

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI - 5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 239/2009  
R.A./CP/NO. 2015  
E.P./M.P./NO. 12/2015-2671  
MP. 174/2010

1. Order Sheets..... 4 ..... page..... 1 ..... to..... 6 / .....  
MP. 127/09 Pg - 1
2. Judgment/ order dtd. 16.7.2010. page..... 1 ..... to..... 11 / .....
3. Judgment & Order dtd. / ..... received from H.C. / Supreme Court.
4. O.A. 239/09 & 452/53/2010. page..... 1 ..... to..... 95 / .....  
Abhikrit 38/led R-NO. 1 Pg - 1 to 3 /
5. E.P./M.P. 174/2010. .... page..... 1 ..... to..... 23 / .....  
- 12/2011 Pg - 1 to 27 /  
- 127/2009 Pg - 1 to 5 /
6. R.A./C.P. .... page..... to.....
7. W.S. Bksp. R-NO. 2 to 6 ..... Page..... 1 ..... to..... 36 / .....
8. Rejoinder. <sup>the applicant</sup> Bksp. by ..... page..... 1 ..... to..... 5 / .....
9. Reply ..... page..... to.....
10. Any other papers ..... page..... to.....
11. Memo of appearance → 01 / .....  
at 31/12/09 → 01 / .....  
\* at 3/3/10 → 01 / .....

P.D. 07/07/2015  
SECTION OFFICER (JUDL.)

6.7.2015

## CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:

ORDERSHEET

1. Original Application No : 239 / 2009

2. Misc. Petition No : ----- in O.A. No.-----

3. Contempt Petition No : ----- in O.A. No.-----

4. Review Application No : ----- in O.A. No.-----

5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Sri Prabhat Sarmah Mops.Respondent (S) : Union of India Mops.Advocate for the : Mr. R. Hazaridas{Applicant (S)} Mr. A. Kumar

Advocate for the : -----

{Respondent (S)}

BSNL

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited via: TPO/ED No..... <u>396</u> 927935 Dated..... <u>16.10.09</u>  Dy. Registrar <u>13/11/09</u>	19.11.2009	Permission for joining together by applicants No.1 to 21 in this single applicant is allowed.  The grievance of the applicants is that though they were granted temporary status vide order dated 27.5.1996 (Annexure-6) necessary benefits in terms of the scheme and grant of said status have not been made available/conferred despite the fact there is no impediment in the way. Further, the respondents informed their Headquarter on 12.8.2008 for releasing such benefit to the applicants but yet there is no response. In this view of the matter O.A is admitted.
<u>13.11.09</u>  <u>6 (six) copies of application with envelope received for issue notices to the Respondents No. 1 to 6. Copy served to the Mr. CSC. Extra charge for excess Respondent was deposited with Receipt No. 3031 Dated 13.11.09.</u>  <u>13/11/09</u>		

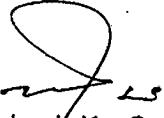
19.11.09

Mr K. Das, learned Addl. C.G.S.C accepts notice for respondent No.1 and learned counsel appearing for Mr M.R.Das accepts notice on behalf of respondents 2-6. Respondent No.1 is a proforma party. Respondents are directed to file their reply within 2 weeks.

9-12-09  
No W.S filed.  
b

List on 10.12.2009 for order.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/pg/

10.12.2009

Learned proxy counsel for respondents seeks and allowed four weeks time to file reply. M.P. 127/09 has already been allowed vide order dated 19.11.09 and therefore be not shown in cause list.

No W.S filed.

m  
8.12.2010

List on 11.1.2010.

  
(Mukesh Kumar Gupta)  
Member (J)

pg

11.01.2010

Proxy counsel for Mr. B.C. Pathak, learned counsel for BSNL prays for an adjournment. It is noticed that reply has not been filed. Time is extended to file reply.

No W.S filed.

22  
10.2.2010

List the matter on 11.02.2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/PB/

O.A. 239-09

11.02.2010

proxy counsel for Mr.B.C.Pathak, learned counsel for BSNL prayed for adjournment. It is noticed that reply has not been filed as yet. Time is further extended to file reply as a last chance.

NO W/S b/led.

3  
2.3.2010

List on 03.03.2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

/bb/

3.3.2010

03.03.2010

N/S Ray been  
filed in the Court  
by the Respondent  
Copy served  
3/3/2010

None appears for applicant. On the written request of Mr. B.C. Pathak, learned counsel for BSNL list the matter on 22<sup>nd</sup> March 2010. It is noticed that reply has not been filed by Respondents.

W/S b/led.

3  
19.3.2010

  
(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/pb/

22.03.2010

Mr.A.Kumar, learned counsel for applicants appeared and requested for four weeks time to file rejoinder.

List the matter on 23.04.2010 along with O.A.52/2010 and 53/2010.

Rejoinder not  
b/led.

3  
22.4.2010

  
(Madan Kr. Chaturvedi)  
Member (A)

/bb/

23.4.2010 On the request of Mr.B.C.Pathak, learned counsel for Respondents, time is extended to file reply in O.A.Nos. 52 of 2010 and 53 of 2010 by two weeks.

*W/S filed.*

*10.5.2010*

*Chit. M*

List the O.A Nos. 239 of 2009, 52 of 2010 and 53 of 2010 on 11.5.2010.

  
(Madan Kumar Chaturvedi) Member (A)

  
(Mukesh Kumar Gupta) Member (J)

lm

*11.5.2010*

*An affidavit  
has been filed by  
the Respondent No.1.  
Copy served.  
11/5/2010*

11.05.2010 Proxy counsel for Mrs. M. Das, learned Sr. CGSC for Respondents submits that today, she has filed written statement on behalf of Respondent No.1. Mr. A. Kumar, learned counsel for Applicant makes a prayer for four weeks time to file rejoinder.

*No rejoinder filed.*

*22.  
19.6.2010*

List the O.A. Nos. 239/2009, 52/2010 & 53/2010 on 07.06.2010.

  
(Madan Kumar Chaturvedi) Member (A)

RECEIVED - RECORDED - INDEXED - FILED  
JULY 1 2010  
/pb/  
RECORDED - INDEXED - FILED - SERIALIZED

07.06.2010  
RECEIVED - RECORDED - INDEXED - FILED  
JULY 1 2010  
/pb/  
RECORDED - INDEXED - FILED - SERIALIZED

*No rejoinder filed.*

*28.6.2010*

Pleadings are complete in O.A.239/2009. Reply has been filed in O.A.s 52 & 53 of 2010 on 10.05.2010. Learned counsel for the applicant(s) seeks further three weeks time to file rejoinder. As a matter of indulgence, last and final opportunity is granted to applicants to file rejoinder. List on 29.06.2010.

  
(Madan Kumar Chaturvedi) Member (A)

  
(Mukesh Kumar Gupta) Member (J)

/bb/

29.06.2010 Learned counsel for applicant states that rejoinder is being filed during the course of the day with copy to the respondents. Thus, pleadings are complete.

List for hearing on 13.07.2010.

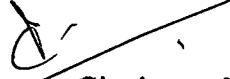
  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

nkrm

13.07.2010 Rejoinder has been filed by ~~the~~ applicants. Learned ~~proxy~~ counsel for the Respondents seeks time to file reply to the rejoinder. There is no rule or law pointed out under which reply to the rejoinder can be filed. Furthermore, on query raised proxy counsel has not been able to point out any new material or points raised in the rejoinder. Thus finding no justification, we are unable to accept such a request.

List on 14<sup>th</sup> July 2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/pg/

14.07.2010 Repeated prayers have been made by Mr.Mritul Deka, proxy counsel to adjourn the case as Mr.B.C.Pathak, learned counsel for BSNL is not available today. We note that the matter has been adjourned time and again. Last and final opportunity is granted to take appropriate steps so that we can proceed with, failing which, we shall have no option but to proceed with the matter.

List on 16.07.2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kumar Gupta)  
Member (J)

/bb/

O.A.239 of 2009

16.07.2010

For the reasons recorded separately,  
O.A. stands disposed of. No costs.

Received  
copy on 30/7/2010

Order dated 16/7/10

/bb/

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

~~copy~~  
Adv. for the applicant

Received by  
M. Datta, Advocate  
for B.C. Pathak, Advocate  
for BSNU  
Judgment dtd. 16.7.10  
on 23.8.10.

17.8.2010  
Judgment/Final order.  
Send to M.A/S for  
posting recd. A —  
N 1923 to 1934  
M 17.8.2010

10.3.11  
Order dated 03/01/2011  
prepared & sent to D/S  
for issuing of the same.

Memos No. 275 & 276

M 14/3/2011

M

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application Nos.239 of 2009, 52 and 53 of 2010

DATE OF DECISION: 16.07.2010

Sri Prabhat *Saikia* & ors. .... **Applicant/s.**

Mr.R.Mazumdar ..... **Advocate for the  
Applicant/s.**

- Versus -

U.O.I. & Ors. ..... **Respondent/s**

Mrs.M.Das for respondent-1 and Mr.B.C.Pathak for  
Respondents 2-6 in O.A.239/2009 and Mr.B.C.Pathak  
For all respondents in O.As.52 & 53 of 2010.

..... **Advocate for the  
Respondents**

**CORAM**

**THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J).**

**THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)**

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 of the Judgment? Yes/No

Judgment delivered by

*[Signature]* Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application Nos.239 of 2009, 52 & 53 of 2010

Date of Order: This the 16th day of July, 2010.

THE HON'BLE SRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

THE HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

O.A.239 of 2009

1. Sri Prabhat Sarmah  
S/O Late Gargeswar Sarmah  
Vill+ P.O. Chotia, Dist - Sonitpur, Assam.
2. Sri Biren Borah,  
S/O.Sri Lokeswar Borah  
Vill+ P.O. Chotia,  
Dist - Sonitpur, Assam
3. Sri Gagen Bhuyan  
S/O Late Tuleswar Bhuyan  
Vill.Barbhuyan, P.O. Chotia  
Dist.Sonitpur, Assam
4. Sri Biren Das  
S/O Sri Dolan Das,  
Vill - Khorasimalu, P.O. Geruabari,  
Dist - Sonitpur, Assam
5. Sri Abani Baruah  
S/O Bhola Baruah,  
Vill - Choti Baruah Chuburi, P.O. Chotia,  
Dist - Sonitpur, Assam
6. Sri Dhanpud Swargiary  
S/O Late Bholaram Swargiary  
Vill + P.O.Bhelogury  
Dist - Sonitpur, Assam
7. Sri Tilak Borah  
S/O Sri Laburam Borah  
Vill - Bangaon, P.O. Biswanath Chariali  
Dist.Sonitpur, Assam
8. Sri Pulin Borah  
S./O.Sri Purna Borah  
Vill- Mazgaon, P.O. Tezpur  
Dist.Sonitpur, Assam.

9. Gobinda Bhuyan  
S/O Late Tarini Bhuyan,  
Vill.Bangaon, P.O. Biswanath Chariali  
Dist - Sonitpur, Assam.
10. Ms.Tunmoni Saikia  
D/O Late Rabi Saikia  
Vill - Kochgaon,  
P.O. Biswanath Chariali,  
Dist - Sonitpur, Assam.
11. Sri Dharmendra Kr. Rai  
S/O Rajendra Rai  
Vill + P.O.Biswanath Chariali,  
Dist - Sonitpur, Assam
12. Sri Ambika Barman  
S/O Late Praneswar Barman  
Vill - Milanpur, P.O. Biswanath Chariali  
Dist - Sonitpur, Assam.
13. Sri Basanta Bhuyan  
S/O Dhantu Ram Bhuyan,  
Vill - Gopalpur, P.O. Alengisatra,  
Dist - Sonitpur, Assam.
14. Sri Prabhat Chandra Kalita  
S/O Late Dhiradutta Kalita  
Vill.Naharani, P.O. - Balichang  
Dist - Sonitpur, Assam.
15. Sri Dipen Bhuyan  
S/O Sandhan Bhuyan  
Vill.Barachuk,  
P.O. Khatargaon (Kalabari)  
Dist.Sonitpur, Assam.
16. Sri Kishor Kr.Pathak  
S/O Late Jogendra Nath Pathak  
Vill - Milanpur,  
P.O.Biswanath Chariali  
Dist - Sonitpur, Assam.
17. Sri Jiten Sarmah  
S/O Late Nityananda Sarmah  
Vill - Barghogia,  
P.O.Jamugurihat,  
Dist.Sonitpur, Assam
18. Sri Ramdeo Bhagat @ Ramji Bhagat  
S/O Late Juri Bhagat,  
Vill. + P.O. Jamugurihat,  
Dist.Sonitpur, Assam.

19. Sri Gobinda Borah,  
S/O Sibanta Borah  
P.O.Biswanath Chariali,  
Dist.Sonitpur, Assam
20. Sri Paban Kataki  
S/O Loknath Kataki,  
Vill.Bangaon ,  
P.O.Biswanath Chariali,  
Dist.Sonitpur, Assam.
21. Sri Jitu Sarmah @ Ratul Sarmah  
S/O Late Rabiram Sarmah  
Vill.Bangaon,  
P.O.Biswanath Chariali  
Dist.Sonitpur, Assam.

...Applicants

By Advocate: Mr.R.Mazumdar

-Versus-

1. The Union of India  
Through the Secretary to the  
Government of India  
Ministry of Communication  
and Information Technology,  
Department of Telecommunications  
Sanchar Bhawan, 20 Ashoka Road  
New Delhi-110011.
2. Bharat Sanchar Nigam Limited  
represented by  
Chairman cum Managing Director  
Bharat Sanchar Bhavan  
Harish Chandra Mathur Lane Janpath  
New Delhi-110001.
3. The Director (HRD)  
BSNL Corporate Office  
Bharat Sanchar Bhavan,  
Harish Chandra Mathur Lane  
Janpath, New Delhi-110001
4. The Chief General Manager Telecom  
Assam Telecom Circle, Admin Bldg, 4<sup>th</sup> Floor  
Panbazar, Guwahati-781001, Assam.
5. The General Manager  
Telecom District, Tezpur SSA,  
BSNL, Tezpur-784001.
6. The Telecom District Engineer,

Tezpur SSA, BSNL,  
Tezpur- 784001.

...Respondents

By Advocate: Mrs.M.Das for respondent no.1 and Mr.B.C.Pathak for respondent nos. 2 to 6.

O.A.52/2010

1. Sri Babul Saikia  
S/O Late Dambaru Saikia  
Vill-Dagaon, P.O. Biswanath Chariali  
Dist-Sonitpur, Assam.
2. Sri Swapna Kumar Saha  
S/O Hemanta Kumar Saha  
Vill.Gopal Nagar, PO+ PS. Kharupetia  
Dist - Darrang Assam.
3. Md.Taizuddin Ahmed  
S/o Md. Tazim Ali, Vill.Sonowa  
P.O. & PS: Sipajhar, Dist - Darrang, Assam
4. Sri Khagendra Nath Deka,  
S/O Sambhuram Deka, Vill – No.1 Bamunpara,  
PO + PS, Mangaldoi,  
Dist - Darrang, Assam
5. Md.Inarmul Gowala  
S/O Late Tilak Gowala,  
Vill - Mrinal Nagar, PO + PS – Udaguri  
Dist - Udaguri, Assam.
6. Md.Sartaj Ahmed  
S/O Md. Abdul Aziz  
Vill- Jalukbari,  
PO + PS Tangla  
Dist - Udaguri, Assam.
7. Md.Samsad Alam,  
S/O Late Kafil Ahmed,  
Vill - Japariigog, PO+PS-Dispur,  
Dist. Kamrup, Assam
8. Sri Prabin Ch. Boro  
S/O Patiram Boro  
Vill - Borkala,  
P.O.+PS – Dhula  
Dist.Darrang, Assam.
9. Md.Maznoor Ali  
S/O Late Kandu Ali  
Vill - Khandigar

P.O. Dhepergaon, Rangia  
Dist - Kamrup, Assam.

10. Sri Gajen Baruah  
S/O Sri Narayan Baruah  
Vill - Bhebarghat  
P.O. + PS Mongoldoi  
Dist. Darrang Assam.
11. Md. Mazibar Rahman  
S/O Late Khagaru Ali  
Vill - Athara, P.O. Puthimari  
Dist - Kamrup Assam.
12. Mrs. Indira Borah  
W/O Sri Gajen Baruah  
Vill - Bhebarghat  
P.O + P.S- Mongoldoi  
Dist. Darrang, Assam.
13. Sri Babul Kalita  
S/O Late Prabin Ch. Kalita  
Vill - Sipajhar Kalitapara  
P.O. + P.S-Sipajhar  
Dist - Darrang, Assam.
14. Sri Sadhiram Deka  
S/O Late Jagat Chandra Deka,  
Vill - Bhebarghat Ward No.10  
P.O. and P.S. - Mongoldoi  
Dist - Darrang, Assam.

By Advocate: Mr.R.Mazumdar

-Versus-

1. Bharat Sanchar Nigam Limited  
represented by Chairman cum Managing Director  
Bharat Sanchar Bhavan  
Harish Chandra Mathur Lane  
Janpath, New Delhi-110001.
2. The Director (HRD), BSNL Corporate Office  
Bharat Sanchar Bhavan, Harish Chandra Mathur  
Lane, Janpath, New Delhi-110001.
3. The Chief General Manager Telecom  
Assam Telecom Circle, Admin Bldg,  
4<sup>th</sup> Floor, Panbazar, Guwahati-781001.
4. The General Manager  
Telecom District, Tezpur SSA,  
BSNL, Tezpur-784001.

5. The Telecom District Engineer  
Tezpur SSA, BSNL  
Tezpur-784001

Respondents

By Advocate: Mr.B.C.Pathak

O.A.53 of 2010

1. Sri Balin Swargiary,  
S/O Late Bhola Ram Swargiary  
Vill: Bheluguri, P.O. Borpam Tiniali,  
Dist. Sonitpur, Assam
2. Sri Bhupen Barman,  
S/O Sri Suresh Barman,  
Vil No.2 Saikia Suburi,  
P.O. Orang, Dist.Darrang, Assam
3. Sri Pradip Kr.Bora,  
S/O Late Golap Bora  
Vill Karatigaon, P.O. Sootea,  
Dist.Sonitpur, Assam
4. Sri Dwijen Baishya,  
S/O Late Harendra Nath Baishya  
Vill. Namaigao, P.O.Rangapara  
Dist-Sonitpur, Assam
5. Sri Atul Ch.Deka,  
S/O Late Madan Deka  
Vill Batabari, P.O.Mazbat,  
Dist-Udalgiri, Assam
6. Sri Parimal Sarkar,  
S/O Sri Rafi Ranjan Sarkar  
Ward No.6, Indra Bora Path,  
P.O.Dhekiajuli Dist.Sonitpur, Assam
7. Sri Sakiram Mazhi,  
S/o Late Durga Ram Mazhi  
Vill-Oubari, P.O. Thelamara,  
Dist-Sonitpur, Assam
8. Sri Karuna Ch.Lakhar,  
S/O Late Dasharath Lahkar  
Vill .Namaigaon, P.O. Rangapara,  
Dist-Sonitpur, Assam
9. Sri Biswajit Malakar,  
S/O Late Satindra Malakar,  
Ward No.8,  
Sarkar Mandir Road,

P.O: Dhekiajuli  
Dist Sonitpur, Assam

10. Smt. Mina Das, D/O Late Jamini Das  
Ward No.10, Nijarapara P.O: Dhekiajuli  
Dist.Sonitpur, Assam
11. Smti Paramita Dey,  
D/O Late Narayan Chandra Dey  
Ward No.8, Sankar Mandir road,  
P.O.Dhekiajuli,  
Dist.Sonitpur, Assam
12. Sri Rupen Ch. Das,  
S/O Late Sarat Das  
Vill Namonigaon,  
P.O. Rangapara,  
Dist-Sonitpur, Assam
13. Sri Sanjoy Kr.Deb,  
S/O Late Nani Gopal Deb  
Santsanga Bihar,  
Ward No.04, P.O. Rangapara,  
Dist.Sonitpur, Assam
14. Sri Dukhan Ray,  
S/O Late Sankar Ray  
Ward No.04, Telephone exchange,  
P.O. Dhekiajuli,  
Dist-Sonitpur, Assam
15. Sri Anup Kr.Dutta,  
S/O Sri Amal Dutta  
Ward No.03, Vivekananda Road,  
P.O. Dhekiajuli Dist-Sonitpur, Assam
16. Sri Dina Kanta Ghatowal,  
S/O Sri Fagu Ram Ghatowal  
Vill-Kalakuchi, P.O. Thelamara,  
Dst-Sonitpur, Assam
17. Sri Rohini Kanta Basumatary  
S/O Sri Guni Ram Basumatary  
Vill.Rajabasti, P.O. Kajiamati,  
Dist.Darrang , Assam
18. Sri Rajat Bhattacharjee,  
S/O Rajendra Bhattacharjee,  
Vill.Jalukbari, P.O.Tangla,  
Dist: Darrang, Assam.
19. Sri Miran Daimary,  
S/O.Shiran Daimary,  
Vill No.2 Santipur,

P.O. Udaguri,  
Dist.Darrang, Assam

20. Sri Birendra Basumatary,  
S/O Late Ramendra Basumatary,  
Vill.Merbang Chuba,  
P.O. Bengbari  
Dist: Darrang, Assam

21. Sri Rajani Kr.Boro,  
S/O Dandi Ram Boro  
Vill.No.1 Sapkhati,  
P.O.Udalguari,  
Dist: Darrang, Assam

22. Sri NigamSwargiary,  
S/O Raghu Nat Swargiary,  
Vill Bheluguri,P.O. Barpam Tiniali,  
Dist. Sonitpur Assam

23. Sri Narendra Basumatary,  
S/o Sri Abiram Basumatary,  
Vill.Nalbari, P.O.Udaguri,  
Dist: Darrang Assam

24. Sri Kamaleswar Narzary,  
S/O Sri Upen Narzary,  
Vill.Lahapara, P.O. Behapara,  
Dist. Kamrup, Assam

25. Sri Yama Kanta Chamlagai,  
S/O Sri khara Nanda Chamlagai  
Vill + P.O. Goruduba,  
Dist.Sonitpur, Assam

26. Sri Biren Rava,  
S/O Sri Rabindra Rabha,  
Vill.Habigaon,  
P.O.Tamulbari (Harisinga)  
Dist.Darrang, Assam

27. Ms. Tanu Ram Boro,  
Vill.Murmella, P.O.Tangla  
Dist.Darrang, Assam

... Applicants

By Advocate Mr.R.Mazumdar

-Versus-

1. Bharat Sanchar Nigam Limited,  
represented by Chairman  
cum Managing Director,  
Bharat Sanchar Bhavan,

Harish Chandra Mathur  
Lane Janpath,  
New Delhi-110001.

2. The Director (HRD), BSNL Corporate Office,  
Bharat Sanchar Bhawan,  
Harish Chandra Mathur Lane Janpath,  
New Delhi-110001.
3. The Chief General Manager, Telecom  
Assam Telecom Circle, Admin Bldg,  
4<sup>th</sup> Floor, Panbazar,  
Guwahati-781001, Assam.
4. The General Manager, Telecom District,  
Tezpur SSA,  
BSNL, Tezpur-784001.
5. The Telecom District Engineer,  
Tezpur SSA,  
BSNL, Tezpur-784001.

.... Respondents

By Advocate: Mr.BC.Pathak.

#### ORDER (ORAL)

#### MUKESH KUMAR GUPTA, JUDICIAL MEMBER

Identical relief has been sought in these three applications, namely, O.A. Nos. 239 of 2009, 52 and 53 of 2010, and therefore, the same were heard analogously & disposed of by present common order.

2. Their grievances are projected vide para 4.17 of O.A.239/2009, which is reproduced herein as under:-

"4.17. That the applicants state that they are working in the department as Temporary Status Mazdoors and are drawing the payment in CDA Scales. However, it is stated that the applicants, in contravention of the order dated 27.05.1996, have not been afforded the annual increments or other benefits as envisaged in the order under reference. The petitioners state that though the IDA pay scales have been introduced and also are applied in the BSNL, the applicants are being denied the

benefits of the same. moreover, the applicants have been denied the benefits of leave, counting of 50% of their service rendered for retirement benefits, GPF accounts and contribution thereto and festival advance, which are envisaged in the order dated 27-5-1996. This aspect of the matter is also evident from the letter dated 17-2-2009 issued by the BSNL Employees Union to the General Secretary, CHQ, New Delhi and the communication dated 28-11-2009 issued by the Chief General Manager, Telecom Assam Telecom Circle, Panbazar."

(emphasis supplied)

3. In identical reply filed, the respondents have not touched on merits of said claim raised vide aforesaid para. Rather, the stand taken is that certain wrong action has been done by some erring officers of erstwhile DoT/BSNL and wrong interpretation of law and facts and illegality cannot be allowed to be perpetuated.
4. Be that as it may, both sides agree that the matter may be disposed of requiring the respondents to consider aforesaid grievances in view of Chief General Manager Telecom, Assam Telecom Circle communication dated 28.11.2008 (Annexure-11), wherein despite the above, it has also been prayed that certain posts be created to adjust 212 casual labourers of Tezpur SSA. It is noticed that all the remedies prescribed were not exhausted before approaching this Tribunal. As such, it was suggested by both sides that in the interest of justice these O.A.s be treated as representations of individual applicants and be disposed of in judicious manner by the concerned authorities.
5. In view of above, O.A.s are disposed of requiring the respondents to consider the aforesaid grievances of applicants and pass reasoned and speaking orders treating O.A.s as representations of

individual applicants. Aforesaid direction shall be complied with expeditiously not later than three months from the date of receipt of this order. No costs.

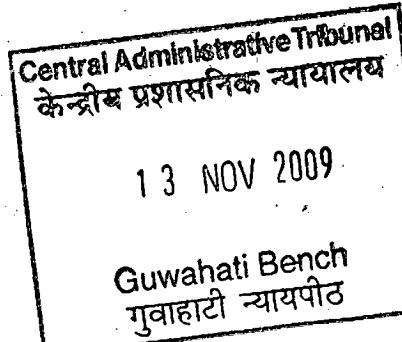
*Chaturvedi*

(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER

*Mukesh*

(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER

/bb/



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI**

**BENCH: GUWAHATI**

**ORIGINAL APPLICATION NO.....239/2009**

Sri Prabhakar Sarmah and others

-Vs-

Union of India and others.

**SYNOPSIS**

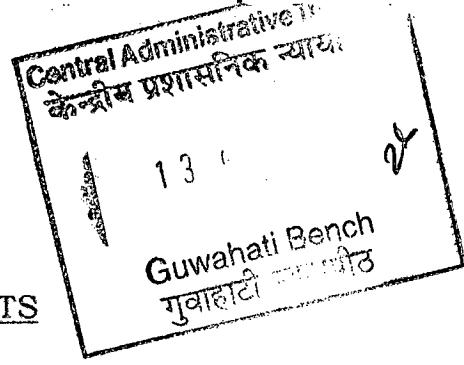
The present application has been filed under Section 19 of the Administrative Tribunals Act, 1985. The applicants were engaged in the Department of Telecommunications as Causal Mazdoors in the year 1988 and were eligible to be conferred with the Temporary Status Mazdoors as per order dated 25-06-1993 and 17-12-1993 issued by the Department. On completion of all formalities and on being recommended by the selection Committee formed for the purpose, the applicants were granted temporary status vide order dated 27-3-1996 under certain terms and circumstances. On allegations of anomalies, investigation was conducted by the Central Bureau of Investigation, and the applicants along with other persons were charge sheeted on the ground that fake experience certificates were produced by them to obtain temporary status. The Special Judge, CBI Court, Guwahati had found the accused guilty and had convicted them. The Hon'ble Gauhati High Court sitting in appeal had set aside the convictions and acquitted the applicants and other appellants,



holding that since there was no evidence of the fact that forged certificates were used, the very foundation of the prosecution allegation was missing. The applicants have been rendering their services in the Department till date. However, the respondents have not adhered to the terms and conditions laid down in order dated 27-3-1996, thus depriving the applicants of their legally due pay scales and other benefits. Moreover, even though Temporary status mazdoors who were granted such status later than the applicants and mazdoors who were engaged later than the applicants have been regularized, the applicants are yet to be considered for regularization.

Filed by

*Rajesh Mazumdar*  
13/11/09  
(Rajesh Mazumdar)  
ADVOCATE.  
(Counsel for the applicant)



### LIST OF DATES AND EVENTS

January and Applicants joined the service / were engaged as February 1988 Daily rated Mazdoors in the Department of Telecommunications.

25-06-1993 Department of Telecommunications (DOT) issued a circular for grant of Temporary Status to casual Mazdoors who were engaged between 31-3-85 to 22-6-88 and who were still continuing in service and who were not absent for last more than 365 days counting from date of issue of this order.

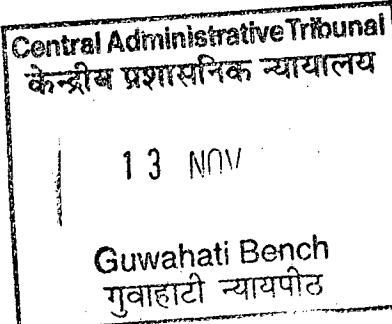
17-12-1993 The DOT issued circular for grant of Temporary status to casual Mazdoors engaged by the circles during the period from 31-3-85 to 22-6-88 and who were not absent from last more than 365 days counting from the date of issue of this order be brought under the scheme.

12-3-1996 the names of the Applicants were forwarded for consideration of regularisation to the Telecom District Engineer by the SDE, Phones (Group), Bishwanath Chariali.

25-3-1996 A Selection Committee was set up to recommend names for conferring Temporary Status mazdoors from the eligible Casual Mazdoors.

9-4-1996 Eligible casual Mazdoors including the  
And 14-5-1996 applicants are recommended for grant of Temporary Status Mazdoors after selection by the Committee constituted for the purpose.

27-3-1996



Office of the TDE, Tezpur, the Department of Telecommunications, confers temporary status on the recommended Casual Mazdoors under the "Casual Labours (Grant of Temporary Status/Regularisation) Scheme, with immediate effect under certain terms and conditions.

30-5-1996 to

11-6-1996

The applicants joined as Temporary Status Mazdoors under the SDE (Phones), Bishwanath Chariali

Investigations into allegations of malpractice in the Process of granting Temporary Status to Mazdoors was handed over to the Central Bureau of Investigations and pursuant to investigations, the applicants along with others were charge-sheeted and prosecuted in the Court of the Special Judicial Magistrate, Guwahati. The applicants along with other accused in Special Case no 9(c)/2000 were convicted by the Ld. Special Court of CBI at Guwahati vide judgment and order dated 28-7-2003.

2002 and

2003

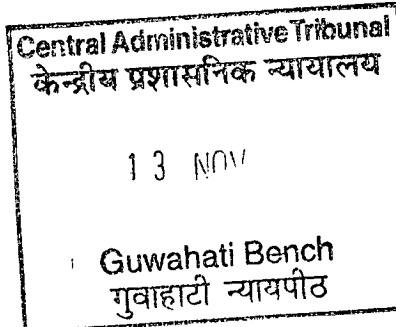
casual mazdoors who were engaged and/or were granted temporary status later than the applicants are regularized.

2003

Applicants preferred Criminal Appeal no 269/2003 before the Hon'ble Gauhati High Court against judgment and order of conviction dated 28-7-2003 passed by the Ld. Special Judge, Assam.

14.3.2007

The Hon'ble Gauhati High Court vide judgment and order dated 14.3.2007 acquitted the applicants and other appellants of the charges leveled by the Central Bureau of



Investigations and set aside the impugned order of conviction and sentence passed by the Special Court, Guwahati.

Thus, the applicants have been acquitted of all charges and as admitted by the respondents themselves, the order dated 18-9-1997 was not given effect to, the Temporary Status conferred upon the applicants continues. However, the applicants are not being given the benefits as enunciated in the terms and conditions of order dated 27-3-1996.

12-8-2008

Letter from the Office of the Chief General Manager, Assam Telecom Circle, to the Assistant Director General of BSNL admitting the presence of the Temporary Status Mazdoors and also highlighting the problems which were being faced by them.

28-11-2008

Letter from the Office of the Chief General Manager, Assam Telecom Circle, to the Director (HRD) of BSNL stating that the applicants are being paid as per DOT Circular on daily wage basis @1/30<sup>th</sup> of pay of Group D staff, the same however without reference to IDA pay scales.

Filed by the applicant  
through  
Rajib Majumdar  
Adv.  
13/11/09

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

OA no ..... 239 ...../2009

Central Adminis... Journal  
केन्द्रीय प्रशासनिक न्यायालय

Sri Prabhat Sarmah and others  
Vs  
The Union of India and others

13

Guwahati Bench  
गुवाहाटी न्यायपीठ

INDEX

SL.NO	PARTICULARS	ANNEXURE	PAGE
1.	Original Application with verification		1-17
2.	True copy of the order dated 17-12-1993	(Annexure A1)	18-19
3.	True copy of the order dated 12 <sup>th</sup> March 1996	(Annexure A2)	20
4.	True copy of certificates of engagement	(Annexure A3)	21-41
5.	True copy of the letter dated 25/3/1996	(Annexure A4)	42
6.	True copy of the relevant recommendations	(Annexure A5)	43-55
7.	True copy of order dated 27th May 1996	(Annexure A6)	56-75
8.	True copy of order dated 12/13-02-2002	(Annexure A7)	76-77
9.	True copy of the order dated 14.3.2007	(Annexure A8)	78-86
10.	True copy of letter dated 19-3-2004	(Annexure A9)	87-88
11.	True copy of the order dated 12-8-2008	(Annexure A10)	89-91
12.	True copy of letter dated 28-11-2008	(Annexure A11)	92-93
13.	True copy of the letter dated 17-2-2009	(Annexure A12)	94-95
14.	<i>W/S</i>		96-131
15.	<i>Accepted by R.N.O.L.</i>		132-134

Filed by

*Rajesh Mazumdar*  
(Rajesh Mazumdar)  
ADVOCATE.  
(Counsel for the applicants)  
13/14/09.

