

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 270/2009-2008
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

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P.D.
24/7/2015
SECTION OFFICER (JUDL.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

- 279
1. ORIGINAL APPLICATION No : -----/ 2009
 2. Transfer Application No : -----/2009 in O.A. No.-----
 3. Misc. Petition No : -----/2009 in O.A. No.-----
 4. Contempt Petition No : -----/2009 in O.A. No.-----
 5. Review Application No : -----/2009 in O.A. No.-----
 6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Sri Badal Chakraborty & ors

Respondent (S) : Union of Inds & ors

Advocate for the : Mr. M. Chanda, Mr. S. Nath
{Applicant (S)} & Mr. U. Dutta

Advocate for the : -----
{Respondent (S)} CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>The application is in form is filed in the Registry No. <u>395443/20</u> Dated <u>8/12/09</u></p> <p><u>23/12/09</u> 6 (fix) copies of application with envelopes received for issue notices to the Respondent Nos. 1 to 6. Copy served.</p> <p><u>23/12/09</u></p> <p>Copies of notices along with order dt. 24/12/09 send to D/Sec. for issuing to the respondents by regd. A/D post.</p> <p><u>24/11/09</u> D/No-117 to 122 D/- 06-01-2010</p>	<p>24.12.2009</p>	<p>Learned counsel for the Applicant has submitted that the case could not be decided as yet because of inordinate delay in clearing the case by the Screening committee.</p> <p>Respondents are directed to inform the Court reasons for inordinate delay by the next date.</p> <p>Issue notice to the Respondents as per Rule 11 (1) (iii) of CAT (Procedure) Rules, 1987, returnable within six weeks.</p> <p>List the matter on 9.2.2010.</p> <p><u>d.</u> (Madan Kumar Chaturvedi) Member (A)</p>

lm

09.02.2010

Ms. U. Das, learned Addl. CGSC for Respondents prayed four weeks time to seek instruction.

Case is adjourned to 19th February 2010.

(Madan Kumar Chaturvedi)
Member (A)

① Service report awaited.

3
8.2.2010

No wts filed.

3
18.2.2010

/PB/

19.02.2010

Mr M.U.Ahmed, learned Addl. C.G.S.C states that he is appearing for all the respondents. Thus service is complete. He seeks and allowed further 3 weeks time to file reply.

List on 15.3.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

No wts filed.

3
12.3.2010

Notice duly served on Respondents.

/pg/

15.03.2010

Ms.U.Das, appearing on behalf of Mr.M.U.Ahmed, learned Addl.C.G.S.C. for respondents prayed two weeks time to seek instruction. Case is adjourned to 30.03.2010.

(Madan Kr. Chaturvedi)
Member (A)

No wts filed.

3
29.3.2010

/bb/

30.03.2010

Time is extended to file reply, as prayed for by Mr.U.Ahmed, learned Addl.C.G.S.C. List on 21.04.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

W/s not filed.

3
20.4.2010

O.A. 279/2009

21.04.2010

Time is extended by two weeks as prayed for by Mr M.U.Ahmed, learned counsel for the respondents.

List on 11.05.2010.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

11.05.2010

Mrs. U. Dutta, learned counsel for Applicant requires for four weeks time to file rejoinder.

List the matter on

11.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

11.06.2010

Last and final opportunity ~~has been~~ granted to file rejoinder, as prayed for.

List the matter 8th July 2010.

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

/PB/

08.07.2010

None appears for the respondents despite second call. In the interest of justice, list on 09.07.2010, particularly for the reason that vide reply para 17 a statement has been made in unequivocal term that: "applicants have already been granted temporary status as per Verdict of the Hon'ble Supreme Court and they will be absorbed on regular basis as per admissible rules".

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

/bb/

3.5.2010

w/s has been
filed by the
Respondent. Copy
served.

4/5/2010

No rejoinder filed

10.6.2010

09.07.2010

Two applicants, in this O.A. seek direction to respondents authority to absorb them in Group 'D' post with retrospective effect. They also challenge impugned communication dated 30th October 2008 (Annexure - 9) whereby they were communicated that once the Screening Committee clears & declares the vacancies for the division, only then the post can be filled up.

In reply, filed by Respondents vide para 17, averment is made to the following effect:

"the applicants have already been granted temporary status as per Verdict of the Hon'ble Supreme Court and they will be absorbed on regular basis as per admissible rules."

In view of above, both sides agree for disposal of present O.A.. O.A. is disposed of accordingly directing the Respondents to consider them for aforesaid purposes.

O.A. is disposed of.

(Madan Kumar Chaturvedi)
Member (A)

Mukesh Kumar Gupta
Member (J)

/pb/

Final Order/Judgement
Order No. 09-7-2010 has
been prepared &
sent to the Section
for issuing to the all
Respondents by post
and free copy handed
over to the Ld. Counsel
both sides party

Mem No. 1560-1565
dt. 16-7-2010

Received for
Applicant order
dated 9-7-2010.
Anuram Gowami
Advocate
15.07.2010

15/7/2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

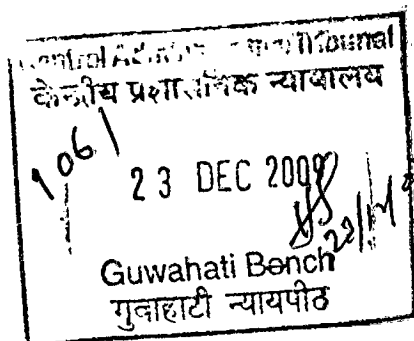
O.A. No. 279 /2009

Sri. Badal Chakraborty & Ors.

