to the applicants working as casual labourers in the office of the S.D.O., (Telegraph) Karimganj and the S.D.E. (BSNL), Badarpurghat respectively under the General Manager B.S.N.L., Silchar S.S.A Silchar of Assam Telecom Circle. The aforesaid benefits be extended to the aforesaid applicants with retrospective effect i.e. with effect from the date from which the casual labourers of the Department of Posts have been extended with the said benefits.
- (ii) That the applicant Nos. 1, 2 & 3 be granted with the temporary status as has been extended to the Casual Labourers of the Department of the Posts and as also under Annexure-3 letter dated 01-11-1995 i.e. the target date 22-06-1988 be extended upto 10-09-1993 as has been extended in respect of casual labourers of the Department of Posts.
- (iii) Cost of the application.

COULD.../-

-15-

① Sajid Kumar Das.
② Arjun Kumar
③ Jyotirmay Das
Narasimha

19

(iv) any other benefit or benefits to which aforesaid applicants may be extended to and as may be deemed fit and proper.

9. INTERIM ORDER PRAYED:

Pending disposal of this application, the applicants pray for an interim direction to the Respondents that the applicants should not be ousted from their services.

10. The application is filed through Advocates.

11. PARTICULARS OF THE I.P.O. (Rs.50/-)

11.1: I.P.O. No: 206 JJ7275.

11.2: Date : 05/01/2005.

11.3: Payable : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the INDEX.

Contd.../-

(1) Sajal Kumar Das.
(2) Mrinal Kanti Namasudra

29

VERIFICATION

We, (1) Shri Sajal Kumar Das, S/o. Late Lalit Mohan Das, resident of village - Siddeswar, P.O. Katigorah, Dist.- Cachar, Assam and (2) Shri Mrinal Kanti Namasudra, S/o. Shri Mantu Kumar Namasudra, village - Balidhara, P.O. Latu, Dist.- Karimganj, Assam, the applicant No.1 & 2 do hereby verify and state that the statements made in paragraphs 1, 2, 3, 4.1, 4.2, 4.5, 4.8, 4.9, 4.12, 4.13, 4.14, 4.15, 4.16 are true to our knowledge and those made in paragraphs 4.3, 4.4, 4.6, 4.7, 4.10, 4.11 - - - - - are true to our legal advice and we have not suppressed any material facts.

And we sign this verification on this the 6th day of Jan. December' 2004. 2005.

Sajal Kumar Das

SAJAL KUMAR DAS

Mrinal Kanti Namasudra

MRINAL KANTI NAMASUDRA

VERIFICATION

I, Shri Jyotirmoy Das, S/O. Sri Jyotindra Ch. Das, Vill. Bakrihawar, P.O.Kalinagar, Dist. Hailakandi, Assam, as the applicant No.3 do hereby verify and state that the statements made in paragraphs 1,2,3,4,1,4.2,4.5,4.8,4.9,4.12,4.13,4.14,4.15,4.16,4.17,4.18,4.19,4.20,4.21,4.22,4.23,4.24,4.25,4.26,4.27,4.28,4.29,4.30,4.31,4.32,4.33,4.34,4.35,4.36,4.37,4.38,4.39,4.40,4.41,4.42,4.43,4.44,4.45,4.46,4.47,4.48,4.49,4.50,4.51,4.52,4.53,4.54,4.55,4.56,4.57,4.58,4.59,4.60,4.61,4.62,4.63,4.64,4.65,4.66,4.67,4.68,4.69,4.70,4.71,4.72,4.73,4.74,4.75,4.76,4.77,4.78,4.79,4.80,4.81,4.82,4.83,4.84,4.85,4.86,4.87,4.88,4.89,4.90,4.91,4.92,4.93,4.94,4.95,4.96,4.97,4.98,4.99,5.00 are true to my knowledge and those made in paragraphs 4.3,4.4,4.6,4.7,4.10 and 4.11 are true to my legal advice and I have not suppressed any material facts.

And I sign this verification on this the 6th day of ~~December'2004.~~ January, 05.

Jyotirmoy Das

ANNEXURE-1

Absorption of Casual Labours
Supreme Court directive Department of Telecom to take back
all Casual Mazdoors who have been discharged after 30.3.1985

In the Supreme Court of India
Civil Original Jurisdiction

Writ Petition (C) No. 1280 of 1989

Ram Gopal & Ors. Petitioners

-Versus-

Union of India & Ors. Respondents

With

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

Jant Singh & Ors. etc. etc. Petitioners

-Versus-

Union of India & Ors. Respondents

ORDER

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

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

By the said Judgment this Court said :

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

Certified to be
a true copy.
J. Des, Advocate

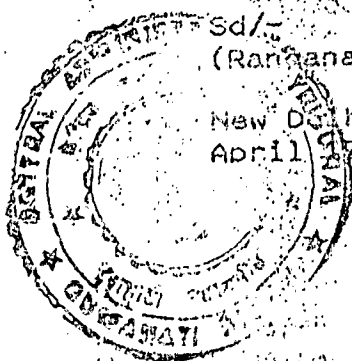
Annex. 1 contd.

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

Sd/-
(Ranganath Misra) J.

Sd/-
(Kuldeep Singh) J.

New Delhi
April 17, 1990.



[Handwritten signature]

ANNEXURE-2

CIRCULAR NO. 1
Government of India
Department of Telecommunications
STN Section

New Delhi 7.11.89

No. 269-10/89-STN

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

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

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

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

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

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

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

In a True Copy

T. Das

Adm. Secy.

4. The scheme furnished in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No. SME/78/89 dated 27.2.89.

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

Sd/-
ASSISTANT DIRECTOR GENERAL (STN)

COPY TO :

P.S. to MDS(C)

P.S. to Chairman, Telecom Commission

Member (S)/Adviser (HRD), GM (Est), GM (IR) for information

MCG/SEA/TE-II/IPS/Admn I/CSE/PAT/SPS-1/SR Secs.

All recognised Unions/Associations/Federations.

Sd/-
ASSISTANT DIRECTOR GENERAL (STN)



Acted per

ANNEUXRE

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

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

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

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

4. The provisions in the Scheme would be as under :

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

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

Temporary Status

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

Annex. 2 contd.

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

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

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

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

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

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

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

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

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

vi) Until they are regularised, they would be entitled to Productivity Linked Bonus only at rates as applicable to casual labour.



Page 27

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

8. Despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947 on the ground of availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

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

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



Handwritten signature or initials.

