

FROM NO. 4.  
( Sec. Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. original Application No. 81/06
2. Misc Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(s) Badal Chakrabarti Form

Respondents U.O.I Form

Advocate for the Applicant(s) M. Chanda, B.N. Chakrabarti, S. Nath

Advocate for the Respondent(s) Café

Notes of the Registry	Date	Order of the Tribunal
	05.04.2006	Present : Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

The application is in form  
is filed in Rs. 50/-

Deposited in the  
No. 264 322941

Date 27.3.06

[Signature]  
Dy. Registrar

[Signature]

[Signature]  
4-4-06

Steps taken.

[Signature]  
4/4/06  
Pl. comply order dtd  
5-4-06.

[Signature]  
6-4-06

Notice & order sent to  
D/section for issuing to  
resp. nos. 1 to 5 by  
regd. A/D post.

mb

[Signature]  
10/4/06. D/No-456 to 460  
Dt:- 19/4/06.

Heard Mr. M. Chanda, learned  
counsel for the applicant.

Issue notice to the respondents.  
Post on 22-05-2006. The respondents  
are at liberty to file reply statement.

By way of interim order, as  
prayed by learned counsel for the  
applicant, pendency of this application, shall  
not be a bar for the respondents to  
consider the case of the applicant.

[Signature]  
Vice-Chairman

23.5.2006

Four weeks time is granted to the respondents to file reply statement as requested by Ms.U.Das, learned Addl.C.G.S.C.

Post on 27.6.2006.

Vice-Chairman

bb

27.06.2006

Ms U. Das, learned Addl. C.G. S.C. for the respondents submitted that she will be filing reply statement tomorrow.

Post on 13.07.2006. In the meantime, the learned counsel for the applicant is at liberty to file rejoinder, if any.

Vice-Chairman

mb

13.07.2006

Learned counsel for the applicant submitted that he has received copy of the reply statement and would like to file rejoinder.

Post on 01.08.2006.

Vice-Chairman

Learned counsel for the applicant wanted to file rejoinder. Let it be done.  
Post on 22.08.2006.

Vice-Chairman

Member

mb

19-5-06

① Service report  
Received

Notice duly signed  
on resp. no. 1,2.

26-6-06

No W/S has been  
filed.

29.6.06

W/S. filed by  
the respondents.

No Rejoinder has  
been filed.

12.7.06.

31-7-06

① W/S has been  
filed.

② No Rejoinder has  
been filed.

No Rejoinder has been  
filed.

27.8.06

22.08.2006

Learned Counsel for the Applicant wanted to file rejoinder. Let it be done.

Considering the issue involved, I am of the view that the O.A. has to be admitted. Admit.

Post on 22.09.2006.

Vice-Chairman

/mb/

22.9.06.

Counsel for the applicant wanted to filed rejoinder and he prays for time. Let it be done. Post the matter on 22.11.06.

Vice-Chairman

lm

22.11.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice - Chairman.

Post on 13.12.2006. In the meantime, as a matter of last chance, the Applicant may file rejoinder.

Vice-Chairman

/mb/

13.12.06.

Post the matter before the Division Bench.

lm

Vice-Chairman

21.3.07.

Counsel for the applicant prays for adjournment for his personal difficulty. Post the matter on 26.4.07.

Member

Vice-Chairman

lm

No Rejoinder has been filed.

ms  
21.9.06

No Rejoinder has been filed.

ms  
21.11.06.

No rejoinder has been filed.

ms  
12.12.06.

No rejoinder has been filed.

ms  
20.3.07.

26.3.07

Rejoinder filed by the Applicant. Page- 1 to 5. CH

The case is ready for hearing.

ms  
6.5.08.

O.A-81/06

07.05.2008

Call this matter on 05.06.2008.

lm

(Khushiram)  
Member(A)

(M. R. Mohanty)  
Vice-Chairman

Page Break

The case is ready  
for hearing.

3  
4.6.08:

05.06.2008

For the reasons recorded separately,  
the O.A. stands disposed of.

lm

(Khushiram)  
(Member(A))

(M. R. Mohanty)  
Vice-Chairman

18/6  
DD Case

no. 109

13.12.2008. Judgment was passed.

22.7.09

Judgment passed  
vide D/Nos 2929 to  
2937 dt 23.6.08  
to the Applicants and  
Respondents

Kh

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

O.A. No. 81 of 2006

DATE OF DECISION 05.06.2008

Sri Badal Chakraborty & others

.....Applicant/

Mr. M.Chanda

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.M.U.Ahmed, Addl.C.G.S.C

..... Advocate for the  
Respondents

CORAM

**THE HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN  
THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER**

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No ☒
2. Whether to be referred to the Reporter or not? Yes/No ☒
3. Whether their Lordships wish to see the fair copy No ☒

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

**Original Application No.81 of 2006**

**Date of order: This the 5<sup>th</sup> Day of June, 2008.**

**HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN  
HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER**

1. **Shri Badal Chakraborty  
S/O Jaganath Chakraborty  
P & T Quarter No.14, Block No.3  
Siddi Ashram  
P.O.Agartala-1  
Tripura**
2. **Shri Pradeep Das  
S/O Late Dhirendra Das,  
P.O.Abhayanagar,  
Tripura West**
3. **Srijutika Lodh  
W/O Shri Shyamal Banik  
Agartala Head Post Office,  
P.O. Agartala-799001.**

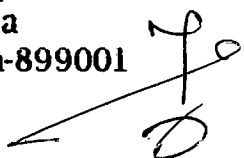
**Applicants**

**By Advocate Mr. M.Chanda, Mr.G.N.Chakraborty, Mr.S.Nath.**

**(All the applicants are working as temporary status casual worker in the  
Head Post Office, Agartala)**

**-Versus-**

1. **The Union of India,  
Represented by the Secretary to the  
Government of India,  
Department of Post,  
Ministry of Communications,  
New Delhi**
2. **The Director General  
Department of Posts  
Dak Bhawan,  
Samsad Marg,  
New Delhi-110001.**
3. **The Chief Postmaster General  
North Eastern Circle  
Shillong-1**
4. **The Superintendent of Post Offices  
Agartala  
Tripura-899001**



5. The Post Master, HSG-1.  
Head Post Office,  
Agartala, Tripura-799001.

Respondents

By Mr. M. U. Ahmed, Addl. C.G.S.C.

**O.A 81 of 2006**  
**ORDER (ORAL)**  
**05.06.2008**

**M.R. MOHANTY, V.C:**

Heard Mr. M. Chanda, learned counsel appearing for the Applicant and Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondent Department and perused the materials placed on record.

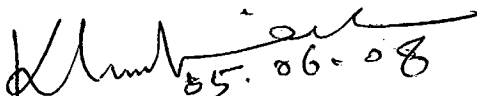
2. Applicants, (casual labourers with temporary status) have approached this Tribunal for directions to the Respondents to absorb them on regular basis /in regular establishment of the Respondent Organization.

3. By filing the written statement, the Respondent Department disclosed that the matter, relating to grant of regularization, is pending with the Screening Committee for approval.

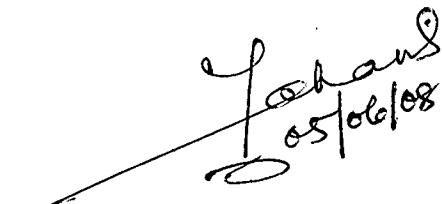
4. Neither of the parties, at the hearing, are in a position to say as to what is the view of the Screening Committee with in the last three years. In the aforesaid premises, since it is the positive case of the Applicants that question of their absorption (on regular basis/in regular Establishment) is pending with the Screening Committee of the Respondent Department, this Original Application is hereby disposed of with directions to the Respondents to examine the entire matter and grant the relief to the Applicants; as due and admissible under the rules,

and facts of the case; within a period of 120 days from the date of receipt of a copy of this order.

5. Send copies of this order to each of the Applicants and to all the Respondents, in the addresses given in the O.A and free copies of this order be also supplied to the learned counsel appearing for both parties.

  
5.06.08  
(KHUSHIRAM)

ADMINISTRATIVE MEMBER

  
05/06/08  
(M.R. MOHANTY)

VICE-CHAIRMAN

LM



File in Court on... 5/1/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 81/2006

Sri. Badal Chakraborty & Ors.

-Vs-

Union of India & Ors.

LIST OF DATES

1985- Applicants were initially appointed as casual labourers at Agartala Head Post Office.

1989- All the applicants were granted temporary status in the year 1989 under the relevant scheme issued by the Govt. of India. Thereafter they are working as temporary status Gr. 'D' employees at Agartala Head Post office.

12.4.1991/08.12.1992- Chief Post Master General, N. E. Circle, Shillong communicated an office circular dated 12.4.1991 wherein it is stated that all the casual workers having temporary status are liable to be treated as temporary group 'D' employees with the date when they have completed 3 years of service and they are liable to be entitled service benefits in the Department of Posts.

(Annexure-3, page- 21)

But when the circular dated 08.12.92 is very much in force the respondents U.O.I stopped deduction from the general provident fund of the applicants and did not take any steps to regularise the services of applicants whereas regular Gr. "D" post as well as regular post of Gramin Dak Sevak are very much available at Agartala.

10.09.1993- Govt. of India, D.O.P.T. issued "Casual labourers (Grant of temporary status and regularization scheme".

(Annexure- 1, page-12)

9  
Filed by the applicant -  
through U. Dutta, advocate  
on 05.06.08

26.07.2005- Chief Post Master General approved the proposal for absorption/regularisation of services of the applicants in the Divisional Office, Agartala but no action has been taken till date.

(Annexure- 5, page- 24)

July, 2005- CPF subscription/contribution which was being normally deducted from the pay and allowances of the applicants have been stopped without assigning any reason.

(Para- 4.4, Page 5 of the O.A)

22.08.2005- Applicants submitted representations before the authorities for regularisation of their services in the existing Group 'D' vacancies but no action has been taken by the authorities till date.

(Annexure- 2 series, page- 15)

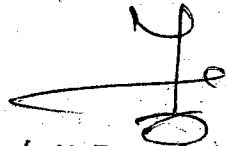
Applicants rely on the following decision:

1. (1998) 5 SCC 301 Union India & Ors. - Vs- Subir Mukharjee & Ors.
2. (2006) 3 SCC 297 Workmen of Bhurkunda Colliery of Central Coalfields Ltd. - Vs- Bhurkunda Colliery of Central Coalfields Ltd and Others.

✓ OA/CP/RA/MP No. 81 /2006

Order dated 25.3.2008

Call the matter for hearing  
on 7-5-08.

  
( M.R. MOHANTY )  
Vice-Chairman

CL-85  
Temp Status-89  
Pending on Screening Committee

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 81/06

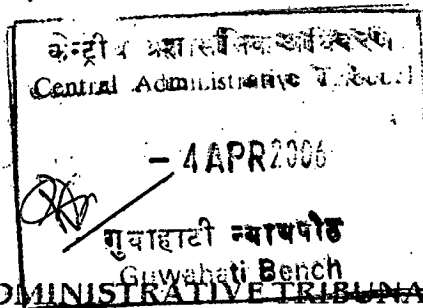
1. a) Name of the Applicant:- B. Chakrabarty & Co.  
b) Respondants:- Union of India & Ors  
c) No. of Applicant(S) :-
2. Is the application is the proper form:- Yes/~~No~~.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/~~No~~.
4. Has the application been dully signed and varified :- Yes/~~No~~.
5. Have the Copies duly signed :- Yes / ~~No~~.
6. Have sufficiant number of copies of the application been filed:-Yes/~~No~~.
7. Whether all the annexure parties are impleaded :-Yes/~~No~~.
8. Whether English translation of documents in the Language : Yes/~~No~~.
9. Is the application is in time :- Yes/~~No~~.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/~~No~~.
11. Is the application by IFO/BD/For Rs: 5/- 266 322941
12. Has the application is maintainable :- Yes/~~No~~.
13. Has the Impugned order original duly attested been filed : Yes/~~No~~.
14. Has the ligible copies of the annexures dully attested filed:-Yes/~~No~~.
15. Has the Index of documents been filed all available:- Yes/~~No~~.
16. Has the required number of enveloped bearing full address of the respondants been filed:- Yes/ ~~No~~.
17. Has the declaration as required by item 17 of the form:- Yes/~~No~~.
18. Whether the relief sought for arises out of the single :- Yes/ ~~No~~.
19. Whether the interim relief is prayed for :- Yes/ ~~No~~.
20. In case of condonation of delay is filed is it supported :-Yes/~~No~~.
21. Whether this Case can be heard by Single Bench/Division Bench;
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-

*The application is in order.*

SECTION OFFICER(J)  
4.4.06

DEPUTY REGISTRAR

*Address of R  
incomplete*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 81 /2006

Sri. Badal Chakraborty & Ors.

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 1989- All the applicants engaged as casual workers prior to 1989 in the Head Post Office, Agartala. They were granted temporary status in the year 1989 under the relevant scheme issued by the Govt. of India. Annexure-1.
- 22.08.2005- All the applicants submitted detailed representations for non-consideration of their regularisation of services till date in the available vacant group "D" posts, but to no result. Annexure-2 series.
- 06.12.1992, 12.4.1991- Chief Post Master General, N. E. Circle, Shillong communicated a office circular wherein it is stated that all the casual workers having temporary status are liable to be treated as temporary group 'D' employees with life date when they have completed 3 years of service and they are liable to be entitled service benefits in the Department of Posts. But when the said circular is very much in force the respondents U.O.I stopped deduction from the general provident fund and did not take any steps to regularise the services of the Gr. "D" employees whereas regular Gr. "D" post as well as regular post of Gramin Dak Sewak are very much available at Agartala. Annexure-3
- 26.07.05, 26.08.05- Chief Post Master General approved the proposal for absorption/regularisation of the applicants in the Divisional Office,

Badal Chakraborty

2/14

Agartala, but although there is no sanctioned post of Gr. "D" in the Departmental canteen at Agartala, Head Post office so they should be redeployed/reattached. The proposal of absorption/regularisation has been approved way back on 26.08.05 but no action has been taken till date.

22.08.2005- Applicants submitted representations and repeatedly approached before the authorities for regularisation of their services in the existing Group 'D' vacancies but no action has been taken by the authorities till date.

Hence this Original Application.

#### PRAYERS

1. That the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years' temporary service from the date of conferment of temporary status to enable the applicants to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation.
2. Costs of the application.
3. Any other relief(s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

#### Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to observe that the pendency of the Original Application shall not be a bar to grant the relief (s) as prayed for by the applicants.

\*\*\*\*\*

*Basudeb Chakraborty*

15.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI  
(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 81 /2006

Shri Badal Chakraborty & Ors. : Applicants.