13 NOV 2004

Guwahati Bench  
गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

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

ORIGINAL APPLICATION NO..... 239 /2009

1. Sri Prabhat Sarmah, S/o. Late Gargeswar Sarmah,  
Vill + P O. Chotia, Dist. Sonitpur, Assam.
2. Sri Biren Borah, S/o. Sri Lokeswar Borah,  
Vill + P O. Chotia, Dist. Sonitpur, Assam.
3. Sri Gagan Bhuyan, S/o. Late Thuleswar Bhuyan,  
Vill. Barbhuyan, P O. Chotia, Dist. Sonitpur, Assam.
4. Sri Biren Das, S/o. Sri Dolan Das,  
Vill. Khorasimalu, P O. Geruabari, Dist. Sonitpur, Assam.
5. Sri Abani Baruah, S/o. Bhola Baruah,  
Vill. Choti Baruah Chuburi, PO. Chotia, Dist. Sonitpur, Assam.
6. Sri Dhanpod Swargiary,  
S/o. Late Bholaram Swargiary,  
Vill + P O. Bheologury, Dist. Sonitpur, Assam.
7. Sri Tilak Borah, S/o. Sri laburam Borah,  
Vill. Bangaon, PO. Biswanath Chariali, Dist. Sonitpur, Assam.
8. Sri Pulin Borah, S/o. Sri Purna Borah,  
Vill. Mazgaon, P O. Tezpur, Dist. Sonitpur, Assam.
9. Gobinda Bhuyan, S/o. Late Tarini Bhuyan,  
Vill. Bangaon, P O. Biswanath Chariali,  
Dist. Sonitpur, Assam.
10. Ms. Tunmoni Saikia, D/o. Late Rabi Saikia,  
Vill. Kochgaon, P O. Biswanath Chariali, Dist. Sonitpur, Assam.
11. Sri Dharmendra Kr. Rai, S/o. Rajendra Rai,  
Vill + P O. Biswanath Chariali, Dist. Sonitpur, Assam.
12. Sri Ambika Barman, S/o. Late Praneswar Barman,  
Vill. Milanpur, P O. Biswanath Chariali, Dist. Sonitpur, Assam.
13. Sri Basanta Bhuyan, S/o. Dhantu Ram Bhuyan,  
Vill. Gopalpur, P O. Alengisatra, Dist. Sonitpur, Assam.
14. Sri Prabhat Chandra Kalita, S/o. Late Dhiradutta Kalita,  
Vill. Naharani, P O. Balichang, Dist. Sonitpur, Assam.
15. Sri Dipen Bhuyan, S/o. Sandhan Bhuyan,  
Vill. Barachuk, P O. Khatargaon(Kalabari), Dist. Sonitpur, Assam.
16. Sri Kishor Kr. Pathak, S/o. Late Jogendra Nath Pathak,  
Vill. Milanpur, P O. Biswanath Chariali, Dist. Sonitpur, Assam.

filed by the applicant  
Thy Rajin, May 2009  
1/110/9

Sri Jitu Saikia

17. Sri Jiten Sarmah, S/o. Late Nityananda Sarmah,  
Vill. Barghogia, P O. Jamugurihat, Dist. Sonitpur, Assam.

18. Sri Ramdeo Bhagat @ Ramji Bhagat,  
S/o. Late Juri Bhagat,  
Vill. + P O. Jamugurihat, Dist. Sonitpur, Assam.

19. Sri Gobinda Borah, S/o. Sibanta Borah,  
P O. Biswanath Chariali, Dist. Sonitpur, Assam.

20. Sri Paban Kataki, S/o. Loknath Kataki,  
Vill. Bangaon, P O. Biswanath Chariali, Dist. Sonitpur, Assam.

21. Sri Jitu Sarmah @ Ratul Sarmah,  
S/o. Late Rabiram Sarmah,  
Vill. Bangaon, P O. Biswanath Chariali, Dist. Sonitpur, Assam.

.....Applicants

All the applicants are serving in the BSNL as Mazdoors who were granted temporary status as per order dated 27-5-1996. The applicants have a common cause of action and are approaching this Hon'ble Tribunal by a common application.

-Vs-

1. The Union of India, Through The Secretary to the Government of India, Ministry of Communication and Information Technology, Department of Telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi -110011.

2. Bharat Sanchar Nigam Limited, represented by Chairman cum Managing Director, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane Janpath, New Delhi-110 001.

3. The Director (HRD), BSNL Corporate Office, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane Janpath, New Delhi-110 001.

4. The Chief General Manager Telecom, Assam Telecom Circle, Admin Bldg, 4<sup>th</sup> Floor, Panbazar, Guwahati-781001, Assam.

5. The General Manager, Telecom District, Tezpur SSA, BSNL, Tezpur-784001.

6. The Telecom District Engineer, Tezpur SSA, BSNL, Tezpur-784001.

..... Respondents

DETAILS OF THE APPLICATION:

Sri Jitu Sarmah

**1. Particulars of the orders against which the application is made.**

The present Original Application is being made by the applicants praying for a direction to the respondents to comply with the terms and conditions as laid down in the order dated 27-5-1996, whereby the applicants were conferred Temporary Status. Though the applicants have been cleared of all allegations regarding the conferment of Temporary Status, and though the respondents have admitted that the applicants are serving in the Organization and are entitled to the benefits of order dated 27-5-1996, yet the respondents have not been complying to the terms of the order dated 27-5-1996, thus depriving the applicants of their due pay and other benefits of service. The applicants are not being afforded pay with reference to IDA Scales nor are being given other benefits as enunciated in the order dated 27-5-1996. The applicants have also served for more than 13 years as Temporary Status Mazdoors and are entitled to be considered for regularization with retrospective effect from the date when their immediate junior respectively, with regard of the date of engagement or date of conferment of Temporary Status, were regularized. However, the respondents have not considered them for regularization of services till date. The applicants crave the permission of this Hon'ble Tribunal to join together a file a single and common application since the applicants have a common interest in the matter in so far as the cause of action and the nature of relief prayed for are concerned. The applicants have authorized the applicant no 2 to verify and sign the pleadings on their behalf.

**2. Jurisdiction of The Tribunal:**

The applicants declare that the subject-matter of this application is within the jurisdiction of the Hon'ble Tribunal and the applicants are serving within the territorial jurisdiction of this Hon'ble Tribunal.

**3. Limitation:**

Sri Htu Saenmah

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

**4. Facts of the case:**

4.1. That the applicants being a citizen of India are entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2. That the applicants were engaged in the Department of Telecom, as Casual Mazdoors under the SDE, Phones (Group) Biswanath Chariali in the year 1988 and granted temporary status under OM dated 17-12-1993 of Department of Telecommunications (DOT), vide order dated 27-5-1996. The details of the applicants along with the dates of initial engagement and the dates of their joining as temporary mazdoors are given below:

Sl. no.	Name of applicant	Date of engagement as Casual Mazdoor	Date of joining as TSM
1.	Sri Prabhat Sarmah	01/01/1988	30-5-1996
2.	Sri Gagan Bhuyan	01/01/1988	30-5-1996
3.	Sri Dhanpod Swargiary	01/01/1988	30-5-1996
4.	Sri Gobinda Bhuyan	01/01/1988	30-5-1996
5.	Sri Jiten Sarmah	01/01/1988	11-6-1996
6.	Sri Ramdeo Bhagat @Ramji Bhagat	01/01/1988	11-6-1996
7.	Sri Gobinda Borah	01/01/1988	30-5-1996
8.	Sri Paban Kataki	01/01/1988	30-5-1996
9.	Sri Jitu Sarmah @ Ratul Sarmah	01/01/1988	30-5-1996
10.	Sri Biren Borah	01/02/1988	30-5-1996
11.	Sri Biren Das	01/02/1988	30-5-1996
12.	Sri Abani Baruah	01/02/1988	30-5-1996
13.	Sri Tilak Borah	01/02/1988	30-5-1996

Sri Jitu Sarmah

14.	Ms. Tunmoni Saikia	01/02/1988	30-5-1996
15.	Sri Basanta Bhuyan	01/02/1988	30-5-1996
16.	Sri Pulin Borah	01/03/1988	30-5-1996
17.	Sri Dharmendra Kr. Rai	01/03/1988	30-5-1996
18.	Sri Ambika Barman	01/03/1988	4-6-1996
19.	Sri Kishor Kr. Pathak	01/08/1988	30-5-1996
20.	Sri Prabhat ch. Kalita	15/02/1988	4-6-1996
21.	Sri Dipen Bhuyan	15/02/1988	30-5-1996

4.3. That the applicants state that vide order dated 25-06-1993 Department of Telecommunications (DOT) issued a circular extending the grant of Temporary Status to all Casual Mazdoors who were engaged between 31-3-85 to 22-6-88 and who were still continuing in service and who were not absent for last more than 365 days counting from date of issue of the order.

4.4. That the applicants state that vide another order dated 17-12-1993 Department of Telecommunications (DOT) issued a circular extending the grant of Temporary Status to all Casual Mazdoors who were engaged between 31-3-85 to 22-6-88 and who were still continuing in service and who were not absent for last more than 365 days counting from date of issue of the order.

A true copy of the order dated 17-12-1993 and a typed copy thereof is annexed hereto and marked as

#### Annexure A1.

4.5. That the applicants state that vide a communication dated 12<sup>th</sup> March 1996 the Sub-Divisional Engineer, (Phones (Group) Bishwanath Chariali, forwarded the names of the applicants to the Telecom District Engineer, Tezpur, for considering them for regularisation since they were engaged on or before 22-6-1988 as daily rated mazdoors and had been working continuously till that date. The certificates issued by and also countersigned

Sri Jitu Saikia

13 NOV

Guwahati Bench  
गुवाहाटी न्यायपीठ

by the concerned officials of the department were also forwarded along with the said recommendations.

A true copy of the recommendation of the SDE, Phones (Group) Bishwanath Chariali, is annexed hereto and marked as **Annexure A2**.

True copies of the certificates of engagement and attendance of the applicants are annexed hereto and marked as **Annexure A3**.

**4.6.** That the applicants state that vide order no X-1/CMPT/Tz/95-96/Confdl/1 dated 25/03/1996, the Telecom District Engineer, Tezpur conveyed the formation of a selection committee to recommend for conferring of temporary Status on eligible casual mazdoors.

A true copy of the letter dated 25/3/1996 is annexed herewith and Marked as **Annexure A4**.

**4.7** That it is stated by the applicants that the selection committee held the proceedings for selection for recommendation for regularisation and amongst others, also recommended the names of the applicants herein for consideration for regularisation. It would be relevant to state herein that the committee had recommended holding up of some persons on the basis of absence of forwarding by the Employment Exchanges, however, such irregularity was later removed.

True copies of the relevant recommendations of the Selection Committee are annexed hereto and marked as **Annexure A5 (collectively)**.

**4.8.** That the applicants state that the Telecom district Engineer, Tezpur on 27<sup>th</sup> May 1996 vide order no X-1-CMPT/96-97/Con-7, conferred the Temporary Status on the recommended casual labourers under the relevant

Sri Gita Saenay

Scheme with immediate effect. The names of the applicants appeared at page 3 of the order dated 27<sup>th</sup> May 1996 under the SDE (Phones) Chariali.

True copy of the order dated 27<sup>th</sup> May 1996 is annexed hereto and marked as **Annexure A6**.

**4.9.** That the applicants state that pursuant to the grant of temporary status, the applicants joined under the SDE(Phones) Group, at Bishwanath Chariali on different dates. The dates of joining after the grant of temporary status is given at paragraph 4.2 of the present application.

**4.10.** That the applicants state that since there were some allegations of non-entitled persons being granted Temporary status Mazdoors in the department, the Central Bureau of Investigation had conducted an enquiry into the issue and thereafter, had submitted charge sheet before the concerned criminal courts including the Court of the Special Judge, CBI, against the members of the selection Committee and also some of the Mazdoors who had been granted the Temporary Status, alleging that fake and false certificates had been used to ensure that such mazdoors qualified the necessary time period of continuous service as enunciated in the Scheme. It is stated that the petitioners along with other similarly placed mazdoors who were granted temporary status were arrayed as accused in Special Case no 9(c) / 2000 and were prosecuted in the Court of the Special Judge, Assam, at Guwahati, Kamrup.

**4.11.** That the applicants state that vide judgment and order dated 28-7-2003, the Ld. Special Judge found the applicants and the other similarly placed mazdoors who were granted temporary status guilty under sections 120B and 420 of the Indian Penal Code and they were convicted accordingly. The concerned Line Inspectors and Sub-Inspectors under the Sub-Divisional Engineer (Phones) Bishwanath Chariali were held guilty under Section 120 B of the Indian Penal Code and also under Section 13(2) read with Section

Sri Nitu Samnah

13(1)(d) of the Prevention of Corruption Act, as it stood then. All the accused were convicted and sentenced accordingly.

**4.12.** That the applicants state that, in the meantime at least 30 temporary mazdoors who had completed 10 years of engagement as Casual Mazdoors were provisionally appointed to the post of Regular Mazdoors with effect from 4/2/2002 against then existing vacancies by the office of the General Manager, Telecom District Dibrugarh, vide order dated 12/13-02-2002. Apparently many of the regularized mazdoors were engaged much later than the petitioners and all the mazdoors regularized by the aforesaid order were granted temporary status with effect from 1/1/1999, i.e. much later than the applicants herein.

A true copy of the order dated 12/13-02-2002 is annexed hereto and marked as **Annexure A7.**

**4.13.** That it is stated by the applicants that being aggrieved by the judgment and order dated 28-7-2003 passed by the Ld. Special Judge the applicants herein along with the other co-accused who were similarly placed had preferred Criminal Appeal no 269/2003 in the Hon'ble Gauhati High Court. The concerned Line Inspectors and the Sub-Inspectors who were convicted by the order of the Ld. Special Judge preferred Criminal Appeal no 268/2003. The Hon'ble Gauhati High Court heard both the matters together and vide judgment and order dated order dated 14.3.2007 acquitted the applicants and other appellants of the charges leveled by the Central Bureau of Investigations and set aside the impugned order of conviction and sentence passed by the Special Court, Guwahati. It was held by the Hon'ble Court there was no reliable evidence against the accused no A-7 to A33, which also included the present applicants, in Special Case no 9(c) / 2000 or

SM Jitendra Saikia

against any of the other appellants and further it was held that since the very foundation of the of the prosecution allegation was missing, it was a case of no evidence and the accused persons were entitled to acquittal.

A true copy of the order dated 14.3.2007 by the Hon'ble Gauhati High Court in Criminal Appeal no 268/2003 and Criminal Appeal no 269/2003 is annexed hereto and marked as **Annexure A8**.

**4.14.** That the applicants state that again the meantime, around 23 Casual Mazdoors under the General Manager, Telecom District Bongaiagon were posted as Regular Mazdoors in the Department. This is evident from a letter dated 19-3-2004 issued by the Office of the General Manager, Telecom District Bongaiagon. It was apparent from the communication that 8 of such mazdoors were engaged/conferred temporary status much later to the applicants in 1999 and the dates of the conferment of temporary status/ engagement as casual mazdoors of the rest of the regularized mazdoors were not divulged.

True copy of the letter dated 19-3-2004 is annexed hereto and marked as **Annexure A9**.

**4.15.** That the applicants state that neither the prosecution nor the Department has preferred any appeal against the judgment and order dated 14-3-2007 passed by the Hon'ble Gauhati High Court in Criminal Appeal no 268/2003 and Criminal Appeal no 269/2003 and as such, the judgment and order has attained finality.

**4.16.** That the applicants state that all through out after being granted Temporary Status, the applicants have been enjoying the status of Temporary Mazdoors, as is reflected in the communication dated 12-8-2008 passed by the Chief General Manager, Assam Telecom Circle, Panbazaar.

Sri Gita Saikaly

A true copy of the order dated 12-8-2008 is annexed hereto and marked as **Annexure A10.**

4.17. That the applicants state that they are working in the department as Temporary Status Mazdoors and are drawing the payment in CDA Scales. However, it is stated that the applicants, in contravention of the order dated 27-5-1996, have not been afforded the annual increments or other benefits as envisaged in the order under reference. The petitioners state that though the IDA pay scales have been introduced and also are applied in the BSNL, the applicants are being denied the benefits of the same. moreover, the applicants have been denied the benefits of leave, counting of 50% of their service rendered for retirement benefits, GPF accounts and contribution thereto and festival advance, which are envisaged in the order dated 27-5-1996. This aspect of the matter is also evident from the letter dated 17-2-2009 issued by the BSNL Employees Union to the General Secretary, BSNLEQ, CHQ, New Delhi and the communication dated 28-11-2009 issued by the Chief General Manager, Telecom Assam Telecom Circle, Panbazaar.

True copies of the letters dated 28-11-2008 issued by the Chief General Manager, Telecom Assam Telecom Circle, Panbazaar and the letter dated 17-2-2009 issued by the BSNL Employees Union are annexed hereto and marked as **Annexure A 11 and Annexure A 12.**

4.18. That the applicants state that apparently, though the applicants have been granted the Temporary Mazdoor Status as per their entitlement and the allegation that there were anomalies on such grant of Temporary Status has been set aside and quashed by the Hon'ble Gauhati High Court, the respondents are not inclined to adhere to their own orders and rather are denying the applicants their legally due and entitled benefits under the office

Sri Nitu Saikia

13 NOV

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

10

order dated 27-5-1996. The applicants are approaching this Hon'ble Tribunal against such arbitrary and illegal acts of the respondents and are praying for appropriate directions to the respondents to implement the terms and conditions of order dated 27-5-1996 in their true light and spirit and to allow the benefits of the said order to the applicants, who have been serving for more than the last 21 years. Moreover, in light of the facts that several of the casual mazdoors/ temporary who were engaged/ granted temporary status much after the applicants, have been regularized and are serving as Regular Mazdoors, the applicants are entitled under the law of equity and equality to be granted the recognition of Regular Mazdoors.

**4.19.** That the applicants state that the concerned respondents have not taken any step to mitigate the grievances of the applicants with respect to the benefits under order dated 27-5-1996 to which they are legally entitled.

**5. Grounds for relief with legal provisions:**

Aggrieved by the non-action of the concerned respondents to grant the legally due benefits of the order dated 27-5-1996 on the Applicants, the applicants prefer the present Original Application on the following amongst other grounds:

**5.1.** For that it is stated that the Scheme for grant of Temporary Status on certain class of casual labourers was initiated by the Department of Telecommunications on 25<sup>th</sup> of June 1993 and the same was modified vide order 17-12-1993 and the same was made applicable to Casual Labourers engaged in the whole of India. It is a matter of record that the Temporary Status was granted to the applicant after following due procedure as per the relevant scheme. It is also a matter of records that any and all allegations regarding irregularity in grant of Temporary Status has been set at rest by the Judgment and order dated passed by the Hon'ble Gauhati High Court. In such circumstances, the

Sri Jitendra Saikia

grant of temporary status on the applicants being valid in law, they are entitled to enjoy the benefits as envisaged in the said order dated 27-5-1996 as is permissible in law.

5.2. For that the applicants state that it is not in dispute that they had been granted the Temporary Status by the Department correctly and in pursuance of the Scheme introduced by the Department. It is also not in dispute that the applicants have been serving in the Department and thereafter in the Department as Casual Labourers earlier and later as Temporary Status Mazdoors. This fact is reflected in the communications of the department and also of the concerned Circle offices. It is also not in dispute that though the applicants are getting payment as per CDA scale, in terms of the order dated 27-5-1996, they have not been given the benefit of yearly increments as envisaged in the order dated 27-5-1996. It is also not in dispute that the applicants have been deprived of other benefits such as leave entitlement, GPF contribution, Festival advance etc. It is humbly submitted that since the applicants have been granted the Temporary Status as per their entitlement, they would be entitled to the benefits on the grant of the status and the respondents are liable to afford the benefits to the applicants.

5.3. For that, the applicants state that it has been admitted by the concerned Telecom Circle Office that the applicants are serving as Temporary Status Mazdoors and it is also admitted that the applicants are being denied the benefits of such grant of Temporary Status. It is submitted that though the respondents have admitted the above, the competent authorities / respondents are refraining from initiating any steps to mitigate the grievances of the applicants.

5.4. For that the respondents are acting in a illegal and arbitrary when they are denying the applicants even those the benefits under the Scheme which are not dependent on the regularisation or otherwise of the applicants. It is

humbly submitted that the grant of yearly increments, leave entitlement, application of payments with regard to IDA pay-scales, PF contribution Festival Advance etc. have no or little referee to the regularisation or otherwise of the services of the applicants. The highhandedness of the respondents is evident when even such benefits are being denied to the applicants, although they are entitled to the same.

**5.5.** For that, the respondents cannot and in fact have not denied the entitlement of the applicants to the benefits under the order dated 27-5-1996 but are denying the applicants the benefit of the said order.

**5.6.** For that, the respondents have violated the principles of administrative fairplay and equity when on the one hand the entitlement is admitted but the benefits are being denied. It is submitted that the regularisation of the services were not effected due to the pendency of the Criminal Appeals in the Hon'ble Gauhati High Court. However, since the Hon'ble Court has set aside all allegations of the prosecution regarding the grant of temporary status vide order dated 14-3-2007, the respondents were and continue to be liable to grant the benefits to which the applicant are entitled to under order dated 27-5-1996. The respondents however, are causing undue and unwarranted delay in granting such benefits for reasons best known to them.

**5.7.** For that the applicants have served for more than 13 years as Temporary Status Mazdoors and as per order dated 27-5-1996, their services are liable to be regularized as has been done in the case of other Temporary Status Mazdoors. It is stated that the case of the applicants conform to all the terms and conditions as laid down in the order dated 27-5-1996 and as such, they deserve to be deemed to be regularized retrospectively from the dates effective for each applicant respectively.

**5.8.** For that since several of the casual mazdoors who were engaged later than the applicants and several mazdoors who were granted temporary status

Sri Jitendra Sarangi

later than the applicants have been regularized and as such, the applicants are also entitled to be granted a similar and equal benefit, in accordance with equity and equality.

**6. DETAILS OF REMEDIES EXHAUSTED.**

The applicants states that in view of the admissions made by the respondents and the grievance being one of inaction on the part of the respondents to grant of benefits under order 27-03-1996, and in view of the intradepartmental communications annexed hereto, it is submitted that it may be deemed that the applicants have no other alternative and equally efficacious remedy except to approach this Hon'ble Tribunal for mitigating the grievances. The respondents have not granted the relief sought by the applicants.

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

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

**8. Relief/s sought:**

Under the facts and circumstances stated above the applicants most respectfully pray that Your Lordships may be pleased to grant the following reliefs to the applicants:

**8.1.** Allow the applicants to approach this Hon'ble Tribunal to join together and file a common application, having regard to the fact that the cause and the nature of the relief prayed for reveal that the applicants have a common interest in the matter; and

Sri Nitin Saikia

8.2. Direct the respondents to adhere to the terms and conditions as enunciated in the order dated 27-5-1996 passed by the Department of Telecommunications while granting Temporary Status to the applicants, more specifically to the terms regarding the applicability of annual increments and GPF contributions with effect from 27-5-1996, Festival advances/Flood Advances, and also make payments of wages by applying the IDA pay-scales which are presently in effect, from the date of effect of such pay-scales.

8.3. Direct the respondents to take necessary steps to regularize the services of the applicants with retrospective effect from the date when their immediate juniors respectively, with regard of the date of engagement or date of conferment of Temporary Status, was regularized.

8.4. Grant the cost of this application in favour of the applicants and against the respondents; and

8.5. Grant any other such further or other reliefs as this Hon'ble Tribunal may deem fit, proper and necessary in the interest of justice and in the circumstances of the case.

**9. Interim order, if any, prayed for :**

In view of the nature of the final relief being prayed by the applicants, no interim orders are being prayed for.

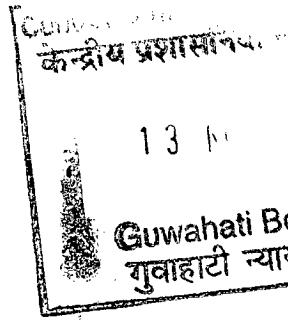
**10. In the event of application being sent by Registered post, it may be stated whether the applicants desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post-Card or Inland Letter, at which intimation regarding the date of hearing could be sent to him.**

The applicants states that clause 10 of the statutory format does not apply to them.

**11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE**

(i) I P O number: 396 427935.

Sri Jitendra



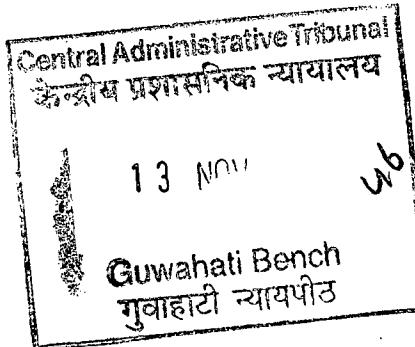
- (ii) Date: 16-10-09,
- (iii) Issued by the Guwahati post office
- (iv) Payable at Guwahati.

**12. LIST OF ENCLOSURES:**

1. True copy of the order dated 17-12-1993	(Annexure A1)
2. True copy of the order dated 12 <sup>th</sup> March 1996	(Annexure A2)
3. True copy of certificates of engagement	(Annexure A3)
4. True copy of the letter dated 25/3/1996	(Annexure A4)
5. True copy of the relevant recommendations	(Annexure A5)
6. True copy of order dated 27th May 1996	(Annexure A6)
7. True copy of order dated 12/13-02-2002	(Annexure A7)
8. True copy of the order dated 14.3.2007	(Annexure A8)
9. true copy of letter dated 19-3-2004	(Annexure A9)
10. True copy of the order dated 12-8-2008	(Annexure A10)
11. True copy of letter dated 28-11-2008	(Annexure A11)
12. True copy of the letter dated 17-2-2009	(Annexure A12)

---VERIFICATION---

Sri Jitendra Saikia



VERIFICATION

I, Sri Jitu Sarmah....., Son of Sri  
Late Rabiram Sarmah, aged about 47 years, working as a  
T.S.M..... in the Bishnupur Chorali  
Telephone Exchange..... in the State of  
Assam....., being authorized by other applicants and  
being competent, do hereby verify that the contents of paragraphs  
number 1,2,3,4,6,7,8,9,10,11,12..... are  
true to my personal knowledge and the contents of paragraphs  
5..... believed to be  
true on legal advice and that I have not suppressed any material  
fact.

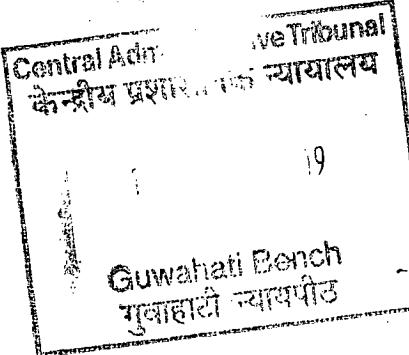
Date: 26/10/2009

Sri Jitu Sarmah

Signature of the applicant no.

(Applicant No. 21)

Place: Bishnupur Chorali



18

58  
ANNEXURE A-1

No 269-4/93-STH  
Department of Telecommunications  
STN Section

New Delhi

Dated 17-DEC-1993

TO

All Heads of Telecom, Circle/Metro Telecom. Dist  
All Heads of other Administrative Offices  
All Heads of Mtce. Regions/Project Circles.

Subject: Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 engaged in Circles after 30.3.85 and upto 22.6.88.

Sir,

I am directed to refer to this office order No. 269-4/93-STN dated 25<sup>th</sup> June, 1993 wherein orders were issued to extend the temporary status to all those Casual Mazdoors who were engaged by the Project Circles/Electrification Circles, during the period 31.3.85 to 22.6.88 and who were still continuing for such works where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of the above said orders.

2. The matter has further been examined in this office and it is decided that all those casual mazdoors who were engaged by the Circles during the period from 31.3.85 to 22.6.88 and who are still continuing for such works where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of this order, be brought under the said scheme.

3. The engagement of Casual Mazdoors after 31.3.85 in violation of the instructions of the Head Quarter has been viewed very seriously and it is decided that all past cases wherein recruitment has been made in violation of instructions of the Head Quarter dated 30.3.85 should also be analysed and disciplinary action be initiated against defaulting officers.

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

5. It is further stated that the services of the casual mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of these orders should be terminated after following the conditions as laid down in I.D. Act, 1947 under Section 25.F G and H.

6. This orders are issued with the concurrence of Member (Finance) vide U.O. No. 3811/93-FA-I dated 1.12.93.

Hindi version follows.

Yours faithfully

(SK Dhawan)  
ASSISTANT DIRECTOR GENERAL (STN)

Copy to: -

1. All the staff members of Departments JCM
2. All Recognized Unions/Associations
3. Budget/ TE-I/ TE-II/SSA / CWC/ PAT/ NCG/SR sections of the Telecom Section.
4. SPB-I Section, Department of Posts, New Delhi.

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE SDE, PHONES (OR)  
BISWANATH CHARIALI

No. 9-1 | Gen Corres | 95-96 Dated at Chariali the 12th Mar '96

To  
The Telecom District Engineer,  
Tezpur

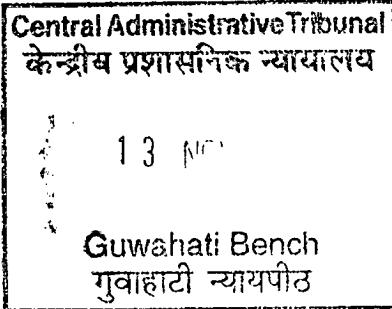
Sub:- Casual Labourers (Granting of Temporary Status & Regularisation) engaged on or before 22-6-88.

The following are the daily rated mazdoors who were engaged on or before 22-6-88 and have been working continuously till date are hereby forwarded for consideration of regularisation.

Name of Mazdoors	Joined on
1. Sri Pawan Kataky	01-01-88
2. Ms Juri Sarmah	01-01-88
3. Sri Ratul Sarmah (Jitu Sarmah)	01-01-88
4. " Prabhat Sarmah	01-01-88
5. " Biren Bora	01-02-88
6. " Gagar Bhuyan	01-02-88 1-1-88
7. " Biren Dass	01-02-88
8. " Paranjali Katoky	01-02-88
9. " Abani Baruah	01-02-88
10. " Dhanpat Swargiary	01-01-88
11. " Jyoti Prasad Saikia	01-01-88
12. " Tilok Bora	01-02-88
13. " Babul Saikia	01-01-88
14. " Pulir Bora	01-03-88
15. " Gobinda Bhuyan	01-01-88 1-1-88
16. M/S Tunmoni Saikia	01-02-88
17. " Moina Bora	01-01-88
18. " Dharmandra Kr Rai	01-03-88
19. " Ambika Barman	01-03-88
20. " Basanta Bhuyan	01-02-88
21. " Prabhat Kalita	13-02-88
22. " Dwepon Bhuyan	13-02-88
23. " Kishore Kr Pathak	01-10-87 1-1-88
24. " Cheniram Sarmah	01-01-88
25. " Jitney Sarmah	1-1-88
26. " Ranji Bhakat	1-1-88
27. " Gobinda Bora	1-1-88

1. Sri Pawan Kataky  
2. Ms Juri Sarmah  
3. Sri Ratul Sarmah (Jitu Sarmah)  
4. " Prabhat Sarmah  
5. " Biren Bora  
6. " Gagar Bhuyan  
7. " Biren Dass  
8. " Paranjali Katoky  
9. " Abani Baruah  
10. " Dhanpat Swargiary  
11. " Jyoti Prasad Saikia  
12. " Tilok Bora  
13. " Babul Saikia  
14. " Pulir Bora  
15. " Gobinda Bhuyan  
16. M/S Tunmoni Saikia  
17. " Moina Bora  
18. " Dharmandra Kr Rai  
19. " Ambika Barman  
20. " Basanta Bhuyan  
21. " Prabhat Kalita  
22. " Dwepon Bhuyan  
23. " Kishore Kr Pathak  
24. " Cheniram Sarmah  
25. " Jitney Sarmah  
26. " Ranji Bhakat  
27. " Gobinda Bora

12/96  
(G.S. Mathur)  
SDE, Phones (Group)



- 21 -

Certified that Sri/Smt. Tiferen Sarma  
 Son/daughter of Sri 1st Chirinda Sarma.  
 Village Borolhaga P.O. Jamuguri haf  
 District Sivasagar worked/has been working in the  
 Telecom as casual labour under m  
 control for Telecom Department (A.C.G. 17) work etc.  
 on ACG 17. Details of working days are as follows:

① 1988 — 244 days	Signature Q.R.Dina H.J Jamuguri Murti
② 1989 — 247 days	
③ 1990 — 243 days	
④ 1991 — 248 days	
⑤ 1992 — 245 days	
⑥ 1993 — 243 days	
⑦ 1994 — 247 days	
⑧ 1995 — 246 days	
⑨ 1996 — 48 days (Jan & Feb)	

CIS

~~Sub-Divisional Engineer Phone (Group)~~  
Biswanath Chariali-784176

~~CIS~~  
~~Jan~~

Junior Telecom Officer. (Gr) II West.  
Biswanath Chariali-784176

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঁঠ

Certified that Sri/Smt. Kishore Kumar Patkar  
S/o/b/o Late Jagendra Nath Patkar of  
Vill. Milanpur P.O. Chariali  
Dist. Sambpur worked/has been working in the  
Telecom as casual labour under my control  
for ~~dis~~ ~~work~~ in ~~other~~ works etc  
on ACG 17. Details of working days are as follows.