NO. 269-4/93 STN- II
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
STN Section

Dated New Delhi, 17 Dec. 1993

To,
All Heads of Telecom. Circles/Metro Telecom. Divs.
All Heads of other Administrative Offices,
All Heads of Mtee- Regions/Project Circles.

Subject: Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme, 1989 engaged in Circles
after 30.3.85 and upto 22.03.86.

Sir,

I am directed to refer to this office order No. 269-4/93-STN dated 28th June, 1993, where in orders were issued to extend the temporary status to all these Casual Mazdoors who were engaged in the Project Circles/Electrification Circles, during the period 31.3.85 to 22.6.86 and who were still continuing for such work where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of the above said orders.

The matter has further been examined in this office and it is decided that all those Casual Mazdoors who were engaged by the Circles during the period from 31.3.85 to 22.6.86 and who are still continuing for such work in the Circles where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the above said Scheme.

3. The engagement of Casual Mazdoors after 30.3.85, in violation of the instructions of the Head Quarter, has been viewed very seriously & it is decided that all past cases wherein recruitment has been made in violation of instructions of the Head Quarter dtd. 30.3.85 should also be analysed and disciplinary action be initiated against defaulting Officers.

4. It has also been decided that engagement of any Casual Mazdoors after the issue of this order should be viewed very seriously and brought to the notice of the appropriate authority for taking prompt and suitable action. This should be the personal responsibility of the Heads of Circles, concerned Class II Officers and amount paid to such Casual Mazdoors towards wages should be recovered from the person who has recruited/engaged Casual Labour in violation of these instructions.

Copy
J.S.S.
1/16

.....2/

ANNEXURE - 4

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

No. 66-52/92-SPB/1 Dated. 1.11.95

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

The question of extending the benefits of the scheme to those full time casual labourers who were engaged recruited after 29.11.89 has been considered in this office in the light of the judgement of the C.A.E. Renakulam Brenoli Erakulam delivered on 10-3-95 in O.A. NO 750 / 1994 .

It has been decided that full time casual labourers recruit after 29-11-89 and upto 10-9-93 may also be considered for the grant of benefits under the Scheme .

(2) This issues with the approval of S.O. IS and P.A. vide Dy. No. 2123/95 dated 9-10-95.

To be a True Copy

J. Sas
Advocate

31

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 299 of 1996

302 of 1996.

Date of order: This the 15th Day of August, 1997.

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

O.A.No. 299 of 1996

All India Telecom Employees Union
Line Staff and Group 'D'
Assam Circle, Guwahati & another

Applicants

- Versus -

Union of India & Ors.

Respondents.

O.A.No. 302 of 1996.

All India Telecom Employees Union
Line Staff and Group 'D'
Assam Circle, Guwahati & another

Applicants

- Versus -

Union of India & Ors.

Respondents.

Advocate for the applicants: S/Shri B.K. Sharma
S. Sharma.

Advocate for the respondents: Shri A.K. Choudhary,
S.C.

ORDER

ISSUED BY (S.C.)

Both the applications involve common questions of law and similar facts. In both the applications the applicants have prayed for a direction to the respondents to give them certain benefit which are being given to their counter parts working in the postal department. The facts of the cases are:

O.A.301/96 has been filed by All India Telecom

Emps. Union, Line Staff and Group 'D', Assam Circle,

represented by the Advocate Shri J.H. Mishra and

also Shri Krun Pradhan, a Casual Labourer in the office

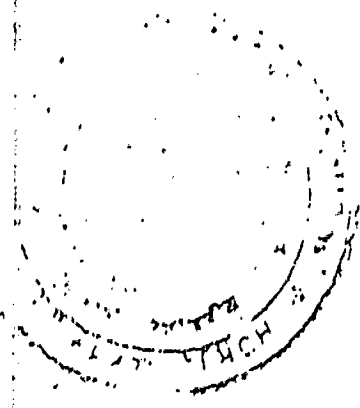
Contd... 2

J. Das

1997

of the Divisional Engineer, Guwahati. In O.A.299/96, the case has been filed by the same Union and the applicant No.2 is also a casual labourer. The applicant No.1 in O.A.299/96 represents the interest of the casual labourers referred to in Annexure-A to the Original Application and the applicant No.2 is one of such casual labourers mentioned in Annexure-A. Their grievances are as follows:

They are working as casual labourers in the Department of Telecom under Ministry of Communications. They are similarly situated with the casual labourers working in the postal department under the same Ministry. Similarly the members of the applicant No.1 are also casual labourers working in the telecom department. They are also similarly situated with their counter parts in the postal department. They are working as casual labourers. However, the benefit which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicant Union. The applicants state that pursuant to the judgment of the Apex Court in Daily Rated Casual Labourers employed under P&T Department vs. Union of India & Ors. reported in (1980) 1 SCC 122 the apex Court directed the Department to prepare a scheme for absorption of the Casual Labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunications, before the apex Court praying for direction to give similar benefits to them as was extended to the casual



- 3 -

labourers of department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers (supra). The Apex Court, after considering the entire matter directed the department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communications prepared a scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme" on 21.11.1989. Under the said scheme certain benefits had been granted to the casual labourers such as conferment of temporary status, wages and daily rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.1993 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the Casual Labourers engaged during the period from 11.3.1985 to 22.6.1986. On the other hand, the career labourers working in the department of Posts as on 21.11.1989 were eligible for temporary status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.5.1995 passed in O.A.No. 110/94. Pursuant to that judgment, the Government of India issued a letter dated 1.11.1995 conferring the benefit of temporary status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communications also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not yet been disposed of. Hence the present applications.

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

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

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

TRUE COPY

(Sd/-)

317 - vice-chairman

[Handwritten signature]

26/3/98

प्रार्थना के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटो की अवधि रखा सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and photos.	अवधि स्टाम्प और फोटो देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जहाँ इसे के लिए प्रतिनिधि देया थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
21/1/04	21/1/04	21/1/04	21/1/04	21/1/04

IN THE CAUHATI HIGH COURT

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

CIVIL APPELLATE SIDE

Appeal from

Civil Rule ☒

No. 3007 of 1978

Union of India & Ors.

Appellant
Petitioner

Versus

C.A.T. Garhote Ranch & Ors.

Respondent
Opposite-Party

Appellant
For
Petitioner

Mr. K. N. Choudhury

Respondent
For
Opposite-Party

Noting by Officer or
Advocate

Serial
No.