- Versus -

Union of India & Others: Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	---	Application	1-10
02.	---	Verification	-11-
03.	1	Copy of the extract of the scheme of temporary status and regularisation.	12-14
04.	2 (series)	Copy of the representations dated 22.08.2005.	15-20
05.	3	Copy of the letter dated 08.12.1992	21-22
06.	4	Copy of the circular dated 12.04.1991.	-23-
07.	5	Copy of note for absorption/regularisation.	24-25
08.	6 (series)	Copy of the relevant documents including pay slips.	26-55

Filed by

Date:

Advocate

Badal Chakraborty

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 81 /2006

BETWEEN:

1. Shri Badal Chakraborty  
S/o- Jagannath Chakraborty  
P&T Quarter No.14, Block No.3  
Siddi Ashram  
P.O: Agartala-1,  
Tripura.
2. Shri Pradeep Das  
S/o- Late Dhirendra Das,  
P.O: Abhayanagar,  
Tripura West.
3. Sri Jutika Lodh  
W/o Shri Shyamal Banik  
Agartala Head Post Office,  
P.O- Agartala- 799001.

(All the applicants are working as temporary status casual worker in the  
Head Post Office, Agartala.)

...Applicants

-AND-

1. The Union of India,  
Represented by the Secretary to the  
Government of India,  
Department of Post,  
Ministry of Communications,  
New Delhi.

Badal Chakraborty

6  
Filed by the applicants  
through: S. Nath.  
Atwala  
29.03.2006



- 2  
1x
2. The Director General  
Department of Posts,  
Dak Bhawan,  
Samsad Marg,  
New Delhi-110001.
  3. The Chief Postmaster General  
North Eastern Circle,  
Shillong-1.
  4. The Superintendent of Post Offices,  
Agartala,  
Tripura- 799001.
  5. The Post Master, HSG- I,  
Head Post Office,  
Agartala,  
Tripura- 799001.

... Respondents.

#### DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made not against any particular order but praying for a direction upon the respondents to absorb the applicants on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years' of temporary service from the date of conferment of temporary status, more so, in view of the circular dated 12.4.1991, issued by the Directorate of Posts, New Delhi to enable the applicants to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation.

2. Jurisdiction of the Tribunal.

Badal Chakrabarty

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

3. Limitation.

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

4. Facts of the Case.

- 4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicants pray permission to move this application jointly in a single application under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.
- 4.3 That your humble applicants were initially engaged as casual workers prior to 1989 in the Head Post Office, Agartala and they were entrusted with different jobs of regular nature from time to time. However, the authority after being found them suitable granted temporary status to all the three applicants in the year 1989 itself under the relevant scheme issued by the Government of India, Department of Posts i.e. Casual Labourers (Grant of Temporary Status and Regularization) Scheme, which was framed in compliance of the direction of the Hon'ble Supreme Court, in consultation with the Ministry of Law, Finance and Personnel and finally the Scheme was approved by the Hon'ble President of India. As per the Scheme, casual labourers, who were in employment as on

Badal Chakraborty

29.11.1989 and have completed the requisite number of working days, are entitled to grant of temporary status. Accordingly, after scrutiny of the service records of the applicants, the respondents found them eligible for grant of temporary status and accordingly temporary status have been confirmed to all the three applicants.

A copy of the extract of the scheme of temporary status and regularisation is enclosed and marked as Annexure-1 for perusal of the Hon'ble Tribunal.

- 4.4 That it is stated that all the applicants thereafter regularly working in the Department of Posts as temporary status casual employee. However, no steps were taken by the respondents, Union of India, for regularisation of the services of the applicants inspite of repeated approach of the applicants. The applicants are working in the establishment of the respondents Union of India for more than 16 years and the job entrusted to them is permanent in nature. All the applicants being highly aggrieved for non-consideration of their regularization in service, they approached the Director General, Department of Posts, Government of India, New Delhi by submitting detailed individual representations on 22.8.2005. In the said representations the individual applicants inter alia stated that they have been working in Agartala Head Office since 1985 as full time casual worker and they were in continuous employment since 1985 in the Agartala Head Office and accordingly although they have been conferred with temporary status and they are enjoying the facilities like CGIS, GPF, medical aids, LTC all advances, Productivity linked Bonus, etc like regular Group 'D' employee of the Department of Post and the applicants are being treated as temporary Group 'D' employees in all respects. The applicants specifically stated in their representation that they have not been absorbed till date in the available vacant Group 'D' posts although they have completed reasonable length of continuous service over 14

Badal Thakurabarty

years at the relevant point of time. However, in the month of July 2005 GPF subscription/contribution which was being normally deducted from the pay and allowances of the applicants have been stopped all of a sudden without assigning any reason. The applicants further requested to absorb them on regular basis in the available Group 'D' vacancies and they have given the preference for absorption in the cadre of Gramin Dak Sewak in order to overcome the hardship.

Copy of the individual representation dated 22.8.2005 are enclosed and marked as Annexure-2 Series.

- 4.5 That the applicants further beg to say that the Chief Post Master General, N.E. Circle, Shillong vide his letter bearing No. Staff/43-1/76/Corr dated 8.12.1992 communicated the office circular letter No.45-95/87-SPB-I dated 12.4.1991 wherein it has been decided that in compliance with the direction of the Hon'ble Supreme Court all the casual workers having temporary status are liable to be treated at par with temporary Group 'D' employees with effect from the date they have completed 3 years of service and those temporary employees are also entitled to service benefits admissible to temporary Group 'D' employees of the Department of Posts. But surprisingly, when the said circular dated 12.4.1991 is very much in force the respondents Union of India stopped deduction of General Provident Fund from the pay and allowances of the applicants. Moreover, the respondent Union of India did not take any step to regularise the services of the applicants in Group 'D' category although they have completed more than 16 years of service with temporary status in the Department of Posts. It is categorically submitted that regular Group 'D' post as well as regular post of Gramin Dak Sewak are very much available at Agartala under the disposal of the respondents and as such there will be no difficulty to absorb the applicants on regular basis.

*Basu Chakraborty*

Copy of the letter dated 8.12.1992 and the circular dated 12.4.1991 are enclosed herewith and marked as Annexure - 3 and 4 respectively.

- 4.6 That the applicants further beg to say that the matter of absorption/regularisation of the applicants in fact brought to the notice of the Chief Post Master General, N.E. Circle, while camp at Agartala. The Chief Post Master General in fact approved the proposal for absorption/regularisation of the applicants in the Divisional Office, Agartala in file No. WF-9 (A.T) dated 26.7.2005 wherein it is observed by the Chief Post Master General that since 1988-98 all the three applicants have been utilized in the departmental canteen against essential post. However, it is further noted by the Chief Post Master General, N.E. Circle that since there is no sanctioned post of Group 'D' in the above canteen, applicants should be redeployed/reattached to departmental canteen at Agartala Head Office. It is further observed in the said official note that all the three temporary status Group 'D' employees have completed 240 days of continuous service prior to March 1990, therefore, in compliance of the judgment of the Hon'ble Supreme Court dated 29.11.1989 all the applicants should be absorbed/regularised as Group 'D' official at the Agartala Division against existing vacancy. This proposal of absorption/regularisation has been approved way back on 26.8.2005 but surprisingly, till date no action has been initiated by the respondents to issue formal order of absorption/regularisation, more so, when the Chief Post Master General, N.E. Circle categorically admitted that their job is of permanent nature, therefore, the applicants have acquired a valuable and legal right for regular absorption in the existing Group 'D' vacancies available in the Agartala Division, but to no result. The Hon'ble Tribunal may be pleased to direct the respondents to produce the file No. WF-9 (A.T) dated 26.7.2005 before the Hon'ble Tribunal at the time of hearing for proper adjudication of the case.

Radlal Chakraborty

7 21

Copy of proposal note of absorption/regularisation dated 26.07.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-5.

- 4.7 That the applicants further beg to say that in view of their long temporary service under the respondents they have acquired a valuable legal right for immediate absorption with retrospective effect since there is a specific circular issued by the Directorate, New Delhi on 12.4.1991 wherein it has been stated that they should be treated at par with temporary Group 'D' employees of the department for all purposes and accordingly it would be evident from the documents enclosed as Annexure-4 Series that they have been treated for all purposes as regular Group 'D' employees since the respondents used to paying them all allowances and also used to make deduction on account of GPF, CGEGIS, PLL, FA, AOR and FnAd. Therefore, there is no justification not to regularise the services of the applicants and in fact they are entitled to be treated as regular Group 'D' employees immediately after three years temporary service from the date of conferment of temporary status. Due to non-regularisation of the services of the applicants they have been adversely affected in the matter of pensionary benefits, since they are working in the department for the last more than 25 years. More so, in view of the fact that all the applicants have been initially engaged in the year 1985. Considering this aspect of the service prospect of the applicants the respondents are duty bound to absorb/regularise the services of the applicants with immediate effect granting consequential benefits.

A copy of the relevant documents including pay slips are enclosed and marked as Annexure- 6 (Series).

- 4.8 That your applicants further beg to say that they have repeatedly approached the authorities, submitted representations on 22.8.2005 but no action was initiated by the respondents for regular absorption/

*Baalal Chakrabarty*

regularisation of the applicants, in such compelling circumstances, finding no other alternatives the applicants approaching the Hon'ble Tribunal for passing an appropriate order directing the respondents to absorb the applicants with immediate effect with all consequential service benefits and the effect of regularisation/absorption be granted at least from the date of completion of three years temporary service after conferment of temporary status.

4.9 That this application is made bonafide and for the ends of justice.

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

5.1 For that, the applicants have acquired a valuable and legal right for regular absorption/regularisation of their services in view their long temporary service (more than 25 years including the service rendered prior to grant of temporary status), more so, in view of the circular dated 12.4.1991 issued by the Directorate of Posts, New Delhi.

5.2 For that, the applicants have been serving with temporary status for more than 16 years and also in view of the fact that the job entrusted to the applicants are of permanent nature as such they are entitled to be absorbed on regular basis with all consequential benefits.

5.3 For that, Group 'D' vacancies are available in the Division Office at Agartala and proposal for their regular absorption have been approved by the Chief Post Master General, N.E. Circle, Shillong on 26.8.2005 but no formal order of absorption has been issued inspite of the approval of the proposal for absorption by the Chief Post Master General, N. E. Circle, Shillong.

5.4 For that, due to non-absorption, the applicants adversely affected in the matter of pension and pensionary benefits as well as in the matter of retirement dues. As such they are entitled to be absorbed with

Basal Chakraborty

retrospective effect i.e. immediately after completion of three years temporary service from the date of conferment of temporary status in the light of the circular dated 12.4.1991.

5.5 For that, the applicants have submitted representation for absorption/regularisation of their services but the same is still pending with the respondents without any favourable action.

5.6 For that, the applicants are poor low paid temporary status Group 'D' employees and have been entrusted with perennial nature of works and as such they are entitled to be absorbed/regularised with immediate effect with all consequential benefits in the light of the relevant provision laid down in the 1989 scheme of temporary status and regularisation issued by the Department of Posts, Government of India in compliance with the Hon'ble Supreme Court's judgment.

6. Details of remedies exhausted.

That the applicants state that they have exhausted all the remedies available to them and there is no other alternative and efficacious remedy than to file this application.

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

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the

Badal Chakraborty



records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years' temporary service from the date of conferment of temporary status to enable the applicants to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation.
- 8.2 Costs of the application.
- 8.3 Any other relief(s) to which the applicants are entitled to as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to observe that the pendency of the Original Application shall not be a bar to grant the relief(s) as prayed for by the applicants.

10. ....  
This application is filed through Advocates.

11. Particulars of the I.P.O.

- |                   |                   |
|-------------------|-------------------|
| i) I P. O. No.    | : 26 G 322941 .   |
| ii) Date of Issue | : 27.3.06 .       |
| iii) Issued from  | : G P O. Guwahati |
| iv) Payable at    | : G P O. Guwahati |

12. List of enclosures.

As given in the index.

*Basal Chakraborty*

VERIFICATION

I, Shri Badal Chakraborty, S/o- Jagannath Chakraborty, aged about 38 years, resident of P&T Quarter No.14, Block No. 3, Siddi Ashram, P.O: Agartala-1, Tripura, applicant No. 1 in the instant application duly authorized by the others to verify this Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 26<sup>th</sup> day of March 2006.

*Badal Chakraborty*

regular establishment in that office/establishment without any further reference to the Employment Exchange.

- (iii) Casual labourers recruited in an office/establishment direct, without reference to the Employment Exchange, should not be considered for appointment to regular establishment unless they get themselves registered with the Employment Exchange, render, from the date of such registration, a minimum of two years' continuous service as casual labour and are subsequently sponsored by the Employment Exchange in accordance with their position in the register of the Exchange. (See Paragraph 3 below for one time relaxation.)

3.2 A casual labourer may be given the benefit of 2 years' continuous service as casual labourer if he has put in at least 240 days (206 days in the case of offices observing 5 days week) of service as a casual labourer (including broken periods of service) during each of the two years of service referred to above.

[G.L. M.F., O.M. No. F. 8 (2)-Estt. (Spl.) 60, dated the 24th January, 1961; M.H.A., O.M. No. 532-60-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.]

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

4.1 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.

4.2. It is once again reiterated that no appointment of casual workers should be made in future otherwise than through the Employment Exchange.

*Affected  
Fair  
Share*

(Excerpt)

If any deviation in this regard is committed, responsibility should be fixed and appropriate departmental action taken against the official concerned.

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

#### 5. 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.L. M.F., O.M. No. 49014/16/89-Estt. (C), dated the 26th February, 1990.]

#### 6. 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.L. Archaeological Survey of India, O.M. No. 37-1/86-Admn. III, dated the 15th December, 1988.]

#### 7. Scheme for Grant of Temporary Status and Regularization of Casual Workers

The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's

24

O.M. No. 48014 2-S&-Est. (C), dated 7-6-1988 [see *Orders under (1) above*]. The policy has further been reviewed in the light of the judgment of the CAT, Principal Bench, New Delhi, delivered on 16-2-1990 in the Writ Petition filed by Shri Raj Kamal and others v. Union of India and it has been decided that while the existing guidelines contained in OM, dated 7-6-1988, may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the Scheme as appended.

2. Ministry of Finance, etc., are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in OM, dated 7-6-1988. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

#### APPENDIX

##### Department of Personnel and Training, Casual Labourers (Grant of Temporary Status and Regularization) Scheme

1. This scheme shall be called "Casual Labourers, (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993".

2. This scheme will come into force with effect from 1-9-1993.

3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their Attached and Subordinate Offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.

4. *Temporary status* — (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).

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

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

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

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

(i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA. [Special Compensatory Allowance or Compensatory (City) Allowance or Composite Hill Compensatory Allowance, etc., i.e., only one of the compensatory allowance, more beneficial to them, can be taken into account for the purpose of calculating their wages. — O.M. No. 3 (2)/95-E.II (B), dated the 15th January, 1996.]

(ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro rata wages 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 from the date of conferment of temporary status.

(iii) Leave entitlement will be on a pro rata basis at the rate of one day for every 10 days of work. Casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularization. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

(iv) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.

(v) 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits after their regularization.

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

(vii) Until they are regularized, they would be entitled to Productivity-Linked Bonus/*Ad hoc Bonus* only at the rates applicable to casual labourers.