1982	87 Days.
1983	242 Days.
1984	249 Days
1985	244 Days
1986	265 Days.
1987	248 Days.
1988	251 Days.
1989	242 Days.
1990	246 Days
1991	262 Days (Jan)
1992	247 Days (Feb)
1993	246 Days
1994	246 Days
1995	246 Days
1996	26 Days (Jan), 24 Days (Feb)

Sub-Divisional Engineer Phone (Group)  
Biswanath Chariali-784176

Junior Officer  
Telephone Exchange  
Biswanath Chariali  
Pin-784176

Date: 8/11/96

Ram Patkar

- 23 -

- 24 -

13 NOV

Guwahati Bench  
গুৱাহাটী অধিবেশন

Certified that Sri/Smt. PRABHAT KALITA  
 S/o, D/o/ Ldr. ... Bhiradullen Kalita ... of  
 Vill. ... Naharani ... P.O. ... Ballichang, ...  
 Dist. ... Sonitpur ... worked/has been working in the  
 Telecom as casual labour under my control  
 for ... ... ... ... ... ... ... ... ... ... ... ... ...  
 on ACG 17. Details of working days are as follows.

	no. of working Day
1988	210
1989	211, 2
1990	212
1991	212
1992	243
1993	244
1994	245
1995	246
1996	26 days. (Jan) 24 " (Feb)

U/s  
Suresh  
Suresh  
Biswanath Chariali Phonsa (Group)  
Pin-784170

U/s  
Parom  
Parom  
Junior Telecom Officer  
Telephone Exchange  
Biswanath Chariali  
Pin-784176

Lambekhanching

- Aditi 8/8/91

-28-

57

Certified that Govtmt. Tunmori Saikia.....  
S/o, D/o..... Late. Rabi Saikia.....  
Vill. Kochgaon..... P.O. Chorsitali.....  
Dist. Sonitpur..... Work address from working in the  
Telecom as casual Labour under my control  
for Line office Axt. Pithi.....  
On AGM 17. Details of work done are as follows.

1988 — 246 - day  
1989 — 247  
1990 — 248  
1991 — 249  
1992 — 244  
1993 — 245  
1994 — 242  
1995 — 243  
1996 — 27 days (Jan)  
22 days (Feb.)

cf  
[Signature]

CS  
Biswanath Chariali-784176  
Professional Engineer (Telecom) (Group)  
Junior Telecom Officer. (Gr) II West.  
Biswanath Chariali-784176

Rklas

Date: 8/3/91

Guwahati Bench  
গুৱাহাটী বৰ্ষাবৰ্তী

Certified that Sri/Smt..... BIREN BARA.....  
S/O, D/O... Srin... Deveswar... Born..... of  
Vill.... Assam ..... P.O.... Assam.....  
Dist.... Sivasagar..... worked/has been working in the  
Telecom as casual labour under my control  
for Line... Maintainer... & other works etc  
on ACB 17. Details of working days are as follows.

Year	No. of working Days
1988	— 243 —
1989	— 240 —
1990	— 245 —
1991	— 244 —
1992	— 245 —
1993	— 244 —
1994	— 245 —
1995	— 244 —
1996	— 42 days. (Jan + Feb)

U.S.  
Sub-Divisional Engineer Phone (Cross)  
Biswanath Chariali-784176

Junior Engineer Officer,  
Telephone Exchange  
Biswanath Chariali  
Pin-784176

Date: 9/3/96

CS  
Parom

Lambodar Jhakri  
Sectt. Officer

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

1988 - 246 ok  
 1989 - 246 ok  
 1990 - 247 ok  
 1991 - 244 "  
 1992 - 245 "  
 1993 - 244 "  
 1994 - 245 "  
 1995 - 246 "  
 1996 - 28 ok (Jan.)  
 22 dm (Feb.)

U.S.

~~John S. Sinsheimer~~

224-Divisional Engineer, Bikaner  
Bikaner (Raj.)-784178 (1968)

cc  
Dear Telecom Officer, (urj) 10.1.  
Biswanath Chariali-784170

Orli: Feb 1926

-27

-28

13.00

50

Certified that I, i.e. Babinda Baskar  
son/daughter of Mr. Sivanna Baskar  
Village Tellicherry Colony P.O. Chavakkad  
District Ernakulam worked/has been working in the  
Telecom as casual labour under my  
control for Cable and P.T.T. India under work etc.  
on ACG 17. Details of working days are as follows:

1988 — 173 days 8/0-11  
1989 — 211 days  
1990 — 213 days 15  
1991 — 216 days  
1992 — 141 days  
1993 — 243 days  
1994 — 147 days  
1995 — 211 days  
1996 — 178 days (Jan & Feb)

Sub. Telecom Officer,  
Telephone Exchange  
Birwanath Chariali  
Pin-784170

Regional Engineer Project (GCRP)

1 Dec 1996, 1300 hrs

Certified that Sri/Smt... Lakshmi Bhuyan  
S/o/D/o... late... Lalini Bhuyan..... of  
Vill... Banagon..... P.O..... Chariali.....  
Dist... Srinagar..... worked/has been working in the  
Telecom as casual labour under my contract  
for... Line... Maintenance... & other works etc  
on ACB 17. Details of working days are as follows.

1987 : 246 days.

1988 : 247 days.

1989 : 243 day.

1990 : 245 day.

1991 : 247 day

1992 : 246 day

1993 : 247 day

1994 : 248 day.

1995 : 244 day.

1996 : 26 day (Jan.)  
27 day (Feb.)

C/S  
Sub-Divisional Engineer Phones (Group)  
Biswanath Chariali-784178

C/S  
Junior Telecom Officer. (Gr) West.  
Biswanath Chariali-784176

Ram Nandan

Date: 8/8/96

Central Administration Services Commission  
केन्द्रीय प्रशासनिक न्यायालय  
Guwahati Bench  
गुवाहाटी न्यायालय

13 NOV 5

Certified that Sri/Smt. DINEPEN BHUYAN

S/O, D/O. SPANDANA BHUYAN of

Vill. BARRA CHUK, P.O. KHATHIBOAN (KALABARI)

Dist. CONRAJPUR worked/has been working in the

Telecom as casual labour under my control

for Line Maintenance  Others  Wages  works etc

on IACG 17. Details of working days are as follows.

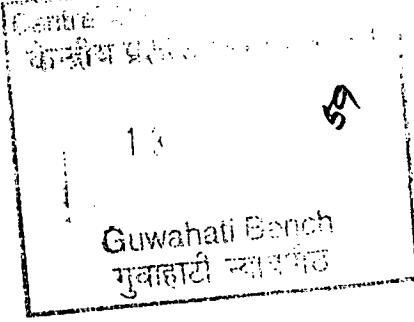
Year	No of working day
1988	200 day
1989	242 ✓
1990	240 ✓
1991	244 ✓
1992	240 ✓
1993	242 ✓
1994	244 ✓
1995	242 ✓
1996	27 days (Jan '96) 24 day (Feb '96)

C/S  
Suresh  
Sub-Divisional Engineer, Phone (Group)  
Biswanath Chariali 784170

C/S  
Patowari  
Junior Telecom Officer.  
Telephone Exchange  
Biswanath Chariali  
Pin - 784170

Lambodar JH

Extn: 898106



Dharmendra Kr. Roy  
Certified that Sri/Gmt.....  
8/10/1987..... Rajkrishna Roy.....  
Vill..... Chorali, Tezpur P.O..... Chorali.....  
Dist..... Sonitpur..... <sup>Colm</sup> worked/has been working in the  
Telecom as casual labour under my control  
for Line maintenance. A. Able. Young..... works etc  
on ACG & Details of working days are as follows.

1988 - 246  
1989 - 242  
1990 - 244  
1991 - 246  
1992 - 247  
1993 - 248  
1994 - 249  
1995 - 250  
1996 - 28. (Jan 96)  
24 days (Feb)

1/2  
Dinesh  
Jr. Engineer, Telecom (Group)  
Biswanath Chorali - 784176

*Dinesh*  
Junior Telecom Officer,  
Telephone Exchange  
Biswanath Chorali  
Pin - 784176

*R. Roy*  
Date: 18/3/96

- 31 -

- 32 -

60

13/3

Certified that Sri/

DHINPAT SAWARY

S/o, b/o..... Bholbam ....., Swargiay ....., of  
Vill..... Bholanguti P.O... Bholanguti... (Solic.)  
Dim..... Sonitpur..... worked/has been working in the  
Telecom .. casual .. labour .. under .. my .. controll  
for Line.. maintenance. D... Cables. Laying, works etc  
on ACG 17. Details of working days are as follows.

1988 - 249 Days

1989 - 246 Day.

1990 - 247 Day.

1991 - 248 Day.

1992 - 249 Day

1993 - 244 Day

1994 - 246 Day.

1995 - 247 Day

1996 - { 24 Day (Jan),  
- 22 Day (Feb)

Dated 1/18/96

C/S  
Biswanath Chariali-784176

Junior Telecom Officer (Gr) West  
Biswanath Chariali-784176

- 32

- 34 -

1988: — 247 days  
1989: — 246 days  
1990: — 245 1/2 days  
1991: — 246 days  
1992: — 247 days  
1993: — 245 days  
1994: — 246 days  
1995: — 249 days  
1996: — 48 days / Jan 2 - Feb

۱۷



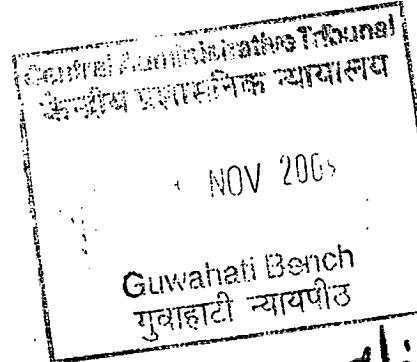
Surjor Telecom. Jaffer.  
Biswanath Chariali  
Pin-784178

**Notional Engineer Phones (Group)**  
Biswanath Chariali - 354176

*[Signature]*

Date: 9/18/96

'sin



- 33 -

- 35 -

6V

Jitun Sarma

95

Certified that Sri/Smt. .... alias (RATULI SARKAR)  
S/o, D/o. Late... Rabi Ram... Sarma..... of  
Vill... Bongaon ..... P.O. .... Chiriali.....  
Dist... Sonitpur..... worked/has been working in the  
Telecom as casual Labour under my control  
for Live... maintenance, C. & M... hydri... b.... works etc  
on ACG 17. Details of working days are as follows.

1985	—	246	days
1987	—	244	days
1990	—	246	days
1991	—	235	days
1992	—	250	days
1993	—	250	days
1994	—	243	days
1995	—	242	days
1996	—	30	days (Jan) 24 days (Feb)

ChS  
Sar

Ad-Divisional Engineer Phone (Gr) 000	Junior Telecom Officer (Gr) 1/ West
Biswanath Chariali-784176	Biswanath Chariali-784176

Date: 10/3/96

R. K. Kar

13 NOV

67

Guwahati Branch  
গুৱাহাটী ব্রেচ

- 36 -

Certified that Sri/Smt. Ramji Bhakat  
 Son/daughter of Sri Lok Jitri Bhakat  
 Village Asamia Jangnighat P.O. Jangnighat  
 District South-Part worked/has been working in the  
 Telecom as casual labour under my  
 control for 11 months and casual works work etc,  
 on ACG 17. Details of working days are as follows:

- ① 1788 = 240 days
- ② 1789 = 246 days
- ③ 1790 = 243 days
- ④ 1791 = 245 days
- ⑤ 1792 = 244 days
- ⑥ 1793 = 280 days
- ⑦ 1794 = 248 days
- ⑧ 1795 = 240 days
- ⑨ 1796 = 25 days

Signature  
R.R. Deka I.D.  
Jangnighat

C/S  
Signature  
Suk-Divisional Engineer Phones (Group)  
Biswanath Chariali-784176

C/S

Signature

G/S  
Senior Telephone Officer. (Gr) II West  
Biswanath Chariali-784176

13 NOV

Guwahati Bench  
गुवाहाटी न्यायपीठ

b1

Certified that Sri/Smt..... BASANTA BOKYAN.  
 S/O, D/O..... Lalit Ram Bokyan..... of  
 Vill... Gopalpur..... P.O.... A. Longi..... State.....  
 Dis. .... Sonitpur..... worked/has been working in the  
 Telecom as casual labour under my control  
 for Tele. Maintenance & Other works etc  
 on ACG 17. Details of working days are as follows.

Year	no. of days
<u>1988</u> →	240 day
<u>1989</u> →	242 "
<u>1990</u> →	240 "
<u>1991</u> →	242 "
<u>1992</u> →	240 "
<u>1993</u> →	244 "
<u>1994</u> →	242 "
<u>1995</u> →	240 "
<u>1996</u> →	24 " (Jan'96) 26 " (Feb'96)

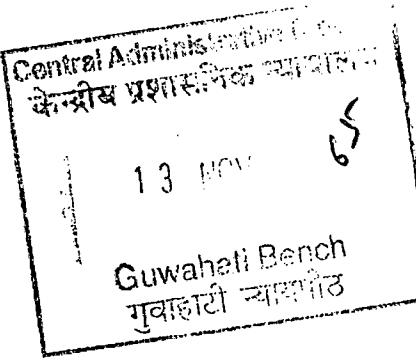
C/S  
 Lala  
 Senior Engineer Phone (Group)  
 11/Churi-4-784178

C/S  
 Junior Telecom Officer  
 - 1/Churi - Exchange

Manmohan Singh

- 36 -

- 39 -



Certified that Sri/Smt.... AMBIKA BARMAN

S/o, D/o... Late Praneswar Barmen..... of  
Vill... MILANPUR P.O..... CHARITAL.....

Dist..... Sonitpur..... worked/has been working in the  
Telecom as casual labour under my control  
for : Telecom, Charital, Office, Works, etc  
on ACG 17. Details of working days are as follows.

1988 → 240 day

1989 → 242 "

1990 → 243 "

1991 → 240 "

1992 → 242 "

1993 → 244 "

1994 → 242 "

1995 → 240 "

1996 → 27 days. (Jan. 96)

22 days (Feb. 96)

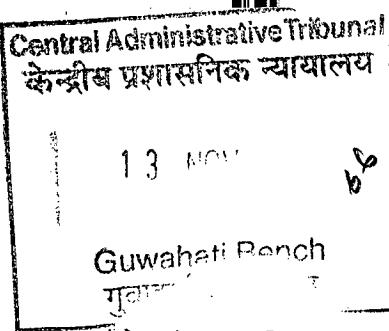
C/S  
Sub-Divisional Engineer  
Biswanath Chariali Phone (Group)  
Biswanath Chariali-784176

As  
Pacor

Junior Telecom Officer  
Telecommunications Exchange  
Biswanath Chariali  
Pin-784176

Ram Bihary

Date: 23/96



- 37  
- 40 -

Certified that Sri/Smt. T. L. O. K. 13 Q.R.D.  
S/o, D/o..... Saburam...Bora..... at  
Villa..... Bhangar..... P.O..... Chariali.....  
Dist..... worked/has been working in the  
Telecom as Casual Labour under my control  
for the maintenance of cable system etc  
on ACG 17. Details of working days are as follows:

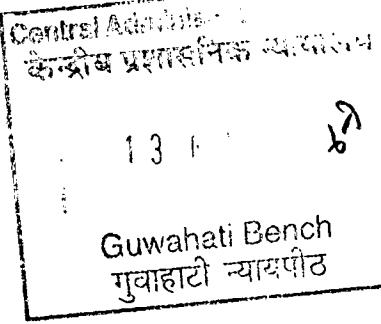
1985 — 246 days  
1986 — 247 ,  
1987 — 250 ,  
1988 — 244 ,  
1989 — 245 ,  
1990 — 246 ,  
1991 — 242 31  
1992 — 243 ,  
1993 — 28 days (Jan)  
1994 — 22 days (Feb)

Date: 8/8/96

Y.S. *[Signature]*  
Junior Telecom Officer (Gr) I West  
Biswanath Chariali-784176

*[Signature]*  
S. D. Singh

Y.S. *[Signature]*  
Junior Telecom Officer (Gr) I West  
Biswanath Chariali-784176



Certified that Sri/Smt. A. Bari Banerjee...  
S/o, D/o, ... Sri ... Bari ... Banerjee ..... of  
Vill. Banerjee, Chariali, ... Dist. ....  
Dist. ... Darrang, ... worked/has been working in the  
Telecom as casual Labour under my control  
for Line maintenance, X. cable, hyd. works etc  
on ACC 17. Details of working days are as follows. .

1985 : 246 Day.

1987 : 247 Day.

1988 : 244 Day.

1991 : 242 Day.

1992 : 245 Day.

1993 : 246 Day.

1994 : 245 Day.

1995 : 243 Day.

1996 : 26 Day (Jan)  
22 Day (Feb)

Date: 2/2/96

C/S

*Sur*  
S/Engineer  
Biswanath Chariali-784178

C/S

*Sur*  
Junior Telecom Officer (Jr) / Cst.  
Biswanath Chariali-784178

Ram Prakash

देवदत्त देव देव  
देवहाटी देवहाटी

Year	—	No. of working days
1988	—	246 days
1989	—	242 "
1990	—	244 "
1991	—	240 "
1992	—	244 "
1993	—	245 "
1994	—	244 "
1995	—	242 "
1996	—	4.8 days (Jan + Feb)

1  
CJS  
Colonel Engineer Forces (Gren.)  
1915 Chiriali 184178

Junior Telecom Officer,  
Telephone Exchange  
Biswanath Chariali  
Pin-784176

Lombardia *gigantea*  
Sect =

KATAKI

Certified that Sri/Smt. P. A. W. N. ~~KATAKI~~  
S/o, D/o. Lekh Nath Kataki, of  
Vill. Dambare, Srikar, P.O. Charihi, Dist. Sonitpur, worked/has been working in the  
Telecom as casual labour under my control  
for ~~21~~ 22 days. Maintenance of cables, hyd. work etc  
on ACG 17. Details of working days are as follows.

1988 - 246 days  
1989 - 243 days  
1990 - 244 days  
1991 - 245 days  
1992 - 244 days  
1993 - 245 ..  
1994 - 244 ..  
1995 - 245 ..  
1996 - 48 days (Jan + Feb)

Clc  
Smt  
National Engg.  
Biswanath Charihi - 784176  
Date: 10/3/96

EF  
Junior Telecom Officer. (Gr) I West.  
Biswanath Charihi - 784176

R.Kai

Certified that Sri/Smt..... SAGAN BHUYAN  
S/O, D/O Late..... Thakurwar Bhuyan..... of  
Vill... Basabbhuyan ..... P.O..... Sharibali.....  
Dist..... Sonitpur : ..... worked/has been working in the  
Telecom as casual labour under my control  
for Line... maintenance & cable laying, works etc  
on ACG 17. Details of working days are as follows:

1987 240 days

1988 — 242 dy

1989 — 246 "

1990 — 243 ;

1991 — 244 "

1992 — 245 ;

1993 — 245 ;

1994 — 245 ;

1995 — 243 ;

1996 — 60 dy (Jan + Feb)

C/S

Sur

Divisional Engineer/Phones (Group)  
Biswanath Chariali—784178

C/S

Junior Telecom Officer. (Gr) II/Officer  
Biswanath Chariali—784178

OK

Date: 9/8/96

## ANNEXURE A-4

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE Telecom District Engineer, Tezpur:-

No. X-1/OMPT/Tz/95-96/Com/tdl/1

Dated at Tezpur, the 25/  
03/96.

In pursuance of CGMT, Assam Circle, Guwahati  
R.J.C.M. minute forwarded under G/ST/2/Vol-VI/58 dtd. 29/8/95,  
a selection committee with the following members has formed.

- 1) D.Payeng, SDOP (Tezpur)
- 2) P.Das, SDE(phones) Tezpur
- 3) A.K.Sarkar, SDE (IRD) O/o TDE/Tezpur
- 4) U.Swargiary, AO (Cash) O/o T.D.E./Tezpur

to recommend for conferring eligible casual Mazdoor to Temporary  
status mazdoor. Committee to meet on 9/04/96 at 11-00 hrs. in  
the chamber of the Z.S.D.E(IRD) Tz.

O/C *M.K.Gogoi*  
Telecom District Engineer,  
Tezpur-784001.

Copy to:-

2-4) All the members.

*C/* Telecom Dist. Engineer,  
Tezpur-784001.

13 NOV

- 43 -

28

Guwahati Bench  
गुवाहाटी न्यायालय

ANNEXURE A-5

GRADUATION LIST OF CASUAL LABOURS  
(SUB-DIVISION WISE)  
SUB-DIVISION (BODAIP), CHARIALI

NAME OF THE MAZDOOR	DATE OF ENTRY IN DEPT:	EDU QUALITY	CASTE	DATE OF BIRTH
Shiv Saman	01/01/68	Class VII	O/C	22/02/62
Jyoti Prasad Salita	01/01/68	3 GC	O/C	02/02/67
Chengad Bhargaly	01/01/68	H.S.	B/T	01/06/67
Juri Barrah	01/01/68	* *	O/C	25/02/69
Kishore Kr Pathak	01/01/68	H.S.	O/C	01/03/71
Neena Barrah/Kherosoker Bora	01/01/68	Class VI	O/C	10/03/71
Bebul Salita	01/01/68	Class V	O/C	06/01/71
Pabon Kekati	01/01/68	Class VIII	O/C	18/02/66
Gobinda Bhuyan	01/01/68	Class X	O/C	21/10/71
Birendra Das	01/01/68	Class VIII	O/C	08/12/71
Bagam Bhuyan	01/01/68	HSLC	O/C	26/01/67
Jiten Saman	01/01/68	Class VI	O/C	31/12/67
Gobinda Barrah	01/01/68	Class X	O/C	08/02/67
Consonal Barrah	01/01/68	Class X	O/C	16/11/60
Prabhat Barrah	01/01/68	Class III	O/C	20/12/71
Bimal Barrah	01/01/68	Class VIII	O/C	24/01/67
Ta Chaknara	01/02/68	Class VIII	O/C	03/01/66
Pranjal Kekati	01/02/68	Class X	O/C	18/12/71
Abenil Barrah	01/02/68	HSLC	O/C	30/06/69
Tukeyal Salita	01/02/68	Class V	O/C	21/09/71
Birendra Barrah	01/02/68	Class IX	O/C	02/03/65
Birendra Bhuyan	01/02/68	H.S.	O/C	05/01/71
Prabhat Kekati	01/02/68	Class VII	O/C	16/01/70
Chengad Bhuyan	01/02/68	HSLC	O/C	07/10/71
Mianmora Kr Pathak	01/02/68	H.S.	O/C	01/03/71

Presented for information except 'जिन दोनों का' दोनों  
कोई दोनों का स्वामी एवं स्वामी एवं

14/1/96  
S.D.E.P.T. Ac.

14/1/96

SI. No. Name of Casual Moccof: Under whom Working: No of Days Worked: Recommended by : Provisionally  
 Date of Entry : in each Year: Member I, Member II, Member III, Member IV: Approved by TDE

SCC, PHONES (GROUP), CHARILAI

1988 : 240  
 1989 : 244  
 1990 : 245  
 1991 : 244  
 1992 : 244  
 1993 : 245  
 1994 : 244  
 1995 : 245  
 1996 : 244

9/4/6

02. Miss Jitu Sarma

SCEP (Gr), CLI

1988 : 240 days  
 1989 : 242  
 1990 : 246  
 1991 : 241  
 1992 : 240  
 1993 : 242  
 1994 : 244

9/4/6 9/4

9/4

9/4

03. Sri Jitu Sarma (Ratuli)

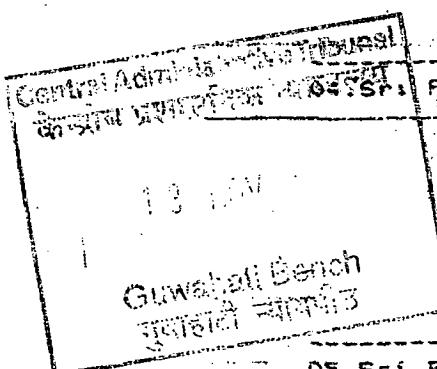
1/1/88 /SCEP (Gr), CLI

1988 : 246 days  
 1989 : 244  
 1990 : 246  
 1991 : 245  
 1992 : 250  
 1993 : 250  
 1994 : 243  
 1995 : 242  
 1996 : 54

9/4/6 9/4

9/4

9/4



05. Sri Biren Sarma

1/1/88 /SCEP (Gr), CLI

1988 : 243 days  
 1989 : 240  
 1990 : 245  
 1991 : 244  
 1992 : 245  
 1993 : 244  
 1994 : 245  
 1995 : 240  
 1996 : 62 (Jan & Feb)

9/4/6 9/4

9/4

9/4

-45

24

1984	1	1422-4	100
1985	1	240	
1986	3	243	
1987	1	244	
1988	1	245	
1989	1	246	
1990	1	247	
1991	3	248	
1992	1	249	
1993	1	249	
1994	3	250	
1995	3	251	
1996	1	252	

09. Sri Abans Beane Franchise 1/1/95 /S2E® (Gr), C.R.I 4997  
1988 : 28644  
1989 : 247  
1990 : 246  
1991 : 271  
1992 : 277  
1993 : 242  
1994 : 243  
1995 : 273  
1996 : 45 (In 12th/96)  
20/1/96 (S 3/19) 11/14/96  
M/s  
g/h

14. Sri Channapat Eswaragary	11/1/93	1988-1995	1988-1995	1988-1995
		1988 : 249	1988 : 249	1988 : 249
		1989 : 248	1989 : 248	1989 : 248
		1990 : 247	1990 : 247	1990 : 247
		1991 : 245	1991 : 245	1991 : 245
		1992 : 244	1992 : 244	1992 : 244
		1993 : 243	1993 : 243	1993 : 243
		1994 : 243	1994 : 243	1994 : 243
		1995 : 247	1995 : 247	1995 : 247
		1996 : 46. (Sum + 5x96)	1996 : 46. (Sum + 5x96)	1996 : 46. (Sum + 5x96)

13 FSV 1970

**Guwahati Bench**  
गुवाहाटी न्यायपीठ

April

- 46 -

25

Sl No. Name of Casual Fazdar/Under Who Working/No of Days Worked: Recommended by : Provisionally  
 : /Date of Entry, : in each Year Member I Member II Member III Member IV Approved by TDE

1988	1.344
1989	1.346
1990	1.241
1991	1.243
1992	1.246
1993	1.246
1994	1.237

لـ ١٣٩٩

12. Sri T. T. Venkateswara

115

1/SDER:SGT, CLJ 10042

1988 1 246 days  
1989 1 241  
1990 1 256  
1991 1 244  
1992 1 245  
1993 1 246

12-11-16 (13-9-16) 100

1115

CHINESE (SPEECH) 1001 4002-1

14829 1 1700.00  
 14830 1 216.00  
 14831 1 46.00  
 14832 1 216.00  
 14833 1 216.00  
 14834 1 216.00  
 14835 1 216.00  
 14836 1 46.00

199/4/136 - 5 3/4

14.Sc: Putin Boris

111

7-5269 (3r), CL 1-4057

1998	246 dogs
1999	346 *
1990	271 *
1991	344 *
1992	271 *
1993	271 *
1994	268 *
1995	276 *
1996	310 * (See 2nd page)

4-9/4/96 S-3-9/4 all

13 158

15.5F Geisinger Health System

Guwahati Bench  
গুৱাহাটী ন্যায়পৌর

1/1/81 (SDSP (Gr), GL) ~~1000~~

1988	2.97	kg.
1989	2.73	"
1990	2.65	"
1991	2.77	"
1992	2.66	"
1993	2.77	"
1994	2.78	"
1995	2.74	"
1996	2.68	"

11/4/16 ~~5~~ 9/4 ~~11/4~~ 9/4

Sl No. Name of Casual Mazdoor Under Whom Working (No of Days Worked)  
 1/ Date of Entry 1 in each Year Recommended by \_\_\_\_\_ : Provisionally  
 Member I Member II Member III Member IV Approved by TEE

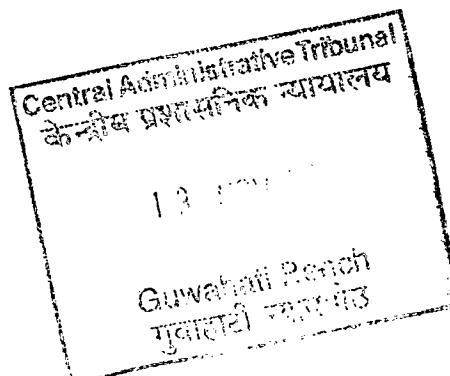
16. Sri. Hitesh Kumar Baruah 1/1/53 7SCEP(G)-CL1 1988-  
 1988 : 240 days 7/7 9/9 9/9  
 1989 : 240  
 1990 : 240  
 1991 : 240  
 1992 : 240  
 1993 : 240  
 1994 : 240

17. Sri. Molina Bora 1/1/53 7SCEP(G)-CL1 1988-  
 1988 : 240 days 7/7 9/9 9/9  
 1989 : 240  
 1990 : 240  
 1991 : 240  
 1992 : 240  
 1993 : 240  
 1994 : 240

18. Sri. Charmantra KR Ray 1/1/53 7SCEP(G)-CL1 1988-  
 1988 : 240 days 7/7 9/9 9/9  
 1989 : 240  
 1990 : 240  
 1991 : 240  
 1992 : 240  
 1993 : 240  
 1994 : 240

19. Sri. Ambika Barman 1/1/53 7SCEP(G)-CL1 1988-  
 1988 : 240 days 7/7 9/9 9/9  
 1989 : 240  
 1990 : 240  
 1991 : 240  
 1992 : 240  
 1993 : 240  
 1994 : 240  
 1995 : 240  
 1996 : 240

20. Sri. Basanta Bhuyan 1/1/53 7SCEP(G)-CL1 1988-  
 1988 : 240 days 7/7 9/9 9/9  
 1989 : 240  
 1990 : 240  
 1991 : 240  
 1992 : 240  
 1993 : 240  
 1994 : 240  
 1995 : 240  
 1996 : 240



SI No. Name of Casual Mazdoor: Under whom Working: No. of Days Worked: Recommended by : Provisionally  
 : /Date of Entry : in each Year : Member I Member II Member III Member IV Approved by TSE

21. Sri Chintam Kalita

/SDEP (G-1), CLI

1988	270 days
1989	262 "
1990	270 "
1991	272 "
1992	273 "
1993	274 "
1994	275 "
1995	274 "
1996	275 (Jan 276)

✓ 9/4/96 3/3 9/4 9/4 9/4

✓ 9/4 9/4 9/4

22. Sri Dipen Bhuyan

/SDEP (G-1), CLI 4997

1988	270 days
1989	262 "
1990	270 "
1991	274 "
1992	276 "
1993	272 "
1994	274 "
1995	275 "
1996	275 (Jan 276)

✓ 9/4/96 3/3 9/4 9/4 9/4

✓ 9/4 9/4 9/4

23. Sri Chentram Sarma

/SDEP (G-1), CLI 1692

1988	270 days
1989	266 "
1990	275 "
1991	277 "
1992	276 "
1993	273 "
1994	275 "
1995	274 "
1996	275 (Jan 276)

✓ 9/4/96 3/3 9/4 9/4 9/4

✓ 9/4 9/4 9/4

24. Sri Jiten Sarma

/SDEP (G-1), CLI 1697

1988	270 days
1989	271 "
1990	273 "
1991	278 "
1992	276 "
1993	275 "
1994	277 "
1995	276 "
1996	275 (Jan 276)

✓ 9/4/96 3/3 9/4 9/4 9/4

✓ 9/4 9/4 9/4

25. Sri Ramji Bhakat

/SDEP (G-1), CLI 1697

1988	270 days
1989	262 "
1990	273 "
1991	278 "
1992	279 "
1993	278 "
1994	275 "
1995	276 "
1996	275 (Jan 276)

✓ 9/4/96 3/3 9/4 9/4 9/4

✓ 9/4 9/4 9/4



Sl. No. Name of Casual Mazdoor Under Whom Working / No. of Days Worked / Recommended by / Provisions & II  
/ Date of Entry / in each Year / Member I Member II Member III Member IV / Approved by TD

26. Sri Gobinda Bora

1/1/35 / SDEP (Gr), CLI

1988 : 243 days  
1989 : 244 "  
1990 : 243 "  
1991 : 246 "  
1992 : 242 "  
1993 : 243 "  
1994 : 247 "  
1995 : 244 "  
1996 : 250 (Inv 2 Feb '96)