Date

Office notes, reports, orders or

True Copy
J. Das
Advocate

2.

IN THE MATTER OF:

1. Union of India - represented by
the Secretary,
Ministry of Tele-communication,
Govt of India, New Delhi.
2. The Director General,
Department of Tele-communication,
New Delhi.
2. The Chairman,
Telecom Commission, New Delhi.
4. The Chief General Manager(Telecom),
Assam Telecom Circle,
Ulubari, Guwahati-7.

Gauhati High Court .. Petitioners.

-VERSUS-

1. Central Administrative Tribunal,
Guwahati Bench, Guwahati.
2. All India Telecom Employees Union,
Line: Staff and Group 'D',
Assam Circle, Guwahati - represented
by Circle Secretary, Shri JN Mishra.
3. Sri Niranjan Kalita,
Casual Labourer in the office of
SDO(West-I), Guwahati.

.. Respondents.

....3/-

Office of Advocate

Serial
No.

Date

Office notes, reports, orders or proceedings
with signature

Present

Hon'ble Chief Justice (Acting) Mr. HC Jain
Hon'ble Mr. Justice PC Patkar

6.1.99:

This writ ^{petition} appeal in our considered view,
deserves to be dismissed as unavailing. By the
impugned order, the Central Administrative
Tribunal (CAT) has ordered the conferment of
similar benefits as has been extended to the
casual labourers in the Postal Department and
this has been done after recording a firm finding
that the respondents 2 and 3 were similarly
situated and entitled to the benefit of casual
labourers. There is no aberration in the impugned
judgment.

Finding no merit in the writ petition, the
same is dismissed at the stage of motion.

Sd/- Mr. HC Jain
Chief Justice (Acting)

PIN 6737
21/1/99

Ms. Anurupa Sharma
28.12.2004

o/c.

Page 1

भारत संचार निगम लिमिटेड (बी.एस.एन.एल.)

(भारत सरकार का उद्यम)

कार्यालय : महा प्रबंधक

सिलचार एस.एस.ए. : सिलचार

BHARAT SANCHAR NIGAM LTD. (BSNL)

(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER

SILCHAR SSA : SILCHAR

A meeting with the representatives of NFTE / Silchar District Branch held on 21-08-2002 in the chamber of GM, BSNL/Silchar. The following were present:-

Administrative Side

1. Sri Shrihari Roy, General Manager, BSNL Silchar SSA, Silchar.
2. Sri Tara Chand, DGM(P&A),
3. Sri L. R. Paul, DE (P & A),
4. Sri S. P. Chakraborty, SDE (HRD),
5. Sri J. Datta, SDE (Staff),

Staff Side

1. Sri F. Baidya, Dist. Secretary, NFTE/Silchar
2. Sri S. B. Das, Retd. PI.
3. Sri B. N. Sharma, TM
4. Sri K. C. Das, TM

The GM, BSNL, Silchar welcomed all the participants in the meeting and thereafter, detailed discussions were held item wise, which are summarised as under:-

1. Trade Union Facility in the New Set-up of BSNL.

Meeting will be held with Union regularly. GM gave a patient hearing & expressed the hope that problems will be sorted out through cordial interactions.

2. Functioning of the office of the Divisional Engineer Telegraphs, Karimganj.

DET office is functional with the available staff & meeting up the requirements. Staff strength cannot be increased in view of the policy and has to be managed with the proportionate reduction. Surplus staff in particular cadre is being utilized suitably in other jobs in the interest of service and the staff as well.

3. Status of Silchar SSA.

Current information regarding No. of exchanges/ DEs / Capacity etc. may be supplied, if required. Planning and various development programmes are wide circulated in local newspapers through press release regularly.

J. Das

20.8.02

4. Standards & Duties - Restructures Cadres regarding.

Posting is as per field requirement. Basic training is common for all. Exceptional case of inconvenience on the part of an individual staff may be examined & on his written request the case will be reviewed.

5. Discrimination against Casual Labourers who filed Applications in the Hon'ble CAT Guwahati.

Casual Labour cases are sub-judice and will be decided by the Hon'ble CAT/Court. Any specific case of violation of Rule will be taken care of.

6. Engagement of Labour for job of perennial nature - Sweeping, Cleaning and Security.

Labourers are not engaged by the departmental now a days. Works are done through contractors as per departmental norms and guidelines.

7. Provision for 100 days work in a year - Maladjustment in engagement regarding.

Union is requested to produce copy of the Rules / Rulings. After receipt of the same, the case will be examined.

8. Sanctioned Particulars of staff in jurisdiction of Silchar SSA.

A copy of sanctioned working strength of the staff in SSA will be given to the Union.

9. Supply of copies of orders.

Copies of the orders / circulars relating to staff matters will be supplied to Union.

10. Maintenance of Telephone Exchange in Rural Area.

Norms exists but because of shortage norms cannot be followed. Shortage is equitably distributed.

11. Deserted Manual Exchange (Local) Building standing & looking ugly and eyesore - needs demolition.

The demolishing of the old structure and construction of administrative building has been planned for. This will be done in the appropriate time after getting approval for demolition.

12. Justification of Staff in all cadres, posting of justified staff.

Justification sent to Circle Office. Revised sanction also received for some of the cadres. The status is reflected in the sanctioned & working status being given to the union in accordance with item 8.

13. Provision of Dormitory / Sitting room with furniture & water filter to all exchanges, recreation club with 10 sitting accommodation and TV set GMT's Office, Silchar and Karimganj.

The matter will be discussed with DET/Karimganj. Proposal should come from DET/Karimganj.

14. Regularisation of DRMs recruited after 31-03-1985, regularisation of part-time workers and introduction of MR instead of ACG-17.

The cases are subjudice. Cannot be discussed / minuted.

15. Unsatisfactorily functioning of Langting, Harangajao, Maibong and Mahur Exchanges.

Media upgradation work is in progress.

16. Favouritism and partiality shown to a set of certain employees by few officers with a view to creating discord amongst other employees and undermining the strength of this Union.

SDO/SDE is responsible for the Service of the respective exchanges under his control. Comment of SDE Patherkandi is required.

Case will be examined in consultation with SDE/Patherkandi.

Observation / comment of Union will be forwarded to SDE/Patherkandi for his comment.

SOP

Divisional Engineer (P & A)
O/O the GM, BSNE /Silchar.