-Vs-

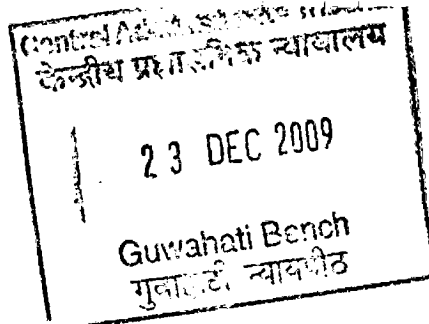
Union of India & Ors.

SYNOPSIS OF THE APPLICATION



All the applicants was engaged as casual workers prior to 1989 in the Head Post Office, Agartala and were granted temporary status under the relevant scheme issued by the Govt. of India, thereafter they have submitted detailed representations to the respondents authority for consideration of their regularisation in the available vacant group "D" posts. Chief Post Master General, N. E. Circle, Shillong communicated a office circular, wherein, it has been stated that casual workers having temporary status and have completed 3 years of service and entitled to service benefits. When the said circular is very much in force the respondents U.O.I stopped deduction from the general provident fund and did not take any steps to regularise the services of the applicants, whereas regular Gr. "D" post as well as regular post of Gramin Dak Sewak are very much available at Agartala. Chief Post Master General approved the proposal for absorption/regularisation of the applicants in the Divisional Office, Agartala, but although there is no sanctioned post of Gr. "D" in the Departmental canteen at Agartala Head Post office so they should be redeployed/reattached. The proposal of absorption/ regularisation has been approved way back on 26.08.05, but no action has been taken by the respondents. Being aggrieved applicants approached before the Hon'ble Tribunal through O.A.No. 81/2006 and the Hon'ble Court disposed of the matter with a direction to examine the entire matter and grant relief to the applicants as due and admissible under the rules within a period of 120 days. Respondent no. 4 issued a letter to each of the applicants, wherein it has been intimated that the case of the applicants can be considered only if vacancy remains unfilled after due process of recruitment and after their eligibility and observing all rules/regulations in the process.

Hence this original application.



LIST OF DATES

1989- Applicants was engaged as casual workers prior to 1989 in the Head Post Office, Agartala and were granted temporary status under the relevant scheme issued by the Govt. of India. **Annexure-1.**

22.08.2005- Applicants submitted detailed representations for non-consideration of their regularisation of services till date in the available vacant group "D" posts, but to no result. **Annexure-2 series.**

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

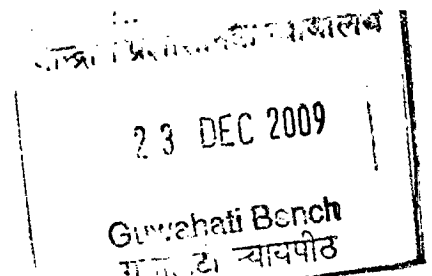
But when the said circular is very much in force the respondents U.O.I stopped deduction from the general provident fund and did not take any steps to regularise the services of the Gr. "D" employees whereas regular Gr. "D" post as well as regular post of Gramin Dak Sewak are very much available at Agartala.

Annexure-3 and 4

26.07.05, 26.08.05- Chief Post Master General approved the proposal for absorption/regularisation of the applicants in the Divisional Office, Agartala, but although there is no sanctioned post of Gr. "D" in the Departmental canteen at Agartala, Head Post office so they should be redeployed/reattached. The proposal of absorption/regularisation has been approved way back on 26.08.05 but no action has been taken till date. **Annexure-5**

22.08.2005- Applicants submitted representations for regularisation of their services in the existing Group 'D' vacancies but to no result.

05.06.2008 Being aggrieved applicant approached before the Hon'ble Court through O.A.No. 81/2006 and the Hon'ble Court disposed of the matter and directed the respondents to examine the entire matter and grant relief to the applicants as due and admissible under the rules within a period of 120 days. **Annexure-7**



26.06.2008 Applicants submitted a representation to the respondent no. 3 along with the order passed by the Hon'ble Court. **Annexure-8**

30.10.2008 Against the representation submitted by the applicants respondent no. 4 issued a letter to applicant no. 3, wherein it has been intimated that the case of the applicants can be considered only if vacancy remains unfilled after due process of recruitment and after their eligibility and observing all rules/regulations in the process.

Annexure-9

Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. CPT/CAT-81/2006 (ii) dated 30.10.2008.
2. That the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years' temporary service from the date of conferment of temporary status to enable the applicants to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation.
3. Costs of the application.
4. Any other relief(s) to which the applicants are entitled to as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

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

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

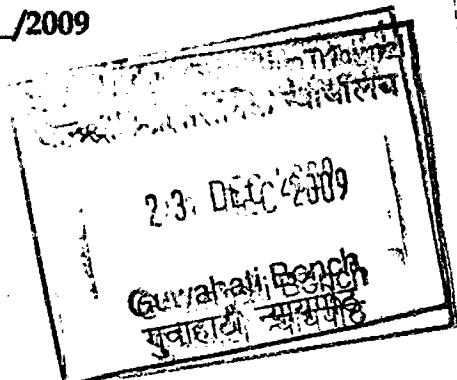
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 279 /2009

Shri Badal Chakraborty & Ors. : Applicants.

- Versus -

Union of India & Others: Respondents.