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in industrial establishments in view of provisions of Industrial Disputes Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group 'D' posts. — (i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant Recruitment Rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for the post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularization of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department's OM, dated 7-6-1988, should be followed strictly in the matter of engagement of casual employees in Central Government offices.

11. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

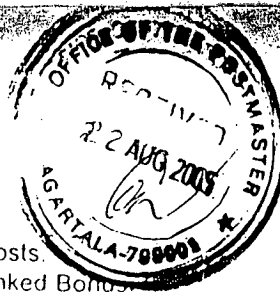
[G.I. Dept. of Per. & Trg. O.M. No. 51215290-Estt. (C), dated the 10th September, 1993]

8. Clarifications to OM, dated 10-9-1993, regarding grant of temporary status and regularization of casual workers

References are being received from various field formations seeking clarifications regarding orders issued by the D.P. & Trg. in connection with

grant of temporary status to the daily-rated workers. The clarifications sought for and their reply have been indicated against each clarifications as under—

Clarification sought	Reply
1. Whether the attendance of the casual workers shall continue to be marked on Muster Roll Forms No. CPWA-21 (i) Revised or the same is to be marked in the attendance register and paid through Form No. CPWA-29 as is done in the case of Group 'D' employees on Work-charged Estt.?	There will be no change in this regard. The existing practice of marking attendance will continue. The casual workers even after conferment of temporary status continue to be casual workers.
2. Whether the casual workers who are eligible for temporary status with effect from 1-9-1993 are entitled for any arrears of increment with effect from 7-6-1989?	In Para. 2 of D.P. & Trg. OM, dated 10-9-1993, it has been clearly indicated that these orders are applicable with effect from 1-1-1993. There is, therefore, no question of grant of any arrears to any worker in respect of period prior to 1-9-1993.
3. Whether the casual workers shall be entitled for payment of gazetted holidays also?	No.
4. Whether Service Books in respect of casual workers to whom temporary status is granted are to be opened and if not, how the benefit of grant of annual increments, leave on pro rata basis at the rate of 1 day for every 10 days as per the orders, is to be regulated?	This is a matter of convenience. If the field offices feel that it is not essential to open Service Books and they can regulate the benefits extended without opening of Service Books, they may do so. If they find that opening of Service Books is more convenient to maintain the records properly, they can follow this practice. However, for the sake of uniformity it is advised that Service Books in respect of such workers are opened.
5. Whether there will be any change in operation of orders regarding payment of OTA to the casual workers, consequent upon implementation of the orders of grant of temporary status?	No.



ANNEXURE - 2  
(Series)

The Hon'ble Director General,  
Department of Post India,  
Bak Bhawan, New Delhi-1

- Subj:- 1. Absorption on regular basis against the available Gr D vacant Posts.  
2. Repayment of recovered so called overpayment of productivity linked Bonus.  
3. Non deduction of GPF monthly subscription / contribution from the pay of July 2005.

I esteemed Sir/Mad:

I, *Radu Chakraborty*, a poor paid employee of your department working as "Temporary Status Gr D" at Agartala HPO, most humbly beg to draw your kind attention on the following few lines on the captioned subjects for rational and sympathetic consideration.

That Sir, there is a controversy on my present status/cadre in the department as "Temporary Status Casual Labour" or "Temporary Group D". But according to me my present status/cadre is of a "Temporary Group D" the matter is reconciled as under-----

- A) That I was initially engaged as full time casual labourer at Agartala H.O. from 1985.
- B) That in presuance of the Hon'ble Supreme Court judgement dtd 29/11/1989 the department has introduced and implemented a scheme namely "Casual Labour (grant of temporary status and regularizaition)" and "Regularization of Casual Labouress" vide no 45-95/87-SPB-1 dated 12-04-1991 and No 66-9/91-SPB-1 dated 30-11-1992 respectively, those where circulated to all Postal Divisions of N.E Circle vide Hon'ble Chief Postmaster General Shillong letters No. staff/43-1/76/corr dated 25.04.1991 and 08.12.1992 for information, guidance and necessary action.
- C) That, I was in continuous employment as full time Casual labourer in the capacity of Gr D at Agartala H.O. from 1985 to 29-11-1989 and according to the said scheme I had been conferred with "Temporary Status" w.e.f.29-11-1989.
- D) That after rendering three years of continous service in newly acquired status i.e. "Temporary Status" I had been treating at per with Temporary Gr D w.e.f.29-11-1989 vide said orders dated 12-04-1991 and 30-11-1992.
- E) That, according I had been enjoying the facilities/ benefits like leave counting of service for pensionary &retiral benefits, C.G.I.S., G.P.F., madical aids, L.T.C. all advances, Productivity linked Bonus, etc as enjoyed by temporary Gr. D of the Department.
- F) That, my present status/ cadre thus undoubtedly is the status of " Temporary Gr D" in the department w.e.f.29-11-1989 and I supposed to enjoy and avail all the benefits mentioned in the pre para.
- G) That, engagement of casual labourer by the unit Heads/Division Heads(either full time or part time ) did not require to fulfil any precondition of creation and sanction of Gr. D post in the Division/ Units as mentioned in the said schemes dated 12-04-1991 and 30-11-1992.
- H) That, therefore there has been neither created and sanctioned any post of Gr. D in the Division, nor I have been absorbed in the available vacant Gr. D post till date although a reasonable length of my continous service over 14 years as Gr. D from 29-11-1989 has been rolled.
- I) That, in no bonus payment order issued by the deperntment from time to time it was mentioned and even whispered that the temporary Gr. D employees of D.O.P. will be paid Adhoc bonus as applicable to casual labours including temporary status Casual Labourers.
- J) That, all Temporary Gr. D employees of Agartala Postal Division have been drawing P.L.B. every year but I am paid only Adhoc Bonus being created at per with same status and simultaneously I have been recovering the so called over payment of P.L.B. every mounth which are most surprising and above all leading to pecuniary hardship to me to earn my hands to mouth.

*Radu Chakraborty*  
Advocate

That, from my pay of July 2005 my GPF subscription/ Contribution amounting to Rs. 750/- was deducted without making me know the reason therefore

30

It is very much clear from the forgoing paras that my present status is "Temporary Group D" since 11.11.1989 and I supposed to enjoy the benefits mentioned in the para E above like P.L.B. on maximum ceiling of emoluments of Rs. 2500/- to be absorbed on regular basis in the available grades and GPF contribution as well. But preference are giving to the Gramin Dak Sevak.

Eventually, I again beg your kind personal intervention, attention and sympathetic consideration of the entire episode depicted above and fervently request your good office to take all necessary remedial steps towards redressal of my grievances at your earliest convenience and to lessen my pecuniary hardship by giving regular appointment in Gr. D cadre and other facilities of the Department.

All early action and a line in acknowledging the receipt of this letter is enthusiastically solicited and will highly be appreciated.

With deep veneration.

Dated at Agartala

The 22nd day of August 2005

Yours faithfully

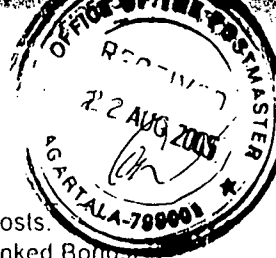
*Badal C Chakraborty*  
Temporary Group D  
Agartala H.O.

Copy to:-

- 1) The Hon'ble Minister of Communication, Govt. of India, New Delhi for kind information. He is earnestly requested to do the needful to do me favour.
- 2) The Chief Post Master General NE Circle Shillong 793001, for kind information with request to redress my grievances in my favour.
- 3) The Director of Postal Service, Agartala for kind information with request to have rational consideration of the facts and do the favour.
- 4) The Post Master ( HSG 1) Agartala H.O. for kind information and necessary action being my Drawing and Disbursing Officer.

The Hon'ble Director General,  
Department of Post India,  
Chak Bhawan, New Delhi-1

- 17 -



ANNEXURE - 2  
(Series)

31

1. Absorption on regular basis against the available Gr D vacant Posts.
2. Repayment of recovered so called overpayment of productivity linked Bonus.
3. Non deduction of GPF monthly subscription / contribution from the pay of July 2005.

Esteemed Sir/Mad:

I, *B. K. Das*, a poor paid employee of your department working as "Temporary Status Gr D" at Agartala HPO, most humbly beg to draw your kind attention on the following few lines on the captioned subjects for rational and sympathetic consideration.

That Sir, there is a controversy on my present status/cadre in the department as "Temporary Status Casual Labour" or "Temporary Group D". But according to me my present status/cadre is of a "Temporary Group D" the matter is reconciled as under-----

- A) That I was initially engaged as full time casual labourer at Agartala H.O. from 1985.
- B) That in presuance of the Hon'ble Supreme Court judgement dtd 29/11/1989 the department has introduced and implemented a scheme namely "Casual Labour (grant of temporary status and regularizaition)" and "Regularization of Casual Labouress" vide no 45-95/87-SPB-1 dated 12-04-1991 and No 66-9/91-SPB-1 dated 30-11-1992 respectively, those where circulated to all Postal Divisions of N.E Circle vide Hon'ble Chief Postmaster General Shillong letters No. staff/43-1/76/corr dated 25.04.1991 and 08.12.1992 for information, guidance and necessary action.
- C) That, I was in continuous employment as full time Casual labourer in the capacity of Gr D at Agartala H.O. from 1985 to 29-11-1989 and according to the said scheme I had been conferred with "Temporary Status" w.e.f.29-11-1989.
- D) That after rendering three years of continous service in newly acquired status i.e. "Temporary Status" I had been treating at per with Temporary Gr D w.e.f.29-11-1989 vide said orders dated 12-04-1991 and 30-11-1992.
- E) That, according I had been enjoying the facilities/ benefits like leave counting of service for pentionary &retiral benefits, C.G.I.S., G.P.F., madical aids, L.T.C. all advances, Productivity linked Bonus, etc as enjoyed by temporary Gr. D of the Department.
- F) That, my present status/ cadre thus undoubtedly is the status of " Temporary Gr D" in the department w.e.f.29-11-1989 and I supposed to enjoy and avail all the benefits mentioned in the pre para.
- G) That, engagement of casual labourer by the unit Heads/Division Heads(either full time or part time ) did not require to fulfil any precondition of creation and sanction of Gr. D post in the Division/ Units as mentioned in the said schemes dated 12-04-1991 and 30-11-1992.
- H) That, therefore there has been neither created and sanctioned any post of Gr. D in the Division, nor I have been absorbed in the available vacant Gr. D post till date although a reasonable length of my continous service over 14 years as Gr. D from 29-11-1989 has been rolled.
- I) That, in no bonus payment order issued by the deperntment from time to time it was mentioned and even whispered that the temporary Gr. D employees of D.O.P. will be paid Adhoc bonus as applicable to casual labours including temporary status Casual Labourers.
- J) That, all Temporary Gr. D employees of Agartala Postal Division have been drawing P.L.B. every year but I am paid only Adhoc Bonus being created at per with same status and simultaneously I have been recovering the so called over payment of P.L.B. every mounth which are most surprising and above all leading to pecuniary hardship to me to earn my hands to mouth.

*A. K. Das for  
J. K. Das*



32

That, from my pay of July 2005 my GPF subscription/ Contribution amounting to Rs. 750/- was deducted without making me know the reason therefore

It is very much clear from the forgoing paras that my present status is "Temporary Group D" since 1939 and I supposed to enjoy the benefits mentioned in the para E above like P.L.B. on the maximum ceiling of emoluments of Rs. 2500/- to be absorbed on regular basis in the available vacancies and GPF contribution as well. But preference are giving to the Gramin Dak Sevaks.

I ventually, I again beg your kind personal intervention, attention and sympathetic consideration of the entire episode depicted above and fervently request your good office to take all necessary remedial steps towards redressal of my grievances at your earliest convenience and to lessen my pecuniary hardship by giving regular appointment in Gr. D cadre and other facilities of the Department.

All early action and a line in acknowledging the receipt of this letter is enthusiastically solicited and will highly be appreciated.

With deep veneration.

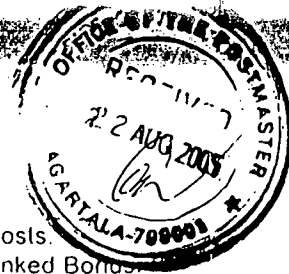
Dated at Agartala

The 22nd day of August 2005

Yours faithfully  
*Pradi P. Das*  
Temporary Group D  
Agartala H.O.

Copy to:-

- 1) The Hon'ble Minister of Communication, Govt. of India, New Delhi for kind information. He is earnestly requested to do the needful to do me favour.
- 2) The Chief Post Master General NE Circle Shillong 793001, for kind information with request to redress my grievances in my favour.
- 3) The Director of Postal Service, Agartala for kind information with request to have rational consideration of the facts and do the favour.
- 4) The Post Master ( HSG 1) Agartala H.O. for kind information and necessary action being my Drawing and Disbursing Officer.



ANNEXURE-2  
(Series)  
33

To  
The Hon'ble Director General,  
Department of Post India,  
Raj Bhawan, New Delhi-1

1. Absorption on regular basis against the available Gr D vacant Posts.
2. Repayment of recovered so called overpayment of productivity linked Bonus.
3. Non deduction of GPF monthly subscription / contribution from the pay of July 2005.

Esteemed Sir/Mad:

*Fulltime Lesh*, a poor paid employee of your department working as "Temporary Status Gr D" at Agartala HPO, most humbly beg to draw your kind attention on the following few lines on the captioned subjects for rational and sympathetic consideration.

That Sir, there is a controversy on my present status/cadre in the department as "Temporary Status Casual Labour" or "Temporary Group D". But according to me my present status/cadre is of a "Temporary Group D" the matter is reconciled as under-----

- A) That I was initially engaged as full time casual labourer at Agartala H.O. from 1985.
- B) That in presuance of the Hon'ble Supreme Court judgement dtd 29/11/1989 the department has introduced and implemented a scheme namely "Casual Labour (grant of temporary status and regularizaition)" and "Regularization of Casual Labouress" vide no 45-95/87-SPB-1 dated 12-04-1991 and No 66-9/91-SPB-1 dated 30-11-1992 respectively, those where circulated to all Postal Divisions of N.E Circle vide Hon'ble Chief Postmaster General Shillong letters No. staff/43-1/76/corr dated 25.04.1991 and 08.12.1992 for information, guidance and necessary action.
- C) That, I was in continuous employment as full time Casual labourer in the capacity of Gr D at Agartala H.O. from 1985 to 29-11-1989 and according to the said scheme I had been conferred with "Temporary Status" w.e.f.29-11-1989.
- D) That after rendering three years of continous service in newly acquired status i.e. "Temporary Status" I had been treating at per with Temporary Gr D w.e.f.29-11-1989 vide said orders dated 12-04-1991 and 30-11-1992.
- E) That, according I had been enjoying the facilities/ benefits like leave counting of service for pensionary &retiral benefits, C.G.I.S., G.P.F., madical aids, L.T.C. all advances, Productivity linked Bonus, etc as enjoyed by temporary Gr. D of the Department.
- F) That, my present status/ cadre thus undoubtedly is the status of " Temporary Gr D" in the department w.e.f.29-11-1989 and I supposed to enjoy and avail all the benefits mentioned in the pre para.
- G) That, engagement of casual labourer by the unit Heads/Division Heads(either full time or part time ) did not require to fulfil any precondition of creation and sanction of Gr. D post in the Division/ Units as mentioned in the said schemes dated 12-04-1991 and 30-11-1992.
- H) That, therefore there has been neither created and sanctioned any post of Gr. D in the Division, nor I have been absorbed in the available vacant Gr. D post till date although a reasonable length of my continous service over 14 years as Gr. D from 29-11-1989 has been rolled.
- I) That, in no bonus payment order issued by the deperment from time to time it was mentioned and even whispered that the temporary Gr. D employees of D.O.P. will be paid Adhoc bonus as applicable to casual labours including temporary status Casual Labourers.
- J) That, all Temporary Gr. D employees of Agartala Postal Division have been drawing P.L.B. every year but I am paid only Adhoc Bonus being created at per with same status and simultane-ously I have been recovering the so called over payment of P.L.B. every mounth which are most surprising and above all leading to pecuniary hardship to me to earn my hands to mouth.