No. G-99/NFTE/2002-2003/6

Dated at Silchar, the 25-11-2002.

Copy to: -

1. All DEs/CAOs of Silchar SSA.
2. All SDOs/SDEs/AOs of Silchar SSA.
- ✓ 3. The Dist. Secretary, NFTE, Silchar Dist. Branch, Silchar.

SOP
25/11/02
Divisional Engineer (P & A)
O/O the GM, BSNE /Silchar.

OFFICE OF THE CHIEF MANAGER, ASSAM TELECOM CIRCLE
(A Circle of India Telephones)
OFFICE OF THE CHIEF MANAGER, ASSAM TELECOM CIRCLE
GUWAHATI-781007

Minutes of the Meeting with NFTE, BSNL

Meeting held on 5th MAY, 2003.

NO. 41/1/02	Dated	the 20 th May, 2003.
-------------	-------	---------------------------------

The first Circle Council meeting of Assam Telecom Circle was held on 5th May, 2003 at 10:00 hr. in the Conference Hall of the Circle Office, under the Chairmanship of Shri B. K. Sinha, Chief General Manager, Assam Telecom Circle, BSNL, Guwahati. The following persons were present:-

Management Side

1. Shri B.K. Sinha, CGM
2. Shri H. H. Banerjee, GM (D)
3. Shri A. K. Sahu, DGM (A)
4. Shri A. K. Chellong, AGM (A)
5. Shri M. C. Modak, ADT (Welfare)
6. Shri R. C. Das, ADT (Legal)

Staff Side

1. Shri R. G. Roy, Leader
O/o the SDOT, Kamrup (H)
Maligaon, Guwahati-12
2. Shri Pratulla Ch. Baisya
Secretary, C.C.
3. Shri Khamir Ali, Member
4. Shri Kailash Mooka, Member
5. Shri Dulal Ch. Roy, Member
6. Shri S. B. Das, Member
7. Shri P. Baidya, Member
8. Shri H. C. Borah, Member
9. Shri P. K. Roy, Member

Following is the gist of the discussions that took place.

The Chairman, Shri B. K. Sinha, welcomed all the members and after introduction, wanted to take up the agenda points for discussions.

Mr. Khamir Ali, Member from Staff Side, raised objection about the Circle body nominated by Shri C.P. Gupta, Secretary General, NFTE and pointed out that it is not a valid body because it includes names some of whom are not members as they have not paid their subscriptions and wanted for discussions of agenda points only after a decision from the Chair.

Sharp exchanges of words took place between Mr. Ali and the Leader of Staff Side and Mr. Ali requested the Chairman to extend time for one week to sort out this issue and to hold this meeting at a later date.

The Chairman stated that this is not within the purview of the Chair and referred to the nomination letter from the Secretary General, Shri C.P. Gupta wherein names of the office bearers have been clarified and Shri R. G. Roy is shown as Leader of the Circle Council.

Finally, the following agenda points were taken up for discussion:-

Certified to be
a true copy
J. Das, Advocate.

ITEM	Action By
<p>1. Non-Implementation of CAT, Guwahati Bench Order in OA No. 299/96 passed on 13.8.97.</p> <p>Comments</p> <p>Staff side pointed out that Court Cases are pending for long and the applicants are suffering badly for undue delay in settlement.</p> <p>Orders in OA No. 299/96 passed on 13.8.97 for absorption of 16 casual mazdoors of Hallong and 16 retrenched TSMs of Karimganj but the order is not yet implemented.</p> <p>Also the order in OA No. 289/99 and OA No. 6/2001 have not been implemented.</p> <p>It was also pointed out that retrenched Casual Mazdoors under Kamrup SSA are yet to be reinstated.</p> <p>The Chairman informed the staff side that the verdict on OA No. 299/97 has been challenged before the Guwahati High Court.</p> <p>He stressed the need for getting the Court cases settled at the earliest. Monitoring has to be made as to why cases are delayed.</p> <p>As for OA No. 6/2001, it was informed that re-verification report has not yet received from SSAs despite issuance of several reminders.</p> <p>The Chairman wanted that a separate report of such cases may be prepared and be discussed with the CGMT with the concerned officer of the SSA. For this purpose, separate date may be fixed.</p> <p>The Chairman informed that cases are re-verified for retrenched Casual Mazdoors of Kamrup SSA and accordingly either granted TSM or reasoned orders issued.</p> <p>Staff side was requested to present specific cases alongwith the relevant details for Kamrup SSA.</p>	<p>DGM (A)</p> <p>GM (Silchar)</p>
<p>2. Recognition of Private Hospitals for treatment of BSNL Employees.</p> <p>Staff side requested the Management to identify and select some good private Hospitals and wanted that action should be taken immediately for the needful.</p> <p>The Chairman informed that recent guidelines dated 22.4.2003 has been received from the BSNL / HQ. on the subject. The same has been circulated to all concerned.</p> <p>The empanelment of private hospitals is being re-processed according to the new guidelines.</p>	<p>DGM (A)</p>
<p>3. Non-supply of Raincoats to eligible staff</p> <p>The Staff side pointed out that Raincoats have not been supplied to eligible staff for many years.</p> <p>The Chairman informed that orders for supply of Raincoats have already been issued vide Circle Office letter No. UNST-73/Raincoat/51 dated 7.3.2003 to all the SSA's and also being the receipt.</p> <p>Compliance report from the SSA's may be obtained.</p>	<p>DGM (A)</p> <p>SSA Heads</p>

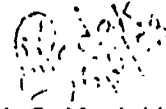
<p>4. Service of Safaiwala in different offices/Exchanges</p> <p>Staff Side indicated that essential service of Safaiwala in Exchanges, Offices and Staff Quarters is not available and requested for providing the same to such places where it is absolutely necessary.</p> <p>The Chairman informed that as per requirement and norms, the services of Safaiwala is being made available. However, instructions may be issued to SSA heads for the needful.</p>	<p align="center">SSA Heads</p>
<p>5. Seating arrangement in different Offices of BSNL</p> <p>Staff side pointed out that in most of the offices there is no proper seating arrangement for the staff and cited example of CGMT office and GM-Kamrup Office and requested to shift Circle Office to newly constructed bldg. at Panbazar so as to provide GM/KTD with required space at the Ulubari existing building.</p> <p><i>The Chairman informed that the case has already been taken up in the Civil Wing for completion of the construction at the early stage. The Circle Office will be shifted to Panbazar as when the new building is made over by the Civil Wing.</i></p>	<p align="center">Civil Wing</p>
<p>6. Trade Union facilities to the representative Union of Assam.</p> <p>Staff side requested for providing at the earliest</p> <ul style="list-style-type: none"> - accommodation for the Union in the Circle office as well as in SSA Branches, - Service Telephone connections, and - Notice Boards <p>This is as per instructions from the BSNL / HQ.</p> <p>They wanted Union accommodation specifically at Panbazar, and wanted to make available by allotting Staff Quarters or alternate accommodation at that area.</p> <p>The Chairman informed that trade union facilities are in the process of being provided.</p> <p>SDE (Bldg), Circle Office informed that there is no vacant Departmental quarter at Panbazar. <i>He proposed for alternate accommodation at the location of preference on rent basis and requested the Staff side to come with proposals.</i></p>	<p align="center">DGM (A) Staff side</p>

The meeting concluded with the vote of thanks.