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W/S

48 - 55

Date: 23.12.09

Filed by
[Signature]
 Advocate

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

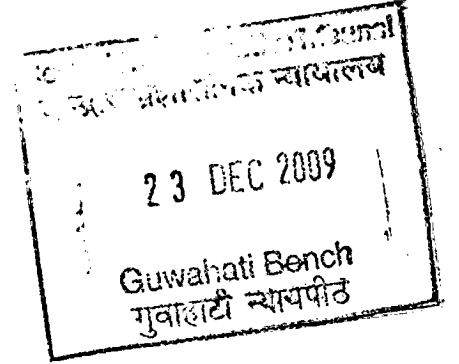
(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 279 /2009

Filed by the applicant
through U. Datta, advocate
on 23.12.09

BETWEEN:

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



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

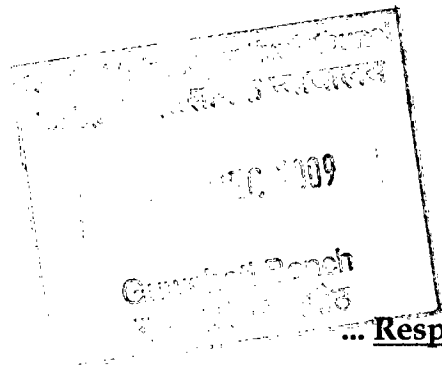
...Applicants

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Department of Post,
Ministry of Communications,
New Delhi.
2. The Director General
Department of Posts,
Dak Bhawan,
Samsad Marg,
New Delhi-110001.
3. The Chief Postmaster General
North Eastern Circle,
Shillong-1.
4. Director of Postal Services,
Agartala Division,
Agartala-799001.
5. The Superintendent of Post Offices,
Agartala,
Tripura- 799001.
6. The Post Master, HSG- I,

Badal Chakraborty

Head Post Office,
Agartala,
Tripura- 799001.



... **Respondents.**

DETAILS OF THE APPLICATION

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

This application is made against the impugned letter no CPT/CAT-81/2006(ii) dtd. 30.10.2008 issued by the respondent no. 4 whereby the claims of the applicants for their absorption in group 'D' posts on regular basis have not been considered in the light of the directions contained in the order dtd. 05.06.2008 passed by this Hon'ble Tribunal in O.A. No. 81 of 2006.

2. Jurisdiction of the Tribunal.

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

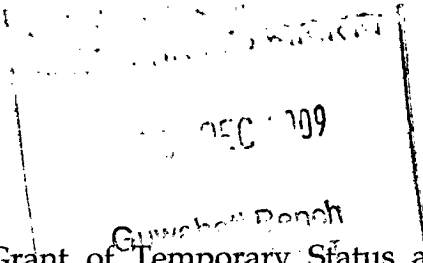
3. Limitation.

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

4. Facts of the Case.

- 4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicants pray permission to move this application jointly in a single application under Section 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.
- 4.3 That your humble applicants were initially engaged as casual workers prior to 1989 in the Head Post Office, Agartala and they were entrusted with different jobs of regular nature from time to time. However, the authority after being found them suitable granted temporary status to all the three applicants in the year 1989 itself under the relevant scheme issued by the Government of India,

Badal Chakraverty

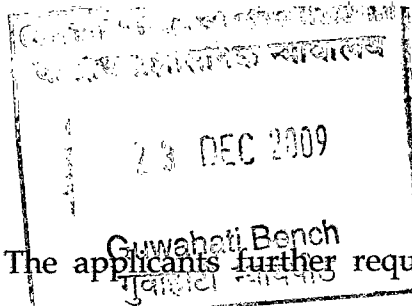


Department of Posts i.e. Casual Labourers (Grant of Temporary Status and Regularization) Scheme, which was framed in compliance of the direction of the Hon'ble Supreme Court, in consultation with the Ministry of Law, Finance and Personnel and finally the Scheme was approved by the Hon'ble President of India. As per the Scheme, casual labourers, who were in employment as on 29.11.1989 and have completed the requisite number of working days, are entitled to grant of temporary status. Accordingly, after scrutiny of the service records of the applicants, the respondents found them eligible for grant of temporary status and accordingly temporary status have been confirmed to all the three applicants.

A copy of the extract of the scheme of temporary status and regularisation is enclosed and marked as Annexure-1.

- 4.4 That it is stated that all the applicants thereafter regularly working in the Department of Posts as temporary status casual employee. However, no steps were taken by the respondents, Union of India, for regularisation of the services of the applicants inspite of repeated approach of the applicants. The applicants are working in the establishment of the respondents Union of India for more than 16 years and the job entrusted to them is of permanent in nature. All the applicants being highly aggrieved for non-consideration of their regularization in service, they approached the Director General, Department of Posts, Government of India, New Delhi by submitting detailed individual representations on 22.8.2005. In the said representations the individual applicants inter alia stated that they have been working in Agartala Head Office since 1985 as full time casual worker and they were in continuous employment since 1985 in the Agartala Head Office and accordingly although they have been conferred with temporary status and they are enjoying the facilities like CGIS, GPF, medical aids, LTC all advances, Productivity linked Bonus, etc like regular Group 'D' employee of the Department of Post and the applicants are being treated as temporary Group 'D' employees in all respects. The applicants specifically stated in their representation that they have not been absorbed till date in the available vacant Group 'D' posts although they have completed reasonable length of continuous service over 14 years at the relevant point of time. However, in the month of July 2005 GPF subscription/contribution which was being normally deducted from the pay and allowances of the applicants have been stopped all of

Badal Chakraborty



a sudden without assigning any reason. The applicants further requested to absorb them on regular basis in the available Group 'D' vacancies and they have given the preference for absorption in the cadre of Gramin Dak Sewak in order to overcome the hardship.