*Attest  
Jin  
Acharan*

34

That, from my pay of July 2005 my GPF subscription/ Contribution amounting to Rs. 750/- was deducted without making me know the reason therefore

It is very much clear from the forgoing paras that my present status is "Temporary Group D" since 1989 and I supposed to enjoy the benefits mentioned in the para E above like P.L.B. on maximum ceiling of emoluments of Rs. 2500/- to be absorbed on regular basis in the available vacancies and GPF contribution as well. But preference are giving to the Gramin Dak Sevak

Eventually, I again beg your kind personal intervention, attention and sympathetic consideration of the entire episode depicted above and fervently request your good office to take all necessary remedial steps towards redressal of my grievances at your earliest convenience and to lessen my pecuniary hardship beg giving regular appointment in Gr. D cadre and other facilities of the Department.

All early action and a line in acknowledging the receipt of this letter is enthusiastically solicited and will highly be appreciated.

With deep veneration.

Encl at Agartala

The 22nd day of August 2005

Yours faithfully  
*Sulbika Lash.*  
Temporary Group D  
Agartala H.O.

Copy to:-

- 1) The Hon'ble Minister of Communication, Govt. of India, New Delhi for kind information. He is earnestly requested to do the needful to do me favour.
- 2) The Chief Post Master General NE Circle Shillong 793001, for kind information with request to redress my grievances in my favour.
- 3) The Director of Postal Service, Agartala for kind information with request to have rational consideration of the facts and do the favour.
- 4) The Post Master ( HSG 1) Agartala H.O. for kind information and necessary action being my Drawing and Disbursing Officer.

DEPARTMENT OF POSTS

OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE SHILLONG

No. Staff/43-1/76/Corr

Dated Shillong the 8/12/92.

To

1. All DPS/SPOs in N.E. Circle,
2. The Supdt. PSD, Silchar/Guwahati,
3. All group officer, Circle Office, Shillong,
4. The Manager, RLO, Shillong,
5. The O.S. Circle Office, Shillong,
6. The Sr. Postmaster, Shillong GPO,
7. S.S. Estt, Section, Circle Office, Shillong,
8. S.S. A&P, Section, Circle Office, Shillong.

Sub :- Regularisation of Casual Labourers.

A copy of Directorate New Delhi's letter No. 66-9/91-SPB-I dtd. 30th Nov '92 regarding the above mentioned subject is sent herewith for information, guidance and necessary action. This is in connection of this office circular of even no, dtd. 25.4.91.

(L. Munga) 8/12/92  
Asstt. Postmaster General (S&E),

Copy to :-

1. All RCM Members in N.E. Circle for information.
2. All Circle Secretaries of service Unions in N.E. Circle, for information.

For Chief Postmaster General,  
N.E. Circle, Shillong.

A copy of Dte's letter referred to above,

Sir,

Vide this office circular letter No. 45-95/87-SPB-I dtd. 12.4.1991 a scheme for giving temporary status to casual labourers fulfilling certain conditions was circulated.

2. In their judgement dtd. 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.

3. 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 dtd. 12.4.1991 to 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.

Affected  
Advocate

- 2 -

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 3 years of service in that status while granting them pension and retirement benefits after their regularisation.
4. Central Government Employees Insurance Scheme.
5. G.P.F.
6. Medical Aid.
7. L.T.C.
8. All advances admissible to temporary Group D employees.
9. Bonus.
4. Further action may be taken accordingly and proper service records of such employees may also be maintained.
5. Hindi version will follow.

Yours faithfully

(G. KRISHNAMOORTHY)  
ASSISTANT DIRECTOR GENERAL (SPN)

\*\*\*\*\*

15/11/75

For A-5 / R. dt. 1st Dec 1975 (8) 1-93

copy forwarded for information  
and info to

- 1-2) The Pm. Asst. / Rk. pur. H.O.
- 3-4) The Asst. Secy. to the Budget in Df. Secy. Asst.

Divisional office, Agartala file no: WF-9(A.T), Dated 26/7/05.

Subject: - Absorption/ regularization of 1) Smt Juthika Lodh, 2) Sri Pradip Chakraborty & 3) Sri Badal Das, Temporary Status Group-D officials employed ad-hoc in departmental canteen at Agartala HO, in regular Group-D officials Cadre.

1. While the above canteen is a recognized departmental canteen, there is no sanctioned Staff establishment for this canteen. The above officials have been working continuously in above canteen since 10-10-88/06-02-89, against essential posts. Their daily duties are of inescapable necessity, for maintaining essential catering services in the departmental canteen, which are purely of the nature of Staff welfare. (P & T Directorate letter no 15(32) Director (C) dated 19/6/1986 and CO, Shillong letter no Welfare/16-50/85 dated 06/11/1986 refer).

2-1. As there is no sanctioned post of Gr-D for the above canteen, three (03) vacancies in Agartala Division in Gr-D Cadre, will be re-deployed/ re-attached to departmental canteen at Agartala HO.

2-2. There shall be no extra expenditure involved and nil financial implications.

2-3. While re-deploying the posts, it will be ensured that the particular departmental offices have the services of at least one (01) Group-D official.

3. Necessary departmental examinations will be conducted for all departmental vacancies in Postmen Cadre, at the earliest.

4-1. The above 03 temporary Group-D status officials have completed 240 days continuous service prior to March 1990. Hence, vide judgement dated 29/11/1989 of Honourable Supreme Court, the above officials shall be absorbed/regularized as Group-D officials of Agartala Division, against existing vacancies.

4-2. On absorption/regularization in Gr-D cadre, they will be deployed in departmental canteen at Agartala HO.

5. As the above 03 officials are working at Departmental Canteen of Agartala HO, their seniority will be evaluated on the basis of Seniority list of non test category Group-D officials, EDAs/GDS officials and casual Labourers granted temporary group-D status of Agartala HO.

6. Effective immediately.

A Ghosh Dostidar  
(CFMG, N E Circle at Camp Agartala.)

(CFMG, N E Circle at Camp Agartala.)

→ Jyoti Singh, Fort, Agartala

Pl. forward the necessary documents to the concerned authority for absorption of the above officials in the Group-D cadre of Agartala HO.

Attested  
for  
Signature

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, Lt. 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 1 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. 12S2-FA/91, dated 10-4-1991.

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

**Clarification (1).**— Further to Lener 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.L. 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.L., 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.

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



Department Post  
Pay Slip No : 4 Bill Number : 3 Number : 1  
For the month of September 2004  
Employee Name : BADAL CHAKRABORTY  
Office AGARTALA IPO  
Designation & Pay Scale : TS GR D(2550-55-2660-60-3200)  
Working as : GROUP D/SOHO  
GPF Number : PAGT - 355

Drawals		Deductions	Out Of Account
B P	3140 PT	99	
DP	1570 HRR/LF	67	
D A	518 GPF(S)	750	
C C A	450 GPF(R)	400	
T A	75 CGEGIS	15	
W A	30 PLI	225	
	FA	150(1350)	
	AOR	300(9509)	
	FnAd	100(900)	
Totals :		5783	2106
			0

Net Pay : Rs3677/-  
( Rupees Three Thousand Six Hundred Seventy Seven Only )  
Take Home Pay : Rs3677/-  
( Rupees Three Thousand Six Hundred Seventy Seven Only )

AOR/Misc Particulars :  
B P:300/-

Attested  
Advocate

- 27 -

Est. 30

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

No. 23/23 Chakrabarty दिनांक/Date 23/1/03.

विषय--छुट्टी की मंजूरी  
Subject--Grant of leave

श्री/श्रीमती/कुमारी/Shri/Shrimati/Kumari

Chakrabarty, 11/103 नाम व पदनाम/Name and Designation

छुट्टी के प्रकार/Kind of leave

अर्जित छुट्टी/अर्जित छुट्टी/अर्जित छुट्टी

Earned leave/Leave on average pay/Half pay leave

अर्जित छुट्टी/अर्जित छुट्टी/अर्जित छुट्टी

Leave on full average pay/Leave on quarter average pay

परिवर्तित छुट्टी/छुट्टी जेप नहीं/असाधारण छुट्टी

Commutated leave/Leave not due/Extraordinary leave

चिकित्सा प्रमाण पत्र के/On M.C.

बिना चिकित्सा प्रमाण पत्र के/Without M.C.

1. अन्य छुट्टी के पूर्व/छुट्टी के योग्य/अवकाशों की छुट्टी के साथ सं. 19 की अनुमति दी जाती है।

1. He/She is permitted to prefix/suffix Sundays/Holiday on.....

2. यह दिनांक ..... इस कार्यालय के प्राप्ति सं. ....

..... द्वारा मंजूर की गई छुट्टी के प्रथम में है।

2. This is in continuation of the leave sanctioned in this Office Memo.

No. .... Dat d. .... 19 .....

(2)

3. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी .....  
की छुट्टी समाप्त होने पर उनके उसी स्थान पर इग्रेडी पर वापस आने  
की आशा है जहां से वह छुट्टी गए/गई थी अथवा किसी अन्य स्थान पर  
गए/गई पर पहुंचने का जहां वह उसी दर से प्रतिफल भत्ता पाने के हकदार  
होगा/होगी।
3. Certified that Shri/Smt./Kumari.....  
is likely on expiry of leave, to return to duty at the station from which  
he/she proceeded on leave, on at another station in which he/she will be  
entitled to a similar compensatory allowance.
4. श्री/श्रीमती/कुमारी .....  
के स्थान पर श्री/श्रीमती/कुमारी ..... के पद पर स्थानापन्न कार्य  
की नियुक्ति की जाती है करते रहेंगे/रहेगी।
4. In place of Shri/Smt./Kumari.....  
Shri/Smt./Kumari .....  
is appointed/will continue to officiate as .....
5. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी .....  
..... से  
जहां छुट्टी पर गए/गई न गए/गई होते/होगी सो वह इग्रेडी पर पर स्थानापन्न में  
आगे बढ़ते रहेंगे/रहेगी तथा यह अवधि उनकी वेतनवृद्धि के लिए गिनी  
जाएगी।
5. Certified that Shri/Smt./Kumari.....  
would have continued to officiate in the post but for his/her proceeding  
on leave from ..... to .....  
and the period will count towards increment.

स्वीकृति प्राधिकारी  
Sanctioning Authority

संख्या/No. .... दिनांक/Dated .....

सूचना के प्रतिनिधि प्रेषित—  
Copy forwarded for information

महामहोदय/Member (U), Cont. 23 Postal, 89-1 (S/S/S. 1/87) - 18-1-80-19-1-90  
HSG-1  
ADDITIONAL-731000

ओर-7/Com-7

भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA

आयुक्त, Office of the

To  
✓ Sri Badal Chatterjee  
Conteen bag; Agartala Ho.

800-0321 Badal Chatterjee dt. 17/2/64.  
Subj: - Grant of leave.

6 (Six) days E.L. is  
granted to you w.e.f. 9-2-64  
as per by the postmaster, Agt  
on applied for.

3

Copy to the APM/office, Agartala  
He is to make  
any arrangement.

REPUBLIC OF INDIA, DEPARTMENT OF POSTS, INDIA  
POSTMASTER, HSG-I  
AGARTALA-799001

POSTMASTER,  
HSG-I  
AGARTALA-799001

To  
Sri Badal Chatterjee  
Group D' (e) Agartala  
HO

GO-B2/B. Chatterjee dtd 15-10-04.

Sub: Grant of leave.

12 (twelve) days leave  
is granted to you w.e.f.  
18-10-04 by the postmaster  
Agartala on application for.

POSTMASTER,  
HSG-I  
AGARTALA-799001

Copy to: - In App. for file in  
on a phone.

- Sd -  
POSTMASTER,  
HSG-I  
AGARTALA-799001

ए० सी० जी०-61  
A. C. G.-61

भारतीय डाक विभाग  
DEPARTMENT OF POSTS INDIA  
Form No. 1 (Rev. 1950)

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

चार्ज की प्रतली पर चार्ज रिपोर्ट और पैसे और स्टिकटों की खरीद  
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 *Mr. D / A. S. H. S.*

जिस *Relin Chakrabarty*  
was taken over by (name)

(नाम) *Badal Chakrabarty*  
to (स्थान) at (place) *A. S. H. S.*

तारीख को *पूर्वाह्न* में  
स्थान *अपराह्न*

on the date *9-2-99* after noon in accordance with

No. तारीख  
Dated *Badal Chakrabarty*  
भारमस्त अधिकारी  
Relieved Officer

के अनुसार दे दिया।  
from  
भारमस्ती अधिकारी  
Relieving Officer

(हस्ताक्षर प्रत्यक्ष उपस्थिति)  
(P. T. O.)

\*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्री समेत) और लेखाओं की जाँच की और उन्हें ठीक पाया  
 \*Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

\*प्रमाणित किया जाता है कि निम्नलिखित बकाया मुझे भारमुक्त अधिकारी ने सौंप दिया और मैं इसके लिए जिम्मेदार हूँ।  
 \*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

	रु०	पै०
	Rs.	P.
(अ) नकदी/Cash		
(ब) अप्रत्याश टिकट/Stamp Imprest		

जिसमें से शामिल है :-

Made up of :-

(1) टिकट/Stamps

(2) नकदी/Cash

भारमुक्त अधिकारी  
 Relieved Officer

भारवाही अधिकारी  
 Relieving Officer

तारीख  
 Date: the

Forwarded to ..... को भेजा गया

\*यदि प्रमाण-पत्र की आवश्यकता न हो तो इसे काट दिया जाए।

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

[28-90/68-MII]

NYRM T. R. 58. A  
 Form 100 (1) and 100-1 (1)  
 and 100-1 (1) and 100-1 (1)

Bank to

22

අ' ක්ෂයය, විෂය

Admirable by

10/10/1941

Post India

Final Report Dated

December 2005

DPS AT no. CI/REG/Nav-Pen

16.12.8.