Copy forwarded for information & necessary action to :-

- 01-06. The GMTD/Kamrup, Guwahati/Silchar/Dibrugarh/Jorhat/Tezpur/Bongaigaon
- 07. The GM(Dev & Admn.), Circle Office, Guwahati
- 08-09. The CE(Civil), Ulubari, Guwahati/CE(Electt.), Uzanbazar, Guwahati
- 10. The TDM, Nagaon
- 11. The DGM(Admn.), Circle Office, Guwahati
- 12. The AGM(Admn.), Circle Office, Guwahati
- 13-15. The ADT(Staff)/ADT(Welfare)/ADT(Legal), Circle Office, Guwahati
- ✓ 16. All members present in the meeting

*Shri S. B. Das, Retd. P. &
Member CC, NFTEBSNL,
Jorn. Idgah Rd, Karingpary
P.O. Distt. - Karingpary
Pin - 785710*


 (M. C. Modak)
 ADT(Welfare)

BHARAT SANCHAR NIGAM LTD. (BSNL)

(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER

SILCHAR SSA :: SILCHAR

Minutes of the LOCAL COUNCIL meeting held on 14th August 2005 with the representatives of NFTE BSNL, Silchar in the chamber of GMTD, BSNL/Silchar. The following were present: -

Management Side Members	Staff Side members		
	Name	Designation	Status in L.C.
GMTD BSNL, Silchar - Chairman	1. Sri Hrishikesh Dutta,	Sr. SS	Secretary
DGM (F), O/O GM, BSNL/SC - Member	2. Sri Phanindra Baidya,	LM-III	Leader
DE (Admn.), O/O GM, BSNL/SC - Member	3. Smt. Sibani Gupta	TOA(G)	Member
DE (C&H), O/O GM, BSNL/SC - Member	4. Sri Arjeet Das	C/S	Member
DET/Karimganj - Member	5. Sri S.M. Paul,	LM-III	Member
	6. Sri K.C. Das	TM	Member
	7. Sri S. B. Das	Retd. PI	Member

The GMTD, BSNL, Silchar welcomed all the participants and got introduced with the staff side members. He stressed in the need of good work culture in the organisation and coordinated effort to face the challenges in the competitive arena for the benefit of the department and the staff as well. He also requested the staff members to be friendly with customers in their approaches and dealings to help generating more customers and also expressed the hope that NFTE Local Council will continue to function smoothly and will serve its purpose with the effective cooperation of all.

The Secretary, Local Council also welcomed all and the discussion started as per agenda.

1. Functioning of the office of the Divisional Engineer Telegraphs at Karimganj.

DET office / Karimganj is functional with the available staff and meeting up its purpose of development in the area as per departmental policy and directions of higher authorities.

In the meantime, workload in the Division has considerably increased since its creation. Surplus staff in a particular cadre are being utilized suitably in other jobs in the interest of staff and administration as well.

Copy to be a True Copy

J. Das
Advocate

Contd. to Page - 2

2. **Status of Silchar SSA.**

Status of the SSA regarding No. of exchanges, working connection and other particulars will be supplied to the union. A copy of the status report of Silchar SSA as on 31-03-2003 has been supplied to the Secretary, Local Council in the meeting itself

3. **Standards and duties – violation of prescribed rules in respect of Regular Mazdoors.**

There is no violation of prescribed duties to RMs. However, BSNL's interest stands foremost in duty allotment under the BSNL H/Q's guidelines.

Training is being imparted regularly as per schedule, norms and departmental guidelines received from higher authority from time to time.

Training course computible to RM cadre is offered as per training schedule of Circle Office and seat allotment from the concerned training centre. **Item closed**

4. **Discrimination in the employment of Casual Labourers.**

No discussion can be allowed on this item as per guidelines. It is beyond the purview of the discussion in the Local Council Meeting. (Concept of employment of casual labourer does no longer exists. Such employment / engagement has been totally banned. Reievant circulars circulated from time to time). **Item closed**

5. **Provision of 160 days work in a year – Maladjustment in engagement regarding.**

No such provision exists. In this connection the DOT Circular No. 269-4/93-STN-II (Pt.) dated 12-02-1999 may be referred to. A copy of the circular has been given to the Secretary, Local Council in the meeting itself for information. **Item closed**

6. **Justification of Staff in all cadres & RM and TM in particular, because these 2 cadres are new and restructured respectively.**

Justified / Sanctioned particulars already given to the union.

Justifications of all cadres are worked out every year based on the assets as on 31st March of the respective year. It's a routine job. **Item closed.**

7. **Maintenance of Exchanges : Urban & Rural areas.**

Networks are being managed with the available staff proportionately.

8. **Provision of Dormitory / sitting room with furniture & water filter to all exchanges, recreation club with sitting accommodation and TV set GMT, office, Silchar & Karimganj.**

Dormitory is required where night duty is involved. Sitting arrangement for staff exists in offices and big exchange installations. Small exchanges with 1 / 2 staff does not require separate sitting room as their duties are mainly on external plants during

day hours. TV set provided in recreation club. During office hours TV set is not justified and may have adverse effect on working atmosphere. *Item closed.*

In old exchange compound, Silchar and at Telephone Exchange Karimganj some furniture will be provided on requisition from the officer concerned.