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

- 4.5 That the applicants further beg to say that the Chief Post Master General, N.E. Circle, Shillong vide his letter bearing No. Staff/43-1/76/Corr dated 8.12.1992 communicated the office circular letter No.45-95/87-SPB-I dated 12.4.1991 wherein it has been decided that in compliance with the direction of the Hon'ble Supreme Court all the casual workers having temporary status are liable to be treated at par with temporary Group 'D' employees with effect from the date they have completed 3 years of service and those temporary employees are also entitled to service benefits admissible to temporary Group 'D' employees of the Department of Posts. But surprisingly, when the said circular dated 12.4.1991 is very much in force the respondents Union of India stopped deduction of General Provident Fund from the pay and allowances of the applicants. Moreover, the respondent Union of India did not take any step to regularise the services of the applicants in Group 'D' category although they have completed more than 20 years of service with temporary status in the Department of Posts. It is categorically submitted that regular Group 'D' post as well as regular post of Gramin Dak Sewak are very much available at Agartala under the disposal of the respondents and as such there will be no difficulty to absorb the applicants on regular basis.

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

- 4.6 That the applicants further beg to say that the matter of absorption/regularisation of the applicants in fact brought to the notice of the Chief Post Master General, N.E. Circle, while camp at Agartala. The Chief Post Master General in fact approved the proposal for absorption/regularisation of the applicants in the Divisional Office, Agartala in file No. WF-9 (A.T) dated 26.7.2005 wherein it is observed by the Chief Post Master General that since 1988-98 all the three applicants have been utilized in the departmental canteen against

Badal Chakraborty

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

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

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

Badal Chandra Chatterjee

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working in the department for the last more than 25 years. More so in view of the fact that all the applicants have been initially engaged in the year 1985. Considering this aspect of the service prospect of the applicants the respondents are duty bound to absorb/regularise the services of the applicants with immediate effect granting consequential benefits.

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

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

4.9 That situated thus, the applicants approached this Hon'ble Tribunal through O.A.No. 81 of 2006 praying for direction upon the respondents to absorb the applicants on regular basis to the existing Group 'D' vacancies. This Hon'ble Tribunal vide its order dated 05.06.2008 in O.A.No. 81/2006 disposed of the original application directing the respondents to examine the entire matter and grant relief to the applicants as due and admissible under the rules and facts of the case within a period of 120 days from the date of receipt of a copy of the order dtd. 05.06.2008 aforesaid.

Copy of the order dated 05.06.2008 is annexed hereto and marked as Annexure-7.

4.10 That thereafter, the applicants submitted representation on 26.06.2008, through proper channel to the respondent no. 3, forwarding therewith a copy of the judgment and order dated 05.06.2008 and prayed for their absorption on regular basis against Group 'D' vacancies retrospectively w.e.f the date they completed three years service. A copy of representation submitted by applicant under sl. No. 1 is appended herewith.

Copy of representation dtd. 26.06.2008 of applicant no. 1 is annexed hereto and marked as Annexure-8.

4.11 That in response to the order dtd. 05.06.2008 aforesaid of this Hon'ble Tribunal, the respondent no. 4 issued the impugned letter no. CPT/CAT-81/2006 (ii) dtd. 30.10.2008 to each of the applicants and a copy of the said letter addressed to the applicant no. 2 is appended herewith. By the said impugned letter, it has been

Badal Chatterjee

intimated that the case of the applicants can be considered only if vacancy remains unfilled after due process of recruitment and after examining their eligibility and observing all rules/regulations in the process.

Copy of the impugned letter dated 30.10.2008 addressed to applicant no. 2 is annexed hereto and marked as Annexure-9.

4.12 That it is stated that the similar impugned letter dated 30.10.2008 also issued in respect of Sri Badal Chakraborty, i.e applicant no. 1, but unfortunately the same was misplaced by the applicant no. 1 while shifting his residence as such could not be annexed the impugned letter dated 30.10.2009 passed in respect of applicant no. 1, however the number and contents of the letter are same and similar, therefore Hon'ble Court be pleased to direct the respondents to produce the relevant letter dated 30.10.2009 passed in respect of the applicant no. 1.

4.13 That the applicants most respectfully begs to state that the respondents have been stating about the inaction of the screening committee for the last three years, which this Hon'ble Tribunal has also observed in its order dtd. 05.06.2008 in O.A.No. 81/2006. In the said order, this Hon'ble Tribunal directed the respondents to grant relief to the applicants but the respondents have not acted according to the directions and have adhered to their stand which is against the spirit and contents of the directions contained in the order dtd. 05.06.2008 aforesaid of this Tribunal.

That the applicants most respectfully beg to submit that they have rendered services as casual worker for more than 25 years (including their services rendered prior to grant of temporary status). They are entitled for regular absorption/regularization as per circular dtd. 12.04.1991 issued by the Directorate of Posts, New Delhi. The Chief Post Master General, infact, also approved the proposal for absorption/regularization of the applicants in the Divisional Office, Agartala which is evident from file no. WF-9(A.T) dtd. 26.07.2005. Even thereafter, the services of the applicants are not being regularized on one plea or the other which is arbitrary, unfair, malafide and opposed to principles of natural justice.

4.15 That due to their non-absorption/non-regularisation, the applicants have been suffering irreparable losses. As such finding no other alternative, the applicants

Badal Chakraborty

are approaching this Hon'ble Tribunal for protection of their legitimate rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights of the applicants, directing the respondents to grant regular absorption/regularization to the applicants at least from the date of completion of three years temporary service after conferment of temporary status, with all consequential benefits.