1. En Badal Chakrav -  
 1st, T/S Group 2,  
 Contingent Staff

PAGE-355

R. 101/-

But Mr

One thousand one hundred  
one of

"Class IV Govt. Servant  
GPF. with downal"

WFO TST / Major at  
WFO TST / Major at  
Designation of  
WFO TST / Major at  
WFO TST / Major at

Pay to Sri Badal Chatterjee -  
857/2, Canton Road,  
 Signature [Signature]

POSTMASTER  
RETURN  
ALABAMA-79900

प्रशासनिक/प्रशासनिक/प्रशासनिक  
प्रशासनिक/प्रशासनिक/प्रशासनिक  
प्रशासनिक/प्रशासनिक/प्रशासनिक

For: Benjamin Franklin and James O'Leary

Examined and Entered.

Pay Rs. 1101/-  
Rupees One thousand one hundred

FORMMASTER  
 MSG - I  
 ACCTALA-790012

Alfred  
Sul. Advocate



48

CHARTERED BANK

... ..

... ..

Certified that I have satisfied myself that all sums included in bills to ... ..

... .. with the exception of those detailed below (of which the total has been retained by deduction from this bill) have been disbursed to the proper persons, and that their acquittances have been taken in this bill/that in no case has a receipt stamp only cancelled for every payment in excess of Rs. 20. Certified also that the amount withdrawn previously on the same account has been utilised by the subscriber for the purpose for which it was intended and that the relevant premium receipt/receipts have been ... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

AGARTALA

G.P.F. Balance Sheet for the Year 97-98

Shri/Smt. Badal Chakrabarty Page 355  
in respect of Group 'D' G.P.F. Account No. \_\_\_\_\_  
maintained by the Postmaster, Agartala H.O.

Opening Balance

Rs. 2634 -

Contribution/Refund

Rs. 5750 -

Interest

Rs. 340 -

8724 -

Rs. 5900 -

Withdrawal/Advance

Rs.

Closing Balance as on 31/3/98 Rs. 2824 -

Remarks if any

Rs. Two thousand eight hundred and twenty four only

POSTMASTER  
AGARTALA - 799001

BADAL

G.P.F. Balance Sheet for the Year 99-2000

Shri/Smt. Badal Chakrabarty  
in respect of Group 'D' G.P.F. Account No. PAgt-255  
maintained by the Postmaster, Agartala M.O.

Opening Balance	Rs. <u>4517</u>
Contribution/Refund	Rs. <u>7800</u>
Interest	Rs. <u>719</u>

---

Withdrawal/Advance	Rs. <u>12036</u>
	<u>6500</u>

---

Closing Balance as on 31-3-2000 Rs. 6526

Remarks if any

R. S. Sir - Howland, - fac. hand the gain  
only

18/5/00  
POSTMASTER  
AGARTALA - 799001

BADAL

G.P.F. Balance for the Year 2000 - 2001

Shri/Smt

Badal Chakraborty

In respect of Group 'D' G.P.F. account No. PAG/313

Maintained by the Postmaster, Agartala H.O.

Opening Balance Rs. 6536-

Contribution/Refund Rs. 7800-

Interest Rs. 601-

Withdrawal/Advance

Rs. 14,937-  
Rs. 11,400-

Closing Balance as on 31/3/2001 Rs. 2637-

Remarks if any

B. Free thousand five hundred and thirty seven only

Postmaster 2826  
Agartala - 799001

G.P.F Balance sheet for the year ..... 2001-02 .....

Shri/Smt ..... Badal Chakraborty ✓

In respect of Group "D" G.P.F. account No. PAGT ..... 355

Maintained by the Postmaster, Agartala H.O

Opening Balance ..... Rs 2537-  
Contribution/Refund ..... Rs 7800 -  
Interest..... Rs 429 -

withdrawal/Advance Rs. 11766 -  
6500  
5266 -

Closing Balance as on 31/03/2002 Rs. 5266 -

Remark if any

R. One thousand Two hundred and six

Postmaster  
Agartala - 799001

G.P.F. Balance sheet for the year 2002-03

Shri/mt Bimal Chakraborty Travelling Post Office

In respect of Group "D" G.P.F. account No. PAGT 355

Maintained by the Postmaster, Agartala H.O

Opening Balance ..... Rs 52.66

Contribution/Refund ..... Rs 13800

Interest Nil ..... Rs 464

11230

withdrawal/Advance ..... Rs 11000

Closing Balance as on 2002 31/03/2002 Rs 8530

Remark if any

[Signature]  
Postmaster  
Agartala-799001

-40-

ए० सी० जी०-61 / A.C.G-61

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

(रेल्वे नियम 267, डाक-तार 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

चार्ज... (नाम) ने  
was made over by (name)

(नाम) को  
to (name)

तारीख... को पूर्वाह्न में  
on the (date)... अपराह्न

on the (date)... fore noon in accordance with

सं० B2/P. Deb तारीख 18/8/02  
No. Dated

भारतीय डाक विभाग  
Relieved Officer

के अनुमति से दिया ।  
from

भारतवासी अधिकारी  
Relieving Officer

(P.T.O.)

Attested  
for  
signature





- 42- ए. सी. ए. 01/ACG-61

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

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

चार्ज की बदली पर चार्ज रिपोर्ट और सिकरी 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

का  
Group-D  
Canteen Agartala.  
H.O.

चार्ज..... (नाम) H.  
was made over by (name) Pradip Das

(नाम) को  
to (name)

स्थान  
at (place) Agartala

तारीख..... को पूर्वाह्न  
अपराह्न

on the (date) 31/08/02 here noon in accordance with

मं०  
No.

तारीख  
Dated

भारमुक्त अधिकारी  
Relieved Officer

के अनुसार दे दिया।  
from

Pradip Das

भारग्रही अधिकारी  
Relieving Officer

[६०५०३०  
(P.T.O.)

\*प्रमाणित किया जाता है कि आज के दिनांक कोर्टासय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्रों समेत) और लेखाओं की जांच की और उन्हें ठीक पाया।  
 \*Certified that the balances of this date of the several books (including Stock Book and - Registers) and accounts of the office have been checked and found correct.

\*प्रमाणित किया जाता है कि निम्नलिखित राशियां मुझे भारमुक्त अधिकारी ने सौंप दिए और मैं इनके लिए जिम्मेदार हूँ।  
 \*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

(अ) नकदी/Cash  
 (ब) अग्रदाय टिकट/Stamp Imprest

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

भारमुक्त अधिकारी  
 Relieved Officer

भाराग्रही अधिकारी  
 Relieving Officer

तारीख 19  
 Dated the  
 Forwarded to *Radip on Group-D*  
*Agarwal*

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

एच टी-36 भारतीय डाक विभाग  
Est.-36 DEPARTMENT OF POSTS, INDIA

क्र/No 10/P.Dm

दिनांक/Date 24.5.03

विषय-छुट्टी की मंजूरी

Subject-Grant of leave

श्री/श्रीमती/कुमार/श्री/श्रीमती/Kumari/P. Dip Dm

(नाम एवं पदनाम/Name and Designation)

छुट्टी की प्रकृति/Kind of Leave से/From तक/To

अर्जित छुट्टी/औसत वेतन छुट्टी/अर्ध वेतन छुट्टी 10/03/03

Earned leave/Leave on average pay/Half pay leave

अर्ध औसत वेतन छुट्टी/चौथाई औसत वेतन छुट्टी

Leave on half average pay/Leave on quarter average pay

परिवर्तित छुट्टी छुट्टी शेष नहीं/असाधारण छुट्टी

Commuted leave Leave not due/Extraordinary leave

चिकित्सा प्रमाण पत्र के/On M.C;

बिना चिकित्सा प्रमाण पत्र के/without M.C.

1. अन्य छुट्टी के पूर्व छुट्टी के बाद रविवारों अवकाशों की छुट्टी के साथ जोड़ने की अनुमति दी जाती है।

H-/She is per mitted to Prefix / suffix Sundays / Holidays

On .....

2. यह दिनांक .....

इन कार्यालय के स्थापन से

द्वारा मंजूर की गई छुट्टी के कम में है

This is continuation of the leave sanctioned in his Office

Memo, No ..... Dated 24.5.03

Attested  
for  
signature

3. प्रमाणित कि जाता है कि श्री/श्रीमती/कुमारी ..... की छुट्टी समाप्त होने पर उनके इसी स्थान पर हजुटी पर वापिस आने की आशा है जहाँ से वह छुट्टी मिला/मिले थे/थी अथवा किसी अन्य स्थान पर हजुटी पर पहुँचने की जहाँ वह वही वर से प्रतिकर भत्ता पाने के इकदार होंगे/होगी।

Certified that Shri/Smt./Kumari ..... is likely on the expiry of leave, to return to duty at the station from which he/she proceeded on leave, or at another station in which he/she will be entitled to a similar compensatory Allowance.

4. श्री/श्रीमती/कुमारी ..... के स्थान पर श्री/श्रीमती/कुमारी ..... की नियुक्ति की जानी है ..... पद पर स्थानोपन्न कार्य करते रहेगे/रहेगी।

In place of Shri/Smt./Kumari ..... Shri/Smt./Kumari ..... is appointed/will continue to officiate as .....

5. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी ..... से ..... तक छुट्टी पर यदि न गए होते/होती तो वह इसी पद पर स्थानोपन्न में कार्य करते रहते/रहती तथा यह अवधि उनकी वेतनवृद्धि के लिए गिनी जाएगी।

Certified that Shri/Smt./Kumari ..... would have continued to officiate in the post but for his/her proceeding on leave from ..... to ..... and the period will count towards increment.

स्वीकृत प्राधिकारी  
Sanctioning Authority

दिनांक / Dated 21/11/03

संख्या / No. 2/11/03

सूचना प्रतिलिपि प्रेषित : 21/11/03 for info.  
Copy forwarded for information to .....  
21/11/03

G.P.F Balance sheet for the year 2002-03

Shri/Smt Pradeep Das Temp. Manager

In respect of Group "D" G.P.F. account No. PAGT 356

Maintained by the Postmaster, Agartala H.O

Opening Balance ..... Rs 3140 -

Contribution/Refund ..... Rs 13200 -

Interest 9 1/2 % ..... Rs 200 -

16540

withdrawal/Advance ..... Rs 12750 -

Closing Balance as on 2003 31/03/2002 Rs 3790

Remark if any

Postmaster  
Agartala -799001

Attestd  
for Advocate

G.P.F. Balance for the Year 2000 - 2001

Shri/Smt Pradip Das

In respect of Group 'D' G.P.F. account No. PAST- 256

Maintained by the Postmaster, Agartala H.O.

Opening Balance Rs. 4155 -

Contribution/Refund Rs. 12000 -

Interest Rs. 754 -

Withdrawal/Advance Rs. 16909 -  
7600 -

Closing Balance as on 31-3-2001 Rs. 9309 -

Remarks if any

Postmaster  
Agartala - 799001

-48-

62

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

POSTMASTER,  
HSG-1  
AGARTALA-799001

10-3- Pradip Das  
Contractor & player  
Agartala & Contractor  
Agartala

दिनांक  
Dated at Agartala the 19/8/02

विषय  
Subject

Grant of leave.

10 days leave E/L is granted  
applied for from the  
to you  
date of  
relief.

POSTMASTER,  
HSG-1  
AGARTALA-799001

Copy to: - The ADM Mails Agartala Ho  
for information and he is requested to  
relieve the official accordingly.

sd/-  
POSTMASTER,  
HSG-1  
AGARTALA-799001

जीए-7/Corr-7

भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA

कार्यालय/Office of the

Certified that Sri Pradip Das  
S/o Lt Dharendra Das is working  
as a group 'D' employee (Contract boy)  
of Agartala H.O. and his  
service is not transferable.

Kab 3  
28/4/02

Postmaster,  
Agartala-799001.



G.P.F. Balance Sheet for the Year 99-2000

Shri/Smt. Pradip Das  
in respect of Group 'D' G.P.F. Account No. 1447-256  
maintained by the Postmaster, Agartala M.O.

Opening Balance	Rs. <u>1360</u>
Contribution/Refund	Rs. <u>1100</u>
Interest	Rs. <u>495</u>
	<u>15955</u>
Withdrawal/Advance	Rs. <u>11800</u>

Closing Balance as on 31-3 Rs. 4155

Remarks if any

B. Anur Thousan Accountant  
for

POSTMASTER  
AGARTALA - 799001

BADAL

- 51 -

Annexure-6  
(series).

ए० सी० जी०-61 / A.C.G-61

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

(देखिए नियम 267, डाक-तार 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 Group - D

चार्ज Assumed (नाम) ने  
was made over by (name) Smite Juthika Rodh

(नाम) को  
to (name)

स्थान  
at (place) Agartala

तारीख ..... को पूर्वाह्न में  
अपराह्न

on the (date) ..... fore noon in accordance with  
after

सं०  
No.

तारीख  
Dated

के अनुसार दे दिया।  
from

भारगुप्त अधिकारी  
Relieved Officer

भारग्राही अधिकारी  
Relieving Officer

[क०प०उ०] [P.T.O.]

Attested  
for  
Signature

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

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

पं.  
P.

(व) अग्रदाय टिकट/Stamp Imprest

(1) टिकट/Stamp

(2) नकदी/Cash

भारीग्राही अधिकारी  
Relieving Officer

Forwarded to S.M.T.

19

18

2

[28-90/68-M11]

प्रभासपापुम्पु/MGITBP Bbsr-2/1 DPI/91-92-31,00,000 Copies.

Department of Post  
Pay Slip No : 30 Bill Number : 3 AR Number : 63  
For the month of November 2005  
Employee Name : JUTHIKA LODH  
Office AGARTALA HO.  
Destination & Pay Scale : TS GR D(2550-55-2660-60-3200)  
Working as : TEMP STATUS, GR-D  
GPF Number : TAGT - 354  
Increment is added in this month

Drawals		Deductions	Out Of Account
B P	3200 PT	99	
D A (TRCA)	1003 CGLS	15	
D I	1600 PA	150 (750)	
H T A	360 AOR	406 (3002)	
C M A	450		
T S	73		
E T	30		
Totals :	6723	670	

Net Pay : Rs6053/-  
( Rupees Six Thousand Fifty Three Only )  
Take Home Pay : Rs6053/-  
( Rupees Six Thousand Fifty Three Only )

ADP/MIR Particulars :  
B 113007 D A (TRCA) 1003

G.P.F. Balance for the Year 2000 - 2001

Shri/Smt

Juthika LADR

In respect of Group 'D' G.P.F. account No.

PAGI/354

Maintained by the Postmaster, Agartala H.O.

Opening Balance

Rs.

28,550/-

Contribution/Refund

Rs.

12,300/-

Interest

Rs.

1949/-

Withdrawal/Advance

Rs.

42,799/-  
25,000/-

Closing Balance as on

31-3-2001

Rs.

17,799/-

Remarks if any

R. Senerita - thousand over paid.  
over paid only

Postmaster  
Agartala - 799001

A-1

G.P.F Balance sheet for the year ..... 2001-02 .....

Shri/Smt ..... Juthika Lohr (Banik) .....