7/4/96 S B  
9/9 9/9  
Mh 9/9

27. Sri Hukum K. Bithik

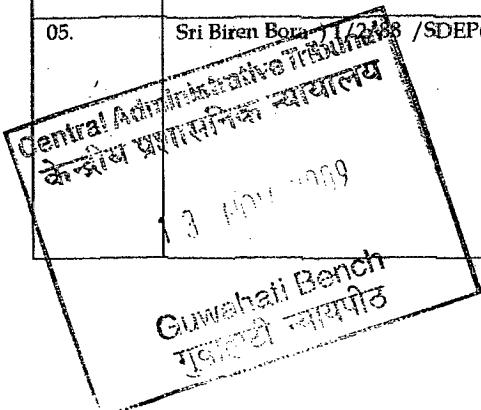
1/1/35 / SDEP (Gr), CL

1988 : 242 days  
1989 : 249 "  
1990 : 244 "  
1991 : 245 "  
1992 : 245 "  
1993 : 251 "  
1994 : 247 "  
1995 : 246 "  
1996 : 50 (Inv 2 Feb '96)

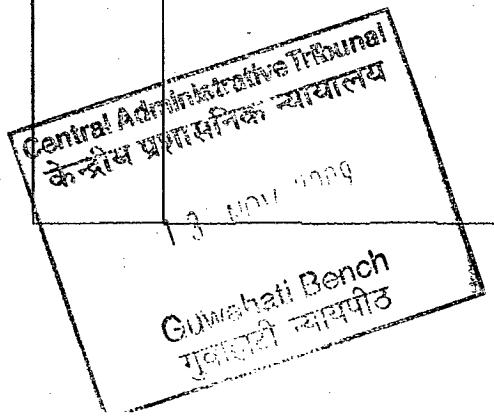
7/4/96 S B  
9/9 9/9  
Mh 9/9

1009

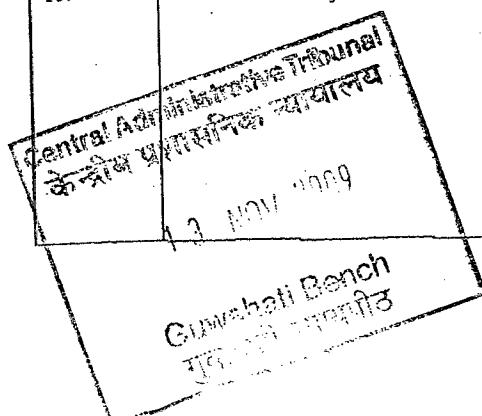
Sl. No	Name of casual mazdoors under whom working/ date of entry	No. days worked in each year	Recommended by					Provisionally approved by TDE
				Member I	Member II	Member III	Member IV	
01.	Sri Pawan Kataky 1/1/88 /SDEP(Gr), CLI	1988 : 246 days 1989 : 243 1990 : 244 1991 : 245 1992 : 244 1993 : 245 1994 : 244 1995 : 245 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
02.	Miss Juri Sarma	—	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
03.	Sri Jitu Sarma (Ratul) 1/1/88 /SDEP(Gr), CLI	1988 : 246 days 1989 : 244 1990 : 246 1991 : 245 1992 : 250 1993 : 250 1994 : 243 1995 : 242 1996 : 54 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
04.	Sri Prabhat Sarma 1/1/88 /SDEP(Gr), CLI	1988 : 246 days 1989 : 244 1990 : 244 1991 : 240 1992 : 244 1993 : 245 1994 : 244 1995 : 242 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
05.	Sri Biren Bora 1/1/88 /SDEP(Gr), CLI	1988 : 243 days 1989 : 240 1990 : 245 1991 : 244 1992 : 245 1993 : 244 1994 : 245 1995 : 240 1996 : 42 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



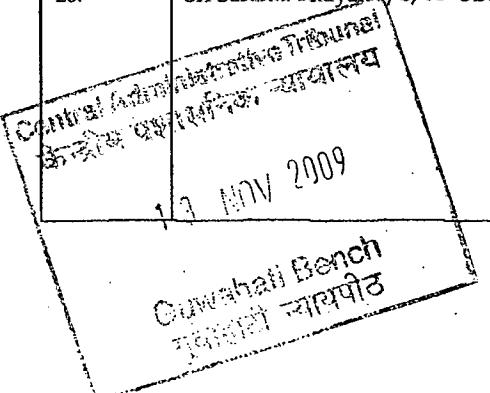
06.	Sri Gagan Bhuyan 1/1/88 SDEP(Gr), CLI	1988 : 242 days 1989 : 246 1990 : 243 1991 : 244 1992 : 245 1993 : 244 1994 : 245 1995 : 243 1996 : 42 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
07.		—	—	—	—	—	—
08.	Sri Biren Das 1/2/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 247 1990 : 251 1991 : 246 1992 : 247 1993 : 245 1994 : 246 1995 : 249 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
09.	Sri Abani Baruah 1/2/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 247 1990 : 244 1991 : 247 1992 : 245 1993 : 246 1994 : 245 1995 : 243 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
10.	Dhanpat Swargiary 1/1/88 SDEP(Gr), CLI	1988 : 249 days 1989 : 246 1990 : 243 1991 : 248 1992 : 249 1993 : 244 1994 : 246 1995 : 247 1996 : 46 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



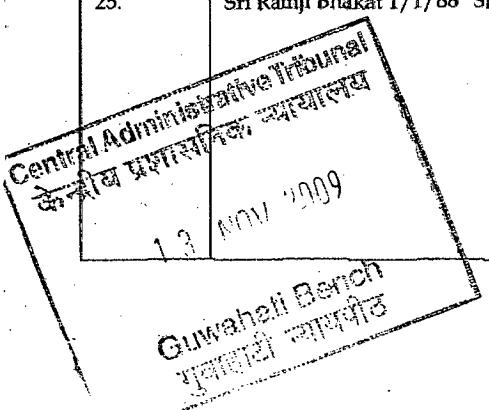
11.							
12.	Sri Tilak Bora 1/2/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 247 1990 : 250 1991 : 244 1992 : 245 1993 : 246 1994 : 242 1995 : 243 1996 : 50 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
13.							
14.	Sri Pulin Borah 1/3/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 246 1990 : 247 1991 : 244 1992 : 245 1993 : 244 1994 : 245 1995 : 246 1996 : 50 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
15.	Sri Gobinda Bhuyan 1/1/88 SDEP(Gr), CLI	1988 : 247 days 1989 : 248 1990 : 246 1991 : 247 1992 : 246 1993 : 247 1994 : 248 1995 : 244 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



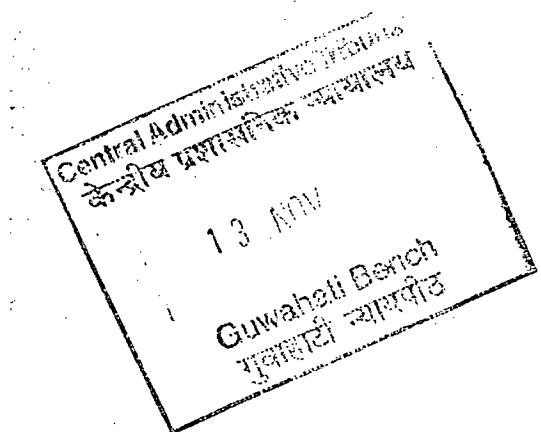
16.	Miss Tunmoni Saikia 1/2/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 247 1990 : 248 1991 : 249 1992 : 244 1993 : 245 1994 : 242 1995 : 243 1996 : 49 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
17.	—	—	—	—	—	—	—
18.	Sri Dharmendra kr. Rai 1/3/88 SDEP(Gr), CLI	1988 : 246 days 1989 : 242 1990 : 244 1991 : 246 1992 : 247 1993 : 248 1994 : 249 1995 : 250 1996 : 52 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
19.	Sri Ambnika Barman 1/2/88 SDEP(Gr), CLI	1988 : 240 days 1989 : 242 1990 : 243 1991 : 240 1992 : 242 1993 : 244 1994 : 242 1995 : 240 1996 : 49 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
20.	Sri Basanta Bhuyan 1/2/88 SDEP(Gr), CLI	1988 : 240 days 1989 : 242 1990 : 240 1991 : 242 1992 : 240 1993 : 244 1994 : 242 1995 : 240 1996 : 50 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



21.	Sri Prabhat Kalita 15/2/88 SDEP(Gr), CLI	1988 : 240 days 1989 : 242 1990 : 240 1991 : 242 1992 : 243 1993 : 244 1994 : 245 1995 : 244 1996 : 50 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
22.	Sri Dipen Bhuyan 15/2/88 SDEP(Gr), CLI	1988 : 240 days 1989 : 242 1990 : 240 1991 : 244 1992 : 240 1993 : 242 1994 : 244 1995 : 242 1996 : 51 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
23.	--	--	--	--	--	--	--
24.	Sri Jiten Sarma 1/1/88 SDEP(Gr), CLI	1988 : 244 days 1989 : 247 1990 : 243 1991 : 248 1992 : 245 1993 : 243 1994 : 247 1995 : 246 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
25.	Sri Ramji Bhakat 1/1/88 SDEP(Gr), CLI	1988 : 240 days 1989 : 246 1990 : 243 1991 : 245 1992 : 244 1993 : 250 1994 : 248 1995 : 240 1996 : 25 (Jan 96)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



26.	Sri Gobinda Bora 1/1/88 SDEP(Gr), CLJ	1988 : 243 days 1989 : 244 1990 : 248 1991 : 246 1992 : 242 1993 : 243 1994 : 247 1995 : 244 1996 : 48 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-
27.	Sri Kishore Kr. Pathak 1/1/88 SDEP(Gr), CLJ	1988 : 247 days 1989 : 249 1990 : 244 1991 : 245 1992 : 248 1993 : 251 1994 : 24947 1995 : 246 1996 : 50 (Jan and Feb)	Sd/-	Sd/-	Sd/-	Sd/-	Sd/-



13 MAY 2009

-56-

ANNEXURE A-6

Guwahati Bench  
गुवाहाटी न्यायालय

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TDE, TEZPUR  
TEZPUR-784001

No. X-1/CHPT/2009/2/Con-7

Dated at Tezpur the 27th May '96.

With reference to the CGMT Assam Circle, Guwahati B.C.M. Minute & C.O. forwarded under GMST/2/Vol-VI/50 dtd. 29/8/95 the under mentioned Casual Mazdoor/Part Time Casual Mazdoors are hereby conferred Temporary Status under the Scheme "Casual Labours (Grant of Temporary Status & Regularisation) with immediate effect.

The terms & Conditions are as under.

(i) Conferment of Temporary Status to the Casual Labours would not involve any change in their duties & responsibilities. The engagement will be on daily rate of pay on a need basis. They may be deployed anywhere within the Recruitment unit/territorial circles on the basis of availability of work.

(ii) Such Casual Labourers who acquire Temporary Status will not, however, be brought on the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

(iii) Temporary Status would entitle the Casual Labourers to the following benefits,

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

(b) Benefit in respect of increments in the pay scale will be admissible for every one year of service subject to performance of duty for at least 200 days in a year.

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

(d) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefits after their regularisation.

(e) After rendering three years continuous service on attainment of Temporary Status the Casual Labourers would be treated at par with temporary Gr. 'D' employees for the purpose of contribution of G.P.F. & would also further be eligible for the grant of Festival Advance/Fluid Advance on the same conditions as per applicable to temporary Gr. 'D' employees, provided they furnish two sureties from permanent Govt. servant of this department.

(f) Until they are regularised, they would be entitled to productivity linked bonus only at rates as applicable to casual labourers.

13 NOV 2013

Page 2

Guwahati Bench  
गुवाहाटी न्यायालय

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

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

(c) The payments will be given w.e.f. joining date.

(d) N.B. - These names are not being arranged in order of seniority.

LIST OF CASUAL MAZDOOR/PART TIME MAZDOORS SELECTED FOR CONFERMING TEMPORARY STATUS

SL.NO	NAME OF THE CASUAL MAZDOOR	WORKING UNDER	DT ENTRY IN DEPT.
SIDE (CABLE) TEZPUR			
1	Ami Binda Haloi	SDECABL	02/03/03
2	Pulih Bora	SDECABL	03/03/03
3	Prabsanta Kochi	SDECABL	03/03/03
4	Digambar Das	SDECABL	03/03/03
5	Dabul Bhuyen	SDECABL	03/03/03
6	Jitu Talukdar	SDECABL	11/03/03
7	Dasanta Bijoy Mahanta	SDECABL	11/03/03
8	Rana Sur	SDECABL	15/03/03
9	Sankar Ghatak	SDECABL	15/03/03
10	Uttam Saha	SDECABL	15/03/03
11	Ranjit Das	SDECABL	20/03/03
12	Mallish Deka	SDECABL	26/03/03
13	Ghanashyam Lanker	SDECABL	26/03/03
14	Kamal Ch Das	SDECABL	26/03/03
15	Mriven Ch Haloi	SDECABL	26/03/03
16	Balin Das	SDECABL	26/03/03
17	Nipul Chaudhury	SDECABL	26/03/03
18	Pulak Haloi	SDECABL	26/03/03
19	Bipul Nath	SDECABL	26/03/03
20	Babul Saikia	SDECABL	26/03/03
21	Bijit Bora	SDECABL	26/03/03
22	Smt Kalpana Saikia	SDECABL	26/03/03
23	Ramesh Ch Nath	SDECABL	26/03/03
24	Parikaj Chotri	SDECABL	26/03/03
25	Dhabin Ch Saikia	SDECABL	26/03/03
26	Nil Thakur	SDECABL	26/03/03
27	Mridul Deka	SDECABL	26/03/03
28	Purna Ch Nath	SDECABL	26/03/03
29	Baloo Saikia	SDECABL	26/03/03
30	Shagya Sarmoa	SDECABL	26/03/03

13 NOV

Guwahati Bench  
गुवाहाटी न्यायपाठ

Page 2

## SDE (COMPUTER), TEZPUR

1.	Rajib Cogoi	SPECCH	01/01/88
2.	Dharani Swargiary	SDECQH	01/01/88
3.	Naba Kumar Saikia	SDECQH	01/01/88
4.	Abani Chhatiuldar	SDECQH	01/01/88
5.	Minal Kr Das	SDECQH	01/02/88
6.	Nagen Saikia	SDECQH	01/02/88
7.	Dandhate Das	SPECCH	01/02/88

## SDE (CONSTRUCTION), TEZPUR

1.	Jiten Kr Sut	SDECQNS	19/04/88
2.	Prasarna Sarania	SDECQNS	20/04/88
3.	Indreshwar Bhuyan	SDECQNS	21/04/88
4.	Kandarpa Saikia	SDECQNS	22/04/88
5.	Ranapnksad Bodo	SPECQNS	25/04/88
6.	Pankaj Butradihar	SDECQNS	25/04/88

## SDE (PHONICS), CHAILALI

1.	Attu Sarmah	SDEPQLI	01/01/88
2.	Ekoti Baruah Saikia	SDEPQLI	01/01/88
3.	Dhanpald Swargiary	SDEPQLI	01/01/88
4.	Juri Sarmah	SDEPQLI	01/01/88
5.	Kishore Kr Pathak	SDEPQLI	01/01/88
6.	Maina Barah/Kijaporeswar Bora	SDEPQLI	01/01/88
7.	Babul Saikia	SDEPQLI	01/01/88
8.	Pabani Kataki	SDEPQLI	01/01/88
9.	Gobinda Bhuyan	SDEPQLI	01/01/88
10.	Biren Das	SDEPQLI	01/01/88
11.	Gagan Bhuyan	SDEPQLI	01/01/88
12.	Jiten Sarmah	SDEPQLI	01/01/88
13.	Gobinda Borah	SDEPQLI	01/01/88
14.	Caniram Sarmah	SDEPQLI	01/01/88
15.	Prabhat Sarmah	SDEPQLI	01/01/88
16.	Ramdeb Bhakat	SDEPQLI	01/01/88
17.	Tilak Bora	SDEPQLI	01/02/88
18.	Pranjal Katak	SDEPQLI	01/02/88
19.	Abani Baruah	SDEPQLI	01/02/88
20.	Tunmoy Saikia	SDEPQLI	01/02/88
21.	Biren Bora	SDEPQLI	01/02/88
22.	Basanta Bhuyan	SDEPQLI	01/02/88
23.	Dharmendra Kr Rai	SDEPQLI	01/03/88
24.	Pulin Borah	SDEPQLI	01/03/88
25.	Amika Barman	SDEPQLI	01/03/88
26.	Prabhat Kalita	SDEPQLI	15/02/88
27.	Dwepen Bhuyan	SDEPQLI	15/02/88

Held up due to non submission of Employment  
Exchange Card

13 NOV 88

Guwahati Bench  
गुवाहाटी न्यायपाल

Page 34

SDE (PHO/REG), DEHMAJ

1.	Bisrat Dasphore	SDEPDMJ	01/01/83
2.	Jayanta Phukan	SDEPDMJ	01/01/83
3.	Kalyani Mechi	SDEPDMJ	01/03/83
4.	Diman Kri. Rayeng	SDEPDMJ	01/04/83
5.	Dreen Dwarah	SDEPDMJ	01/04/83
6.	Lila Ram Panyang	SDEPDMJ	01/04/83
7.	Surjana Sonowal	SDEPDMJ	01/04/83
8.	Ananda Sonowal	SDEPDMJ	01/04/83
9.	Mohan Sonowal	SDEPDMJ	01/04/83
10.	Nabin Sonowal	SDEPDMJ	01/04/83
11.	Lotik Sonowal	SDEPDMJ	01/04/83
12.	Pratulika Sonowal	SDEPDMJ	01/04/83
13.	Chandi Ram Bora	SDEPDMJ	01/03/83
14.	Robin Doley	SDEPDMJ	01/03/83
15.	Pramachand Pegu	SDEPDMJ	01/03/83
16.	Dinesh Pegu	SDEPDMJ	01/03/83
17.	Komal Ch. Nath	SDEPDMJ	01/03/83
18.	Babul Bora	SDEPDMJ	04/04/83
19.	Kalipada Bora	SDEPDMJ	25/03/83
20.	Thalyi Ram Taye	SDEPDMJ	25/03/83
21.	Bibekananda Pegu	SDEPDKJ	25/03/83
22.	Gagan Deka	SDEPDKJ	26/03/83

SDE (PHO)

UR

1.	Abul Kumar Das	SDEPTZ	01/01/83
2.	Ranjan Adhikary	SDEPTZ	01/01/83
3.	Chirayoty Majuendo	SDEPTZ	01/01/83
4.	Ujjal Mahi ta	SDEPTZ	01/01/83
5.	Abdul Rahim	SDEPTZ	01/02/83
6.	Dipak Deka	SDEPTZ	01/02/83
7.	Satya Ranjan Kalita	SDEPTZ	01/02/83
8.	Maheshi Bora	SDEPTZ	01/02/83
9.	Reomi Acharyee	SDEPTZ	01/02/83
10.	Swarnesh Seal	SDEPTZ	01/02/83
11.	Dullegin Das	SDEPTZ	01/02/83
12.	Ajit Das	SDEPTZ	01/02/83
13.	Abdul Jabbar	SDEPTZ	01/02/83
14.	Chintumoni Bora	SDEPTZ	01/02/83
15.	Siba Jd Samal	SDEPTZ	01/02/83
16.	Mesajyoti Deka	SDEPTZ	01/02/83
17.	Jadav Deka	SDEPTZ	01/02/83
18.	Hanki Devi	SDEPTZ	01/02/83
19.	Mayan Kalita	SDEPTZ	01/02/83
20.	Reba Kanta Saito	SDEPTZ	01/02/83
21.	Birin Ch Deka	SDEPTZ	01/02/83
22.	Phulena Dasphore	SDEPTZ	27/07/83

SDE (PHO/REG) 4/10/83

1.	Rahini Kanta Bishnupary	SDEPDL	01/03/83
2.	Chupen Barua	SDEPDL	01/03/83
3.	Motuul Haque	SDEPDL	04/03/83
4.	Mozumti Haque	SDEPDL	04/03/83

13 NOV 81

Page 2/3

Guwahati Bench  
গুৱাহাটী ন্যায়পৰিষ

5.	Rajat Bhattacharjee
6.	Jatin Saloi
7.	Miran Daimany
8.	Nabin Rava
9.	Dayaram Bodo
10.	Durijab Baruah
11.	Binendra Basumatary
12.	Rajin Kr Bodo
13.	Baneshwar Bodo
14.	Nigam Swargiary
15.	Sanjoy Dutta
16.	Narendra Basumatary
17.	Kamal eswar Narzary
18.	Yam Kt Chamlagain
19.	Piam Ali
20.	Birat Rava
21.	Taniram Bodo

SDEPUDI	01/05/86
SDEPUDI	01/05/86
SDEPUDI	02/05/86
SDEPUDI	02/05/86
SDEPUDI	03/05/86
SDEPUDI	16/04/86
SDEPUDI	18/04/86
SDEPUDI	24/04/86
SDEPUDI	25/04/86
SDEPUDI	26/04/86
SDEPUDI	26/04/86
SDEPUDI	27/04/86
SDEPUDI	28/04/86
SDEPUDI	28/04/86
SDEPUDI	28/04/86
SDEPUDI	29/04/86
SDEPUDI	29/04/86

SBC (111100), NIZPUR

1.	Shubha Kt Sarma
2.	Raj Kumar Kafaki
3.	Pradip Sut
4.	Purnik Ch. Mahanta
5.	Pradip Kr Bora
6.	Babul Ch Das
7.	Pradip Borah
8.	Narendra Katakay
9.	Ganesh Das
10.	Nagima Ray
11.	Ramnath Katre
12.	Gautam Kr Paul

SDQPTZ	01/01/86

SBC (11), MONGAIDOI

1.	Swapan Kr Sena
2.	Indera Borai
3.	Inbarai Gowala
4.	Gajesh Baruah
5.	Samstrand Alam
6.	Bihod Ch Boro
7.	Macchuri Rahman
8.	Taluddin Ahmed
9.	Fabin Ch Bodo
10.	Khaqendra Nabi Deka
11.	Sarbaz Ahmed
12.	Sadji Ram Deka
13.	Maznah Ali
14.	Babul Ch Kalita

SDOTMLD	01/01/86

\* Held Up due to non submission of  
Employment Exchange Card

Central Admin. Office  
केन्द्रीय प्रशासनिक व्यायालय  
13 NOV 1987 9.0  
Guwahati Bench  
গুৱাহাটী ন্যায়পৌর

Page 2

1.	Balo Saikia	SDOTNMP	01/01/88
2.	Ratneswar Sonowal	SDOTNMP	01/01/88
3.	Rohit Sonowal	SDOTNMP	01/01/88
4.	Damburu Chutia	SDONMP	01/01/88
5.	Dilip Neog	SDONMP	01/01/88
6.	Maina Sonowal	SDONMP	01/01/88
7.	Hegeswar Dorth	SDONMP	01/01/88
8.	Sahin Sonowal	SDONMP	01/01/88
9.	Dimbewar Sonowal	SDONMP	01/01/88
10.	Jiten Thengia	SDONMP	01/01/88
11.	Mahendra Chetia	SDONMP	01/01/88
12.	Dhaniram Basumatary	SDONMP	01/01/88
13.	Rebat Sonowal	SDONMP	01/01/88
14.	Dimbewar Saikia	SDONMP	01/01/88
15.	Motilal Melli	SDONMP	01/01/88
16.	Robin Sonowal	SDONMP	01/01/88
17.	Uchit Dorth	SDONMP	01/01/88
18.	Ghanta Sonowal	SDONMP	01/01/88
19.	Lokeswar Sonowal	SDONMP	01/01/88
20.	Niju Hazarika	SDOTNMP	01/01/88
21.	Dibya Sonowal	SDONMP	01/01/88
22.	Atul Sonowal	SDONMP	01/01/88
23.	Aratulla Sonowal	SDONMP	01/01/88
24.	Giridhar Saikia	SDONMP	01/01/88
25.	Upendra Nath Saikia	SDONMP	01/01/88
26.	Alba Gogoi	SDONMP	01/01/88
27.	Harimal Daws	SDONMP	01/01/88
28.	Andra Thengia	SDONMP	01/01/88
29.	Tulon Thengia	SDONMP	01/01/88
30.	Mhargeswar Sonowal	SDONMP	01/01/88
31.	Antu Dorth	SDONMP	01/01/88
32.	Ghanta Kt. Sonowal	SDONMP	01/01/88
33.	Meheswar Saikia	SDONMP	01/01/88
34.	Zogen Sonowal	SDONMP	01/01/88

SDU(T), TEIPUR

1.	Uppal Hazarika	SDOTTZ	01/01/88
2.	Umesh Bishya	SDOTTZ	01/05/88
3.	Atul Ch. Deka	SDOTTZ	01/05/88
4.	Hazibur Rahman	SDOTTZ	01/05/88
5.	Hmulema (Golepmoni) Basphore	SDOTTZ	01/05/88
6.	Harimal Sarkar	SDOTTZ	10/05/88
7.	Bakiram Mazhi	SDOTTZ	15/05/88
8.	Karunk Ch. Lakhkar	SDOTTZ	15/05/88
9.	Biswajit Malakar	SDOTTZ	15/05/88
10.	Mina Das	SDOTTZ	15/05/88
11.	Premita Dey	SDOTTZ	20/05/88
12.	Hilpon Ch. Das	SDOTTZ	21/05/88
13.	Ghanshyam Kr. Deka	SDOTTZ	21/05/88
14.	Sukhan Ray	SDOTTZ	21/05/88
15.	Acup Kr. Dulta	SDOTTZ	20/05/88
16.	Hima Kanta Ghatalowal	SDOTTZ	20/05/88

Held Up Due to non submission of Educational  
Certificates & Employment Exchange Card

Page is 2

TDE, TEZPUR

1.	Manjula Das	TDETZ	01/01/88
2.	Sekhar Chetia	TDETZ	01/01/88
3.	Ranjan Das	TDETZ	01/03/88
4.	Aloke Ghose	TDETZ	01/03/88
5.	Prasanta Das	TDETZ	01/03/88
6.	Sabita Dasgupta	TDETZ	01/03/88
7.	Spania Rava	TDETZ	01/03/88
8.	Binod Das	TDETZ	01/03/88
9.	Baneswar Dasgupta	TDETZ	01/03/88
10.	Rumi Kalita	TDETZ	02/03/88

Sd/-  
TDE, Tezpur

Copy for information to :

1. CGMT/GH w.r.f to his letter no
2. ADT (SLE), O/D CGMT, GH
3. AMT/GH
4. All Gr. B Officers of Tezpur EGA
5. IAO/H, SSS (Construction, Staff & General) // TDE, TZ
6. Spakas
7. I.I.E NO E-SE/CHP/1/2

My 95  
TDE, Tezpur

G.S.  
TDE (C.L.I)

92

To The S.D.E.P (ax) chauri  
Dated at chauri the 30th May '96  
Sub:- Jorning Report

Sir, Most humbly and respectfully  
I beg to state that I have  
joined my duty at Charki on to  
day the 30/5/96 at 10 hrs. - Temporary  
status - 11.32 clock.

Yours faithfully

Sai Cheni Ram Sarma.  
(CHENI RAM SARMAH)

T. S. M.

Jo  
Off S.D.E P(G) chariali situated at chariali  
The 30th may 96  
Sub :- Joining - Report

Sri

most humbly and respectfully  
I beg to state that I have joined my  
duty at chariali on today the 30-5-96  
at 10-00 hrs as temporary status  
in govt.

Yours faithfully

Sri गग्नि गग्नि सोलाली

T. S. M.

18 19

(J)

To,

The S.D.E.P. (G) Chariali

Dated at Chariali, the 30th May 196.

Sub:- Joining Report.

Sir,

Most humbly and respectfully  
I beg to state that I have joined  
my duty at Chariali on today  
the 30-5-96 at 10:00 hrs as  
Temporary Status Magdoor.

Yours faithfully  
Sri Babul Sarker

(SRI BABUL SARKAR)

T. S. M.

(J)

To,

The S.D.E.P. (G) Chariali

Dated at Chariali, the 30th May 196

Sub:- Joining Report.

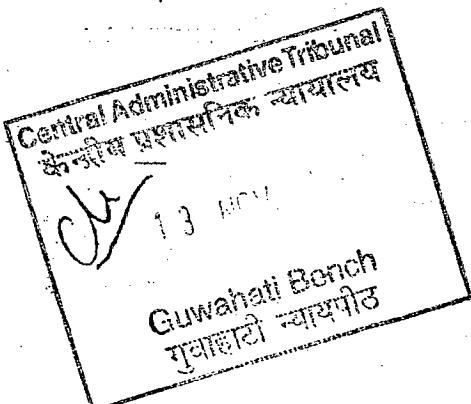
Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chariali  
on the 30-5-96 at 10:00 hrs  
as Temporary Status Magdoor.

Yours faithfully  
Sri Paban Kataria

(SRI PABAN KATARIA)

T. S. M.



(19)

SW

11

30

The S.D.E.P (6) chariali

Dated at chariali the 30th may 96

Sub - gaining Report.

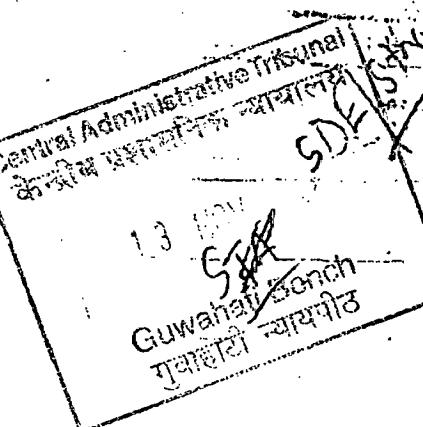
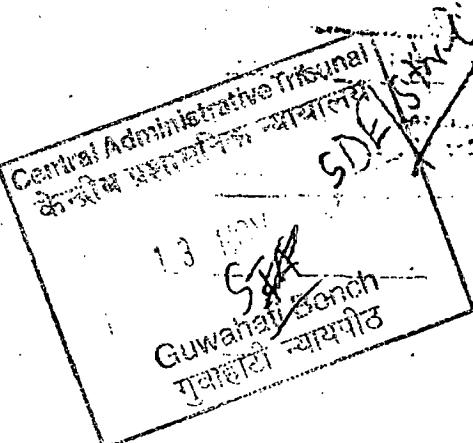
sign

Most humbly and respectfully  
 I beg to state that I have joined  
 my duty at chariali on today  
 the as 30.5.96 at 10 hrs temporary  
 status mazdoor.

your faithfully

Sri Abani Baruah  
 (SRI ABANI BARUAH)

T.S.M.



20

-10-

6/2/9

10

The S.D.E.P.(6) Chariali

Dated at Chariali, the 30th May 96.

Sub - joining Report.

Sir,

Most humbly and respectfully  
 I beg to state that I have  
 joined my duty at Chariali on  
 today the 30-5-96 ~~as~~ F/N as  
 temporary status Mazdoor.

Your's faithfully

अ. टुमोनी सैकिया

(MISS TUNMONI SAIKIA)

T.S.P.

(18)

To

The S.D.E (G8) S. Chariali  
Mited at C.I. The 30th May/96  
SUB:- Joining Report.

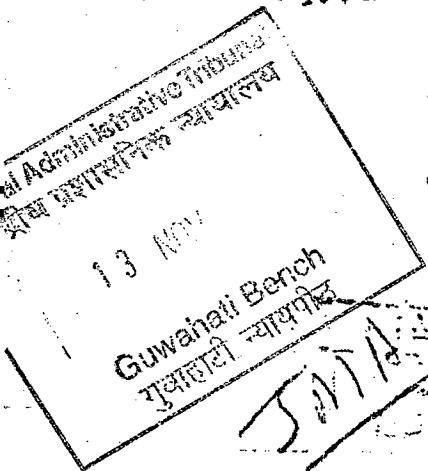
Ans

Sir, I have the honour to inform  
you that I do hereby joined on  
my duty today on 30th May/96  
at 10 hrs. Temporary Status Mazdoor.

This is for favour of your  
kind information and necessary  
action please.

Yours faithfully

Sri- Pranjal Kataki  
T.S.M.  
30/05/96



JMA

(19)

To the S.D.E. E (Ans)

Dated at Chariali  
the 30th May '96.

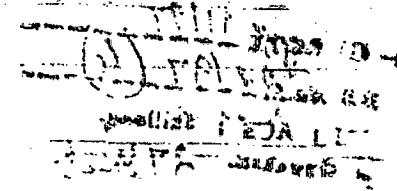
SUB:- Joining Report.

Ans

Sir, With due respect of to  
very join on my duty to you  
at 10 hrs dated 30th May '96.

This is for your due  
information and necessary  
action please.

Yours faithfully



Sir,

Yours faithfully

Sri - TILAK Borah  
(SRI TILAK BORAH)

T.S.M.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

13 NOV 2001

Guwahati Bench  
गुवाहाटी न्यायालय

To

The S.D.EP (g) Chiriali  
Date: at Chiriali the 11-6-96

Sub:- joining report.

Sir - With due respect I beg to  
state that I have joined my  
duty on to-day F/or the 11-6-96  
as a temporary State employee.

Yours faithfully

RAMDEV BHAGAT

11/11/2001  
11/11/2001  
Date : 11/11/2001  
11/11/2001

8

376

To,

The S.D.E.P.(m) Chariali

Dated at Chariali, the 30th May/96.

Sub:- Joining Report.

Sir,

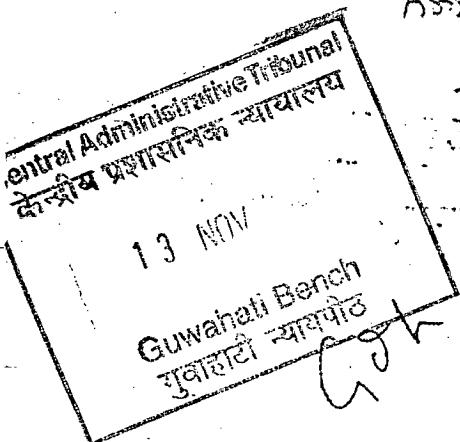
Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chariali  
on today the 30-5-96 at 10:00  
hrs as Temporary Status Mazdoor.