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

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

- 5.1 For that, the applicants have acquired a valuable and legal right for regular absorption/regularisation of their services in view their long temporary service (more than 25 years including the service rendered prior to grant of temporary status), more so, in view of the circular dated 12.4.1991 issued by the Directorate of Posts, New Delhi.
- 5.2 For that, the applicants have been serving with temporary status for more than 16 years and also in view of the fact that the job entrusted to the applicants are of permanent nature as such they are entitled to be absorbed on regular basis with all consequential benefits.
- 5.3 For that, Group 'D' vacancies are available in the Division Office at Agartala and proposal for their regular absorption have been approved by the Chief Post Master General, N.E. Circle, Shillong on 26.8.2005 but no formal order of absorption has been issued inspite of the approval of the proposal for absorption by the Chief Post Master General, N. E. Circle, Shillong.
- 5.4 For that, due to non-absorption, the applicants adversely affected in the matter of pension and pensionary benefits as well as in the matter of retirement dues. As such they are entitled to be absorbed with retrospective effect i.e. immediately after completion of three years temporary service from the date of conferment of temporary status in the light of the circular dated 12.4.1991.
- 5.5 For that, the applicants have submitted representation for absorption/regularisation of their services but the same is still pending with the respondents without any favourable action.

By order of the Tribunal

23 DEC 2009

Guwahati Bench

Guwahati Bench

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

5.7 For that, this Hon'ble Tribunal vide its order dtd. 05.06.2008 in O.A.No. 81/2006 observed that it is a positive case of the applicants and directed the respondents to grant relief to the applicants.

6. **Details of remedies exhausted.**

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

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

The applicants further declare that save and except the O.A.No. 81/2006 disposed of by this Hon'ble Tribunal, they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. **Relief(s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):-

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. CPT/CAT-81/2006 (ii) dated 30.10.2008 (Annexure- 9).

Badal Chakrabarty

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years' temporary service from the date of conferment of temporary status to enable the applicants to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation.

8.3 Costs of the application.

8.4 Any other relief(s) to which the applicants are entitled to as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

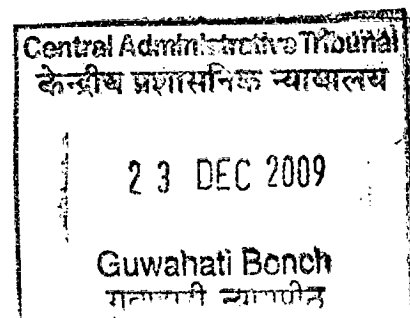
During pendency of this application, the applicant prays for the following interim relief: -

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

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

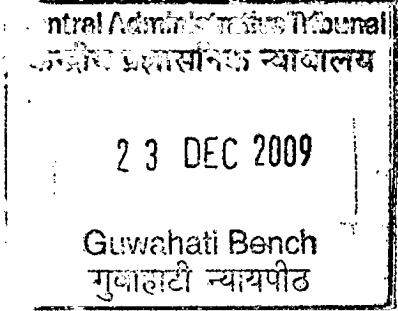
i) I. P. O. No.	:	39 G 448/20
ii) Date of Issue	:	08.12.09
iii) Issued from	:	G. P. O., Ghy
iv) Payable at	:	G. P. O., Ghy



12. List of enclosures.

As given in the index.

B. Lal Chakroborty



VERIFICATION

I, Shri Badal Chakraborty, S/o- Jagannath Chakraborty, aged about 41 years, resident of P&T Quarter No.14, Block No. 3, Siddi Ashram, P.O: Agartala-1, Tripura, applicant No. 1 in the instant application duly authorized by the others to verify this Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 20th day of December, 2009.

Badal Chakraborty

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) The persons on daily wages on regular nature of work should not be engaged. In case casual workers have been engaged to do duties of regular nature, they shall have to be paid at the minimum time-scale of pay plus DA for work of 8 hours a day.

- (ii) The casual workers are required to be paid for the day on which they actually perform duties.

- (iii) If the casual worker is called for duty on a holiday, he will have to be paid for that day. In case this holiday happens to be paid holiday for the casual worker that he will have to be allowed additional wages for the duty for that holiday.

- (iv) The practice of engaging a casual worker on his weekly off day should be avoided. The question of allowing paid weekly off to casual workers in the offices following five days week work pattern is under consideration of the Department of Personnel and Training.

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

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

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

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

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Guwahati Bench
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O.M. No. 49014/2/86-Estt. (C), dated 7-6-1988 [see *Orders under (1) above*]. The policy has further been reviewed in the light of the judgment of the CAT, Principal Bench, New Delhi, delivered on 16-2-1990, in the Writ Petition filed by Shri Raj Kamal and others v. Union of India and it has been decided that while the existing guidelines contained in OM, dated 7-6-1988, may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the Scheme as appended.

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

APPENDIX

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

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

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

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

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

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

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

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

13-

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

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

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

(ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro rata wages for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.

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

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

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

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

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

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

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

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

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

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

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

[G.I., Dept. of Per. & Trg. O.M. No. 51016/2/90-Estt. (C), dated the 10th September, 1993.]