9. **Screening Test for the promotion to the cadre of Junior Telecom officer against 35% quota.**

The matter may be taken up in higher level, i.e. Circle / BSNL HQ. Item closed

10. **Screening Test for promotion to the cadre of "Telecom Mechanic".**

The matter may be taken up in higher level, i.e. Circle / BSNL HQ. Item closed

11. **Filling up of Sanctioned Posts in Group 'C' & 'D' (vacant posts).**

Sanction / working particulars of staff already given to the union. Filling up of vacant posts depends on the departmental policy, decision of which will be taken in the highest level of BSNL. Item closed

- ✓ 12. **Grant of "Temporary Status" to Casual Labourers.**

No such pending case in the SSA. Sub-judice cases cannot be discussed. Moreover, discussion on the item is not within the purview of Local Council. Item closed

13. **Payment of Minimum Rates of wages to Casual or Temporary Workers.**

No Casual Labourer is engaged. Hence the question of payment does not arise. Item closed

14. **Gradation List in respect of RM, LM, SI & TM.**

There have been lot of changes in the feeder cadres of Telecom Mechanic due to restructuring. Gradation list of TM & RM will be updated & will be circulated.

15. **Maintenance of Sanitation & Hygienic condition of Telephone Exchange in Silchar SSA**

No such case. Any specific case may be pointed out for taking appropriate action.

16. **Transfer & posting in respect of the employees belonging to the cadre of RM, LM, SI & TM.**

Absolutely administrative affairs. As per service condition one is liable to be transferred in the service interest.

SDO/SDE is responsible for the services of the respective exchanges under his control.

17. Partially & favouritism shown to certain set of employees of the rival unions by few officers creating discord & disruption amongst the employees to undermine the strength of the recognised union.

Secretary Union was requested to intimate the name of their members with their consent letters for record but nothing received. Proposal from DET/Karimganj will be taken care-of to regularise the transfer & posting cases. Transfer & posting in some cases are inevitable in the service interest.

18. Rotational Transfer of Staff who served more than 4 years in a particular table / section (TOA / SS / SSS etc.).

Action will be taken to the extent possible keeping in view the administrative convenience and the interest of service.

19. Misc. Item.

- (i) Case of Sri Hiranmoy Dey, TTA regarding JTO training

The case seems to be very old. However, representation received from the official, if any, will be examined.

- (ii) Allotment of staff quarter on Out of turn - Case of Smt. Shibani Gupta, TOA (G)

The case will be examined in the light of departmental rules & circulars.

Sd/-

Divisional Engineer (Admn.)
O/O the GM, BSNL/Silchar.

No. G-99/NFTE/2003-2004/ 39

Dated at Silchar, the 28-08-2003.

Copy to: -

1. All DEs/CAOs of Silchar SSA.
2. All SDOs/SDEs/AOs of Silchar SSA.
3. The District Secretary, NFTE Union, Silchar SSA, Silchar.
4. The Secretary / Leader, NFTE Local Council, Silchar SSA, Silchar.

Sd/-
Divisional Engineer (Admn.)
O/O the GM, BSNL/Silchar.

To.

The General Manager,
Bharat Sanchar Nigam Limited,
Silchar SSA
L.B. Road.
Silchar : 788001.

Sub :- Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 engaged in Circles after 30.03.85 and upto 10.09.93.

Sir,

With great respect and humble submission I beg to state as follows:-

20. All India Telecom Employees Union Line Staff and Group-D Assam Circle, Guwahati and another submitted petition to the Central Administrative Tribunal, Guwahati Bench vide Original Application Nos. 299 of 1996 and 302 of 1996 with prayer to direct the Union of India, the Director General, Department of Telecommunication, New Delhi, the Chairman Telecom Commission, New Delhi and the Chief General Manager Telecom, Assam Telecom Circle, Ulubari-7 to give them (Casual Labourers of the Department of Telecommunication) the similar benefit as has been extended to the Casual Labourers working ⁱⁿ Department of Posts. The Hon'ble Central Administrative Tribunal, Guwahati Bench allowed these petitions vide its order dated 13th August, 1997 (copy of which is submitted herewith for ready reference). Against the said orders dated 13.9.97 the Union of India submitted Writ Petition No. 3007 of 1998 in the Hon'ble Guwahati High Court. The Hon'ble High Court, Guwahati by order dated 6.01.1999 (copy submitted herewith) affirmed the said order dated 13.08.1997 passed by the Central Administrative Tribunal, Guwahati Bench. Bharat Sanchar Nigam Limited is the successor-in-interest of the Director General, Department of Telecommunication, New Delhi, the Chairman, Telecommunication, New Delhi and the Chief General Manager, Telecom, Assam Telecom Circle, Ulubari-7 Guwahati - 7. So, You are bound by said order dated 13.08.1997 passed by the Central Administrative Tribunal, Guwahati Bench and order dated 06.01.1999 passed by the Hon'ble Guwahati High Court in Writ Petition No. 3007 of 1998.

30. I served as the casual labourer under the Department of Telecommunication, Govt. of India, New Delhi from 1989. I am still serving as the casual labourer under the Bharat Sanchar Nigam Limited. I now work as casual ~~mark~~labourer in the area ~~nam~~ within the jurisdiction of the S.D.E (BSNL), Badarpurghat (Dist: Keringan).

contd...2

Certified to be
a true copy
J. Das, Advocate

~~Thus~~ I have been working as casual labourer from 1989.

- 4). I am entitled to get Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the Hon'ble Central Tribunal, Guwahati Bench (affirmed by the ~~Guwahati~~ Hon'ble Guwahati High Court vide said order dated 6.01.1999. More than 6(six) years have since elapsed from the date of passing of the said order by the Hon'ble Central Administrative Tribunal, Guwahati Bench but have not been given Temporary Status and Regularisation as yet ~~through the Tribunal~~ although I moved the authority concerned again and again through the Union - BSNL (BSNL) for redress. It may be mentioned here that now I am a member of the Barak Valley Telecom Workers' Union, H.O. Karimganj, registered under the Trade Union Act-1926 and the registered No.2011 dt.22.07.2003.

In the circumstances stated above it is prayed that you would be graciously pleased to give me benefit of Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the ~~same~~ Hon'ble Central Administrative Tribunal, Guwahati Bench in the original Application Nos.299 of 1996 and 302 of 1996 and order dated 06.01.1999 passed by the Hon'ble Guwahati High Court in Writ Petition No.3007 of 1998 with retrospective effect, for which act of your kindness I shall remain ever grateful to you.

Yours Faithfully,

Sajal Kumar Das,

c/o. Late. Lalit Mohan Das.

Encl:-1. Copy of Order dt.13.8.97 passed by Hon'ble CAT, Guwahati Bench.