Yours faithfully

Sri Basanta Bhuyan

(SRI BASANTA BHUYAN)

T. S. M.



Fy.

21

9

To,

The S.D.E.P.(m) Chariali

Dated at Chariali, the 30th May/96

Sub:- Joining Report

Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chariali on  
today the 30/5/96 at 11:00 hrs as  
Temporary Status Mazdoor.

Yours faithfully

SRI BIREN BORAH

(SRI BIREN BORAH)

T. S. M.

510/2/1/2001

Chirali

To,

The S.D.E.P (6<sup>th</sup>) Chirali  
Dated at Chirali the 30th May '96

Sub:- Joining Report

Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chirali on  
today the 30-5-96 at 10-00 hrs  
as temporary status Magdoot.

Yours faithfully

Sri Biran Dass -  
(SRI BIRAN DASS)

T. S. M.

~~30th May 1996~~



④ Or. 6  
1. 1. 6 (W)

To,

The S.D.E.P (6<sup>th</sup>) Chirali

Dated at Chirali, 1<sup>st</sup> 30th May 1996

Sub:- Joining Rep. 1

Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chirali on  
today the 30-5-96 at 10 hrs as  
Temporary Status Magdoot.

Yours faithfully

Sri Biran Dass

(SRI BIRAN DASS)

T. S. M.

Ch ①

SDE

-70-

3/5 To.

The S.D.E.P.(65) Chariali  
Dated at Chariali, the 30th May/96.

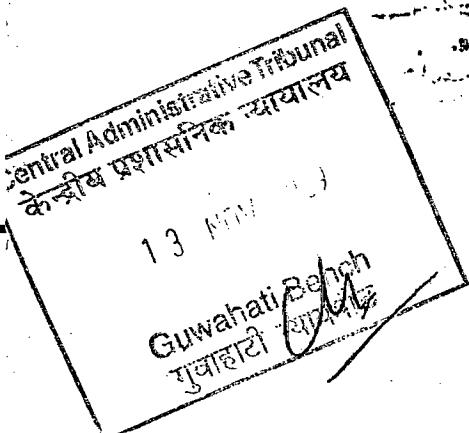
Sub:- Joining Report

Sir,

Most humbly and respectfully  
I beg to state that I have joined  
my duty at Chariali on today the  
30-5-96 at 10-00 hrs as Temporary  
Status Magistrate.

Yours faithfully  
Miss Juri Sarmah  
(MISS JURI SARMAH)

T. S. M.



13 NOV 1996  
मार्च 1996  
मार्च 1996  
मार्च 1996  
मार्च 1996  
मार्च 1996

1/5/96

To.

The S.D.E. (65) B. chariali  
Dated at c. the 30th May/96  
Sub:- Joining Report.

Sir,

I have the honour to  
inform you that I do hereby  
joined on my duty today on 30th  
May/96 at 10 hrs as Temporary Status  
Magistrate.

This is in favour of your  
kind information and necessary  
action please

Yours faithfully  
Suresh Kumar Sengupta

7.5 P.M  
20/05/96

Ji

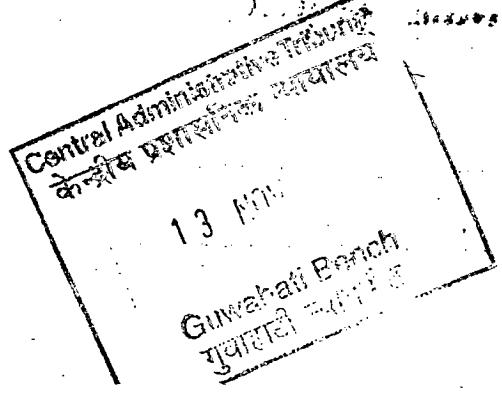
No.

The S.D.E.P. (G) Chariali  
dated at Chariali the 11-6-96  
State - joining Report.

Sir

With due respect I beg to  
state that I have joined my duty  
on to day 11/6/96 as  
a Temporary State Magdor

Yours faithfully  
Sri Dipen Bhuyan



SE  
J East

To,  
The S.D.E.P. (G) Chariali  
dated at Chariali, the 30th May/96.  
Sub:- Joining Report.

Sir,  
Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chariali  
on today the 30-5-96 at 10-00 hrs  
as Temporary State Magdor

Yours faithfully

Sri Dipen Bhuyan  
(SRI DIPEN BHUYAN)

T.S.P.

GHG

Q  
3075  
Jo

The S.D.E.P.(h.f) Chariali dated at  
Chariali the 30th May '96  
Sub:- joining Report.

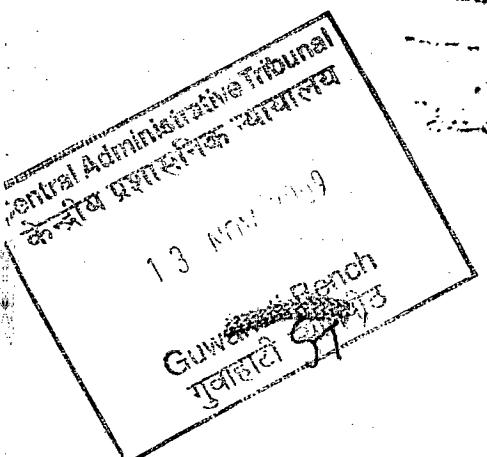
Sri.

Most humbly and respectfully  
I beg to state that I have joined my  
duty at Chariali on today the 30-5-96  
at 10- or 11 hrs 0.5 temporary status  
Magdoor.

Yours faithfully

Sri. Kangan Bhuyan.

T. S. M.



Q  
3075

To,

The S.D.E.P.(h.f) Chariali  
dated at Chariali the 30th May /96  
Sub:- joining Report.

Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chariali  
on today the 30-5-96 at 11-00  
hrs as temporary Status  
Magdoor

11-00 hrs  
30-5-96  
Magdoor

Bideh  
Bideh

Yours faithfully  
(SRI GOBINDA BORAH)

(SRI GOBINDA BORAH)

T. S. M.

⑥

Maine

To, The S.D.E.P. (66) Chirali  
Dated at Chirali, the 30th May 96

Sub:- Joining Report

Sir,

Most humbly and respectfully  
I beg to state that I have  
joined my duty at Chirali  
on today the 30-5-96 at 10-00 hrs  
as temporary  
Status Magdoor.

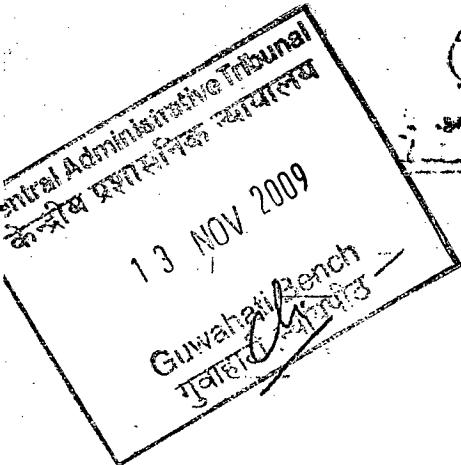
Yours faithfully

SRI KALI DESWAL BORAH

(SRI KHARGESWAR BORAH)

T. S. I.O.

(I) 1018  
Date : 30-5-96



102

73

73

73

⑤

23

To, The S.D.E.P (66) / 24

Dated at  
Chirali the  
30th May 96

Sub:- Joining  
Report.

Sir, I have the honour to  
inform you that I do hereby  
join my duty at 10 hrs  
stated. 30th. May 96.

This is for your kind  
information. If necessary  
action please.

Yours faithfully

SRI KALI DESWAL BORAH

(SRI KHARGESWAR BORAH)

T. S. I.O.

73

102

74

103

Fr.  
30/6

To,

The S.D.E.P. (G) Chariali  
Dated at Chariali, the 30th May/96

Sub:- Joining Report.

Sir,

Most Honourably and respectfully  
I beg to state that I have  
joined my duty at Chariali on  
~~10-00 hrs to day~~ the 30-5-96 at  
10.00 hrs as Temporary Status  
Magistrate.

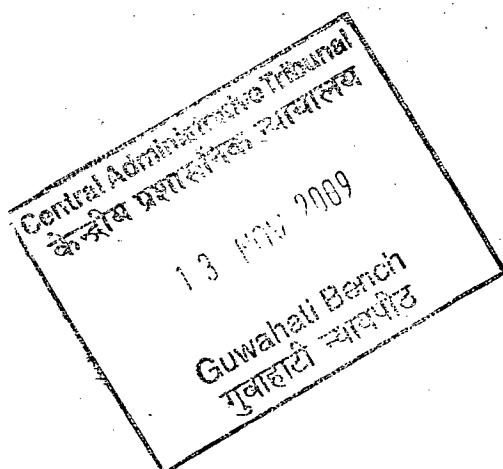
Yours faithfully

Sri. Jitu Sarmah

(SRI JITU SARMABH)

T.S.M.

Ji



7/1  
20/5

To the S.D.E.P (Ge) Charali  
Dated at Charali the 30th May '96

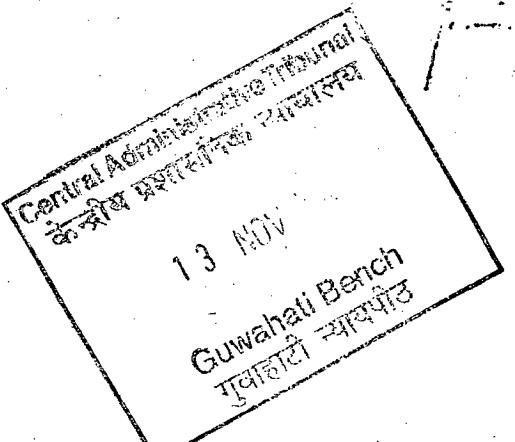
Sub: joining Report

Sir, Most humbly and respectfully  
I beg to state that I have joined  
my duty at Charali on today the  
30-5-96 at 10 hrs as Temporary  
Station Master.

Yours faithfully

Sri Dharmendra K. Ray  
(SRI DHARMENDRA KUMAR RAY)

T. S. M.



7/1  
20/5

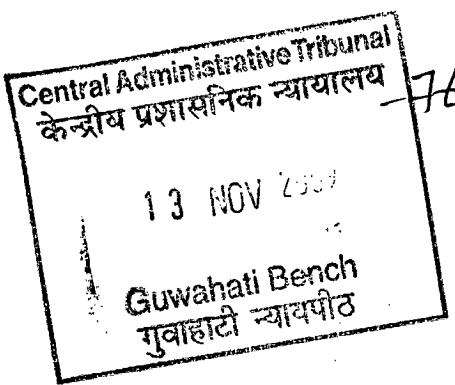
To the S.O.F.C (Ge) Charali  
Dated at Charali the  
30th May '96.  
Sub: Temporary  
Report.

Sir,

With due respect  
I do hereby inform to  
my duty dated 30th May '96  
of others.

This is for your kind  
information and necessary  
action please.

Thanking you Sir,  
Yours faithfully,  
SRI PULIN BORAH  
(SRI PULIN BORAH)  
T. S. M.



ANNEXURE : A-7

Bharat Sanchar Nigam Limited  
 O/o the General Manager Telecom District  
 Dibrugarh

E-17G/IRM/82

Dated at DR the 12/2/02

On completion of 10 years service since their engagement as CM, the TSMs as shown in Annexure-I are hereby provisionally appointed to the post of Regular Marzdoor against the existing vacancy sanctioned vide CGMT/Guwahati memo no. E31T-3/3442 dt. 7/11/2001 in the pay scale of Rs. 2550-55-2660-50-3200/- per month plus usual allowances as admissible from time to time. The date of appointment takes effect from 4/2/2002. The names are arranged in order of seniority.

**TERMS AND CONDITIONS OF THE APPOINTMENT**

1. The appointment is purely temporary and does not confer any title for permanent appointment.
2. The service is liable to be terminated by serving one month's notice from either side.
3. The appointment is subject to satisfactory police verification report of character and antecedents.
4. The officials are liable to serve any where under the jurisdiction of Dibrugarh SSA but liable to serve anywhere in India during War or National emergency.

*S. J. S.*  
 Divisional Engineer (Admin)  
 O/O the GMTD/Dibrugarh

Copy to :-

1. The DGM (Admin), o/o the CGMT/Guwahati for information w.r.t. his letter no. Recd. 3/10/Pl. VII/58 dt. 4/2/2002.
2. The DE (Mice)/Dibrugarh & DE (Mice-I & II)/Tinsukia.
3. The SDOP-I & II, DR/TINSUKIA, SDOF DR/MRN/DDM/TINSUKIA, SDE(O), MHT/DIO/NHK/NRU, SDE (Cable-I & II)/DR/TINSUKIA, SDE (OSD)/DR, SDE (TT)/DR, SDE (Admin)/DR

They are requested to send the joining report of the officials on 4/2/2002 and Health certificate early to this office. Service books of the officials duly completed in all respect may please be sent to this office for further action.

Sr. AO(Cashy) JAO(B), O/o the GMTD/Dibrugarh for necessary action.  
 Official concerned :

P/Files of the officials concerned.

E-9/Recd, E-17/STT, E-9/Genl, E-259/CI, JV & FixeGen file  
 Spare

*K. B. J. S.*  
 Sub-divisional Engineer (Admin)  
 O/O the GMTD/Dibrugarh

13 NOV 2009

## ANNEXURE - I

 Guwahati Bench  
 गुवाहाटी न्यायालय

S/N	Name of TSM	Comm	Date of engagement in CM	Granted TSM w.e.f.	Unit of working/posted
1	Sri Haribaruar Gohain	OC	1/2/87	1/7/99	SDOT/Dibrugarh
2	Sri Tarun Chakraborty	OC	1/4/87	1/7/99	SDE(Cable-IV)Tinsukia
3	Sri Amup Kr. Bhattacharjee	OC	1/6/87	1/7/99	SDOP-IV Tinsukia
4	Sri Pradip Handique	OC	1/5/87	1/7/99	SDOP-IV Tinsukia
5	Rw. DL Sri Sudhansu Konwar	OC	1/5/87	1/7/99	SDOT/Dibrugarh
6	Sri Raju Ch. Roy	OC	1/6/87	1/7/99	SDOP-IV Tinsukia
7	Sri Chandrewar Baruah	ST	1/8/87	1/7/99	SDOT/DR
8	Mrs. Bijoya Sarker	OC	1/10/87	1/7/99	SDOP-IV Dibrugarh
9	Sri Gopali Kr. Malaker	OC	1/1/88	1/7/99	SDOT/Tinsukia
10	Sri Ranjit Hazarika	SC	1/1/88	1/7/99	SDOT/Deomdokhia
11	Sri Debadhar Sonowal	ST	1/1/88	1/7/99	SDOT/Dibrugarh
12	Sri Ranu Dabu Ray	OC	1/1/88	1/7/99	SDOT/Tinsukia
13	Sri Brahmdeo Yadav	OC	1/2/88	1/7/99	SDOP-IV Tinsukia
14	Sri Tarkeswar Gogoi	OBC	15/2/88	1/7/99	SDOT/Tinsukia
15	Sri Rajendra Pd. Paswan	SC	1/3/88	1/7/99	SDOT/Dibrugarh
16	Sri Biswajit Dutta	OC	1/5/88	1/7/99	SDE(Admn)Dibrugarh
17	Sri Nilekanan Gogoi	OC	1/5/88	1/7/99	SDE(Gr)Naharkalita
18	Sri Mukul Baruah	OBC	2/5/88	1/7/99	SDE(Cable-IV)Tinsukia
19	Sri Motilal Singh	OBC	1/8/88	1/7/99	SDE(Gr) Naharkalita
20	Sri Sudhansu Mechi	ST	1/8/88	1/7/99	SDE(Gr)Naharkalita
21	Sri Jader Ch. Kalita	OC	1/8/88	1/7/99	SDE/Namrup
22	Sri Sanjit Kr. Neog	OBC	1/10/88	1/7/99	SDE(Cable-IV)Tinsukia
23	Sri Rekherwar Handique	OBC	1/11/88	1/7/99	SDOP-IV Tinsukia
24	Sri Kaushik Paswan	OC	1/1/89	1/7/99	SDE(Admn)Dibrugarh
25	Sri Jayanta Moran	OBC	2/1/89	1/7/99	SDE(Cable-IV)Tinsukia
26	Sri Narayan Ch. Dey	OC	1/2/89	1/7/99	SDE(IV)Dibrugarh
27	Sri Ganthir Hazarika	ST	1/3/89	1/7/99	SDOP-IV Dibrugarh
28	Sri Oobinda Baruah	OC	1/3/89	1/7/99	SDOP-IV Dibrugarh
29	Sri Jugon Gogoi	OC	1/4/89	1/7/99	SDOT/Dibrugarh
30	Sri Kushal Gogoi	OC	1/5/89	1/7/99	SDOT/Dibrugarh

 12/11/2009  
 12/11/2009

Date of application for H.P. copy	Date when the application was filed for supply of the requisite stamp and stamps and fellow.	Date of delivery of the requisite stamp and stamps and fellow.	Date when the copy was received after delivery	Date of making over the copy to the applicant
2/11/07	2/11/07	2/11/07	2/11/07	2/11/07

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

1. Criminal Appeal No. 268 of 2003 Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

1. Sri Rajendra Rai
2. Sri Lambodhar Jha
3. Sri Sakaldeo Singh
4. Sri Rembliash Rai
5. Sri Radharam Deka
6. Sri Deonath Rai

Appellants

13 NOV

Guwahati Bench  
गुवाहाटी न्यायपीठ

Central Bureau of Investigation (CBI)

Respondent

For the appellant-Mr. D.C. Mahanta, Senior Advocate,

Mr. T.J. Mahanta, Mr. M. Khataniar

Ms. P. Bhattacharyya, Mr. N. Bora, Advocates

For the respondent-Mr. D.K. Das, Standing Counsel, CBI,

2. Criminal Appeal No. 269 of 2003

1. Sri Jitu Sarma
2. Sri Jyoti Prasad Salkia
3. Sri Dhanpat Swargiary
4. Miss Juri Sarma
5. Sri Kishore Kr. Pathak
6. Sri Maina Bora
7. Sri Pawan Kataki
8. Sri Gobinda Bhuyan
9. Sri Biran Das
10. Sri Gagan Bhuyan
11. Sri Jiten Sarma
12. Smti. Tunmoni Salkia
13. Sri Gobinda Bora
14. Sri Ramji Bhagat

26/11/07

✓ for

102  
11/11/07

15. Sri Tilok Bora
16. Sri Pranjal Kataki
17. Sri Abani Baruah
18. Sri Biren Bora
19. Sri Basanta Bhuyan
20. Sri Dharmendra Kumar Rai
21. Sri Ambika Barman
22. Sri Prabhat Kalita
23. Sri Dipen Bhuyan
24. Sri Pulin Bora
25. Sri Prabhat Sarma

Central Appellate Bench of Guwahati  
केन्द्रीय प्रशासनिक न्यायालय  
13 NOV  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Appellants

Versus

Central Bureau of Investigation (CBI) Respondent

For the appellants- Mr. D.C. Mahanta, Senior Advocate,

Mr. T.J. Mahanta, Ms. P. Bhattacharyya,

Mr. N. Bora, Advocates

For the respondent-Mr. D.K. Das, Standing Counsel, CBI,

3. Criminal Appeal No. 277 of 2003

1. Babul Saikia

2. Cheniram Sharma

Appellants

Versus

Central Bureau of Investigation (CBI) Respondent

For the appellant-Mr. D.C. Mahanta, Senior Advocate,

Mr. T.J. Mahanta,

Mr. N. Bora, Advocates

For the respondent-Mr. D.K. Das, Standing Counsel, CBI,

PRESENT

THE HON'BLE MR. JUSTICE P.G. AGARWAL

Date of Hearing:-1.3.2007

Date of Judgment:- (1.3.2007)

কেন্দ্ৰীয় প্ৰযোৗ পৰিবেশ বিধিৰ বিধিৰ বিধি

13 NOV 2009

Guwahati Bench  
গুৱাহাটী বিধীনৰ্পত্ৰ

JUDGMENT AND ORDER

Criminal Appeal Nos. 268/ 2003, Criminal Appeal No. 269/ 2003 and Criminal Appeal No. 277/ 2003 have been heard analogously and disposed of by this common Judgment and Order as these three appeals have arisen out of the Judgment and Order dated 28.7. 2003 passed by the Special Judge, Assam at Guwahati in Special Case No. 9(C)/ 2000 whereby the trial court convicted the accused appellants u/s 120B, 420, 471 IPC r/ w section 13 (1) (d), P.C. Act, 1988 and awarded different sentences and all the sentences were ordered to run concurrently.

2. Heard the learned counsel for both sides.

3. The prosecution case in brief is that during the period 1985 to 1996 accused appellants were serving as Sub Inspectors, Line Inspectors, etc. The prosecution case is that all these accused persons pursuant to a criminal conspiracy, decided to cheat the Government in the Telecom Department and thereupon accused A-1 to A-6 fabricated false Experience Certificates in favour of accused A-7 to A-33 and these were approved by A-1 and using these certificates as genuine, accused A-7 to A-33 were shown as regular casual Mazdoors working in the Office of the BSNL during the period 1988-96 and thereafter they were given the status of TSM and paid as such. According to the prosecution, accused A-7 to A-33 were not serving as casual Mazdoors in view of the ban imposed and the Experience Certificates were forged documents.

4. During trial, the prosecution examined as many as 14 witnesses. The defence plea as seen from the trend of examination is that accused A-7 to A-33 were working as casual Mazdoors and as such, accused A-1 to A-6 issued experience certificates and these were counter signed by A-1 on verification.

5. We, thus, find that in the present case, there is no dispute at the Bar as regards issuance of experience certificates by accused A-1

13 NOV 2007

Surveillance Bureau  
GRAMIN SEWA

4

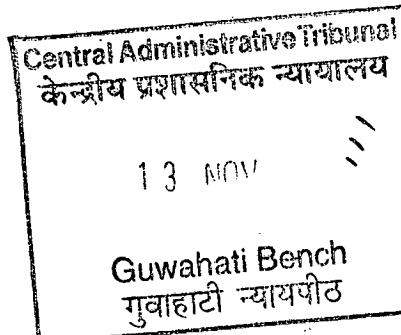
to A-6 and counter signature thereupon by A-1. The fact that accused A-7 to A-33 received pecuniary advantage pursuant to the above experience certificates, is also not challenged or disputed before us.

6. In view of the above, the first point for consideration is whether accused A-7 to A-33 were serving/ working as casual Mazdoors during relevant period under TSMs, under SDE (P), B. Chariali or not.

7. PW 1 proved and exhibited experience certificates and as the experience certificates are not challenged, the evidence of this witness is not material. The prosecution came up with a plea that the accused persons were not serving or working as casual Mazdoors and that there was a ban for engagement of casual workers. So far the first part is concerned, the prosecution has not led any evidence regarding the factual aspect and although a number of witnesses were examined and these persons were serving under the TDM, Tezpur during the relevant period, none of these witnesses have stated a single word to the effect that they never saw these accused persons A-7 to A-33 working as casual workers or Mazdoors.

8. So far the circular providing for a ban on engagement of casual Mazdoors, the admitted position is that it was applied more in violation and casual Mazdoors used to be engaged for taking care of contingency and emergent works. PW M.K. Gogoi has deposed that a circular was issued on 17.12.93 providing that persons who were engaged as casual workers from 1985 till June, 1988 may be given the status of TSM provided that they fulfill certain conditions. The said circular was applicable to whole of India and the prosecution has also accepted the above position modifying the earlier circular banning engagement of casual workers.

9. Ajit Kumar Sarkar (PW 7) has deposed that the TDE M.K. Gogoi had constituted a selection committee for conferment of TSM status on casual labourers.



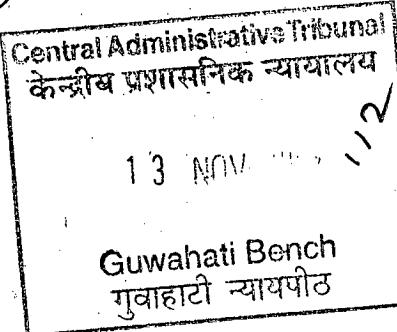
\$

10. Thus, we find that so far the selection committee consisting of A-1 to A-6 are concerned, was constituted by the competent authority to select and recommend the names of persons for conferment of the status of TSM and out of 32 candidates, the committee recommended the names of 27 candidates. The selection committee considered the experience certificates issued by A-1 to A-6. Md. I. Ahmed (PW 2) has deposed about the payment which is not under challenge in this case. Prosecution witness has deposed about the circular banning appointment of casual workers after 31.03.95. The said circular is not relevant for our purpose. Rajib Yadav (PW 4) had granted sanction for prosecution and we find that the said sanction is not under challenge.

11. In this case, we find that Mr. M. Bhuyan, SDE (Cable) who constituted the selection committee for the purpose of examining the cases of 27 persons including A-7 to A-33 had not been examined and he has also not been arrayed as an accused and although the entire process was initiated by him, Mr. Bhuyan would have been the best person to say whether A-7 to A-33 were working as casual Mazdoors or not or as to what led him to constitute the committee to consider the cases of these accused persons.

12. So far the plea of the prosecution that the accused persons A-7 to A-33 should not have worked as casual Mazdoors because of the ban imposed, it has not much basis, more so, in view of the circular which provides that the casual Mazdoors, who worked during the period 1985 to 1988, can be given the status of TSM on fulfillment of certain conditions which goes to show that in spite of the ban, casual Mazdoors used to be engaged every where in India.

13. As stated above, none of the prosecution witnesses has come forward to depose that although they were working under the TDM, Tezpur during the period 1985 to 1996, they never saw these accused persons A-7 to A-33 serving or working as casual Mazdoors in the capacity of Sub Inspector, Cable Splicer etc. and they have issued the experience certificates and they are before us as accused.



14. The main foundation on the basis of which the trial court has recorded the order of conviction is the Accounts Books and the system prevailing in the Telecom Department which was narrated by PW 8, the Chief Accounts Officer, TDM, Tezpur. He has deposed as follows:

" For execution of capital work and maintenance works of temporary advance were sanctioned to SDOs and Field Officer including JTO by head of the SSA. Capital work means and signify execution of new works while maintenance means execution of day to day maintenance works. For execution of works man power is necessary. For execution of maintenance works employment of casual labour is necessary. The payment to the casual labourers were made out of the temporary advance given to the SDO concerned. Payment is made through LI, SI and JTO and CS to the casual labourers. All kinds of payments are made through ACG 17 including payment to the casual labourers. ACG should contain the signature of the payee and the payer. All expenditures made by LI, SI, CS and JTO etc. will be entered into in ACE 3 forms and it will be submitted to the SDO who will incorporate the same in ACE 2 accounts. ACE 2 accounts will contain the annexure like ACE 3 bills etc. Form ACE 2 accounts will be forwarded to accounts section for its scrutiny. The expenditure made through ACE 2 were finally adjusted in the cash book in the accounts section. All expenditure made through ACE 2 are to be kept in the accounts section for audit purpose. After one year of the audit the documents of accounts can be destroyed. All accounts including ACE 2 are stored by the department in the godown under a store Incharge. SDE (general) is the store Incharge. Every documents maintained in the course of official business should be preserved."

13 NOV 1998

Guwahati Bench  
गुवाहाटी न्यायालय

15. The evidence of PW 8 has been reiterated by PW 9, the Asstt. Director, Establishment, Telecom Department.

16. In the present case, the prosecution has not produced the vouchers ACG 17 for the relevant period to show that in these vouchers, the names of the present accused appellants-A-7 to A-33 do not appear. These documents were vital documents to support the prosecution that no such payment was made to the accused persons during the relevant period as casual Mezdoors.

17. On the other hand, the prosecution has led evidence to show that the vouchers under ACG 17 were not available. Although no evidence has been led as to the reasons of non availability, the prosecution argued that although the Accounts under ACG 17 are not available showing the names of the accused persons, it must be presumed that the names of the accused persons do not appear in these accounts and the inference may be drawn against the accused persons. The trial court also accepted the above and held that when ACG 17 forms are not available in respect of A-7 to A-33, it must be deemed to have not worked as casual workers. We are unable to comprehend such a situation in a criminal trial. The burden is on the prosecution to establish the guilt and the prosecution may either lead direct evidence or indirect evidence. Moreover, there is no evidence on record to show that the accounts books/ vouchers under ACG 17 were kept in the custody of the accused persons or that they were responsible for their safe custody and they have destroyed the same to screen out the evidence of criminal offence.

18. From the evidence of the prosecution witnesses, we find that there is another aspect of the matter also. The vouchers under ACG 17 are entered into ACE 3 forms and thereafter the amount is incorporated in ACE 2 accounts and finally adjusted in the cash book. Admittedly, the cash books from 1985 onwards are available and the prosecution could have produced these cash books or ACE 2 accounts to show that during the relevant period, no payment was

13 NOV 2009  
115Guwahati Bench  
गुवाहाटी न्यायपालिका

made to any casual worker or Mazdoor. Further, the Government Department must have some audit to the accounts and audit report, if any; could have been produced; but no document has been produced by the prosecution in support of their contention.

19. Merely because the prosecution utterly failed to trace out the ACG 17 vouchers and produce the same before the court, it can not be presumed, by any stretch of imagination, that no payment was made to the accused persons during the relevant period as casual Mazdoors. The learned trial court fell in error in holding that the failure of the TDM Office to produce the record has no bearing in the matter and on the other hand, it can be inferred that TDM Office did not appoint any casual Mazdoor including A-7 to A-33. The trial court also observed that appointment of casual Mazdoor during the period 1995-1996 was misplaced and it was irrelevant.

20. We also find the trial court has placed much reliance on the evidence of B.K. Goswami (PW 3) who has deposed that during his period, ACG 17 vouchers for the period 1988 to February, 1996 were not available and he had joined in September, 1995 and worked till 3.11.98. The witness has further stated that despite the ban in the engagement of causal labourers, such engagement continued and labourers were engaged during 1985-88 and they were regularized.

21. The members of the selection committee appointed by M.K. Gogoi considered the cases of A-7 to A-33 along with other persons and on being fully satisfied about the genuineness of the cases, they recommended the cases of A-7 to A-33 for conferring the status of TSM. They have also deposed that they did not find any anomaly in respect of experience certificates and these experience certificates were issued on the basis of work done during the calendar year on the basis of ACG 17. Hence, if ACG 17 was considered by the selection committee while recommending the names of the accused persons,

subsequent non production of documents, can not be held against the accused persons.

22. At this stage, we may have a look in the evidence of G.S. Mathur (PW 12) who has deposed that all the labourers mentioned in Ext. 1 to Ext. 27 were engaged and working under him. The evidence of PW 12 has been supported and corroborated by Promod Kr. Pathak (PW 13) who states that the casual workers mentioned in Ex. 2 to 10, 12, 20, 21, 23 and 24 were actually engaged during the relevant period. Both PW 12 and PW 13 were Supervising Officers. Their evidence strikes the final nail in prosecution coffin.

23. In a criminal trial, the burden is on the prosecution to establish the offence beyond all reasonable doubt. The distance between the accused 'may be guilty' and 'must be guilty', must be travelled by the prosecution and no conviction can be based on surmises and conjectures.

24. In the present case, we find that there is no reliable evidence to hold that accused A-7 to A-33 were not working as casual workers during 1985-88 or the experience certificates-Ext. 1 to Ext. 27 issued by the accused A-1 to A-6 and counter signed by accused A-1 are forged documents. As the very foundation of the prosecution allegation is missing, we hold that this is a case of no evidence and the accused persons are entitled to acquittal.

25. In the result, the appeals are allowed. The impugned order of conviction and sentence is set aside and the accused appellants are acquitted and they are set at liberty forthwith. The accused appellants are on bail and as such, they need not surrender to their bail bonds.

26. Send down the records.

Sl. 8580

dt. 2.11.07

Sh. P.G. Agarwal

Judge

Central Administration Tribunal  
संकेत नियन्त्रण नियन्त्रण

13

Gauhati Bench  
गोवाटी बैच

**CERTIFIED TO BE TRUE COPY**

*[Signature]*

Date ..... 2.11.07  
Superintendent (Copyist, Receiving) .....  
Gauhati High Court  
Authorized U/S 76 Act I 1872

*[Signature]*  
2.11.07

13 NOV

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

ANNEXURE A-9

SHARAT SANCHAR NIGAM LTD (TSP)  
(A Government of India Enterprise)  
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT  
BONGAIGAON - 783380

No. E-75/RM/PT-II/2003-04/28

Dated at Bongaigaon the 10<sup>th</sup> March, 2004

In pursuance of the Chief General Manager, Assam Telecom Circle, Guwahati letter no. Recd. 3/10/PT-453 dt. 16.02.2004 and Recd. 3/10/PT-VII/64 dt. 20.02.04 the following TSMs and Casual Labour are hereby posted as Regular Mazdoor in the pay scale of Rs.4,000-3,600 w.e.f the date of their joining in this BSA. The details of their posting are shown below to have immediate effect.