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

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

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

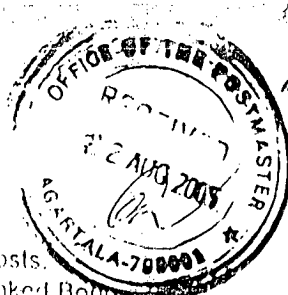
Clarification sought	Reply
1. Whether the attendance of the casual workers shall continue to be marked on Muster Roll Forms No. CPWA-21 (i) Revised or the same is to be marked in the attendance register and paid through Form No. CPWA-29 as is done in the case of Group 'D' employees on Work-charged Estt.?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

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

- 15 -



ANNEXURE - 2
(Series)

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

Esteemed Sir/Mad:

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

- A) That I was initially engaged as full time casual labourer at Agartala H.O. from 1985.
- B) That in presuance of the Hon'ble Supreme Court judgement dtd 29/11/1989 the department has introduced and implemented a scheme namely "Casual Labour (grant of temporary status and regularization)" and "Regularization of Casual Labouress" vide no 45-95/87-SPB-1 dated 12-04-1991 and No 66-9/91-SPB-1 dated 30-11-1992 respectively, those where circulated to all Postal Divisions of N.E Circle vide Hon'ble Chief Postmaster General Shillong letters No. staff/43-1776/corr dated 25.04.1991 and 08.12.1992 for information, guidance and necessary action.
- C) That, I was in continuous employment as full time Casual labourer in the capacity of Gr D at Agartala H.O. from 1985 to 29-11-1989 and according to the said scheme I had been conferred with "Temporary Status" w.e.f.29-11-1989.
- D) That after rendering three years of continous service in newly acquired status i.e. "Temporary Status" I had been treating at per with Temporary Gr D w.e.f.29-11-1989 vide said orders dated 12-04-1991 and 30-11-1992.
- E) That, according I had been enjoying the facilities/ benefits like leave counting of service for pensionary &retiral benefits, C.G.I.S., G.P.F., madical aids, L.T.C. all advances, Productivity linked Bonus, etc as enjoyed by temporary Gr. D of the Department.
- F) That, my present status/ cadre thus undoubtedly is the status of " Temporary Gr D" in the department w.e.f.29-11-1989 and I supposed to enjoy and avail all the benefits mentioned in the pre para.
- G) That, engagement of casual labourer by the unit Heads/Division Heads(either full time or part time) did not require to fulfil any precondition of creation and sanction of Gr. D post in the Division/ Units as mentioned in the said schemes dated 12-04-1991 and 30-11-1992.
- H) That, therefore there has been neither created and sanctioned any post of Gr. D in the Division,nor I have been absorbed in the available vacant Gr. D post till date although a reasonable length of my continous service over 14 years as Gr. D from 29-11-1989 has been rolled.
- I) That, in no bonus payment order issued by the department from time to time it was mentioned and even whispered that the temporary Gr. D employees of D.O.P. will be paid Adhoc bonus as applicable to casual labours including temporary status Casual Labourers.
- J) That, all Temporary Gr. D employees of Agartala Postal Division have been drawing P.L.B. every year but I am paid only Adhoc Bonus being created at per with same status and simultaneously I have been recovering the so called over payment of P.L.B. every mounth which are most surprising and above all leading to pecuniary hardship to me to earn my hands to mouth.

Affected
Dutta
Adh

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

It is very much clear from the forgoing paras that my present status is "Temporary Group D" since 29-11-1989 and I supposed to enjoy the benefits mentioned in the para E above like P.L.B. on the maximum ceiling of emoluments of Rs. 2500/- to be absorbed on regular basis in the available vacancies and GPF contribution as well. But preference are giving to the Gramin Dak Sevaks.

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

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

With deep veneration,

Dated at Agartala

The 22nd day of August 2005

Yours faithfully

B. Chakraborty

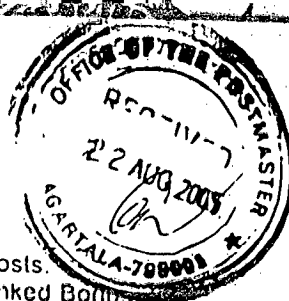
Temporary Group D
Agartala H.O.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
Guwahati Bench

Copy to:-

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

- 17 -
The Hon'ble Director General,
Department of Post India,
Bakshi Bagan, New Delhi-1



ANNEXURE - 2
(Series)

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

Esteemed Sir/Mad:

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

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

- A) That I was initially engaged as full time casual labourer at Agartala H.O. from 1985.
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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Gurpreet Singh
गुरप्रीत सिंह

Accepted
Dated
Adm

That, from my pay of July 2005 my GPF subscription/ Contribution amounting to Rs. 750/- was not deducted without making me know the reason therefore

It is very much clear from the forgoing paras that my present status is "Temporary Group D" since 11-11-1989 and I supposed to enjoy the benefits mentioned in the para E above like P.L.B. on the maximum ceiling of emoluments of Rs. 2500/- to be absorbed on regular basis in the available vacancies and GPF contribution as well. But preference are giving to the Gramin Dak Sevaks.

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With deep veneration.

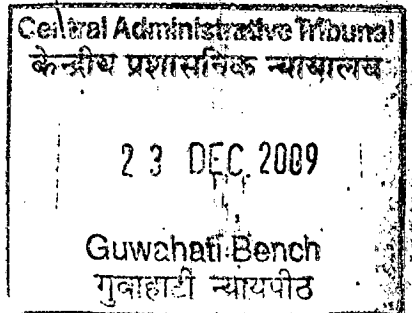
Dated at Agartala

The 22nd day of August 2005

Yours faithfully

Julhika Lash,

Temporary Group D
Agartala H.O.



Copy to:-

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

15 DEC 1992

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE

No. Staff/43-1/76/Corr

Dated Shillong the 8/12/92.

To

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Sub :- Regularisation of Casual Labourers.