In respect of Group "D" G.P.F. account No. PAGT ..... 354 .....

Maintained by the Postmaster, Agartala H.O

Opening Balance ..... Rs ..... 17799 -

Contribution/Refund ..... Rs ..... 15600 -

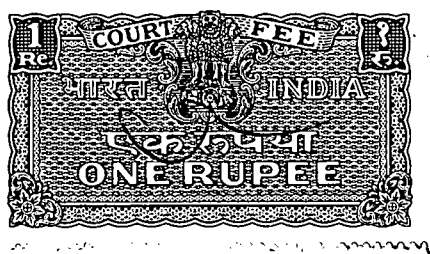
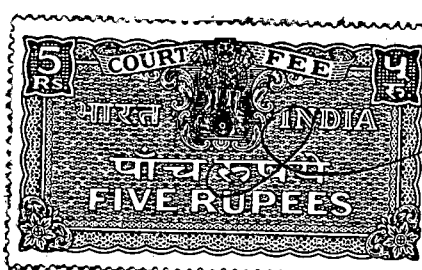
Interest ..... Rs ..... 2098 -

withdrawal/Advance ..... Rs ..... 35497 -  
25000 -

Closing Balance as on 31/03/2002 Rs ..... 10497/-

Remark if any ..... Rs. Ten thousand four hundred ninety seven

Postmaster  
Agartala - 799001



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

Subhika Lash.  
70  
2  
3 B. Balip Das.

O. A. No. 81 /2006

Sri Badal Chakraborty & ors. ....Applicant(s)

-Vs-

Union of India & ors. ....Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri G. S. Chakraborty Sri S. Nath, and S. Choudhury, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intends and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 29<sup>th</sup> day of March 2006.

Received from the Executant, Mr. \_\_\_\_\_ And accepted  
satisfied and accepted. Senior Advocate will lead me/us in the case.

[Signature]  
Advocate

[Signature]  
Advocate

[Signature]  
Advocate

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O. A. No. \_\_\_\_\_/2006

...Applicant(s)

Sri Badal Chakraborty & ors.

-Vs-

Union of India & ors

...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri G. A. Chakraborty, S. Nath and Sri S. Choudhury, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intends and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 29<sup>th</sup> day of March 2006.

Received from the Executant, Mr. \_\_\_\_\_  
satisfied and accepted.

And accepted  
Senior Advocate will lead me/us in the case.

[Signature]  
Advocate

[Signature]  
Advocate

[Signature]  
Advocate

Badal Chakraborty



NOTICE

From:-  
S. Nath.  
Advocate

To: Shri G. Baishya.  
Sr. C.G. S.C.

Sub: O.A. No. \_\_\_\_\_/2006 (Shri Baidal  
Chakraborty <sup>vs</sup> - V.O.I. & Co)

Sir,  
find please enclosed herewith a  
copy of the O.A. which is being filed  
on today. This is for your information  
and necessary action.  
Please acknowledge receipt of the same.

Yours Sincerely  
S. Nath  
Advocate  
29/3

Received  
Alsha Das  
Addl. C.S.E.  
(at G. Baishya) 29/3/06.  
Sr. C.G. S.C.

1  
8  
Duly  
19/6/06  
Deputy Superintendent  
o/o the Director Postal Sub  
Tribuna State, Agartala-790

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

OA NO. 81/2006

SHRI BADAL CHAKRABORTY & ORS

.....APPLICANTS

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received a copy of the OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That before traversing various paragraphs of the OA, the respondents beg to give the brief history of the case.

The applicants i.e. Shri Badal Chakraborty, Sri Pradeep Das & Smt. Jutika Lodh were initially engaged as Part Time casual laborers and on 29.11.1989, they were given temporary status of Group 'D' on the basis of the judgment and order of the Hon'ble Supreme Court, conveyed vide Chief Post Master General, N. E. Circle, Shillong memo No. Staff/43-1/76/Corr dated 8.12.1992, marked as Annexure-3 with the OA. As per rule of the department, circulated vide D.G. (Post), New Delhi in No. 37-15/2001-SPB-I dated 30.1.2002 (Copy enclosed), recruitment of casual labourers in group 'D' will be made @ 25% of the vacancies which if remains unfilled after recruitment of non-test category employees. Earlier, casual labourers in Group 'D' were used to absorb only when officials from non-test category and Extra department Agents were not available. In Agartala Division, no such situation arose so that the applicants could be absorbed in want of officials from non-test category and Extra Department Agents in the past. Now, the policy has been changed granting a Quota of 25% of the unfilled vacancies, if remains,

Filed by  
the Respondents Through  
Jisha Das.  
Adm CHSC  
27/6/06

19/12/06  
Deputy Superintendent  
To the Director Postal Serv  
Tirupur State, Agartala - 794

after absorption from non-test category Staff & EDAs. Moreover, these 25% posts will be absorbed (if found available) from the casual labourers according to seniority. At present, according to seniority the following persons are there for absorption. They will be absorbed as per rules. The department has already processed the matter with higher authority for obtaining approval of the Screening Committee.

Copies of the letters are annexed herewith and marked as Annexure- A series Seniority List is enclosed herewith as Annexure- B. After getting the said approval, steps will be taken to recruit Group 'D' as per rules only.

- 3) That with regard to the statements made in paragraph 1 of the OA, the respondents while denying the contentions made therein beg to state that the department is not reluctant to absorb the applicants but within the framework of existing rules. The casual laborers, who have rendered 3 years of continuous services have been given temporary status of Group 'D' as per verdict of the Hon'ble Supreme Court.
- 4) That with regard to the statements made in paragraph 2 and 3 of the OA, the respondents beg to offer no comments.
- 5) That with regard to the statement made in paragraphs 4.1 and 4.2 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statements made in paragraph 4.3 of the OA, the respondents while denying the contentions made therein beg to state that the averment is false. The department provided all the benefits to the applicants from time to time as per existing rules, their absorption depends on vacancies available and related terms and conditions. The department has already taken up the matter with the screening committee. Previously, provision was there to provide GPF, CGIS, etc to the temporary status Group- 'D' but from 1.1.2004, GPF facility to temporary status holders has been terminated. As on date, the applicants were not recruited staff as Group- 'D' and hence, their GPF contribution was suspended and amount due were paid to them.

DM 19/6/20  
Deputy Superintendent  
o/o the Director Postal Ser  
Tripura State, Agartala-79

23

copy of the letter-dated 02.09.2005 along with letter-dated 9.9.2005 are annexed herewith and marked as Annexure- C.

- 7) That with regard to the statement made in paragraph 4.5 of the OA, the respondents while denying the contentions made therein beg to state that the order of the Hon'ble Supreme Court has been implemented by giving the applicants temporary status. The rest depends on existing vacancies and relate rulings.
- 8) That with regard to the statement made in paragraph 4.6 of the OA, the respondents while denying the contentions made therein beg to state that a few more persons were there at that time in the status of temporary status group 'D' Senior to the applicants and also approval of the screening committee was pending, the order of the CPMG given in the note sheet could not be implemented at once but necessary steps have been taken instantly on that basis.
- 9) That with regard to the statement made in paragraph 4.7 of the OA, the respondents while denying the contentions made therein beg to state that on the basis of order of the Hon'ble Supreme Court, they were given temporary status and their regular absorption in Group 'D' depends on vacancies approved by the screening committee subject to availability of unfilled vacancy after filling up non-test category 25% limit as per rule.
- 10) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to state that regular absorption depends on certain rules and regulations and they will be absorbed accordingly only.
- 11) That with regard to the statement made in paragraph 4.9 of the OA, the respondents beg to offer no comment.
- 12) That with regard to the statement made in paragraph 5.1 of the OA, the respondents beg to submit that regular absorption depends on certain rules and regulations and they will be absorbed as per existing rules and regulations and as and when their turn come up.

13/10/22  
 Deputy Superintendent  
 o/o the Director Postal Service  
 Tripura State, Agartala-799004

- 13) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to state that they have been given temporary status as per verdict of the Hon'ble Supreme Court and they will be absorbed on regular basis only as per rules.
- 14) That with regard to the statement made in paragraph 5.3 of the OA, the respondents while denying the contentions made therein beg to state that no such approval was received. But the CPMG gave a note on a note sheet of a file No. WF-9 (AT) to absorbed the complainant in Group 'D' cadre by redeploying posts from other offices.
- 15) That with regard to the statement made in paragraph 5.4 of the OA, the respondents while denying the contentions made therein beg to state that the regular absorption in Group-'D' depends on certain rules and regulations and this will be done accordingly. The applicants cannot enjoy benefits in contraventions of rules depriving after eligible persons depriving after eligible persons. After 3 years of service, the complaints have been given temporary status, which they are enjoying till date.
- 16) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to state that mere submission of representations can not confer any right upon them for getting themselves absorbed in permanent Group 'D' Posts in contravention of rules and depriving the rights of other eligible persons/candidates.
- 17) That with regard to the statement made in paragraph 5.6 of the OA, the respondents beg to state that they are paid as per related scale. The term 'Poor Paid' is relative and hence denied.
- 18) That with regard to the statement made in paragraph 6 and 7 of the OA, the respondents beg to offer no comment.
- 19) That with regard to the statement made in paragraph 8 of the OA, the respondents beg to state that the applicants will be absorbed as and when their turn come as per rules and regulations. At present they are already enjoying the benefits of temporary status.

19/6/06  
Deputy Superintendent  
O/o the Director Postal S.O.  
Tribura State, Agartala-799001

- 20) That with regard to the statement made in paragraph 8.1 of the OA, the respondents beg to state that absorption with retrospective effect does not arise. When their turn will come up @ 25% of the vacancies they will be absorbed w e f the date of absorption and strictly according to seniority. (Annexure-'D')
- 21) That with regard to the statement made in paragraph 8.2 of the OA, the respondents beg to state that the applicants are not entitled to get any cost as without knowing the rules they have made all allegations. The department is very clear and clean with the rules and regulations.
- 22) That with regard to the statement made in paragraph 8.3 of the OA, the respondents beg to state that they cannot enjoy any relief beyond the existing rules and regulations.
- 23) That with regard to the statement made in paragraph 9 & 9.1 of the OA, the respondents beg to state that the applicants can be absorbed as permanent Group 'D' as per rules and regulations as described earlier.

The humble respondents crave leave of this Hon'ble Tribunal to advance more ground legal as well as factual at the time of hearing of the case, if necessary by way of filling affidavit.

- 24) That in view of the above facts and circumstances of the case the respondents pray before the Hon'ble Tribunal that the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

25%

VERIFICATION

I Sri. Anil Basan Datta, aged  
about 59 years at present working as  
Dy. Supdt. of Post Offices, O/o the Director Postal Services, Agartala  
....., who is one of the respondents and taking steps in this case, being  
duly authorized and competent to sign this verification, do hereby solemnly  
affirm and state that the statement made in paragraph  
1 to 23 are true  
to my knowledge and belief, those made in paragraph  
1 to 23 being matter of records, are  
true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 19th day of June 2006 at Agartala.

DEPONENT

PWL 19/6/06  
Deputy Superintendent  
O/o the Director Postal Services  
Tripura State, Agartala-791

398  
7-1  
Amlop 'A'  
(77)  
DEPARTMENT OF POSTS, INDIA  
O O THE DIRECTOR OF POSTAL SERVICES, AGARTALA 799001

HO Post A-8, PCH

dated at Agartala the 20-03-2006

1.  
The Chief Quarter General Staff  
N.E. Circle Shillong 793001

Subject :- Regarding absorption appointment of GR-D officials in respect of  
Agartala Division.

Reference :- Co No Staff/125-2/2004

dated 6<sup>th</sup> December 2005

Kindly refer to this office letter of even no dated 12<sup>th</sup> December 2005 where  
in total vacancy position in respect of Agartala Division as on 31-12-2005  
was furnished to Circle Office Shillong.

It is therefore requested to convey clearance of screening committee for  
recruitment of GR-D.

Wf 20/3  
Deputy Superintendent  
O O The Director Postal Services  
Agartala 799001



- 8 - A^ (63)

A

DEPARTMENT OF POSTS AND  
O/O THE DIRECTOR POSTAL SERVICES  
TRIPURA AGARTALA

Dated at Agartala 18-11-2005

NO. EsLA-8 /Pl-111

To  
The Chief Postmaster General (Estt)  
N.E. Circle Shillong 793001

Subject;- Regarding absorption /regularization of GR-D officials in respect  
of Agartala Division.

Reference;- Co No .Est /13-14/75/Ch-111 dated 28-09-2005 and dated 07-11-2005

With reference to the Circle Office Shillong letter cited above , I like to draw CO's  
kind attention with the following facts for necessary advice for taking necessary  
action into the cases under reference.

1. Whether there is necessary to seek approval for absorption /regularization of the  
three(3) individuals from Directorate /New Delhi screening committee.
2. And if it is necessary for declaration of clear vacancies.
3. And if it is necessary for formation of recruitment board for filling these  
vacancies.

Director Postal Services  
Agartala 799001.

- 9 - 'A'

(11/12/05)

DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL N. E. CIRCLE: SHILLONG-793 001.

Dated at Shillong, the 6<sup>th</sup> December 2005.

No.Staff/125-2/2004

UNDER ENTRY

To

Shri T.Mang Min Thang,  
Director of Postal Services,  
Agartala Division, Agartala.

Subject: Regarding absorption/appointment/regularization of Gr-D officials in respect of  
Agartala Division.

Reference: Your L/No.Est-A-8/Pl.III dated 18-11-2005.

On the captioned subject it is to intimate that since, recruitment in Group-D cadre is subject to clearance of the screening committee, no recruitment can be made straightaway without concurrence of screening committee. As such, you are requested to intimate total vacancy position in Gr-D as on 31-12-2005.

This is urgent.

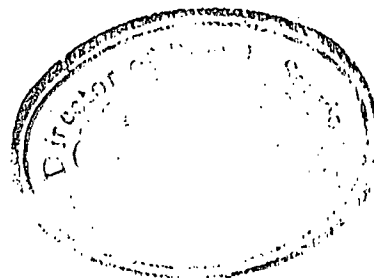
*J*  
*12/12*

*Ret.!*

*A.B.*  
*6/12/05*  
(A.B.Dutta)  
Asstt. Director (Staff)  
For Chief Postmaster General,  
N.E.Circle, Shillong-1.

Nett position in Gr-D cadre  
upto 31-12-05

Sanctioned strength	91
Working strength	80
Vacant	11



10 - A  
8

DEPARTMENT OF POSTS INDIA  
OFFICE OF THE DIRECTOR POSTAL SERVICES  
TRIPURA AGARTALA 799001

ESCA-1/PL III

Dated at Agartala 12<sup>th</sup> December 2005-2005

To  
The Chief Postmaster General( Staff)  
N.E. Circle Shillong 793001

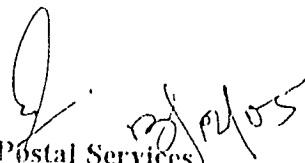
Subject:-Regarding absorption /appointment /regularization of GR-ID officials  
in respect of Agartala Division.