Sl. No	Name of Officials	Date of confirmation of TSM/Conversion to FIT C/L etc.	Date of joining as RM	Place of posting
01	Sri Joy Sankar Pandey TSM	01/8/1999	15/3/04	Under SDO (DBGN)
02	Sri Manohar Kalita TSM	01/9/1999	15/3/04	Under SOE (G) Dhubri
03	Sri Mohan Ramchandra TSM	01/8/1999	16/3/04	Under SOE (G) Dhubri
04	Sri Bhupinder Deka TSM	01/8/1999	16/3/04	Under SOE (G) Dhubri
05	Sri Gobinda Barman TSM	01/8/1999	16/3/04	(C-DOT, O/D) NLS
06	Mrs. P. Ali, TSM	01/8/1999	15/3/04	BDE (O/D) Nalbari
07	Mrs. Laxmi Rao TSM	01/8/1999	12/3/04	Digoria under SDE (G)
08	Mo. Jebar Ali FIT C/L	04/11/1999	15/3/04	SDE (O/D) BGN
09	Mo. Anamul Haque C/L		15/3/04	SDE (O/D) BGN
10	Tankeswar Talukdar, C/L (SN)		15/3/04	AO (Cath) o/o GMTD/ BGN
11	Syed Zahir Hussain, C/L		15/3/04	SDE (O/D) Nalbari
12	Sri Bhupen Deka, C/L		15/3/04	Sanatorium under SDE (C-DOT) Barpeta
13	Sri Gautam Kalita C/L		15/3/04	Under SDE (GMTD) Dibrugarh
14	Sri Karmeswar Kalita C/L		15/3/04	Under SDCD KKI
15	Sri Karuna KT Kumar C/L		15/3/04	Kazakuchi under SDE (C-DOT) Barpeta
16	Mrs. Chameff Baruah, C/L		15/3/04	Lakhiganj under SDE (G)
17	Sri Dhan Ram Deka, C/L		15/3/04	Barpeta
18	Not yet joined.			
18	Sri Kishal Methi C/L		12/3/04	Sentinggut under SDO (T) Kohrahar
19	Sri Subhash Barman C/L		12/3/04	DTOBGN under SDE (C-DOT) Bongaigaon
20	Sri Niranjan Metakar, C/L		12/3/04	Patgaon under SDO (T) Kohrahar
21	Sri Chempak Talukdar C/L		12/3/04	Under AO (Comp) O/o GMTD, BGN
				Boro Bazar under SDO (T) Bongaigaon

13 NOV

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ  
Page 2

1. Name of Officials	2. Date of confirmation of TSM/Conversion to F/T CL etc.	3. Date of joining as RM	4. Place of posting
2. Sri Kulen Das, CL		16/3/04	SDE(O/D) Nalbari
3. Sri Khangeswar Kalita, CL		15/3/04	Raniganj under SDE(GR) Bilashipara

Sri Nareswar Samanta, RM working in DTO, Bongaigaon is hereby transferred and posted at DTO, Nalbari, Sri Kushal Medhi, RM is posted in place of Sri N. Samanta.

01. The posting is provisional likely to be permanent subject to final police verification report.
02. The Official/Officials liable to be terminated at any time.

Sd/-

Deputy General Manager(PGA),  
O/o the GMTD, Bongaigaon

Copy for information and necessary action to:

01. The Chief General Manager Telecom, Assam Circle, Guwahati-7
02. ADT(Staff) O/o the CGMT, Assam Circle, Guwahati
03. GMTD, Kamrup
04. The Chief Engineer(Civil), Guwahati
05. DET(Oruori/Barpeta)
06. DE(Mtce) BGN/ DE(OFC) BGN
07. CAO, O/o the GMTD, BGN
08. SDE(O/D & I/D) Nalbari/ SDO(T) BPRD/SDE(C-DOT) Barpeta
09. SDO(T) BGN/ SDE(C-DOT) BGN/ SDO(T) KKJ/SDE(G) BSY.
10. SDE(G) Oruori/ SDE(G) Goalpara.
11. SDE(I/D) BGN/ SDE(CMTS-COMM) BGN
12. AO(Comp)/AO(Cash) O/o the GMTD, BGN
13. AAO(C) SS(Pay bill sec), O/o GMTD, BGN
14. The Officials Concerned.
15. P/F Concerned.

(M. Huhunon)  
Sub-Divisional Engineer(HRD),  
O/o the GMTD, Bongaigaon

## ANNEXURE A 10

BHARAT SANCHAY NIGAM LIMITED,  
 (A Govt of India Enterprises)  
 Office of the Chief General Manager,  
 Assam Telecom Circle, Panbazar,  
 Guwahati-781001.

890

Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक न्यायालय

13 NOV

Guwahati Bench  
 गुवाहाटी न्यायालय

No: Estt-9/23/02

Dated at Guwahati the

12<sup>th</sup> August, 2008

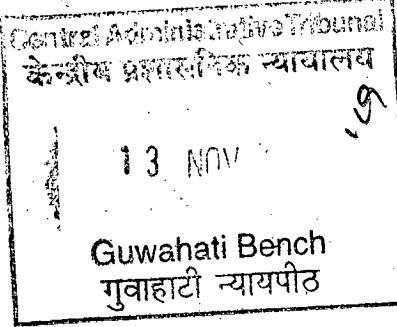
To,

Sri P.M.Verma,  
 Asstt. Director General (Pers-IV),  
 BSNL, Corporate Office, Personnel-IV Section,  
 5<sup>th</sup> Floor, Bharat Sanchar Bhawan,  
 Janapath, New-Delhi-110001.

Subject : Sanction of RM posts for 212 TSMs in Tezpur SSA of Assam Telecom Circle.

This is in connection with the regularization of left out TSMs of Tezpur SSA of Assam Telecom Circle. The brief history of the case is detailed below for favour of information and further necessary actions at your end please.

- i. The casual labourers those who were working in the Tezpur SSA since 1988 and prior to that were brought under the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunication, 1989" in accordance with the DOT letter No.269-4/93-STN-II dated 17.12.1993. As an outcome of the implementation of the above said scheme Two hundred and twenty one Casual labourers were conferred TSM status by the then TDE, Tezpur, vide order dated 27th May, 1996. But consequent upon allegations of fudging and fabricating the official records as well as reports in the media, the CBI started investigation and registered Ten different CBI cases, sub-division wise, on the issue
- ii. Subsequently, the Chief General Manager, Assam after cancelling the DPC vide letter dated 18.09.1997 instructed to verify all the relevant records and start afresh the process of conferment of TSM status to the Casual labourers. But owing to the already initiated CBI investigations and local compulsions the above said order could not be implemented. Thus the TSMs are still working and drawing the payment in CDA scale without any increments etc.
- iii. The investigation report of CBI along with DOT's approval was received in the later part of 2001, recommending Regular Departmental Action for major penalty in six of the registered CBI cases , in which the number of TSMs involved were 118 and in Three cases



2-

they sought prosecution sanctions in respect of 70 TSMs and for the remaining TSMs ,the CBI authorities filed Charge sheet in the Court of Special Judicial Magistrate, Assam ,which is yet to be finalised. Since the TSMs were not covered under CCS(CCA) Rules,1965 several clarifications had to be obtained for initiating major penalty proceedings against them , which consumed a lot of time. However Disciplinary proceedings against all the accused TSMs recommended for Regular Departmental Actions are in progress now and are likely to be completed very shortly.

- iv. On the other hand seventy TSMs tried in the Special Court of CBI were convicted and later the Hon'ble High Court, Guwahati has acquitted all the TSMs from the charges framed against them. The acquittal order of the Hon'ble High Court, Guwahati has not been challenged by the CBI authorities in any higher Court .As such no case is pending against them. Therefore these TSMs are now eligible to be regularized as RMs.
- v. On the plea of pending CBI investigations no action for regularization in respect of these 221 PTSMs could be initiated . in accordance with DOT, New-Delhi Letter No:269-94/98-STN-II dated 29.09.2000
- vi. At this stage the case was presented to the Chief General Manager, Assam, who after an in depth study of the whole case and taking all the relevant factors into considerations , is of the opinion that since these TSMs have been working and serving the department from 1996 onwards, without even earning any increments ,and not getting migrated to IDA pay scale, cannot be retrenched , rather with the humanitarian consideration, process may be initiated for regularizing them as RMs.
- vii. Out of these 221 Provisional TSMs at present only 212 TSMs are on roll. Based on the above circumstances and considering the fact that these TSMs have been serving the department with the minimum of wages ,you are requested to make necessary arrangements for sanctioning 212 posts of RMs ,as a special case, so as to enable this office to regularize these TSMs and settle the long pending case please.

This has the approval of the Chief General Manager, Assam Telecom Circle,  
Guwahati.

Encl : List of Annexures(Annexure-I)

( S.C. Ojha)

General Manager (Admn & Opn),  
Assam Telecom Circle,Guwahati.

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

ANNEXURE-I

Sl. No	Letter No	Date	Subject	Annexure No
1	HCV/PTSM/Tz/07-08/16 of GMTD/Tezpur	✓ 14.07.2008	Chronological history of TSMs in Tezpur SSA	A-1
2	X-1/DGM/TZ/2008-09 of DGM/Tezpur	✓ 30.06.2008	Report of Committee of TSMs GHY High Court	A-2
3	E-353/Admin/TSM/08-09/18 of DE(P&A)/Tezpur	✓ 18.06.2008	Report of Committee of TSMs acquitted by GHY High Court for regularization	A-3
4	E-353/Admin/TSM/08-09/20 of DE(P&A)/Tezpur	✓ 23.06.2008	Report of committee of TSMs acquitted by GHY High	A-4
5	E-353/Admin/TSM/08-09/ of DE(P&A)/Tezpur	✓ 28.05.2008	Report of Committee of TSMs acquitted by GHY High Court for regularization	A-5
6	Nil	30.09.2000	Name of TSM on or before 30.09.2000 and to be regularised	A-6
7	Recit-3/10/Loose/Pt-V of AGM(Admn),Circle Office, Guwahati	18.09.1997	Conferment of Temporary Status	A-7
8	Recit-3/10 of DGM(Admn) Circle Office/Guwahati	23.03.1998	Irregular engagement of Casual mazdoors and conferment of Temporary Status	A-8
9	JCTU-I/BC/BSNL/TSM/06-07 of Jt.Convenor, Biswanath District Committee	29.08.2006	Appeal to settle the pending problem of TSM case.	A-9
10	269-94/98-STN-II of DOT, New Delhi	20.09.2000	Regularisation of Casual Labourers	A-10
11	A-12/CPMT/07-08 of Sr.A.O.(Cash),Tezpur	✓ 16.07.2008	Wage certificate of TSMs	A-11
12	269-4/93-STN-II of DOT, New- Delhi	17.12.1993	Regularisation of Casual Labourers	A-12
13	Hon'ble Guwahati High Court Verdict in Criminal Appeal No.254/05 & No.258/05	14.03.2007	Acquittal of 30 TSMs	A-13
14	Hon'ble Guwahati High Court Verdict in Criminal Appeal No.47/04	14.06.2007	Acquittal of 13 TSMs	A-14
15	Hon'ble Guwahati High Court Verdict in Criminal Appeal No.268/03 & No.269/03.	14.03.2007	Acquittal of 27TSMs	A-15.

Chief General Manager Telecom,  
Assam Telecom Circle  
Admin Bldg. 4th floor, PANBAZAR  
GUWAHATI - 781 001, ASSAM



भारत संचार निगम लिमिटेड

(सरकारी कंपनी)

BHARAT SANCHAR NIGAM LIMITED

(A GOVT. OF INDIA ENTERPRISE)

D.O. No. : CGMASM/UNION Dated : 28th November, 2008.

To :

Sri Gopal Das, Director (HRD)  
BSNL Corporate Office,  
Bharat Sanchar Bhavan,  
H.C. Mathur Lane, Janpath,  
New Delhi-110001.

Sub : Request for settlement of the unreserved issue of  
implementation of BSNL of 212 casual labour  
working in Tezpur SSA.

Dear Sir,

As you know, in Tezpur SSA, BSNL, since its birth, has inherited a legacy of 212 casual labours.

All the Officers of DOT who had initially engaged them without observing prescribed formalities have long retired.

In BSNL these 212 casual labours could not be regularized because officers posted subsequently in the SSA in BSNL era were not in a position to resolve the so-called misdeeds of DOT era in any arbitrary manner.

These casual labours could not be discontinued for obvious reasons and especially support enjoyed by them from the Unions in spite of being non-members.

Thereafter, the Ajit Singh Committee appointed by the BSNL / CO also could not resolve the issue.

There is a long standing DOT Circular that a casual labour is to be paid daily wage @ 1/30<sup>th</sup> of pay of a Group 'D' staff at the bottom of the pay scale. As per the provision of this DOT Circular these 212 casual labours are being paid wage.

After the 5<sup>th</sup> Pay Commission was given effect in 1997, the wage of these casual labours were revised commensurate with the implementation effect of 5<sup>th</sup> Pay Commission. Effects of DA increase have also been passed on from time to time.

These casual labours have regularly received bonus every year and there is actual record of their continuous service in BSNL era. On the strength of this record they can be given TSM status but since migration from TSM to RM is a time-bound matter, TSM status cannot be given without availability of equal no. of posts for RM.

But as per the present HR policy of BSNL RM posts are being abolished as & when the incumbent retires.

So, time has come for sanction of additional 212 posts of RM for Assam Telecom Circle as a one-time measure. This way only the pending issue can be resolved.

Meanwhile, since now 6<sup>th</sup> pay commission has come into effect for CDA pay scales, I am seeking your approval whether the wage of these 212 casual labours of Tezpur SSA can be

India Broadband

Regd. & Corporate Office : Statesman House, B-146, Barakhamba Road, New Delhi-110 001 Website: [www.bsnl.co.in](http://www.bsnl.co.in)

Issue 212 casual labours-1.doc

Page - 1 / 2

SDM

Officer

13 NOV 2009

122

< 93 -

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

re-calculated / enhanced applying the formula contained in the DOT Circular but taking into consideration the revised CDA pay scale for Gr-D staff as per the 6<sup>th</sup> pay commission.

Alternatively whether the latest IDA pay scale in BSNL for Gr. D staff can be considered ?

Looking forward to your instructions.

With Regards,

'Yours Sincerely,

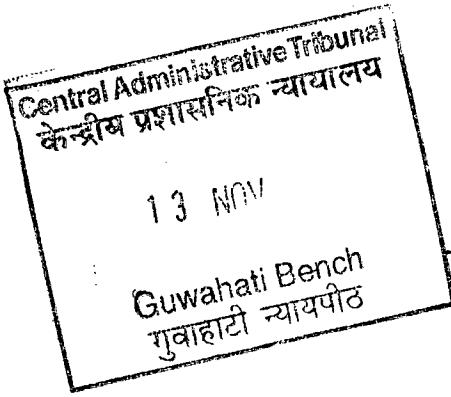
  
( N. N. BANERJEE )  
[CGMT Assam Telecom Circle]

Tel : 0361-254-0040  
FAX : 0361-254-0111

Copy for information to :

1. GM (Admin), Assam Telecom Circle
2. GMT, Tezpur SSA
3. DGM (A), Assam Telecom Circle
4. Sri Homeswar Deka,  
Circle Secretary,  
BSNL Employees Union,  
Assam Circle, Guwahati.

Since the matter is beyond the powers of the Assam Telecom Circle, please take up the issue at the National Council level.



123  
ANNEXURE A12



# BSNL EMPLOYEES UNION

Recognised Union BSNL  
(Registered Under Indian Trade Union Act 1926. Regd No. 4896)  
Tezpur District Branch Tezpur

No.1/BSNLEU/TZ/TSM/NC/08-09/18

Dtd 17/02/2009.

To

The General Secretary, BSNLEQ, CHQ, New Delhi-110008.

Sub:- Regularisation of 212 TSMs at Tezpur SSA (Assam).

Comrade,

With reference to the subject cited above and our earlier communications in this respect, I would like to intimate you the following few lines for favour of your early necessary action please.

1. The Casual Labourers those who were working in the Tezpur SSA since 1988 and prior to that they were brought under the "Casual Labourers(Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunication, 1989" in accordance with the DOT letter No.269-4/93-STN-II dated 17.12.1993. As an outcome of the implementation of the above said scheme 221 Casual Labourers were conferred TSM status by the then TDE, Tezpur vide order No.X-1/CMPT/06-97/ Con-7 dated 27<sup>th</sup> May, 1996.
2. But consequence upon the allegations and the media reports, the CBI started investigation and registered cases in some of the Sub-divisions where 118 names of TSMs out of 221 leaving the rest numbers to the departmental proceedings. On the other hand, 70 out of 118 TSMs tried in the Special Court of CBI were convicted and later the Hon'ble Guwahati High Court has acquitted all the TSMs from the charges framed against them. The acquittal order of the Hon'ble High Court, Guwahati has not been challenged by the CBI and not even by the department in any higher court. However, Disciplinary proceedings against them are almost completed since, the TSMs were not covered under CCS(CCA) Rules, 1965 for initiating major penalty proceedings against them. Hence these TSMs are now eligible to be regularized.
3. Moreover, the then Hon'ble CGMT Assam Circle, Guwahati vide his letter of even No. dated 12th August 2008 has clearly recommended the case to the Corporate office in Para vi. & vii. as "At this stage the case was presented to the Chief General Manager, Assam, who after an in depth study of the whole case and taking all the relevant factors into consideration, is

Contd.....2/-

Central Administrative T.S.  
কেন্দ্ৰীয় প্ৰশাসনিক ব্যৱস্থা  
13 NOV 2008  
Guwahati Bench  
গুৱাহাটী চায়পোঠ

-95-

-2/-

of the opinion that since these TSMs have been working and serving the department from 1996 onwards, without even earning increments and not getting migrated to IDA pay scales, cannot be retrenched, rather with the humanitarian consideration, process may be initiated for regularizing them as RMs. And out of these 221 Provisional TSMs, at present only 212 benefit, GPF, Festival Advance etc. (now two more died after 12/08/08) TSMs are on Roll. Based on the above circumstances and considering the fact that these TSMs have been serving the department with the minimum of wages, you are requested to make necessary arrangements for sanctioning 212 posts of RMs, as a special case, so as to enable this office to regularize these TSMs and settle the long pending case please."Comrade, they were paid as on June 1996 Pay=2550/-, HRA @7.5%=191/-, Transport Allowance 75/- with a total of Rs.2816/- p.m., as on January 2004 Pay after 50% of DA merger: Pay=3825/-, DA @11%=420/-, HRA @7.5%=286/-, Trans. Allowance 200/- with a total of Rs.4731/- and as on October 2008: Pay=6050/- DA @ 16%=968, HRA @10%=605/-, SCA=320/- & Trans. Allowance 200/- with a total of Rs.8143/-. Also, they were paid the 40% of the arrear of the 6th CPC recommendations. No doubt they are paid well from 2550 to 6050 as their B. pay have been raised. But we are fighting for the annual increments to be paid wef 1996 and the other terms and conditions those were laid down in their letter dated 27th May 1996 such as increments, leave, counting of 50% of their service rendered for retirement benefit, GPF, Festival Advance etc. Comrade, our SSA is a remote and a vast area of five revenue districts having acute shortage of staff due to retirement, death, promotion, transfer etc. Without the TSMs help we cannot even run the SSA for a single day. In a huge revenue earning Group Exchange such as in Gerukamukh which is running by a single TSM. They were cope up with all the latest technology without any formal training to them. More pathetic to note that after the regularization, some of the TSMs will have to go on retirement, so old they are! We the District Union have completed 6<sup>th</sup> Phases of our agitation in support of these TSMs. The next programs left are indefinite fast by the Union office bearers and the next one is the last one the strike. We have no any other alternative to settle the long pending issue as there is no any fault of them.

Under the circumstances, you are requested to take up the case in the National Council as per the assurance given by Com. J. N. Mishraji at the first election meeting at Tezpur on 17/12/2008, and kindly to arrange to settle the case at your end.

With revolutionary greetings.

Comradely yours,

  
GAKUL BORAH.

DISTRICT SECRETARY

Copy to:  
Com. H. Deka, C/S, Assam Circle,  
Guwahati for information pl.

  
GAKUL BORAH

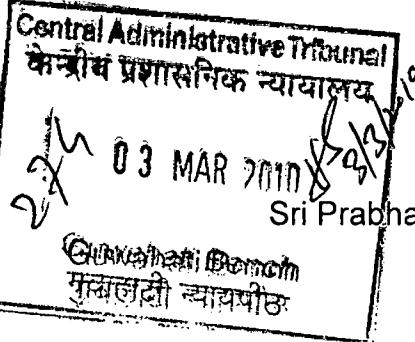
File in Court on 03.03.2010  
Court Officer.

-96-

File No. 120  
Hemanta K. Gogoi  
Advocate  
3.3.2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: AT GUWAHATI

O.A. No.239 / 2009



Sri Prabhat Sarmah & 19 others

... Applicants

-vs-

Union of India & 5 others

... Respondents

[WRITTEN STATEMENTS FILED BY THE  
RESPONDENT No. 2 to 6]

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

Revised by  
A. K. Gogoi  
3/3/10

1. That the copy of the above noted O.A. No. 239/2009 (hereinafter referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of the respondent Nos.2 to 6 being common and similar, the written statements as filed herewith may kindly be treated as common to all of the respondents.
2. That the statements made in the application, which are not specifically admitted by the respondents are hereby denied.
3. That before traversing the various paragraphs of the application, the respondents beg to give a brief resume of the facts and circumstances of the case as under:
  - (i) That the moot question raised in this application is whether the applicants are entitled to conferment of Temporary Status and consequently regularization in Group D post under the "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications, 1989" (referred to as the "Scheme of 1989") or not. The said Scheme, inter alia, provides that a casual labourer who has completed at-least 240 days in engagement as casual labourer in the department in twelve calendar months preceding the date of his disengagement / retrenchment and has been in continuous engagement as on 1.10.1989 would be entitled to conferment of temporary status under the said Scheme. The said Scheme was circulated through the Govt. of India, Department of Telecom. Circular No.269-10/89-STN dt. 7.11.1989. By the said circular, it was made clear about the applicability of the scheme to a particular class of casual labourer as a one-time scheme. This Scheme has been formulated and framed as a matter of compliance of the

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

directions given by the Hon'ble Supreme Court in "Daily Rated Casual Labourer v. Union of India" reported in 1988(1) SCC 122.

Copy of the Scheme of 1989 is annexed as ANNEXURE: R1

(ii) The Department of Telecom vide their circular No.269-4/93-STH dated 17.12.1993 clarified the stand of the Government of India that only those casual laborers who were engaged during the period 31.3.1985 to 22.6.1988 and they are still continuing for such work and not absent for last more than 365 days counting from the date of issue of this letter be granted Temporary Status under the Scheme. The matter of engagement of casual labourer after 30.3.1985 ordered to be viewed very seriously and be brought to the notice of the appropriate authority for taking prompt and suitable action. By the said circular, it was also clarified that for any such lapses it would be the personal responsibility of the Heads of the Circles, concerned DM / Class II officers. Any amount paid to such casual mazdoors towards wages were to be recovered from the persons who recruited / engaged casual labourers in violation of this instructions. Further instructions were issued that those who have not completed 240 days should immediately be retrenched / terminated following the provisions of Industrial Disputes Act, 1947 under Section 25F, G and H. The said circular dated 17.12.1993 has been annexed as Annexure: A1 in the application at page 18 of the OA.

(iii) The Govt. of India, Department of Telecommunications (DoT) issued another OM vide No. 269-4/93-STN-II (Pt) dated 12.2.1999 (Power of all DOT Officers to engage casual labourers withdrawn). By the said OM, the Department of Telecom withdrew the power to engage casual labourer from the Officers of DoT putting emphasis on the issue that the Department has already imposed a ban on recruitment/ engagement of casual labourer vide letter dated 22.6.1988. By the said OM, the Government decided to delete Para 193 of the P&T Manual Vol.X with immediate effect and Paras 150 to 177 of the Financial Handbook Vol. III, Part I, Chapter 6 dealing with payment of casual labourers engaged on muster roll are also deleted. The provisions contained under Rule 331 of the P&T Financial Handbook, Vol.I (General) made to be applied for payment to labourers hired during such contingencies. The Scheme of 1989 was framed only to regulate the affairs of conferment of Temporary Status and the regularization of such casual labourers, who have been already in engagement and in continuous engagement. The Scheme has no provision for any fresh engagement of such casual labourer after 22.6.1988. In view of the above curtailment of power and the prohibition, any engagement of casual labourer and any certificate issued to that extent is null and void and the DoT is not bound by any such illegal action of their officers for engagement of any casual labourer after 22.6.1988.

*MS* er

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

129

Copies of the OM dated 12.2.99 and relevant portion of Financial Handbook Vol. I and Vol. III are annexed as the ANNEXURE- R2, R3 and R4 respectively.

(iv) That regarding the applicability of the scheme for which the Govt. of India, Department of Telecom. vide circular No.269-4/93-STN.II dt.12.2.99 (Sanction of Posts of regular Mazdoors for regularization of Temporary Status Casual mazdoors) as stated above it was clarified that, a casual labourer who has already been conferred with temporary status and completed 10 years of services were to be regularized as per vacancies as in the Annexure 'A' appended thereto. By the said circular, it was also clarified that those casual labourers who were engaged by the department in spite of the ban order were to be given temporary status strictly only against the places and vacancies as indicated in Annexure 'B' as appended thereto as a one time measure.

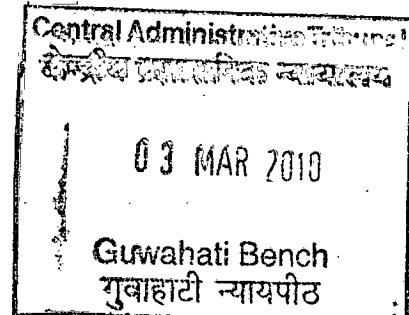
A copy of the circular dated 12.2.1999 is annexed as ANNEXURE: R5.

(v) Thereafter, again some anomaly came up with regard to the dates from which the benefit should be effected to as indicated in the earlier circular dt. 12.2.99. The Govt. of India, Department of Telecom vide circular No. 269-13/99-STN.II dt. 1.9.99, issued further clarification and clarified that the date for conferment of such class of casual labourers would be effected from the date of issue of the said circular, i.e. 1.9.99 and in case of regularization to the temporary status casual mazdoor eligible as on 31.3.1997 would be from 1.4.97. By that circular, the date for consideration of casual labourer for conferment of temporary status for such eligible casual labourers was fixed up to 1.8.1998 subject to the provisions as in OM dated 12.2.1999.

A copy of the circular 1.9.99 is annexed as the ANNEXURE- R6.

(vi) That as per New Telecom Policy, 1999 of the Government of India, the Government of India decided to corporatise the telecom services and telecom operations of the DOT and to effectuate the said objective, created a new Government Corporation under the Companies Act, 1956 and set up the Company under the name and style as Bharat Sanchar Nigam Limited (BSNL) and decided to transfer the assets and liabilities to the said BSNL w.e.f. 1.10.2000. Just 2 days before the transfer of the assets and liabilities of Telecom Services and Telecom operations of the Department of Telecom (DOT) to the newly created company, BSNL, the DOT issued another letter vide No.269-94/98-STN-II dated 29.9.2000 regarding the regularization of casual labourers. By that circular letter the said authority issued direction to all the Chief General Managers to regularize eligible casual labourers up to 1.8.1998 as per provisions

*on*



128

of letter No.269-4/93-STN-II dated 12.2.1999 as per Annexures appended thereto and to disengage those ineligible forthwith.

A copy of the said circular letter dated 29.9.2000 is annexed as ANNEXURE: R7.

(vii) That the said Scheme of 1989 is not an ongoing one but was introduced as a one-time measure as explicit from the Clause 5 of the said scheme. The Hon'ble Supreme Court in "**Union of India –vs- Mohan Paul as reported in (2002) 4 SCC 573**" and "**Union of India –vs- Gagan Kumar, as reported in (2006)1SLJ 64 (SC)**" has clearly held that the Scheme of 1993 is a one time scheme. In the said decision the Hon'ble Supreme Court made a reference to the Clause 4 of the said Scheme. The Clause 5 of the Scheme of the 1989 is exactly similar to that of Clause 4 of the Scheme of 1993.

(viii) That by the decision rendered in "**Secretary, State of Karnataka & others -vs- Uma Devi (3) & others as reported in (2006) 4 SCC 1**", the Hon'ble Supreme Court has settled the law and laid down the following ratio, which has become the law of the land. The ratio laid down in the said decision are concisely as follows:

- (I) Court must not desist employer to proceed with recruitment by granting stay on petitions for regularizing daily wagers.
- (II) Issuing such stays goes against the spirit of Constitution.
- (III) Article 226 cannot be used to perpetuate illegalities.
- (IV) Power of State (here State means those departments and authorities, bodies as defined under Article 12 of the Constitution of India which includes companies like BSNL) as employer is more limited than private employer.
- (V) The State is meant to be model employer.
- (VI) Employment Exchanges Act obligates notifying vacancies to the exchange.
- (VII) It is not proper for court to direct absorption of those appointed not as per the law.
- (VIII) Equity can be used for a few when a large number are suffering.
- (IX) Regularization and permanence in service are quite different.

129

- (X) Giving permanence to those not appointed as per law will mean opening a new source of recruitment.
- (XI) In rare cases where full procedure not followed but its fundamental was followed, court may order to regularize after following the procedure prescribed by law.
- (XII) The State is bound by financial consideration of public employment, so the court should not impose financial burden on State.
- (XIII) Instead of Ad-hoc, the insistence should be on permanent appointment.
- (XIV) Article 142 should not be used in cases of misplaced sympathy.
- (XV) No appointment can be made against the rules (here rules means recruitment rules or statutory rules, but does not mean the Scheme of 1989, which has been declared unconstitutional and illegal with retrospective effect, that is to say, as if, the said Scheme never existed).
- (XVI) High Court has no power either to frame a Scheme itself or to direct employer to make one for regularization.
- (XVII) Equality in employment is basic feature of the Constitution. Few casual labourer engaged from the open market without any rules followed cannot excludes the other's right to claim employment.
- (XVIII) Long service does not create right to regularization.
- (XIX) Equal pay to equal work is different from permanency.
- (XX) Rule of legitimate expectation does not entitle one to claim regularization.
- (XXI) Law is dynamic and our Constitution is a living document.
- (XXII) Today right to live under Article 21 does not include right to employment.
- (XXIII) Court should not apply equal pay rule from back date.

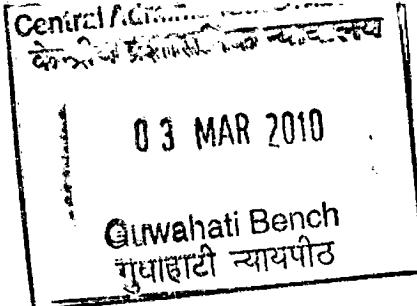
03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঠ

(XXIV) The above ratio has been given retrospective effect and any such decision of the Supreme Court itself has been decided as denuded.

(XXV) There must not be any bypass of the aforesaid ratio.

The Hon'ble Supreme Court in the said path finding decision has held, absorption, regularization or permanent continuance of temporary, contractual, casual, daily wager or ad-hoc employees appointed / recruited and continue for long time in public employment dehors the Constitutional Scheme of the public employment and also issuance of direction for, and for stay of regular recruitment process for the posts concerned, as impermissible on the face of provisions of Article 14 and 16 of the Constitution of India. By the said decision the Hon'ble Apex Court has further clarified in para 53 read with para 15 of the said judgment that, "there may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa, R.N. Nanjundappa and B.N. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employee have continued to work for more than 10 years or more but without the intervention of orders of the courts or Tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of principles settled by this court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed who have worked for 10 years or more in duly sanctioned post but not under cover of order of the Courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that are required to be filled up in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularizing or making permanent those not duly appointed as per the constitutional scheme." By the said judgment, the Hon'ble Supreme Court also further clarified that those decisions which run counter to the principle settled in that decision, or in which decisions running counter to what the court has held therein, would stand denuded of their status as precedent. By the said decision, the Hon'ble Apex Court has overruled the earlier decision rendered in "Daily Rated Casual Labourer v. Union of India" reported in 1988(1) SCC 122 on the strength of which the Department of Posts and Telegraph prepared the Schemes as stated hereinabove. That being the legal status, the Scheme has lost its very foundation and cannot operate as the same has been declared as to be based on invalid law. The Hon'ble Supreme Court in Uma Devi (3) case in para 18 has clearly held that such provisions are impermissible in view of the decision taken in the said decision by a Bench constituting as many as 5 judges. In the said decision,



it has also been held in para 43 that if it is a contractual appointment, the appointment comes to an end at the end of the contract. If it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry on the term of his appointment. The Hon'ble Apex Court further clarified that merely because a temporary employee or a casual wage worker is continuing for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules.

It is also pertinent to state here that by the aforesaid decision in Umadevi (3), the Hon'ble Supreme Court has declared the Scheme as unconstitutional and the said law laid down by the Hon'ble Supreme Court has the retrospective effect / operation as decided by the said Apex Court subsequently as in "**Telecom District Manager & others V. Keshab Deb**" as reported in (2009) 1 SLJ 382 (SC) and in "**GM, Uttaranchal Jal Sansthan V. Laxmi Devi & others**" reported in (2009) 7 SCC 205.