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

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

Copy to :-

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

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

A copy of Dte's letter referred to above,

Sir,

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

2. In their judgement dtd.29.11.1989 the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status the casual labourers shall be treated at par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis.

3. In compliance with the above-said directive of the Hon'ble Supreme Court it has been decided that the casual labourers of this Department conferred with temporary status as per the scheme circulated in the above said circular No. 45-95/87-SPB-I dtd.12.4.1991 be treated at par with temporary Group 'D' employees with effect from the date they complete three years of service in the newly acquired temporary status as per the above said scheme. From that date they will be entitled to benefits admissible to temporary Group 'D' employees such as.

Attended
Mulla
Adh

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
Gauhati Bench গুৱাহাটী বেঞ্চ

1. All kinds of leave admissible to temporary employees.
2. Holidays as admissible to regular employees.
3. Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete 3 years of service in that status while granting them pension and retirement benefits after their regularisation.
4. Central Government Employees Insurance Scheme.
5. G.P.F.
6. Medical Aid.
7. L.T.C.
8. All advances admissible to temporary Group D employees.
9. Bonus.
10. Further action may be taken accordingly and proper service records of such employees may also be maintained.
5. Hindi version will follow.

Yours faithfully

(A. KRISHNAMOORTHY)
ASSISTANT DIRECTOR GENERAL (SPN)

15/11/75

For A-5 / R. It not see (8) 1-93
copy forwarded for information
and n/a to
1-2) the pm not / R. per H.O.
3-4) the staff br a Budget br of Saffic
A.T.

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

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

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

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

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

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

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

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

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

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

6. Effective immediately.

A Ghosh Dasgupta
(CPMG, NE Circle at Camp Agartala.)

National Administrative Tribunal
জাতীয় প্রশাসনিক ন্যায়ালয়

23 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Attended
Mita
Adh

Copy Supd, P. O. Agartala
Pl. Home rule the vacancies, mentioned in the
Group-D cadre, for absorption in the
Agartala Canteen for absorption in the
03 (above) Temporary Status Group-D. A. N.

casual labourer, contingent paid staff, daily-wager, daily-rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of not less than 8 hours a day should be described as full time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.

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

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

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

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

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

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

2. Such casual workers engaged for full working hours, viz., 8 hours including 1 hour's lunch time will be paid at daily rates on the basis of the minimum of the pay scale for a regular Group 'D' official including DA, HRA and CCA.

3. Benefit of increment at the same rate as applicable to a Group 'D' employee would be taken into account for calculating per month rate wages,

after completion of one year of service from the date of conferment of Temporary Status. Such increment will be taken into account after every one year of service subject to performance of duty for at least 240 days (206 days in establishments observing five days week) in the year.

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

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

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

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

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

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

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

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

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

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

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

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

Annexure 75

- 22 -

General Administration
केन्द्रीय प्रशासनिक न्याय

2 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Noted
Dutta
Adh

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

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

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

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

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

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

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

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

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

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

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

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

full time post may be explored in the first instance. In case this is not found possible to entrust, part-time casual hands may be engaged as per the outlines contained in OM, dated 7-6-1988.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Central Administrative Tribunal
23 DEC
Guwahati Bench

- 24 -

Annexure-6
(series)

Department

Post

Number : 1

Pay Bill No : 4 Bill Number : 3
for the month of September 2004

Employee Name : **BADAL CHAKRABORTY**

Office AGARTALA HPO

Designation & Pay Scale : TS GR D(2550-55-2660-60-3200)

Working as : GROUP D/SOHO

GPF Number : PAGT - 355

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
General Bench
0

Net Pay : Rs3677/-

(Rupees Three Thousand Six Hundred Seventy Seven Only)

Take Home Pay : Rs3677/-

(Rupees Three Thousand Six Hundred Seventy Seven Only)

AOR/Misc Particulars :

B P:300/-

Attested
Date
Sol

Post No.

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

Ref/No. 2/03 Chakrabarty

दिनांक/Date 23-1-03

भारतीय डाक विभाग
केंद्रीय प्रशासनिक कार्यालय

23 DEC 2009

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

Chakrabarty

श्री/श्रीमती/कुमारी/Shri/Shrimati/Kumari

नाम व पदनाम/Name and Designation

छुट्टी का प्रकार/Kind of leave

से/From

तक/To

अर्जित छुट्टी/अर्जित वेतन छुट्टी/अर्जित वेतन छुट्टी

11/01/03 to 20/01/03

Earned leave/Leave on average pay/Half pay leave

अर्जित वेतन छुट्टी/चौथाई अर्जित वेतन छुट्टी

Leave on half average pay/Leave on quarter average pay

परिवर्तित छुट्टी/छुट्टी सेप. नहीं/असाधारण छुट्टी

Commuted leave/Leave not due/Extraordinary leave

चिकित्सा प्रमाण पत्र के/On M.C.

विना चिकित्सा प्रमाण पत्र के/Without M.C.