Reference:- CO NO Staff/125-2/2004

Dated 6th December 2005

Having a reference to the Circle Office Shillong above cited letter , total Vacancy  
position in respect of Agartala Division in GR-ID Cadre as on 31-12-2005 are furnished  
below for favour of kind disposal .

1. Sanctioned strength:- 91
2. Working strength:- 80
3. Vacant :-----11( eleven)

  
Director Postal Services  
Tripura Agartala 799001.

11 -  
List of Casual Labourers with temporary status

"Annex-B"

S/No.	Name of Official	Designation	Community	Date of Birth	Date of engagement OR Cont. Job as Casual labour	Temporary Status Given on (Date)	Educational Qualification	Office to which Attached
1.	Smt. Sadhan Ch. Dey	Pump Operator & Electrician	OC ✓	10-09-1953	17-09-1984	29-11-1989	Class VIII	P & T Colony
2.	Smt. Minati Acharjee	Safaiwala	OC ✓	03-04-1970	25-08-1988	-do-	Class VII	P & T Colony
3.	Smt. Juthika Laha	Casual Labour	OC ✓	03-01-1962	10-10-1988	-do-	Madhyamik Appeared	Agst H/O (random)
4.	Smt. Pradip Das	Casual Labour	SC ✓	05-12-1967	10-10-1988	-do-	Class VIII	-do-
5.	Smt. Bada Chakraborty	Casual Labour	OC ✓	20-08-1965	06-02-1989	-do-	Class VIII	-do-

Checked & verified  
[Signature]  
[Stamp] (Atch).  
[Stamp] HPO.

Director Postal Services  
AGARTALA-793601

peny

40/e - 12 - (121)

ARTMENT OF POSTS: INDIA.

OF THE CHIEF POSTMASTER GENERAL, NORTH EAST CIRCLE.  
SHILLONG-793 001.

ALL UNDER ENTRY.

No. AP/46-NPS/Rlg/2003

Dated at Shillong the 9<sup>th</sup> Sept' 2005.

To

1. The Director of Postal Services, Agartala/ Aizawl/ Kohima/ Imphal and Itanagar.
2. The Director of Accounts(Postal), Shillong.
3. Sr. Superintendent of Pos, Shillong.
4. The Executive Engineer,(PCD), Shillong
5. The Superintendent of Pos, Dharmanagar.
6. The Superintendent, PSD, Silchar.
7. The Sr. Postmaster, Shillong GPO.
8. GPF Share, Circle office, Shillong.
9. The Asstt. Postmaster General(Estt), C.O. Shillong.
10. The Asstt. Director(Staff), C.O.Shillong.

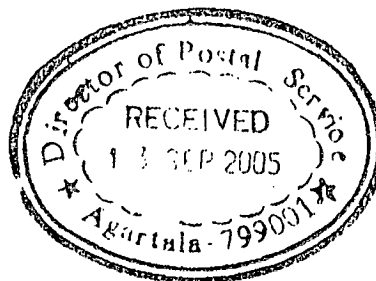
Subject:- Introduction of New Pension Scheme- Modification of Casual Labourers ( Grant of temporary status and regularization) Scheme.

Enclosed, kindly find herewith a copy of the Postal Directorate's Letter No.45-6/2005-SPB-1 dated 02-09-2005 which is self explanatory for necessary action and guidance.

Encl:- As above.

*no. 21/Rlg/New-Pension chd. 29/9/05*  
*to: Postmaster*  
*Agartala/R.K.Pur*  
*for information of*  
*...*

( S.C.Sharma)  
Accounts officer(A/Cs).



12 -

(120)

83

4.0-1/c

Government of India  
Ministry of communications & IT  
Department of Posts  
Dak Bhawan, Sansad Marg  
New Delhi - 110001

Dated : 02.09.2005

2005-SPB-I

1. All Principal Chief Postmasters General,
2. All Chief Postmasters General,
3. All Postmasters General,
4. Principals, Postal Training Centers,
5. Controller, Foreign Posts, Mumbai,
6. Director, Postal Staff College, Ghaziabad,
7. Chief General Manager, Postal Life Insurance, New Delhi,
8. Director, Postal Life Insurance, Kolkatta,


Subject : Introduction of New Pension Scheme - Modification of Casual Labourers (Grant of temporary status and regularization) Scheme.

Sir/ Madam,

I am directed to say that the scheme for grant of temporary status and regularization of casual labourers formulated by this Department vide letter NO. 45-95/87-SPB-I dated 12.04.1991 has been reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Government service on or after 1.01.2004. In consultation with the Department of Personnel and Training, it has been decided to modify the scheme as under :-

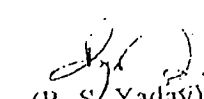
- (i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance. No credit of casual service, as specified in para 6 of the said scheme shall be available to the casual labourers on their regularization against Group 'D' posts on or after 1.01.2004.
- (ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 8 of the scheme for grant of temporary status. Therefore, no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 1.01.2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1.01.2004, shall be paid to them.

Yours faithfully,

  
(R. S. Yadav)  
Director (SPN)

Copy to :- All recognized Unions / Associations as per standard list.



  
(R. S. Yadav)  
Director (SPN)

10x-D  
- 14 -  
Stamp Sec  
BN  
315  
(2-1)  
(1)  
8

No.37-15/2001-SPB-1  
Government of India  
Ministry of Communications  
Department of Posts

Dak Bhawan, Sansad Marg  
New Delhi 110 001

30<sup>th</sup> January, 2002

To

1. All Pr. Chief Postmasters General,
2. All Chief Postmasters General,
3. Controller, Foreign Mails, Mumbai.

Subject: Department of Posts (Group 'D' Posts) Recruitment Rules, 2002.

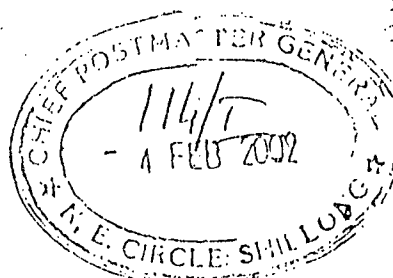
Sir/Madam,

I am directed to forward herewith a copy of Notification dated 23<sup>rd</sup> January, 2002 published in the Gazette of India, Extraordinary, Part-II, Section 3 Sub-section (i) dated 23.01.2002 promulgating the Revised Recruitment Rules for the Group 'D' posts in Circle, Administrative and Subordinate offices. These rules are effective from 23.01.2002, the date of publication of the Notification in the Gazette of India. Recruitment to Group 'D' posts will be in accordance with the revised Rules. The main changes that have been made in the revised Recruitment Rules when compared to the previous Recruitment Rules are as under :

(i) Earlier, recruitment of casual labourers in Group 'D' in Test Category in Subordinate Offices was made only when officials from non-test category and Extra Departmental Agents (Now Gramin Dak Sevaks) in the Recruiting Division / Unit were not available. Now 25% of the vacancies which remain unfilled after recruitment of non-test category employees is given to casual labourers for their absorption. The method of recruitment for filling up the vacancies by Gramin Dak Sevaks and Casual labourers is selection-cum-seniority. (The detailed provisions in this regard may be seen in Column No. 11 of the revised Recruitment Rules.)

(ii) For test category in Sub-ordinate offices "Middle school standard pass" is prescribed as essential qualification for direct recruits instead of desirable qualification of Primary School Standard Pass prescribed earlier.

A.D (Stabb)  
Pl circulate to all concerned.  
J. S. S.  
1-02-02



BN  
Pl circulate to all concerned with copy to G.O. / B.M.P.  
S.A.  
4.02.02

85

(iii) For promotion as Daffry Jamiadar in Circle and Administrative Officer, three years continuous service as Orderly /Packer /Peon is prescribed. Earlier no length of service was prescribed as permanent or quasi permanent Orderlies, Packers & Peons were eligible.

(iv) Likewise, promotion as Daffry in Sub-ordinate Offices, three years continuous service in the grade of Peon etc. is prescribed. Earlier no length of service was prescribed as permanent or quasi permanent Peons etc. were eligible.

(v) As per para 6 of the Notification of the revised Recruitment Rules, any person appointed to the said posts shall be liable to serve in the Army Postal Service in India or abroad, as required.

2. It is requested that the provisions of Recruitment Rules may be brought to the notice of all concerned. Relevant revised provisions may be suitably incorporated in future notifications of vacancies.

Encl. As above.

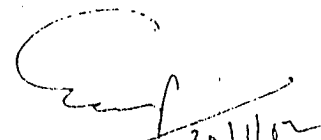
Yours faithfully,

  
(R. Srinivasan)

Assistant Director General (SPN)

Copy for information to :

1. Director, Postal Staff College, Ghaziabad (UP)
2. Director, Postal Life Insurance, Kolkata.
3. Directors, Postal Training Centres

  
(R. Srinivasan)

Assistant Director General (SPN)



लागू नहीं

विशेषीय प्रोन्नति समिति  
में शामिल है :

- (i) डिप्टी जनरल प्रमुख/समूह "क" पोस्टमास्टर — अध्यक्ष
- (ii) स्टेशन या क्षेत्र में अन्य समूह "क" या समूह "ख" (राजपत्रित) डाक/रेल  
डाक सेवा का एक अधिकारी — सदस्य
- (iii) स्टेशन या क्षेत्र में केन्द्र सरकार के किसी अन्य विभाग या कार्यालय  
के एक समूह "ख" (राजपत्रित) अधिकारी — सदस्य

टिप्पणी :— 1. परीक्षा का पाठ्यक्रम और अधीनस्थ कार्यालयों से संबंधित अनुभूति के भाग II में क्रम सं. 1 के पदों पर भर्ती के लिए न्यूनतम उत्तीर्णांक, परीक्षा होने से पहले समय-समय पर विभाग द्वारा निर्धारित किए गए नियमों के अनुसार होंगे।

2. अधीनस्थ कार्यालयों में सीधी भर्ती की रिक्तियों के लिए प्राचीण डाक सेवकों पर विभाग द्वारा समय-समय पर निर्धारित पद्धति एवं शर्तों के अधीन विचार किया जाएगा।
3. सीधी भर्ती की रिक्तियों के लिए अनियत मजदूरों तथा अंशकालिक मजदूरों पर विभाग द्वारा समय-समय पर निर्धारित शर्तों के अधीन विचार किया जाएगा।

[फा. सं. 37-15/2001-एसपीबी-1]

ए. के. दास, निदेशक (स्टाफ)

## MINISTRY OF COMMUNICATIONS.

(Department of Posts)

## NOTIFICATION

New Delhi, the 23rd January, 2002

G.S.R. 58(E).— In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Indian Posts and Telegraphs (Class IV Posts) Recruitment Rules, 1970, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the Group 'D' posts in the Department of Posts, Ministry of Communications, namely :-

1. Short title and Commencement. — (1) These rules may be called Department of Posts (Group 'D' Posts) Recruitment Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application -- These rules shall apply to the posts specified in Column 1 of the Schedule annexed to these rules.

3. Number of Posts, their classification and scale of pay. — The number of posts, their classification and the scale of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit, qualifications, etc. -- The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in Columns 5 to 14 of the said Schedule.

5. Disqualifications -- No person, -

- (a) who, has entered into or contracted a marriage with a person having a spouse living; or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

6. Requirement to serve in the Army Postal Service -- Any person appointed to the posts specified in the said Schedule shall be liable to serve in the Army Postal Service in India or abroad, as required.

7. Power to Relax -- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

8. Saving -- Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, the Ex-Serviceman and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

# 18- SCHEDULE

## PART-I- Posts of Circle and Administrative Offices

Name of Posts	Number of Posts	Classification	Scale of Pay	Whether selection by merit or selection-cum-seniority or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972	Educational and other qualification required for direct recruits
1	2	3	4	5	6	7	8
1. Orderlies/Packers/Peons	100* (2002)  *Subject to variation dependent on work load	General Central Service Group 'D' Non-Gazetted	Rs.2550-55- 2660-60- 3200/-	Not applicable	18-25 years (Relaxable for Government servants upto 35 years in accordance with orders or instructions issued by the Central Government from time to time).  Note:1- The crucial date for determining the age limit shall in each case be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti district and Pangri Sub-division of Chamba district of Himachal Pradesh, Andaman & Nicobar Islands and Lakshadweep).  2. In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be	Not applicable	Middle School standard pass or its equivalent Examination from a recognized School.

88

THE GAZETTE OF INDIA: EXTRAORDINARY  
PART II, SECTION 3

O O The Director Postal Services  
Agartala 793001

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	9	Not applicable.
Period of Probation, if any	10	Two years.
Method of recruitment whether by direct recruitment or by promotion or by deputation or absorption and percentage of the posts to be filled by various methods	11	100% by direct recruitment
In case of If a Departmental Promotion Committee exists what is its composition or grades which absorption to be made	12	Not applicable.
Circumstances in which the Public Service Commission is to be consulted in making recruitment	13	<p>(i) Assistant Postmaster General or a Senior Time Scale Officer - Chairman</p> <p>(ii) A Group 'A' or Group 'B' (Gazetted) Postal/ Railway Mail Service Officer at the Station or in the Region - Member</p> <p>(iii) A Group 'B' (Gazetted) Officer from any other Central Government Department or Office at the station or in the Region - Member</p>
	14	Group 'D' Departmental Promotion Committee (For confirmation only) consisting of: Not applicable.