- (ix) That the requirements under the Scheme for entitlement of benefit is to show by the casual labourer that he has completed 240 days in preceding 12 calendar months from the date of retrenchment or on or before 1.10.1989 and he has been in engagement while the Scheme was introduced, i.e., on 1.10.1989. The law is well settled that the burden of proof of completion of such 240 days lies on the casual labourer / workman as in "**Mohan Lal -vs- Management of Bharat Electronics Limited**" as reported in (1981) Lab. I.C. 806 (813) (SC) and as in "**Ranip Nagar Palika -vs- Babuji Gabhaji Thakore & others**" as reported in (2007) 13 SCC 343. But in the instant case, there is no such cogent and irrefutable proof to sustain such claim of the applicants and they have not proved the same as required by law. The certificates annexed to the application are fake, manufactured with ulterior motive to procure wrongful gain and the same are not based on any facts or evidence. There is no any iota of evidence to show on any record that the said certificates are based on any such evidence. Hence the correctness of the contents of the said illegal and fictitious certificates are denied by the respondents and say that those who issued such certificates have no authority or any power under any provisions of law to issue such false certificate and as such these certificates cannot sustain in law as any piece of evidence.
- (x) That in view of the above settled provisions of law and under the facts and circumstances of the case, the case of the applicants cannot be considered for any such conferment of temporary status or for regularization under the provisions of the said Scheme. As indicative and clear from the para 18 read with para 43 and 53 of the Umadevi (3) judgment of the Hon'ble Apex Court, the

03 MAR 2010

Gauhati Bench  
গুৱাহাটী চ্যাপীচ

1032

Casual Labourer (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications, 1989 has also become redundant and has no force to operate any longer. Hence, this application is liable to be dismissed.

(xi) That it is also pertinent to state here that the issue of so called certificates showing the engagement period of casual labourer in this instant OA is also related to the disciplinary case of one Sri Pramod Kumar Pathak, in OA No.51/2009, which is also pending disposal in this Hon'ble Tribunal. At the relevant point of time said Sri Pathak was working as the JTO under SDE (P), Biswanath Chariali during the year 1996 and he countersigned as many as 13 certificates allegedly issued by SI or LI showing the casual labourers as completed more than 240 days. The charge against said Sri Pathak is that he issued as many as 13 false and fabricated experience certificates issued by SI and LI in favour of Sri Prabhat Sarma, Biren Das, Parnjal Kataki, Maina Bora, Dharmendra Kr. Rai, Ambika Barman, Basanta Bhuyan, Prabhat Kalita, Dwipen Bhuyan, Kishore Kr. Pathak, Cheniram Sarma and Gobinda Bora without going through the documentary evidence and verification and on the basis of his counter signature, the TDE, Tezpur has regularized all the 13 persons vide order No.X-1/CMPT/96-97/Con-7 dated 27.5.96 as Temporary Status Mazdoor. Out of the aforesaid casual labourers, as many as 11 are applicants in the present application. On the basis of the findings of the disciplinary proceeding, the said officer has been punished with the penalty of reduction by one stage in the time sale of pay for a period of one year with immediate effect, which will postpone the future increments of pay. Said Sri Pathak in his rejoinder filed to the written statements of the respondent No.1, 2 and 4 in OA No.51/2009 in this Hon'ble Tribunal has categorically stated that he had not issued any certificate, but had only countersigned certificates issued by the LI and SI as token of recognition of the signatures of the LI and SI in paragraph 6 and 7 of the said rejoinder, which will speak for itself that the certificates were not based on any facts or evidence. It has also come to the knowledge of the respondents subsequently that 2 of the casual labourers, namely, Sri Kishore Kr. Pathak and Sri Ambika Barman are closely related to said Sri Pathak and they are brother and brother-in-law respectively of Mr. Pathak.

Similarly, in another case, OA No.119/2004 filed by Sri M.K. Gogoi, an officer of BSNL now, the same matter was involved as the said officer was also charge sheeted for the same matter for the entire Tezpur SSA including the cases of SDE (P), Charali involving the same set of casual labourers, who were granted temporary status illegally. The disciplinary authority has found the said officer also guilty of misconduct and he has been punished by the disciplinary authority. Such order of punishment has also been challenged in this Hon'ble Tribunal by the said officer and the records of order of punishment are also available in the Registry of this Hon'ble Tribunal. Therefore, the respondents crave the leave of

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

this Hon'ble Tribunal to allow them to refer to the said records of the cases from the Registry or may call for those records at the time of hearing.

(xii) That in this connection the answering respondents also put their reliance on the following decisions rendered by the Hon'ble Apex Court, which are very much relevant and applicable in this instant case also and as also relied upon by this Hon'ble Tribunal in TA No.3/2009 (Series): [1] (2001) 7 SCC 1 – Steel Authority of India Ltd. v. National Union etc., [2] (2002) 4 SCC 609 – M.C., Greater Mumbai v. K.V. Shramik Shangh & others, [3] (2005) 5 SCC 51 – in all these decisions it has been held that the contract labourer has no right of absorption / permanence, [4] AIR 1990 SC 10 – S.S. Rathode v. State of M.P., [5] (1999) 8 SCC 304 – R.C. Sarma v. U.S. Kamal & others, [6] (2010) 2 SCC 59 – UOI & others v. M.K. Sarkar – in all these decisions the law is settled that repeated representations would not create fresh cause of action; court should not pass any order in stale matters to revive such stale claims. The decision of the Hon'ble Apex Court in [7] UPSEB v. Pooran Chandra Pandey, (2007) 11 SCC 92 and [8] Official Liquidator v. Dayanand, (2008) 10 SCC 1 has been referred to about the law laid down in Umadevi (3). Reliance has also been put in [9] Pinaki Chaterjee & others v. UOI & others that departmental instructions in relation to a departmental scheme prepared under the direction of the Hon'ble Supreme Court, is an instruction or order made under Article 77 and not under Article 309 of the Constitution of India and as such the said departmental instructions cannot be applied in contravention of the law laid down in Umadevi (3) by setting aside the decision of (1988) 1 SCC 122. Reliance has been put on [10] State of Punjab & others v. Surjit Singh & others, [11] (2009) 8 SCC 556 - Maharashtra SRTC v. Karmachari Sansthan, [12] (2001) 7 SCC 346 – Mahatama Phule Agricultural University v. Nasik Zilla .....union, [13] (2005) 6 SCC 751 – State of Maharashtra v. R.S. Bhonsle, [14] (2001) 7 SCC 356 - Gram Sevak Prashikshan Kendra v. Workmen, [15] (2007) 1 SCC 408 – India Drugs & Pharmaceuticals v. Workmen, [16] (2008) 1 SCC 683 – Aravali Golf Club v. Chander Hass, [17] (2003) 2 SCC 632 – P.U. Joshi v. AG, Ahmedabad, [18] (2008) 1 SCC (L&S) 1101 – Controller of Defence Accounts & others v. Dhaniram & others, [19] (2009) 2 SCC 407 – State of Punjab v. Bahadur Singh, [20] (2004) 2 SCC 130 – Teri Estate Pvt. Ltd. v. UT, Chandigarh, [21] (2007) 12 SCC 779 – Nadia District Primary.....& others v. Sristidhar Biswas & others, [22] (2009) 5 SCC 212 – Destruction of Public & Private Properties v. State of Andhra Pradesh & others, [23] (2002) 5 SCC 294 – UOI v. Association of Democratic Reforms etc. and the same cases are referred to in the Judgment passed by this Hon'ble Tribunal in TA No.3/2009 (series) and the applications have been dismissed.

#### PARAWISE REPLY

4. That with regard to the statements made in Para 1 of the application, the answering respondents deny the correctness of those statements made in that

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

paragraph. As stated above, the order dated 27.5.1996 thereby granting temporary status have been withdrawn by the competent authority vide letter No.Rectt-3/10/loos/Pt-V dated 18.9.1997 and directed the local authority to implement the said decision forthwith and to submit detail report to the higher authority. However, the said order of cancellation of conferment of temporary status has not been immediately given effect to for the ongoing CBI investigation / trial and the same was pending since then. This fact has been communicated in the reply report communicated by the local authority to the higher authority vide letter No.X-1/CC/188/TSM/98-99/7(192) dated 22.10.1998.

The copies of the said communications dated 18.9.1997 and letter dated 22.10.1998 are annexed as ANNEXURE: R8 and R9 respectively.

✓ 5. That with regard to the statements made in para 2 and 3 of the application, the answering respondents state that the issue raised in this application is grossly barred by law of limitation as provided under Section 21 read with Section 20 of the Administrative Tribunal Act, 1985. As the matter relates back to the year 1996 and the representation has been made on 17.2.2009 as in Annexure: A12 of the application.

6. That with regard to the statements made in para 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 and 4.9 of the application, the answering respondents state that the applicants were granted the temporary status on the basis of some fake and false certificates showing their engagement for more than 240 days in 12 calendar months, which was discovered immediately thereafter. The matter was referred to CBI / ACB enquiry and the whole matter came within the seize of CBI / Court proceeding. Therefore the said grant of temporary status was cancelled immediately as stated hereinabove. As the basis for grant of temporary status was based on false certificates and not based on facts and records, the respondents state that the claim of the applicants that they were ever engaged by the respondents during the period from 31.3.1985 to 22.6.1988. As stated hereinabove, the applicants failed to show from the records like ACG 17, i.e., the payment particulars by the respondents, if there was any, and from any other records other than the said false certificates.

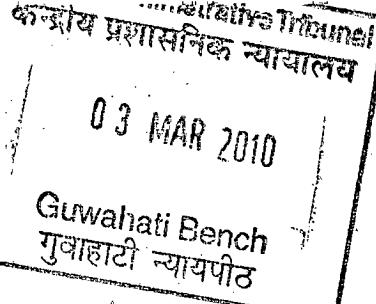
7. That with regard to the statements made in para 4.10, 4.11, 4.13 and 4.15 of the application, the answering respondents reiterate the foregoing statements made in this written statements and say that the criminal trial court being the original court found the applicants guilty and punishment was given to them. This is an admitted fact even by the applicants. The record shows that the appeal preferred by the accused employees has been allowed. The appellate court has put reliance on the ACG 17, but made the observation that "Hence, if ACG 17 was considered by selection committee while recommending the names of the

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

accused persons subsequent non-production of documents cannot be held against the accused persons". But on the other hand the Hon'ble Appellate Court in para 16, 17, 18 and 19 has made several observation and held that "merely because the prosecution utterly failed to trace out the ACG 17 vouchers and produce the same before the court, it cannot be presumed by any stretch of imagination that no payment was made to the accused person during the relevant period as casual mazdoors." The ACG 17 is a form of payment records to be maintained by the concerned officer and to be kept under such custody as payment vouchers which are liable to be audited and verified by the auditors. In the instant case, the very engagement particulars shown by the casual labourers were based on fake certificates only and not based on any ACG 17 records as there was no ACG 17 records ever recorded and maintained by the concerned officer as there was no such payment to any such casual labourer as they were never engaged. The concerned officer cannot and has not prepare any such false ACG 17 for any such engagement and payment of casual labourer. Therefore, the appellate order may have help the accused employees, but they cannot claim employment or conferment of temporary status or any regularization in service on the basis of any such findings not conforming to the requirements of service law and jurisprudence. Hence the said claim of the applicants are denied by the respondents.

8. That with regard to the statements made in para 4.12 and 4.14 of the application, the respondents state that these are the cases completely different from the cases of the present applicants. The present applicants belong to Tezpur SSA, while the said other casual labourers belong to Dibrugarh SSA and Bongaigaon SSA and there has not been any such cases of false and fake certificates or any criminal trial involved. Hence the claims of the applicants seeking parity and alleging discrimination cannot sustain in law.
9. That with regard to the statements made in para 4.16, 4.17, 4.18 and 4.19 of the application, the respondents reiterate and reassert the statements made in this written statements and say that all these are matters of wrong action and wrong interpretation of law and facts by some erring officers of the erstwhile DoT / BSNL. Such wrong or mistake or illegality cannot be allowed to be perpetuated as in "**UCO Bank & another V. R.L. Kapoor**" reported in (2007) 6 SCC 694 and "**Sarabjit Singh V. Punjab University, Patiala**" reported in (1988) 1 SLR 360 (P&H High Court) (DB). The settled law is that the court will not legitimize the illegal acts of officers of the department as reported in "**State of Haryana V. Surinder Kumar & others**" reported in AIR 1997 SC 2129. The law is also well settled that the court shall not issue mandamus to the Government to refrain from enforcing law or to act contrary to law as reported in "**Satte of UP V. Harish Chandra**" reported in AIR 1996 SC 2173.



10. That with regard to the statements made in para 5, 5.1 to 5.8 the answering respondents state that the grounds apparently attempted to be set up by the applicants are no grounds at all in the eye of law as nothing is supported by any law, rules or any cogent and irrefutable facts and evidence. Hence the application is filed without any legally sustainable ground and the same is therefore liable to be dismissed with cost as devoid of any merit. In this connection the respondents may be permitted to rely upon and refer to the judgment dated 22.1.2010 passed by this Hon'ble Tribunal in a series of cases as in TA No.3/2009 (series), where this Hon'ble Tribunal has discussed all the length and breadth of the legal position of such matter of casual labourer with reference to the applicability of the Scheme of 1989 and its applicability after the decision of Umadevi (3) (supra) by the Constitutional Bench of the Hon'ble Supreme Court still holding the field as the law as under Article 141 of the Constitution of India. The respondents therefore respectfully submit that the cancellation of conferment of temporary status on the basis of false and fake certificate would continue to stand and the applicants are not entitled to any regularization on the basis of the said wrong order of conferment of temporary status. The issues like these as in this application, have also been decided by this Hon'ble Tribunal thereby holding that such illegality cannot be allowed to be perpetuated and any such casual labourer does not have any right to claim grant of temporary status or for regularization.
11. That with regard to the statements made in para 6 and 7 of the OA, the answering respondents state that the application itself being barred by limitation and there being no petition for condoning delay, the remedies sought for and the declaration made cannot sustain in law.
12. That with regard to the statements made in para 8, 8.1, 8.2, 8.3, 8.4 and 8.5 the answering respondents respectfully submit that under the facts and circumstances of the case, relevant laws and rules and the evidence on records and the statements made hereinabove answering the various allegations made by the applicants and rebutting the grounds, the applicants are not entitled to any relief whatsoever and the relief sought for being untenable in the eye of law; the application is liable to be dismissed with cost by holding it as devoid of any merit.
13. That the respondents have filed their written statements with the records available with them. However, the respondents crave the leave of this Hon'ble Tribunal to allow them to file any such additional written statements or any such other evidence / records on or before the final hearing of the matter, particularly with reference to the records and statements connected with other OA that is pending or finally disposed of by this Hon'ble Tribunal.
14. That these written statements are filed bonafide and for the ends of justice.

03 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

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

### VERIFICATION

I, Sri Uttam Ch. Sarma, aged about 56 years, S/o – Lt. Kamili Kt. Sarma, at present working as the Sub-Divisional Engineer (Legal) in the office of the GMTD, BSNL, Tezpur – 1, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statements made in paragraphs 1, 2, 3(i), 3(ii), 3(xii), 5 to 14..... are true to my knowledge and belief, those made in paragraph 3(i), 3(ii), 3(iv), 3(v) ~~and 4~~, 3(vi) and 4 being matter or records, are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I this affidavit on this 3<sup>rd</sup> day of March, 2010 at Guwahati.

  
DEPONENT  
Sub-Divisional Engineer (Legal)  
O/O the GMTD, BSNL, Tezpur-1

ANNEXURE R1

IN THE DEPARTMENT OF TELECOMMUNICATIONS

1. Regularization of Casual Labourers of Department of Telecom and Conferment of temporary status – 1. A Scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of atleast one year has been approved by the Telecom Commission. Details of the Scheme are furnished in the Annexure.
2. Immediate action may be taken to confer temporary status on all eligible casual labourers in accordance with the above Scheme.
- 3.1 Instruction were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/ Districts. Casual labourers could be engaged after 30.3.1985, in Project and electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. According to the instructions subsequently issued, fresh recruitment of casual labourers even for specific works for specific periods in Projects and Electrification Circles also should not be resorted to.
- 3.2 In view of the above instructions normally no casual labourers engaged after 30.3.1985, would be available for consideration for conferring temporary status. In the unlikely event of there being any cases of casual labourers engaged after 30.3.1985, requiring consideration for conferment of temporary status, such cases should be referred to the Telecom Commission with relevant details and particulars regarding the action taken against the officers under whose authorization/ approval the irregular engagement/ non-retrenchment was resorted to.
- 3.3 No casual labourer who has been recruited after 30.3.1985 should be granted temporary status without specific approval from this Office.
4. The Scheme furnished in the Annexure has the concurrence of Member (Finance) of the Telecom Commission, vide No. SMF/78/89, dated 27.9.1989.

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

**Certified to be true Copy.**

**Hemant Kr. Goga**  
**Advocate**

Annexure

**Causal Labourers (Grant of Temporary Status and Regularisation) Scheme**

1. This Scheme shall be called "Causal Labourers (Grant of Temporary Status and regularization) Scheme of the Department of Telecommunications, 1989".
2. This Scheme will come into force with effect from 1.10.1989 onwards.
3. This Scheme is applicable to the casual labourers employed by the Department of Telecommunications.

**PROVISIONS**

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

(A) Vacancies in the Group 'D' Cadres in various offices of the Department of Telecommunications would be exclusively filled by regularization of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant recruitment rules.

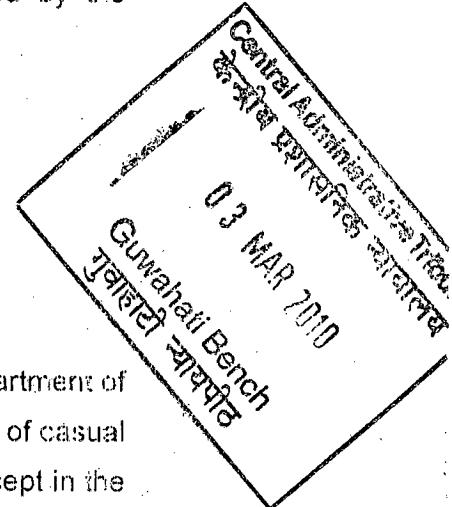
However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies.

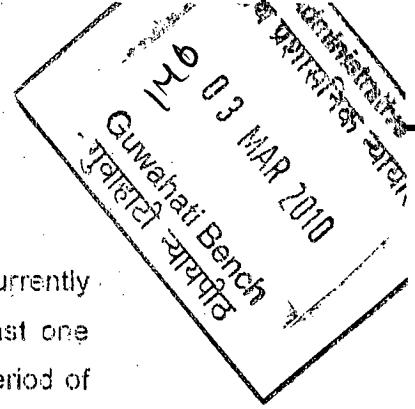
In the case of illiterate casual labourers, the regularization will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties.

They would be allowed age relaxation equivalent to the period for which they had worked continuously as casual labourer for the purpose of age limits prescribed for appointment to the Group 'D' cadre, if required.

Outside recruitment for filling up the vacancies in Group 'D' will be permitted only under the condition when eligible casual labourers are NOT available.

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





5. **Temporary Status**

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

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

**No change in duties**

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

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

**Entitlement**

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

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

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

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

(iv) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefits after their regularization.

(v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with temporary Group 'D' employees for the purpose of contribution to general provident Fund and would also further be eligible for the grant of Festival Advance/ Flood Advance on the same conditions as are applicable to temporary group 'D' employees, provided they furnish two sureties from permanent Government servants of this Department.

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

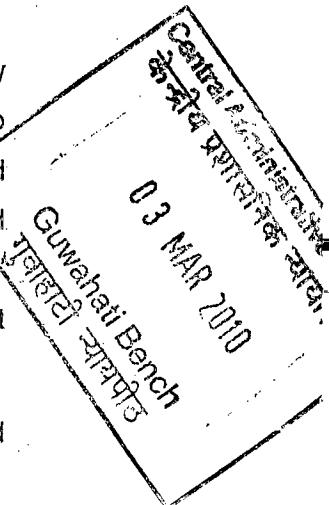
7. No benefits other than those specified above will be admissible to casual labourers with temporary Status.

#### Termination of Service

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

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

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



## ANNEXURE R2

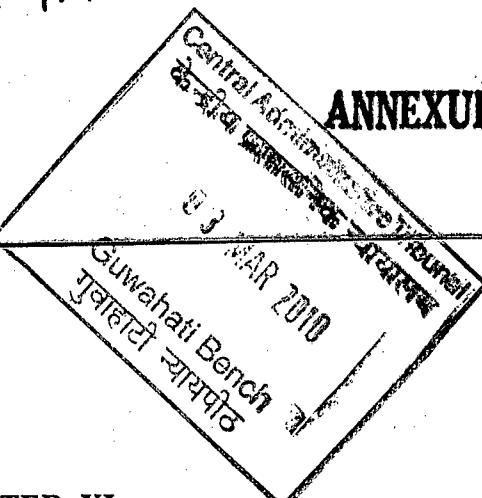
[G.I., Dept. of Telecom, O.M. No. 269-1/93 STN-II(Pt), dated the 12<sup>th</sup> February, 1999]

Powers of all DoT officers to engage casual labourers withdrawn, -

1. The undersigned is directed to refer to Para 193 of P & T manual Vol. X which permits engaging of Labour on daily or monthly wages either direct or through contractor. The Department of Telecommunication has imposed a ban on recruitment / engagement of Casual Labourers *vide* letter No. 269-4/93-STN-II, dated 22.6.1988.
2. After issue of letter, dated 22.6.1988, a need was felt for amending the Para 193 of P & T manual, Vol. X. Accordingly, the issue was examined in detail. It has been decided to delete Para 193 of P & T Manual, Vol. X with immediate effect. Paras 150 to 177 of FHB, Vol. III, Part-I, Chapter 6, dealing with payment to casual labourers engaged on muster roll are also deleted.
3. Consequently the powers of all DoT officers to engage casual labourers, either on daily or monthly wages, direct or through contractors as well as the authority of the Accounts Officers for making payment to the labourers engaged on daily or monthly wages, either direct or through contractor are hereby withdrawn with immediate effect.
4. The instructions contained in this O.M. will not, however, apply to hiring any labourers for works of contingent nature lasting not more than fifteen days during exigencies and natural calamities. Payments to labourers hired during such contingencies should be made under Rule 331 of P & T FHB Vol.I. The maximum period for which an individual labourer can be hired during a year should not sixty days.
5. This issues with the concurrence of Internal Finance *vide* their Dairy No. 47/ FA-I-98, dated 13.1.1998.

Certified to be true Copy.  
Hemant Kr. Gogoi  
Advocate

Advocate



## CHAPTER XI

# Contingent Charges

### Introductory

331. The term 'Contingent Charges' or 'Contingencies' used in this Chapter means and includes all incidental and other expenses, which are incurred for the management of an office as an office or for the technical working of a department, other than those which under prescribed rules of classification of expenditure fall under such other heads as 'works', 'repairs', 'stock', or 'tools and plants', etc.

A list of important items, to be classified under 'Other Contingencies' as well as a list showing the names of important articles in common use in all the branches of the P & T Departments cost of which should be debited to the detailed heads, 'Liveries and Uniforms', Operational and Minor Equipment for Post Offices and RMS Offices and 'Purchase and Repair of Furniture' below the Head 'contingencies' is given in Appendix-13-A.

All items of contingent expenditure which do not find a place in the list of contingent expenditure detailed in Appendix-13-A to this Handbook and those items for which no specific financial powers have been delegated to any of the authorities in the Department should be treated as "Other Miscellaneous Expenditure". The term will also exclude all items falling within the category of pay and allowances to Government servants, leave salary, pensions, Grant-in-Aid, Contribution works, stocks, tools and plant and the like.

332. The rules of procedure in this Chapter shall apply primarily to contingencies; and unless otherwise provided miscellaneous expenditure which is not classed as contingencies is also subject to these rules.

### Classification of Charges

333. Contingent charges incurred on the public service may be divided into the following charges:—

- (i) *Contract Contingencies*.— Those for which a lump sum is placed annually at the disposal of a Disbursing Officer for expenditure without further sanction of any kind. They generally consist of charges the annual incidence of which can be averaged with reasonable accuracy.
- (ii) *Special Contingencies*.— To include such contingent charges, whether recurring or non-recurring, as cannot be incurred without the previous sanction of superior authority.

Certified to be true Copy.

Hemanta K. Gogoi  
Advocate

03 MAR 2010

Guwahati Bench  
গুৱাহাটী চাষপৌর

(iii) *Countersigned Contingencies*.— To include such contingent charges as may require the approval of some controlling authority before they can be admitted as legitimate expenditure against the Government, such approval usually taking the form of countersignature after payment on a detailed bill submitted to the Circle Accounts Officer.

(iv) *Fully Vouched Contingencies*.— To comprise contingent charges, which require neither special sanction nor countersignature, but may be incurred by the Head of the Office on his own authority subject to the necessity of accounting for them. These may be passed on fully vouched bills without countersignature.

(v) *Scale regulated Contingencies*.— To include such contingent charges as may be regulated by scales laid down by competent authority, e.g., liveries to Group 'D' servants, rewards for destruction of wild animals, etc.

NOTE 1.— The five classes of contingencies set forth above are not necessarily mutually exclusive. There may be cases in which special contingencies may be regulated by scales or in which a bill for scale regulated contingencies may require countersignature. When a contingent bill falls within two or more classes, the procedure prescribed for each of these classes should, as far as possible, be applied to it.

NOTE 2.— Contingent bills of the Offices of the Director-General and of the Heads of Circles do not require any countersignature.

## GENERAL RULES

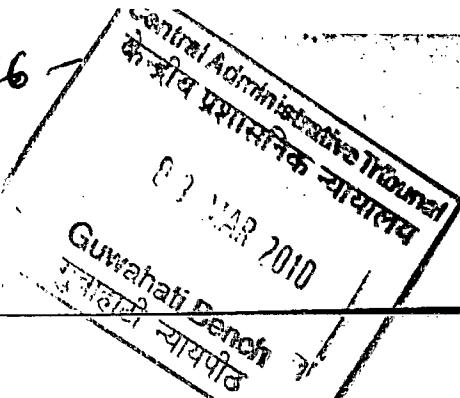
### General Matter

334. (1) The financial powers of subordinate authorities to sanction contingent expenditure are regulated generally by the orders embodied in the Schedule of Financial Powers of Officers of the Indian Posts and Telegraphs Department and such other general or special orders as may be issued by the Government in this behalf.

Subject as aforesaid, the Head of an Office may incur or sanction expenditure on contingencies, within the amount of appropriation placed at his disposal for the purpose, provided that—

(i) In cases where any special rule, restriction, limit or scale has been prescribed by competent authority regarding any particular item or class of contingent expenditure, it should be strictly observed.

NOTE.— Special rules, restrictions, etc., prescribed by Government regarding individual items of contingencies are laid down in Appendix-13 and in the Schedule of Financial Powers of Officers of the Indian Posts and Telegraphs Department.



(ii) Contingent expenditure of an unusual character or involving departure from any general or special rule or order made by Government should not be incurred, nor should any liability be undertaken in connection therewith, without the previous sanction of the Government.

(2) In respect of contract contingent charges for which a lump sum is placed annually at the disposal of a Disbursing Officer, no formal sanction will be required for expenditure incurred within the annual allotment, except in so far as the authority fixing the contract allotment issues directions to the contrary.

(3) The Head of an Office may authorize any Gazetted Officer serving under him to incur expenditure under sub-para. (1) above, subject to the conditions specified in Note below Clause (g) to Rule 35.

(4) The financial and administrative instructions in respect of certain specified items of contingent expenditure including expenditure on the purchase of stores are given in Appendix-13 to this volume. These instructions are supplementary to those contained in other connected rules and orders. Where an item is not covered by an entry in Appendix-13 or Schedule of Financial Powers of Officers of the Indian Posts and Telegraphs Department or by any other restriction, scale or limit prescribed by an Act, Rule, Code or Order of Government, the monetary limits shown below will be operative—

Authority	Monetary limits up to which expenditure may be sanctioned in each case	
	Recurring	Non-recurring
Heads of Departments ...	Rs. 200 per year	Rs. 1,000
All other Disbursing Officers who are gazetted ...	Rs. 10 per month	Rs. 100

335. Categories of employees, e.g., dhobis, tailors, syces, grasscutters, etc., who do not work side by side with regular employees or with employees in work-charged establishments are treated as casual employees. These employees as also part-time employees of regular categories who are not brought on to regular establishments are treated as contingent staff and their pay and allowances are drawn on bills for contingent expenditure.

NOTE.— Permanent Mazdoors or Mazdoor Oilers employed in Radio Stations do not fall under the category "Mazdoors paid from Contingencies". These officials may be paid as part of the regular establishment through establishment pay bills.

336. Employees paid from contingencies who are not brought on to regular establishments, i.e., who are classed as 'casual' employees shall be entitled to a fixed pay as may be fixed in individual cases by special orders, and

03 MAR 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

212

SWAMY'S — P. & T. F.H.B. VOL. I

[ RULE 336

dearness, compensatory and other allowances in the same manner as are admissible to Group 'D' staff belonging to regular establishments but not to leave, pension, medical attendance or travelling allowance benefits.

✓ Casual employees who are paid at market rates will not be entitled to dearness or any other allowances. If the employment is on a part-time basis, the wages of the part-time employee should be lower, i.e., bear the same proportion to the wages admissible to a whole-time employee doing the same type of work as the quantum of work performed by the former would bear to the amount of work expected from the latter during a normal wage period applicable to him. The allowance will similarly bear the same proportion to the allowance admissible to the whole-time employees doing the same type of work as the pay of the former bears to that of the latter. When such a Group 'D' servant is employed, the relevant certificate printed on the form of monthly contingent bill or primary abstract or account current, should be given by the Drawing Officer, after suitable modifications.

#### GOVERNMENT OF INDIA'S DECISION

\* **General Terms and Conditions for employment of Casual Labour.**— The policy regarding engagement of casual workers in Central Government offices has been reviewed by Government keeping in view the judgment of the Supreme Court delivered on the 17th January, 1986, in the Writ Petition filed by Shri Surinder Singh and others v. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis:—

- ✓ (i) Persons on daily wages should not be recruited for work of regular nature.
- ✓ (ii) Recruitment of daily wagers may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature for which regular posts cannot be created.
- ✓ (iii) The work presently being done by regular staff should be reassessed by the Administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
- (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of  $\frac{1}{30}$ th of the pay at the minimum of the relevant pay scale *plus* Dearness Allowance for work of 8 hours a day.
- (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

03 MAR 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

APPENDIX-13-A

[ Referred to in Rule 331 ]

**List of important items to be classified under 'Other Contingencies' and list of important articles in common use in the Posts and Telecommunications Department, the cost of which should be classified under 'Liveries and Uniforms', 'Operational and Minor Equipment for Post Offices and RMS Offices' and 'Purchase and Repair of Furniture' below 'Contingencies'**

*List of Items to be classified under "Other Contingencies"*

Under this head should be booked all contingent expenditure not adjusted under any other head. The head will include the following:—

- (1) Winding charges of clocks.
- (2) Awards to outsiders.
- (3) Book-binding Charges.
- (4) Commission Charges.
- (5) Freight Charges and Conveyance and Packing Charges.
- (6) Charges of Officials other than Investigating Inspectors for whom no conveyance allowance is admissible.
- (7) Cost of Books, Codes, Periodicals and Guides.
- (8) Cost of Maps.
- (9) Cost of Construction or Repairs to Runners' huts.
- (10) Cost of miscellaneous articles such as bicycles, and tricycles and accessories (including replacement of parts thereof) brasso metal polish, files, brooms, brushes of all kinds, bugles, calculating machines, stamp cancelling machine, candles, chains for keys, chamois leather or sylvet chisel, copper, paints, cotton balls, desk calendars, disinfectants, drill cloth, duplicators, dusuti white cloth, dusters, earthen goblets, electric bulbs, enamel paint-red, felt for defacing stamps, file-boards, flags, gimlets, glass tumblers, grease, guard books, hand bags for sorters, India Rubber, ink and stamping pad, jute canvas for sorters, jute and cotton tarpaulins, kerosene oil, knives, leather brief-cases, leather cash bags, leather record boxes, liquor ammonia, match box, mathematical instruments, measuring tape, nail pullers, naphthalene balls, needles, oil cloth, oil paint,

paper articles, paper-weights, penholders, petty purchases of articles of stationery from local market, phenyl, pick-axe, pincers, pins, pliers, portfolio, pots, pouches, ropes, rubber stamps, rulers, saws, scissors, scales and weights, screw-drivers, shovels, soaps, spearheads and brass balls, spirit, spraypump, spring balance, stamps and seals, stamp-damper, steel year type, stone slab, sword, tin seal holder, toilet-papers, towels, twine, typewriters, vehicles, vice hands, wallets, washing soda, waterproof cases, waterproof drill delivery bags, wheat flour, etc., for paste, wooden block, hammer, tokens, utensils, vice bench, water jugs.

- (11) Charges in connection with Departmental and Recruitment examinations.
- (12) Escort Charges.
- (13) Payment made to outsiders for delivering telegrams including late fee.
- (14) Illumination Charges.
- (15) Law Charges.
- (16) Maintenance Charges on electric passenger lifts in rented buildings.
- (17) Non-recoverable expenditure on repairs to Rented Buildings.
- (18) Payment made to outsiders for delivering telegrams including late fee telegrams in P & T Combined Offices when there is no separate messenger to deliver telegrams or when the delivery messenger happens to be absent on leave or away from office on delivery work when such inward messages are received.
- (19) Painting charges of Notice Boards.
- (20) Protective appliances and clothing.
- (21) Payment on account of Port Commissioners' Bill on postal imports.
- (22) Plague charges.
- (23) Repairing and oiling charges of typewriters.
- (24) Subscription to Newspapers.
- (25) Wages and allowances of labour or mazdoors employed casually.
- (26) *Deleted.*
- (27) Advertisement charges (except under Abstracts which provide a separate detailed head for this expenditure).
- (28) (i) Torch allowance, fuel *Vide* item 6 (xi) of allowance, light allowance, Schedule II of Financial allowance for oiling and Powers. cleaning bicycles, mail carts, etc.