2. Copy of Order dt.6.1.99 passed by Hon'ble Guwahati High Court.

3. Scheduled Caste Certificate.

4. School Certificate.

Vill : Siddheswar.
PO : Katigarah.
Dt : Cachar.

Copy To :- ~~1.~~ The Chief General, BSNL Assam Circle
Ulubari: Guwahati:781001.

2. CMD (BSNL) New Delhi.

- 46 -

To
The General Manager,
Bharat Sanchar Nigam Limited,
Silchar SSA
L.B. Road.
Silchar : 788001.

Sub :- Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 engaged in circles after 30.03.85 and upto 10.09.93.

Sir,

With great respect and humble submission I beg to state as follows:-

20. All India Telecom Employees Union Line Staff and Group-D Assam Circle, Guwahati and another submitted petition to the Central Administrative Tribunal, Guwahati Bench vide Original Application nos. 299 of 1996 and 302 of 1996 with prayer to direct the Union of India, the Director General, Department of Telecommunication, New Delhi, the Chairman Telecom Commission, New Delhi and the Chief General Manager Telecom, Assam Telecom Circle Ulubari-7 to give them (Casual Labourers of the department of telecommunication the similar benefit as has been extended to the Casual Labourers working ⁱⁿ Department of posts. The Hon'ble Central Administrative Tribunal, Guwahati Bench allowed these petitions vide its order dated 13th August, 1997 (copy of which is submitted herewith for ready reference). Against the said orders dated 13.9.97 the union of India submitted writ Petition No. 3007 of 1998 in the Hon'ble Guwahati High Court. The Hon'ble High Court, Guwahati by order dated 6.01.1999 (copy submitted herewith) affirmed the said order dated 13.08.1997 passed by the Central Administrative Tribunal, Guwahati Bench. Bharat Sanchar Nigam Limited is the successor-in-interest of the Director General, Department of Telecommunication, New Delhi, the Chairman, Telecommunication, New Delhi and the Chief General Manager, Telecom, Assam Telecom Circle, Ulubari-7 Guwahati - 7. So, You are bound by said order dated 13.08.1997 passed by the Central Administrative Tribunal, Guwahati Bench and order dated 06.01.1999 passed by the Hon'ble Guwahati High Court in writ Petition No. 3007 of 1998.

20. I served as the casual labourer under the Department of Telecommunication, Govt. of India, New Delhi from 1989. I am still serving as the casual labourer under the Bharat Sanchar Nigam Limited. I now work as casual ~~work~~ labourer in the area under within the jurisdiction of the S.D.O. T. Karimganj. Dist: Karimganj.

Certified to be
a true copy
J. Das, Advocate

contd...2

- 47 -

5

(2)

Thus I have been working as Casual Labourer from 1989.

- 4). I am entitled to get Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the Hon'ble Central Tribunal, Guwahati Bench (affirmed by the ~~Guwahati~~ Hon'ble Guwahati High Court vide said order dated 6.01.1999. More than 6(six) years have since elapsed from the date of passing of the said order by the Hon'ble Central Administrative Tribunal, Guwahati Bench but have not been given Temporary Status and Regularisation as yet ~~through the Tribunal~~ although I moved the authority concerned again and again through the Union - now NFTE(BSNL) for redress. It may be mentioned here that now I am a member of the Barak Valley Telecom Workers' Union, H.O. Karimganj, registered under the Trade Union Act-1926 and the Registered No.2011 dt.22.07.2003.

In the circumstances stated above it is prayed that you would be graciously pleased to give me benefit of Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the ~~Central~~ Hon'ble Central Administrative Tribunal, Guwahati Bench in the Original Application Nos.299 of 1996 and 302 of 1996 and order dated 06.01.1999 passed by the Hon'ble Guwahati High Court in Writ Petition No.3007 of 1996 with retrospective effect, for which act of your kindness I shall remain ever grateful to you.

Yours Faithfully,

Encl:-1.Copy of Order dt.13.8.97 passed by Hon'ble CAT, Guwahati Bench.

2.Copy of order dt.6.1.99 passed by Hon'ble Guwahati High Court.

3.Scheduled Caste Certificate.

4.School Certificate.

M. Prasad Kant Narasimha
S/o SRI. Manthi Kumar Nama -
(Telecom Mechanic) Shdru
Vill: Balidhara
PO: Latu
Dist: Karimganj

Copy To : 1. The Chief General, BSNL, Assam Circle
 Gubaru: Guwahati-781001.
 2. CND(BSNL)/New Delhi.

The General Manager,
Bharat Sanchar Nigam Limited,
Silchar SSA.
L.B. Road.
Silchar : 782001.

Sub :- Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme, 1989 engaged in circles
after 30.05.85 and upto 10.09.93.

Sir,

With great respect and humble submission I beg to state
as follows:-

27. All India Telecom Employees Union Line Staff and Group-D
Assam Circle, Guwahati, and another submitted petition to the Ce-
ntral Administrative Tribunal, Guwahati Bench vide original App-
lication Nos. 299 of 1996 and 302 of 1996 with prayer to direct
the Union of India, the Director General, Department of Telecomm-
unication, New Delhi, the Chairman Telecom Commission, New Delhi
and the Chief General Manager Telecom, Assam Telecom Circle Ulu-
bari-7 to give them (Casual Labourers of the Department of Tele-
communication the similar benefit as has been extended to the
casual Labourers working Department of Posts. The Hon'ble Cent-
ral Administrative Tribunal, Guwahati Bench allowed these petitions
vide its order dated 13th August, 1997 (copy of which is submitted
herewith for ready reference). Against the said orders dated 13.8.97
the Union of India submitted Writ Petition No.3007 of 1998 in the
Hon'ble Guwahati High Court. The Hon'ble High Court, Guwahati
by order dated 6.01.1999 (copy submitted herewith) affirmed the
said order dated 13.08.1997 passed by the Central Administrative Tribunal,
~~Guwahati~~ Guwahati Bench. Bharat Sanchar Nigam Limited is the succ-
essor-in-interest of the Director General, Department of Telecommi-
cation, New Delhi, the Chairman, Telecommunication, New Delhi and
the Chief General Manager, Telecom, Assam Telecom Circle, Ulubari-7
Guwahati - 7. So, you are bound by said order dated 13.08.1997
passed by the Central Administrative Tribunal, Guwahati Bench and
order dated 06.01.1999 passed by the Hon'ble Guwahati High Court
in Writ petition No.3007 of 1998.