- 20 -

1	2	3	4	5	6	7	8
2. Farash/Sweeper/ Safaiwala/Scavenger/ Chowkidar/Watchman/ Gardener/Mali Water man/Bhisti/Mazdoor.	150* (2002)  * Subject to variation dependent on workload.	General Central Service Group 'D', Non- Gazetted	Rs.2550- 55-2650- 60-3200/-	Not applicable	18-25 years  (Relaxable for Government servants upto 35 years in accordance with orders or instructions issued by the Central Government from time to time)  Note:1. The crucial date for determining the age limit shall in each case be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti district and Pangi Sub-division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands and Lakshadweep).  2. In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be the last date upto which Employment Exchange is asked to submit the names.	Not applicable.	Desirable :  Primary School standard pass

on

3. Attendant-cum-Khansama	1	2	3	4	5	6	7	8
		* Subject to variation dependent on workload.	General Central Service Group 'D', Non-Gazeted	Rs.2550-55-2660-60-3200/-	Not applicable.	Not applicable.	Not applicable.	Desirable: 1) Middle standard pass or its equivalent Examination from a recognized School 2) cooking Knowledge of

Not applicable	Two years	100% by direct recruitment	Not applicable.	(i) Assistant Postmaster General or a Senior Time Scale Officer - Chairman (ii) A Group 'A' or Group 'B' (Gazetted) Postal/ Railway Mail Service Officer at the Station or in the Region - Member (iii) A Group 'B' (Gazetted) Officer from any other Central government Department or Office at the station or in the Region - Member
----------------	-----------	----------------------------	-----------------	--

निम्नलिखित : अर्हता

(Note: Only)

22

9	10	11	12	13	14
Not applicable	Two years	By absorption	<u>Absorption</u> Orderlies, Packers, Peons, Farash, Sweeper, Scavenger, Chowkidar, Watchman, Gardener, Mali, Waterman, Bhisti or Mazdoor.	Group 'D' Departmental Promotion Committee consisting of:  (i) Assistant Postmaster General or a Senior Time Scale Officer - Chairman  (ii) A Group 'A' or Group 'B' (Gazetted) Postal/ Railway Mail Service Officer at the Station or in the Region - Member  (iii) A Group 'B' (Gazetted) Officer from any other Central government Department/ Office at the station or in the Region - Member	Not applicable

1	2	3	4	5	6	7	8
4. Daftry Jamadar	147* (2002)  *Subject to variation dependent on workload.	General Central Service Group 'D', non-Gazetted	Rs. 2610-60-2910-65-3300-70-4000/-	Selection-cum-Seniority	Not applicable	Not applicable	Not applicable

1	5. Junior Gesteher Operator.	*Subject to variation on workload (2002) 16*	General Central Service Group 'D', Non- Gazetted	Rs. 2610- 60-2910- 65-3300- 70-4000/-	Selection- cum- Seniority.	Not applicable.	Not applicable.	Not applicable.
2			3	4	5	6	7	8

Not applicable	Two years	100% by promotion.	Promoted From Orderlies, Packers, Peons with three years continuous service in the grade.	(i) Assistant Postmaster General or a Senior Time Scale Officer - Chairman (ii) A Group 'A' or Group 'B' (Gazetted) Postal Railway Mail Service Officer at the Station or in the Region - Member (iii) A Group 'B' (Gazetted) Officer from any other Central Government Department or Office at the station or in the Region - Member.	Group 'D' Departmental Promotion Committee consisting of: Not applicable.
-------------------	--------------	--------------------------	---	--	--

Initials : Kishor Jha BML

(in can)



24

9	10	11	12	13	14
Not applicable.	Two years.	100% promotion by	Promotion From Daftries and Jamadars with 3 years continuous service in the grade and possessing proficiency in handling Gestetner machines.	Group 'D' Departmental Promotion Committee consisting of: (i) Assistant Postmaster General or a Senior Time Scale Officer - Chairman (ii) A Group 'A' or Group 'B' (Gazetted) Postal/ Railway Mail Service Officer at the Station or in the Region - Member (iii) A Group 'B' (Gazetted) Officer from any other Central government Department or Office at the station or in the Region - Member	Not applicable.
Observation Committee		(5003) 10+	Group 'D' 10-10000- 20000- 20-3000- 20-3000- 20-3000-		
		5	3	2	2

Member of Office at the station or in the Region - any other Central government Department	(iii) A Group 'B' (Gazetted) Officer from the station or in the Region - Member	Postal Railway Mail Service Officer at (ii) A Group 'A' or Group 'B' (Gazetted) Senior Time Scale Officer - Chairman	(i) Assistant Postmaster General or a
Member	Postal Railway Mail Service Officer at	Senior Time Scale Officer - Chairman	Committee consisting of: Group 'D' Departmental Promotion

THE GAZETTE OF INDIA : EXTRAORDINARY  
PART II  
Section 3

97

*[Illegible text]*

Sl. No.	Post	Grade	Age Limit	Qualifications	Other	Remarks
1.	Letter Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
2.	Orderly/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
3.	Gateman/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
4.	Attendant/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
5.	Cum-Workload/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
6.	Khansama/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
7.	Cleaner in Mail/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
8.	Motor Service/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	
9.	Pumpmen/Peons/Peons/Packer/Porter/Van	33018*	Central -55-60	General Public School	Not applicable	

26

9	10	11	12	13	14
Not applicable	Two years	<p>The method of recruitment shall be in the manner specified below, namely -</p> <p>A test shall be held to determine the working eligibility of the candidates holding the post specified against SL.No.2 for filling up the posts. In case the suitable candidates are not found to fill up the posts by such test, the remaining posts shall be filled up by the method as specified below :-</p> <p>(i) 75% of the vacancies remaining unfilled after recruitment from employees mentioned at SL.No.2 shall be filled by Gramin Dak Sevaks of the Recruiting Division or Unit where such vacancies occur failing which by Gramin Dak Sevaks of the neighbouring Division or Unit by selection-cum-seniority.</p> <p>(ii) 25% of the vacancies remaining unfilled after recruitment of employees mentioned at SL.No.2, such vacancies shall be filled up by selection-cum-seniority in the following order :</p> <p>(a) by casual labourers with temporary status of the recruiting division or unit failing which,</p> <p>(b) by full-time casual labourers of the recruiting division or unit failing which,</p> <p>(c) by full -time casual labourers of the neighbouring division or unit failing which,</p> <p>(d) by part-time Casual Labourers of the recruiting division or unit failing which</p> <p>(iii) by direct recruitment.</p> <p>Explanation : 1. For Postal Division or Unit, the neighbouring Division or Unit, as the case may be, shall be the Railway Mail Service Sub-Division and vice-versa.</p> <p>2. The afore-mentioned test shall be governed by the instructions</p>	Not applicable	<p>Group Departmental Promotion Committee consisting of:</p> <p>(i) Divisional Head/ Group 'A' Postmaster Chairman.</p> <p>(i) Another Group 'A' or Group 'B' (Gazetted) Postal/Railway Mail Service officer at the Station or in the Region - Member</p> <p>(ii) A Group 'B' (Gazetted) officer from any other Central Government Department Office at the Station or in the Region Member.</p>	Not applicable

Superintendent  
O O The Director Postal Services  
Agartala 799001

1	2. Chowkidar/ Watchman/ Safawala/ Scavenger/ Gardener/ Mah to Subject* (2002) 3279*	General Central Service Group 'D', Non-Gazetted	Rs. 2550 - 55- 2660- 60- 3200/-	Not applicable	18-25 years	Note: I The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti district and Pangi Sub-division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands and Lakshadweep).	2. In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be the last date upto which Employment Exchange is asked to submit the names.
2							
3							
4							
5							
6							
7							
8							

Agartala 799004

2007-11-29 11:21 AM

THE CASTLE OF MARELLEBYGATE

1	2	3	4
4.	Junior	General Central	Rs. 2510-60
	437*	Service Group	2910-65
	(2002)	Non-Gazetted	3300-70
	* Subject to variation on workload		
			and proficiency in
			recognized school) Member
			examination from
			pass or equivalent
			(with middle school
			service in the grade
			of
			Seniority Group
			Selection cum
			Not Government
			Not applicable from
			applicable
			Not applicable
			8

9	10	Two years	Not applicable
11	100% promotion	From Datties and Jannadars with 3 years continuous service in the grade (with middle school pass or equivalent examination from recognized school) and proficiency in handling Gestetner Machines.	(iii) A Group 'B' (Gazetted) officer from any other Central Government Department / Office at the Station or in the Region - Member.
12	Promotion	From Datties and Jannadars with 3 years continuous service in the grade (with middle school pass or equivalent examination from recognized school) and proficiency in handling Gestetner Machines.	(ii) Another Group 'A' or Group 'B' (Gazetted) Postal/Railway Mail Service Officer at the Station or in the Region - Member.
13	Group 'D' Departmental Promotion Not applicable	Committee consisting of: Group 'D' Departmental Promotion Not applicable	(i) Divisional Head/ Group 'A' Postmaster - Chairman.
14	14		

Note :-

- 1 The syllabus of the test and the minimum pass marks for recruitment to the posts at SL No. 1 in Part II of the Schedule relating to Subordinate Offices shall be as laid down by the Department from time to time before commencement of the Examination.
- 2 Granth Dak Sevaks may be considered against the vacancies for direct recruitment in Subordinate Offices subject to such conditions and in such manner as may be decided by the Department from time to time.
- 3 Casual labourers and part-time casual labourers may be considered against the vacancies for direct recruitment subject to such conditions laid down by the Department from time to time.

[F. No. 37-152001-SPB-I]

( ) The Director Superintendent

achal Prod  
those in

Organized School

31/1

11

0.01

Notice

29

From,

Date - 27/7/06

Usha Das.

Addl Encl

To,

Mr. M. Chandra

Mr. S. Nath

Advocates

Sub: OA No. 81/2006 filed by Sri B. Chandra

Sir

Please find herewith a copy of  
WS being filed today. Kindly  
acknowledge the receipt thereof.

Thanking You -

Sincerely Yours

Usha Das.

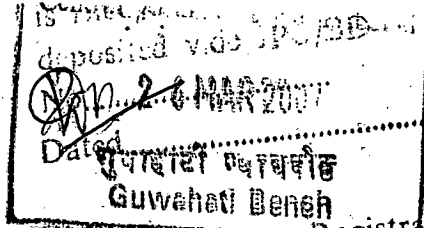
Addl Encl

Received copy

*[Signature]*  
28/7/06

Advocate





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

100  
Filed by the applicant  
through: S. N. K.  
Acharya  
24/03/2007

In the matter of: -

O.A. No. 81 of 2006.

Shri Badal Chakraborty & Ors.

..... Applicants.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Rejoinder submitted by the applicants against  
the written statement submitted by the  
respondents.

The humble applicants above named most humbly and respectfully state  
as under;

1. That with regard to the statements made in paragraph 2 of the written statement, the applicants beg to state that the respondents have fairly admitted that the applicants were granted temporary status w.e.f. 29.11.1989 on the basis of the judgment and order of the Hon'ble Supreme Court, which is also evident from the list annexed to the written statement as Annexure-B. It is also clearly evident from the Annexure- 3 to the O.A. that the said judgment and order dated 29.11.1989 of the Apex Court has clearly spelt out that after rendering three years continuous service with temporary status the casual labourers shall be treated at par with the temporary Group 'D' employees and would be entitled to such benefits as are admissible to Group 'D' employees on regular basis. As such these applicants are entitled to all the benefits admissible to Group 'D'

employees on regular basis w.e.f. 29.11.1992 and are legitimate and bonafide expectant for regularization of their service. This has further been confirmed in Circular No. 45-95/87-SPB-I dated 12.04.1991 communicated by Chief Postmaster General, NE Circle, Shillong vide letter No. Staff/43-1/76/Corr. Dated 08.12.1992. Thereafter the only thing remains is the regularization of services of the applicants which is not a new recruitment but a case of absorption/regularization only. Therefore the Circular dated 30.01.2002 and the rules therein, as referred to by the respondents are neither relevant nor applicable in the instant case.

2. That the applicants categorically deny the statements made in paragraph 3, 6, 7, 8, 9 and 10 of the written statement and most respectfully beg to submit that the applicants have already rendered continuous services for about 18 years by now as casual labourer out of which, for about 14 years with temporary status as well. As such they have already acquired a valuable right for regular absorption/regularization which they are legitimately entitled to as per the settled position of law. The Chief Postmaster General also approved the proposal of absorption/regularization of the applicants in File No. WF-9 (A.T) dated 26.07.2005 wherein the CPMG has further observed that the services of the applicants have been utilized against essential posts in the departmental canteen. It is also relevant to mention here that the very fact that the services of the applicants are being utilized for long 18 years, clearly indicates that the jobs are of permanent nature and against regular posts. It is categorically submitted that regular Group 'D' post as well as regular post of Gramin Dak Sevak are very much available under the disposal of the respondents and there are no impediments whatsoever in absorbing or regularizing the service of the applicants, more so when there has been a specific approval of the competent authority and the posts also do exist and on the top of that the services of the applicants have been extracted for long 18 years in temporary capacity. Even thereafter the vague contentions of the

respondents regarding seniority, screening committees approval etc. and consequent non-consideration of regularization of service of the applicants are not sustainable which are malafide, arbitrary, unfair, illegal, opposed to the settled position of law and violative of the principles of natural justice.

3. That the applicants categorically deny the statements made in paragraph 12, 13, 14, 15, 16 and 17 of the written statement and further beg to state that the Hon'ble Apex Court has categorically spelt out that after rendering three years service with temporary status, the incumbents are entitled to such benefits as are admissible to Group 'D' employees on regular basis. The CPMG, NE Circle has also made specific mention in File No. WF-9 (A.T) dated 26.07.2005 that these three applicants shall be absorbed/regularised as Group 'D' officials of Agartala Division against existing vacancies, which the respondents have also admitted in para 14 of the written statement. It is submitted that there are also posts of Group 'D' lying vacant against which the services of the applicants can be regularised. Thereafter nothing remains for the respondents to interpret otherwise and as such their contentions that the absorption/regularization of the applicants depend upon certain rules and regulations and that mere representations cannot confer any right upon the applicants for their absorption are beyond their jurisdiction and violative of the Hon'ble Court's direction and departmental decision.
4. That the applicants categorically deny the statements made in paragraph 19, 20, 21, 22, 23 and 24 of the written statement and begs to submit that the applicants are legitimately entitled for their regularization/absorption in Group 'D' posts for the reasons stated in the preceeding paragraphs hereinabove, and denial of the same is unfair, illegal, arbitrary and opposed to the principles of natural justice. The applicants are entitled to

103  
the reliefs prayed for and the Original Application deserves to be allowed with costs.

5. That under the facts and circumstances stated above, the Original Application deserves to be allowed with costs.

VERIFICATION

I, Shri Badal Chakraborty, S/o- Jagannath Chakraborty, aged about 38 years, resident of P&T Quarter No. 14, Block No. 3, Siddi Ashram, P.O- Agartala-1, Tripura, applicant No. 1, in the instant application duly authorized by the others to verify the statements made in the rejoinder, do hereby verify that the statements made in paragraph 1 and 5 of the rejoinder are true to my knowledge and records and rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 18<sup>th</sup> day of <sup>March</sup>~~January~~ 2007.

Badal Chakraborty

NOTICE

From: S. Nath  
Advocate

To: Miss U. Das.  
Adl. G. S. C.

Sub's Rejoinder in O.A. No. 82/2006 (Buddh Chakraborty & vs. -  
U. O. I. 2006).

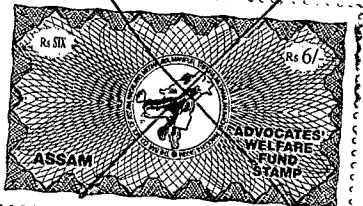
Sir,  
find please enclosed herewith a copy of the rejoinder,  
which is being filed on today. ~~This~~ This is for your  
information and necessary action.  
Please acknowledge receipt.

Received  
Usha Das  
(U. Das) 21/3/07  
Adl. G. S. C.

Yours Sincerely  
S. Nath  
Advocate  
21/03

MEMORANDUM OF APPEARANCE

Date : 5/6/08



To,

**The Registrar**

Central Administrative Tribunal  
Bhangagarh, Rajgarh Road,  
Guwahati.

File in Court on... 5/6/08

Court Officer.

**IN THE MATTER OF :**

O.A. No. 81 of 2006

Sri B. Chakravorty & Co

----- Applicant

- Vs -

**Union of India & Others**

----- Respondents

I, M. U. Ahmed, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. \_\_\_\_\_ in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.

  
(Motin Ud-Din Ahmed)  
Addl. C.G.S.C.