Central Administrative Manual  
केन्द्रीय प्रशासनिक न्याया

03 MAR 2010

(1) Payments to Labourers

Guwahati Bench  
गुवाहाटी न्यायालय

150.-177<sup>1</sup> Deleted

(4) Payment to Contractors

178. Contractors are employed in frequently in the Engineering Branch, but when one is employed, a contract deed should always be prepared and executed as prescribed in Chapter IX of the Telecommunication Manual, Volume II.

178-A. The requirements regarding the maintenance of measurement books etc., in the case of building works, are contained in Rule 524 of F.H.B. Volume I and the Note thereunder. A measurement book in accordance with the provisions should also be maintained by the officer, under whose supervision the work is carried out, in the case of works, other than building works, costing Rs. 1,000 or more executed through a contractor, to record the measurement at each stage of work. These rules do not apply to stores supplied to stores Depots or Factories in regard to which separate provisions exist.

Note 1.- The measurement book in Form 23 (vide Book of Forms P.W.As Code) should be maintained by the Officer-in-Charge of the work or by his immediate

<sup>1</sup> Deleted vide DoT Lr.No.269-4/9-STN-II(Pt.) dated 12.2.99, 15.6.99 & 12.11.1999. Consequent on ban on recruitment/engagement of casual labourers vide letter No. 269-4/93-STN-II dated 22.6.1988, paras 150 to 177 deleted. The powers of all DoT officers to engage casual labourers whether daily or monthly wages, direct or through contractors as well as the authority of the Accounts Officer for making payments of the labourers engaged on daily or monthly wages, either directly or through contractor are withdrawn with immediate effect. However, this will not apply to hiring labourers for works of contingent nature including repairs, lasting not more than 30 days at a time. The payment to labourers hired during such contingencies should be made under Rule 331 of P&T FHB Vol. I. The maximum period for which an individual labourer can be hired during a year should not exceed 100 days. Contract labourers should not be hired for cleaning and security purposes as per provisions of Contract Labour (Regulation and Abolition) Act 1970.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

03 MAR 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

works contract and that the amounts paid on account of Sales Tax are correct under the provisions of Sales Tax Act or the rules made thereunder”.

Note.- The checks prescribed in this rule apply mutatis mutandis to the bill in respect of works costing Rs. 1,000 and above paid by S.D.Os; and to the bills sent by them to the Divisional Offices for payment.

The bills sent to the Divisional Offices for payment should be checked by them with reference to the original measurement books which should be obtained for check before payment.

184. Whenever fractions of a rupee occur in the totals of contractor's bill, or in the case of works or supplies chargeable to more than one estimate, in the total chargeable to each estimate, amounts less than half a rupee may be discarded, and those of half a rupee or over may be taken as a rupee. This procedure should be followed when a final bill is presented by the contractor and not in the case of payments on account.

185. A receipt for net payment should be taken either on the bill itself or separately on Form A.C.G.17 in which the number and date of the bill and the name of the work, etc., should be carefully entered. If it be a final payment, the contractor should add in his own handwriting if he is able to write, that the net payment is “in full settlement of all demands”. If the payee is illiterate and cannot write, these words should be entered by the officer making the payment and their sense explained to the contractor.

Note.- The addition of the words “in full settlement of all demands” does not preclude entertaining a further bona fide claim which may have been omitted from the final bill by mistake or through inadvertence. If despite this explanation, the contractor objects to the addition of the words in question, the payment should be tendered unconditionally (vide Section 38 of the Indian Contract Act, 1872).

186. A contractor ledger should be maintained in Form A.C.E.19 and a separate folio or set of folios should be set apart therein for each contractor or supplier, except where payment is made to him only on a first and Final Bill on completion of the work or supply. If any materials are issued to the contractor or any payments are made on his behalf an account in the ledger must be opened. A copy of the contractor's account should be kept with the final bill of the contractor.

Contro...  
केन्द्रीय प्रशासनिक विभाग

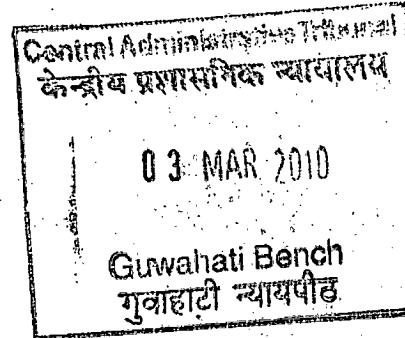
03 MAR 2010

APPENDIX 8

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

*List of Accounts Forms*

Number 1	Description of the Form 2	Reference to rule 3
ACE.1	Register of Imprests and Temporary Advances	133
ACE.2	Imprest Account of Sub-Divisional or attached Officers	102
ACE.3	Statement of expenditure incurred by line staff	133
ACE.8	Numerical Account of Store	183
ACE.11	Register of Allotments	86
ACE.12	Return of sanctions to estimates and allotments of funds	87
ACE.13(a)	Work Order	151
ACE.14	Muster Roll	152
ACE.16	Register of Muster Rolls	169
ACE.17	Register of unpaid wages	177
ACE.18	Contractor's bill	182
ACE.19	Contractor's Ledger	186
ACE.19(a)	Consignment Register	186(a)
ACE.19(b)	Unit Register	186(a)
GFR.6	Register of Liabilities	193
ACE.23	Register of Works	201
ACE.24	Index to register of works	203
ACE.25	Register of Examination of Imprest bill	238
ACE.25(a)	Imprest Account	238
ACE.26	Completion Report for line works	219
ACE.28	Statement of Approximate Debits against the Military Department	70



1	2	3
ACE.30	Register showing allotments and appropriations in Sub-Division	88
ACE.31	Statement showing the progress of appropriation made against allotments for annual maintenance and petty works.	88
ACE.40	Account Current of Cash transactions	240, 244
ACE.45	Schedule of Remittances	244
ACE.46	Schedule of Drawings from and payments into Bank	244
ACE.59	Account Current of Stores transactions	261
ACE.81	Return of alterations in the mileage of wire rented to Railways	271
ACE.82	Return of alterations in the mileage of wire rented to Canals	271
ACE.83	List of Cash charges not covered by fixed rates	284, 286
<u>ACG.17</u>	Money Receipts for payments made by the Department	177, 185
ACG.6(b)	Schedule of credits and debits to the PLI	244
ACG.67	Fund Money Receipt	98, 100
ACG.77	Advice of Transfer debits	191
TR.56	Schedule of General Provident Fund Deductions and Payments	244
CPWA.1	Cash Book	101
CPWA.52	Register of Receipt Book	99

## ANNEXURE R& 5

[G.I., Dept. of Telecom, No. 269-4/93-STN. II, dated the 12<sup>th</sup> February, 1993]

Sanction of posts of Regular Mazdoors for regularization of Temporary Status Casual Mazdoors. — I am directed to refer to this office letter No. 269-10/89-STN, dated 7.11.1989 wherein scheme called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989" was communicated. As per the said scheme, casual labourers who were engaged before 30.3.1985 and had completed 10 years of service, were made eligible for regularization. Based on the above, instruction were issued *vide* this office letter No. 5-1/92-TE-II, dated 17.3.1992, 6.7.1993, 20.5.1994, 8.5.1995 and 30.9.1996.

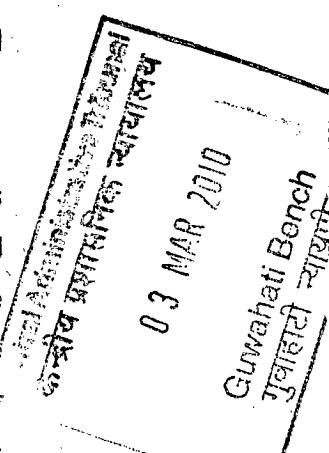
Even though there is a complete ban on recruitment of casual labourers, it has come to light that many circles, defying the ban orders, had recruited casual labourers even after the ban orders. Since, these casual labourers have completed 10 years of service, Employees Union are pressing for the regularization of the remaining casual labourers who were recruited after 30.3.1985 and completed 10 years of service, on the analogy of earlier decisions of Supreme Court on the subject.

Under these circumstances, the matter has once again been examined and it has been decided by the Telecom Commission as a one time measure on special consideration to further delegate powers to all the Heads of Circles, Metro Districts, Chief General Managers, MTNL, New Delhi and Mumbai and Heads of Administrative Units to create posts of Regular Mazdoors for regularising the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989, who have completed 10 years of service as on 31.3.1997 to the extent of numbers indicated in Annexure 'A' which has been compiled based on the information received from the Circles / Units. The posts are to be created within the prescribed ceiling as on 31.3.1991. the other conditions stipulated in the letter, dated 17.3.1992 remain unchanged.

Approval of Telecom Commission is also conveyed for delegation of powers to grant temporary status to casual labourers to the extent of number indicated against the respective circles in Annexure 'B' which also has been compiled based upon the information furnished by the Circles / Units concerned.

Certified to be true Copy,

Hemanta Kr. Gogoi  
Advocate



As the numbers indicated in the Annexure 'A' and 'B' are furnished by the Circles / Units concerned, there should not be any variation in the figures. In case, there is change, Heads of Circles should refer the cases to TCHQ explaining the reasons therefore.

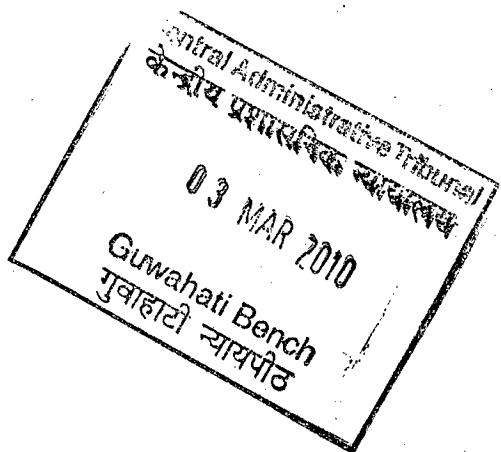
Recruitment of casual labourers was completely banned with effect from 22.6.1988 and instructions were issued time and again for identifying the officers/ officials responsible for engaging casual labourers inspite of the ban orders. The non compliance of the instructions issued by this office in true letter and spirit led to the Department having to bear a huge avoidable financial burden. This is a serious lapse. It is observed that Circles are hesitating to identify and fix responsibility on the errant officers/ officials. Therefore, Heads of Circles/ Units are once again requested to initiate necessary action against the officers/officials concerned and intimate the action taken against them to this office by 28.2.1999 as directed by the Chairman, Telecom Commission.

This issues with the concurrence of Internal Finance Vide their Dy. No: 47/FA-I/98, dated 13.1.1998.

Annexure "A"

TSMs eligible for regularization as on 31.3.1997 (engaged between 1.4.1986)

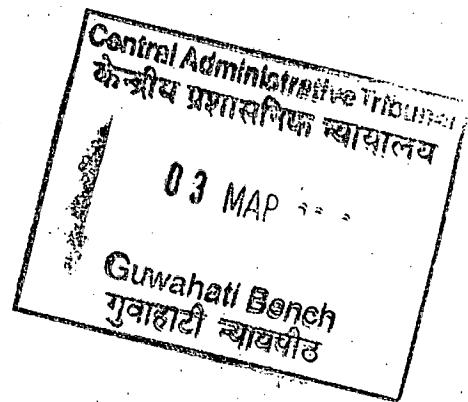
Circle	TSM to be regularised	MTNL BY	11
SLTTC	0	NCES	0
A&N	0	NE	24
AP	329	NETF	31
AS	77	NTP	179
BH	48	NTR	108
BRBRAITT	0	OR	5
CHENNAI TD	82	PB	27
CTD	97	QA	0
DNW	0	RAJ	48
ETP	0	RE NAGPUR	0
ETR	0	STP	0
GUJ	151	STR	5
HP	0	T&D JBP	0
HR	7	TN	37
J&K	4	TS CA	0
KRL	26	UPE	106
KTK	102	UPW	15
MH	238	WB	3
MP	21	WTP	189
MTNL DI	39	WTR	72
		TOTAL	2081



Annexure "B"

Casual labourers to be given Temporary Status as on 18.9.88

Circle	CLs to be granted temporary status	MTNL BY	23
SLTTC	0	NCES	0
A&N	0	NE	350
AP	NA	NETF	249
AS	NA	NTP	50
BH	347	NTR	NA
BRBRAITT	0	OR	16
CHENNAI TD	4	PB	12
CTD	450	QA	0
DNW	1	RAJ	56
ETP	318	RE NAGPUR	105
ETR	229	STP	6
GUJ	177	STR	29
HP	790	T&D JBP	0
HR	25	TN	160
J&K	27	TS CA	0
KRL	24	UPE	200
KTK	188	UPW	NA
MH	NA	WB	50
MP	NA	WTP	119
MTNL DI	15	WTR	26
		TOTAL	4046



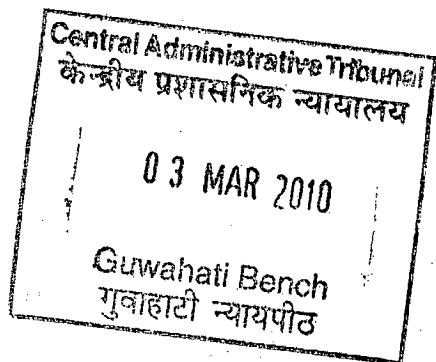
ANNEXURE R\* 6

G.I., Dept. of Telecom., No. 269-13/99 - STN.II, dated 1<sup>st</sup> September 1999

Grant of temporary status from 12.2.1999 to the Telecom casual labourers who are eligible as on 1.8.1998 and regularization of eligible TSMs w.e.f. 1.4.1997. - I am directed to refer to letter No. 269-4/93-STN.II, dated 12.2.1999 circulated with letter No. 269-13/99-STN.II, dated 12.2.1999 on the subject mentioned above.

In the above referred letter, this office has conveyed approval on the two items, one is grant of temporary status to the casual labourers eligible as on 1.8.1998 and another on regularization of casual labourers with temporary status who are eligible as on 31.3.1997.

Some doubts have been raised regarding date of effect of these decisions. It is, therefore, clarified that in case of grant of temporary status to the casual labourers, the order, dated 12.2.1999 will be effected w.e.f. the date of issue of this order and in case of regularization to the temporary status Mazdoors eligible as on 31.3.1997, this order will be effected w.e.f. 1.4.1997.



Certified to be true Copy.

Hemanta Kr. Gogoi  
Advocate

Mo. 269/94/98-STN-II  
 Department of Telecom. Services  
 Sanchar Bhawan, 20, Ashoka Road, New Delhi.  
 (STN-II Section)

ANNEXURE : R 37

Dated : 29.09.2000

All CGMs, Telecom. Circles,  
 All CGMs, Telephone Districts,  
 All Heads of Other Administrative Offices,  
 All the IFA's in Telecom. Circles/Districts and other Administrative Units

Sub: Regularisation of Casual Labourers

Sir,

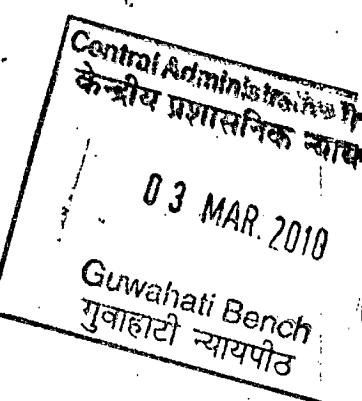
The employees unions are demanding regularisation of all the casual labourers. This issue was under consideration for quite some time. It has been decided to regularise all the casual labourers working in the Department, including those who have been granted temporary status, with effect from 01.10.2000, in the following order -

- (1) All casual labourers who have been granted temporary status upto the issuance of Orders No. 269-4/93-STN-II dated 12.2.99, circulated vide letter No. 269-13/99-STN-II dated 12.2.99 and further vide letter No. 269-13/99-STN-II dated 9.6.2000.
- (2) All full time casual labourers as indicated in the Annexure.
- (3) All part time casual labourers who were working for four or more hours per day and converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 16.9.99.
- (4) All part time casual labourers who were working for less than four hours per day and were converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 25.8.2000.
- (5) All Ayas and Supervisors converted into full time casual labourers as per order No. 269-10/97-STN-II dated 29.9.2000.

The number of casual labourers to be regularised in categories (2) to (5) above is given in the Annexure enclosed. The figures given in the Annexure are based on information received from the Circles.

The casual labourers indicated from (1) to (5) above are to be adjusted against available vacancies of Regular Mazdoor. However, Chief General Managers are also authorised to create posts of Regular Mazdoors as per the prescribed norms and to that extent, the prescribed ceiling for the Circle will stand enhanced.

As per this office letter No. 269-4/93-STN-II dated 12.2.99, vide which temporary status was granted to casual labourers eligible on 1.8.98, no casual labourers were to be engaged after this date and all casual labourers not eligible for temporary status on 1.8.98 were to be disengaged forthwith. Therefore, there should be no casual labourers left without temporary status after 1.8.98 [ Other than those indicated in serial nos. (2) to (5) above ]. However, if there is still any case of casual labourers left out due to any reasons, that may be referred to the HeadQuarters separately.



Certified to be true Copy.

Hemanta Kr. Goswami  
 Advocate

119  
 2000  
 2000  
 2000

--- 2 ---

This issues with the concurrence of Telecom Finance vide their Diary No. 3536/2000/PA-I Dated 29.09.2000.

Yours faithfully

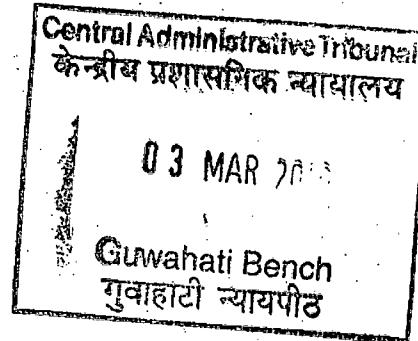
29.09.2000

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)  
Tel No. : 371 6723 / 303 2531

Copy to :-

- 1) PS to MOC/ MOS(C)
- 2) Advisor (HRD)
- 3) DDG(Pers.)/ (E)/ (EF)/ (SR)
- 4) Dir.(ST-I) / (F-I)
- 5) All recognised Associations/ Unions/ Federations
- 6) TE-II/ STN-II/ SR/ SC Sections
- 7) Guard file.

*AI/29*  
(Vinod Kumar Sharma)  
Section Officer (STN-II)



Government of India  
Department of Telecommunications  
Office of The Chief General Manager Telecom: Assam Circle  
Ulubari Guwahati-7

NO. Recd-3/10/Loob/Ft-V Dated at Guwahati the 18-9-98

To

✓

Sri B.K. Gogwami  
Telecom Dist. Manager,  
Tezpur

Central Administrative Tribunal  
Confidential

03 MAR 2010

Guwahati Bench  
পুরোহিত ব্যায়পীঠ

Sub:- Conferment of Temporary status

Ref:- TDE, TZ Memo No. X-1/CMPT/TA/Conf./97-98/38 dated  
7-4-97

The case is examined in the context of the reports submitted by Tezpur during the preceding years wherein he consistently mentioned that no Casual Mazdoor has been engaged in the Tezpur SSA after 31-3-85. It follows from these reports that there is no Casual Mazdoor in the SSA. Obviously there showed not, in the normal course, arise a situation necessitating the conferment of Temporary status.

The Temporary status has been conferred solely on the basis of post facto certificate issued by line staff and countersigned by SDEs. Authenticity of these certificates has not been verified from Master Roll paid voucher. There is also no supporting record indicating the sponsorship of Employment Exchange. The absence of these vital records has further complicated the issue and gives room for foulplay.

In view of the above anomaly it has been decided to cancel the order conferring the Temporary status. This should be followed by a renewed exercise to identify the Casual Mazdoors entitled for Temporary status on the basis of authenticated records as shown above. The exercise has to be completed within a period of one month. Simultaneously, the office who engaged the Casual Mazdoors in defiance of the ban order should be identified. I have been directed to request you to take action on the above line and to send detailed report in confidence.

PL examine  
take necessary  
action  
DEP (P.K.)

(A.K. Cheleng)  
Asstt. General Manager (Admn)  
O/O The Chief General Manager,  
Assam Telecom Circle Guwahati

2

83 MAR 2010

Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

GOVT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

From :  
B. K. Goswami  
T. D. M/Tezpur

To :

Sri Babul Saikia  
TSM (Pls)  
D/o SDP-Cable, Tsp

Dated at Tezpur the 22-10-98

No. X-1/CC/188/TSM/98-99/7 (192)

Sub:- Grant of Service benefits to TSMs as per order sheet dt. 19-08-98 of CAT, Guwahati Branch against O.A. No. 188/98 (Applicants: A. Haloi and others, Respondents: Union of India and others).

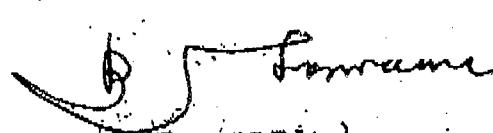
This has reference to your application dt. 7/5/98 on the above subject. The benefits as prayed for in your application cannot be granted in view of following reasons.

(i) Ty. status was conferred to you only provisionally vide No. X-1/CMPT/96-97/Con-7 dt. 27-05-96 of TDE, Tezpur.

(ii) The case of engagement as Casual Workers and confirmation of provisional Ty. status was scrutinized by the office of the CGMT, Guwahati and it has been observed that Ty. Status was conferred on the basis of post-facto certificate issued by Line staff and countersigned by controlling officer and authenticity of these certificates has not been verified from paid vouchers.

In view of this anomaly, the undersigned was directed by the Circle office to cancel the order dt. 27-05-96 of TDE, Tezpur conferring the Ty. status. Though the Circle Office order could not be implemented due to local problem, the order still stands.

(iii) The case as above is also being investigated by the CBI/ACB, Guwahati vide case No. RC-10(A)/97-SHG to RC-14(A)/97-SHG and investigations are still not concluded.

  
B. K. Goswami  
Telecom District Manager  
Tezpur-784001

Certified to be true Copy

Hemanta K. Gogoi  
Advocate

S.S. 11 MAY 2010  
Guwahati Bench  
গুৱাহাটী ন্যায়পাঠ

-132-  
File No. 1  
The Respondent No. 1  
Through  
Mr. Moinul Doss  
S. R. U. S.  
16/5/10

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

Communication: Accounts Office  
Controller of Comm. Accour  
Assam Telecom Circle  
Guwahati-781001

**IN THE MATTER OF:**

O.A. No. 239/09

Sri Prabhat Sarmah & Ors.

.....Applicant

-vs-

Union of India and Ors.

.....Respondents

-AND-

**IN THE MATTER OF:**

An affidavit filed by the respondent no. 1, Union of India represented by the Secretary to the Government India, Ministry of Telecommunications and Information Technology, Department of Telecommunications in O.A. No. 239/09

**(AN AFFIDAVIT ON BEHALF OF RESPONDENTS NO.1)**

I, Asish Dassgupta, o/o C. C. A. Assam Circle  
aged about 47 years, presently working as  
the Communication Accounts Officer  
do hereby solemnly affirm and state as follows:-

1. That the humble deponent begs to state that in the said O.A., the applicants, Sri Prabhat Sarmah and others, has sought a direction from the Hon'ble Tribunal to the respondents to adhere to the terms and conditions as enunciated in the order dated 27.05.96 passed by the Department of Telecommunications while granting temporary status to the applicants and also another direction for the respondents to take necessary steps to regularize the services of the applicants with retrospective effect from the date their immediate juniors respectively, with regard to the date of engagement or date of conferment of temporary status, were regularized.
2. That the deponent begs to state that the applicant was engaged as casual labour by the Assam Telecom Circle, Guwahati, now BSNL. The Personnel and Establishment matter of the applicant is under the administrative control of

11 MAY 7

Guwahati Bench  
গুৱাহাটী ন্যায়পৌঠ

BSNL only and no role of Department of Telecommunications is involved in such matter.

3. That the deponent begs to state that this affidavit has been filed for affirming that the Department of Telecommunications has no role in the present case, the applicants, Sri Prabhat Sarmah and others, being already under the administrative control of BSNL. The issues raised by the applicant pertain to BSNL only. The relief too sought by the applicants i.e. Sri Prabhat Sarmah and others cannot be granted by the Department of Telecommunications, as the relief sought for is not under the purview of Department of Telecommunications.
4. That this Affidavit is made bona fide and for the ends of justice.

Agnipath  
Account Officer  
Contractor of Comm. Accounts  
Sri Prabhat Sarmah  
Guwahati-781001

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

11 MAY 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

**AFFIDAVIT**

I, Arish Dasgupta....., o/o C.C.A. Assam Circle  
aged about 47 years, presently working as  
the Com. Accounts officer.....  
do hereby solemnly affirm and state as follows:-

1. That I am well conversant with the facts and circumstances of the case, thus competent to swear this affidavit. I have been authorized to file this affidavit on behalf of Respondent No. 1 of the O.A. No. 239/09.
2. That the statements made in this affidavit and in paragraphs.....1, 2 and 3.....are true to my knowledge and those made in paragraphs ..... are being matters of records of the case derived therefrom which I believed to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this .....10th..... day of May....., 2010 at Guwahati.

Identified by: -

N. Vashum

Advocate.

Dasgupta  
DEPONENT Accounts Officer  
O/o Controller of Comm. Account  
Assam Telecom Circle  
Guwahati- 781001

Received  
10.20 AM  
AS

135

Central Administrative  
केन्द्रीय प्रशासनिक न्यायालय  
825  
13 JUL 2010  
SKM  
Guwahati Bench  
नानारी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

**ORIGINAL APPLICATION NO. 239/2009**

## **Sri Prabhat Sarmah and others**

....Applicants

VS

## **Union of India and others**

**...Respondents.**

REJOINDER ON BEHALF OF THE APPLICANTS IN RESPONSE TO THE  
WRITTEN STATEMENT FILED BY RESPONDENT NO.2 TO 6

In response to the written statement filed on behalf of the respondents to the original application filed by the applicants, they submit the present rejoinder to the following effects:

It is stated that before averting to the Para-wise reply the applicants want to state that the applicants herein never raised the issue of conferment of Temporary Status, as the same was conferred on the applicants in the year 1987. Though there was order of withdrawal on basis of a Criminal Proceeding initiated against the Applicants, but the Hon'ble Gauhati High Court had acquitted the applicants and the concerned officers involved in the issue of anomaly in issuance of the certificates submitted for determining the number of working days as the mandatory condition to rely upon, before granting the temporary status. As stated above Hon'ble Gauhati High Court had exonerated the applicants herein and others situated similarly, as such the temporary status remains in force. It is relevant to state that the applicants herein have been enjoying some of the benefits of the Temporary Status although there remain few other benefits which are not being afforded to the applicants. Moreover, it is submitted by the applicants that some Mazdoors who had no criminal proceeding against them had been denied of the temporary status and other benefits, so taking cover of criminal proceeding to deny the temporary status or the regularization is just a eye-wash. It is stated that with regard to the regularization of services of the applicants, the issue remains settled by the Umadevi (3) judgment, delivered by the Constitution bench, and thus, becomes the law of the land under the aegis of Article 141 of the Constitution of India.

13711-A  
Filed by the applicants -  
through Dijijon. Dated -

13 JUL 2010

Guwahati Bench

1. That with regards to the contents of the paragraph 1 ~~and 2 of the~~ written statement the answering deponent offers no comments.

2. That with regard to the contents of paragraph 3 (i) of the written statement under consideration, it is stated that the applicants are praying for relief as envisaged in order dated 17 Dec 1993, which is based on scheme of 1989. It is relevant to state that the benefits of temporary status was denied on the ground of pending criminal proceeding, which now stand disposed and the accused were exonerated.

3. That with regard to the contents of the paragraph 3 (ii) of the written statement under consideration the applicants offer no comments as the same is matter of records.

4. That with regard to the contents of the paragraph the 3 (iii) of the written statement under consideration the applicants state that there are no relevancy in the present case since petitioners were engaged prior to 1999 and hence there is no apparent irregularity in engaging the applicants.

5. That with regard to the contents of the paragraph 3 (IV) of the written statement under consideration the applicants state that as per order dated 12/02/1999 it was clarified that those given temporary status were to be regularized. It is relevant to state here that the respondent authorities had passed an order on 27/05/1996, as to regularize the applicants herein.

6. That with regards to the contents of the paragraph 3 (v) of the written statement the applicants offer no comments as that is a matter of record.

7. That with regard to the contents of the paragraph 3 (vi) of the written statement applicants state that as admitted by the respondents, all the eligible casual laborer were to be regularized, however same is not applied to the applicants in violation of Article 14.

8. That with regards to the contents of the paragraph 3 (vii) of the written statement under consideration the applicants state that they were entitled to benefits of the scheme of 1993.

9. That with regards to the contents of the paragraph 3 (viii)-of-the Applicants offers no comments. However, it is stated that the factum in the Umadevi(3) and the present case is different and any law for that matter, whether laid down by the Supreme Court of India under Article 141 of the Indian Constitution or by the legislature has to be applied reasonably and without any arbitrariness and by giving due regard to the circumstance and the other reasonable conditions.

10. That with regards to the contents of the paragraph 3(ix) of the written statement under consideration the applicants state that Hon'ble Gauhati High exonerated the accused in the matter of the submitting the fake certificates. The Hon'ble High Court had held that the prosecution had failed to prove that the certificates were fake and hence the Hon'ble Court acquitted the accused. It is therefore stated that as the Hon'ble High Court acquits the accused and thereby held that they are not guilty, the charges goes away. It is relevant to state that the temporary status was withdrawn due to the pending criminal case and as when the proceeding is dropped by the Hon'ble Court the status stands in force by virtue of the dropped case.

11. That with regards to the contents of the paragraph 3 (x) the applicant states that as per the there is apparent difference between the grant of temporary status and regularization. The applicants herein as stated above are praying for granting the benefits accruing from being a temporary status mazdoor, which was withdrawn in lieu of a Criminal Case pending as the same has been decided and the accused were exonerated.

12. That with regard to the contents of the paragraph 3 (xi) the Applicant states that the Hon'ble Tribunal had also disposed the OA No. 51/2009 and thereby directing the respondents to avail the benefits to Sri Pramod Pathak, the applicant in the instant OA.

13. That with regard to the contents of the paragraph 3 (xii) of the written statement the answering deponent offers no comments.

14. That with regards to the contents of the paragraph 4 of the written statement the Applicant states that the contents thereof have no basis and that the order of 18.9.1997 was admitted and not implemented.

15. That with regards to the contents of the paragraph 5 of the written statement the Applicant denies the contents therein and states that the Original Application is under the jurisdiction of the Hon'ble Tribunal and well within the limitation as prescribed in the Central Administrative Act, 1985.

16. That with regards to the contents of the paragraph 6 and 7 of the written statement the Applicant denies the contents thereof, and vehemently deny the findings of the respondents. The person accused had

443  
4-138

been acquitted by the Hon'ble Gauhati High Court from all the charges and hence their temporary status stands valid and as such they are entitled to the benefits of the conferment of such temporary status and/or the benefits of conferment of such status.

17. That with regards to the contents of the paragraph 8 of the written statement the Applicants states that, taking consideration with the claims made by the respondent about the saga of fake certificates, the applicants state that they had been acquitted of the all the charges of giving fake certificates and hence now they are to be equally treated with the members of other telecom circles. Whereas, the TSM of Bongaigaon and Dibrugarh had been regularized, now denying the applicants will amount to violation of Article 14 of the Indian Constitution.

18. That with regards to the contents of the paragraph 9 of the written statement the Applicants state that it is only when the applicants have asserted their rights the respondents have attempted to take recourse to a plea that such action were wrongs committed by the officers. Moreover it appears that the deponent of the written statement who is SDE is finding fault with the decision of the CGM, which is also a party to the proceeding.

19. That with regards to the contents of the paragraph 10 of the written statement the Applicants states that the order of conferring temporary status is no more can be hold to be on wrong certificates, as the Hon'ble Gauhati High Court had acquitted the persons charged with submitting fake certificates. The exoneration of the persons accused by it puts in motion the implementation of granting temporary status and thereby denying the applicants their right accruing thereto, *is evident*.

20. That with regards to the contents of the paragraph 11 of the written statement that applicant reiterate and reinstate the contents of the paragraph 6 and 7 of the Original Application.

21. That with regards to the contents of the paragraph 12 of the written statement the Applicants denies the contents thereof and states that the applicants are to be accorded with the benefits as prayed for and they are entitled to be given all the benefits of Temporary status. It is also stated that they are to be considered for regularization retrospectively, if the circumstance and reasonable application mind mandates the same. It is a matter of fact the employees employed later than them had been given regularized status and they are enjoying the benefits therein.

22. That with regards to the contents of paragraph 13 & 14 the applicants offer no comments.

13 JUL 2010

VERIFICATIONHigh Court Bench  
Guwahati

5-  
139-

I, Sri Jitu Sarma, S/o Late Rabiram Sarma R/o of Bongaon, Bishwanath Charialiof Assam, being authorized by other applicants and being competent, do hereby verify that the contents of paragraphs number 2, 4, 5, 8, 14, 18, 21..... are true to my personal knowledge and the contents of paragraphs 7, 9, 10, 11, 12, 15, 16, 17, 19..... believed to be true on legal advice and that I have not suppressed any material fact.

Date: 13/07/2010

Place: Guwahati

*Sri Jitu Sarma*  
Signature of the deponent