34. I served as the casual labourer under the Department of Tele-
communication, Govt. of India, New Delhi from 1989. I am still
serving as the casual labourer under the Bharat Sanchar Nigam Limi-
ted. I now work as casual labourer in the area ~~within~~ ^{Badarpur, Guwahati} within
the jurisdiction of the S.D.E (BSNL), ~~Guwahati~~, Dist: Karimganj.

contd....2

T. Das

I have been working in Casual Labourer from 1989.

1) I am entitled to get Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the Hon'ble Central Tribunal, Guwahati Bench (affirmed by the Hon'ble Guwahati High Court vide said order dated 6.01.1999. More than 6(six) years have since elapsed from the date of passing of the said order by the Hon'ble Central Administrative Tribunal, Guwahati Bench but have not been given Temporary Status and Regularisation as yet although I moved the authority concerned again and again through the Union - now NFTE(BSNL) for redress. It may be mentioned here that now I am a member of the Barak Valley Telecom Workers' Union, H.O. Karimganj, registered under the Trade Union Act-1926 and the Registered No 2011 dt.22.07.2003.

In the circumstances stated above it is prayed that you would be graciously pleased to give me benefit of Temporary Status and Regularisation as per said order dated 13.08.1997 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in the Original Application Nos.299 of 1996 and 302 of 1996 and order dated 06.01.1999 passed by the Hon'ble Guwahati High Court in Writ petition No.3007 of 1998 with retrospective effect, for which act of your kindness I shall remain ever grateful to you.

Jyotindra Ch Das
Yours faithfully,

- Encls:- 1. Copy of order dt.13.8.97 passed by S/O ER Jyotindra Ch Das
Hon'ble CAT, Guwahati Bench.
2. Copy of order dt.6.1.99 passed by Vll: Bakrihawa
Hon'ble Guwahati High Court. P.O. Karimganj
3. Scheduled caste certificate. W. H. Karimganj
4. School Certificate.
5. Employment Exchange Card, Manager,
copy To - The Chief General, BSNL Assam Circle
Ulubari, Guwahati: 781001.
2. CMD(BSNL) New Delhi.

The General Manager,
Phonot. Sanchar Nigam Limited.
Silchar SSA, P.O.: Silchar,
Dist : Cachar.

Sub :- Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme -39 engaged in Circles
after 30.03.85 & upto 10.09.93.

Ref: - My Representation dated 04.02.2004.

Sir,

I beg to invite a reference to my 'Representation' which
was submitted on 17.03.04 along with true copies of the 'Orders'
in O.A.No.299/96 dt.13.08.97 and W.P.No.3007/93 dt.06-01-1999
in regard to Grant of Temporary Status. and also I beg to state
that more than ^{one} month has elapsed since the submission of the sa-
id representation, but it is regretted that I have not been fa-
voured with any reply as yet.

Hence the reminder made accompanied by original representa-
tion dt.04.02.04.(enclosed for ready reference).

Therefore, I crave and pray that your honour would be ge-
nerously pleased to look into the matter in the light of the sa-
id orders so that I may be granted the 'Temporary Status'.

And for which act your kindness I shall ever remain gra-
teful to you.

Date. Karimganj
17th May 2004.

Encls - 2 (two) enclosed.

Yours Faithfully

Sd/- Muneer Dns.
S/o Late - 1/ Mr. Muneer Dns.
Vill - Sickle sivar
P.O - Katigorah
Dist - Cachar.

Certified to be a True Copy
J. Dns
Advocate

To
The General Manager,
Bharat Sanchar Nigam Limited,
Silchar SSA, P.O : Silchar.
Dist : Cachar.



Sub :- Casual Labourers (Grant of temporary status
and Regularisation) Scheme-89 in Circles after
30.03.85 and upto 10.09.93.

Ref :- My Representation dt.17.03.04 .

Sir,

I beg to invite a reference to my representation which was submitted on 17.3.04 along with true copies of the orders in O.A.No.293/96 dt.15.6.91 and W.P.No.3007 of 06.01.1999 in regard to grant of temporary status and also I beg to state that more than one month has passed since the submission of the said representation, but it is regretted that I have not been favoured with any reply as yet.

Hence the reminder made accompanied by the original representation dt.17.03.04 copy of which is enclosed herewith for ready reference.

Therefore, I crave and pray that your honour would be graciously pleased to look into the matter in the light of the said orders so that I may be granted the Temporary status.

And for which act of your kindness I shall ever remain grateful to you.

Dated Karimganj...

The... 21/06/04.

Encl:-Representation dt.17.3.04

Yours Faithfully,

[Signature]

S/o. Mr. K. K. Namaste
Vill: Balidharan
P.O. Latm

At Karimganj

J. S.

to

The General Manager,
Bharat Sanchar Nigam Limited
Silchar SSA, P.O.: Silchar,
Dist : Cachar.

Sub :- Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme -89 engaged in Circles
after 30.03.85 & upto 10.09.93.

Ref:- My Representation dated 17.03.2004.

Sir,

I beg to invite a reference to my 'Representation' which
was submitted on 17.03.04 along with true copies of the 'Orders'
in O.A.No.299/96 dt.13.08.97 and W.P.No.3007/98 dt.06-01-1999
in regard to 'Grant of Temporary Status' and also I beg to state
that more than ^{one} month has elapsed since the submission of the sa-
id representation, but it is regretted that I have not been fa-
voured with any reply as yet.

Hence the reminder made accompanied by original represen-
tation dt.17.03.04.(enclosed for ready reference).

Therefore, I crave and pray that your honour would be gr-
aciously pleased to look into the matter in the light of the sa-
id orders so that I may be granted the 'Temporary Status'.

And for which act your kindness I shall ever remain gra-
teful to you.

Date. Karimganj.

The 17th May 2004.

Encls :- 2(two) sheets.

Yours Faithfully

Jyoti May Das
S/o Sri Jyotiendra Das
Vill - Bakriharwar - Pt II
P.O - Kalirajpur
Dt - Hailakandi

C. K. J. Copy
J. Das
20/05/04

1. SRI. Prufulla Ch. Das.
2. " Sudhir Barman
3. " Kamal Malakar.
4. " Jamsul Alam.
- ✓ 5. " Jyoti-moy Das.
- ✓ 6. " Sajal K. Das.
7. " Kushal K. Das.
8. " Dipendu Malakar.