1. अन्य छुट्टी के पूर्व/छुट्टी के बाद/रविवार/अवकाशों की छुट्टी के साथ जुड़ने की अनुमति दी जाती है।

1. He/She is permitted to prefix/suffix Sundays/holiday

2. यह दिनांक इस कार्यालय के आपन से

द्वारा मंजूर की गई छुट्टी का समय है।

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

No. Dat d. 19

3. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी
का छुट्टी समाप्त होने पर उनके उसी स्थान पर इम्पूटी पर वापिस आने
की आशा है जहां से वह छुट्टी गए/गई थी अथवा किसी अन्य स्थान पर
इम्पूटी पर पहुंचने का जहां वह उसी दर से प्रतिवर्ष भत्ता पाने के हकदार
होगा/होगी।

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

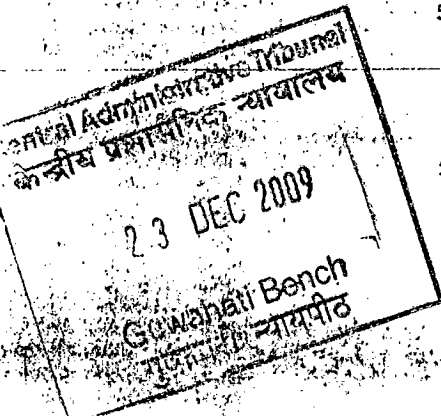
4. श्री/श्रीमती/कुमारी
के स्थान पर श्री/श्रीमती/कुमारी
को नियुक्ति की जाती है के पद पर स्थानापन्न कार्य
करते रहेंगे/रहेंगी।

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

5. प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी
से

यदि छुट्टी पर यदि न गए होते/होती तो वह इसी पद पर स्थानापन्न में
नियुक्त रहते/रहती तथा यह अवधि उनकी केनवॉल्ट के लिए गिनी
जाएगी।

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



संख्या/...

स्वीकृति प्राधिकारी
Sanctioning Authority

दिनांक/Dated: 23/12/09

सूचनाथ प्रतिरूप प्रेषित—

Copy forwarded for information to

प्रभासमु सुन्त/MGHE(FU) Santal-33 Postal/S9-(SFS/S-1/FF-18-1-90)-12-9

POSTMASTER

HSG-1

AGARTALA-782009

नॉर-7/011-7

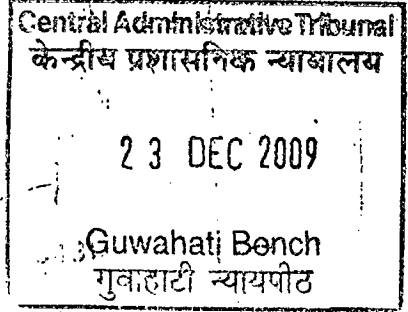
भारतीय डाक विभाग/DEPARTMENT OF POSTS, INDIA

आयालय/Office of the

✓ To
Sri Badal Chatterjee
Postmaster, Agartala Ho.

799001
No - 0321, Badal Chatterjee dt. 17/12/04.
Sub: - Grant of leave.

6 (SIX) days E.L. is
granted to you w.e.f. 9-2-04,
as per by the postmaster, Agt
as applied for.



copy to the Agt/Postmaster, Agartala
He is requested to make
necessary arrangement.

-sd-

MINISTER OF DEFENCE/DEPARTMENT OF DEFENCE, INDIA
कार्यलय Office of the

POSTMASTER,
HSG-I
AGARTALA-799001

To
Sri Badal Chakraborty
Group D (C) Agartala
HO

ORO-032/B. Chakraborty dtd 15-10-04.
Sub: Govt. of leave.

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

POSTMASTER,
HSG-I
AGARTALA-799001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Copy to: - The Agartala
ma. please.

- Bd -
POSTMASTER,
HSG-I
AGARTALA-799001

- 29 -

ए० सी० जी०-६१
A. C. G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

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

चार्ज की प्रदत्ती पर चार्ज रिपोर्ट और नक्की और टिकटों की स्वीकृति
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of

चार्ज Relin Quishner
was Relin Quishner
taken over by (name)

(नाम)
to ()

Badal Chatterjee

स्थान
at (place) Asht

तारीख

को पूर्वाह्न में
अपराह्न में

on the (date)

9-2-99

after noon in accordance with

No.

तारीख
Dated

Badal Chatterjee

भारतवर्त अधिकारी
Relieved Officer

के अनुसार दे दिया
from

भारतवर्ती अधिकारी
Relieving Officer

(हस्ताक्षर पृष्ठ उलटें)
(P. T. O.)

National Administrative Tribunal
राष्ट्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guruchati Bench
गुरुचती बेंच

[23-90/68-MH]

Signature / Dated

Final Payment

[illegible]

412 1/2 7404

for the month of

December 05

Central Administrative
केन्द्रीय प्रशासनिक

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायाधीश

SP5A7 no. C1/Reg/Naval Pen

16.12.85

1. In Badal Chakra -
Part 3, T/S Group 2,
Century Staff PART-35

R. 1, 101/-

One thousand one hundred one of $\frac{1}{1000}$

"Class IV Govt. Servant
GPF with drawal"

Paid to En Badal Chalombitz -
7/15/80
Signature of [illegible] Ho.

POSTMASTER
E84-1
ACQUITTAL-799001

Examinined and Monitored

Pay Rs. 1101/-

152 is prob. One thousand one hundred

POSTMASTER
DISC - I
ACADEMY - 751000

Pay and Accounts Office

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
Gumphati Bench
11/12

AGARTALA

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

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

Opening Balance	Rs. 2634 -
Contribution/Refund	Rs. 5750 -
Interest	Rs. 340 -
	<hr/> 8724 -
Withdrawal/Advance	Rs. 5900 -

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

Remarks if any

R1, Two thousand eight hundred and twenty four only

POSTMASTER
AGARTALA - 799001

BADAL

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
Gumrahati Bench
3

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

Shri/Smt. Badal Chakrabarty
in respect of Group 'D' G.P.F. Account No. PA-1-355
maintained by the Postmaster, Agartala, H.O.

Opening Balance Rs. 1517

Contribution/Refund Rs. 7800

Interest Rs. 719

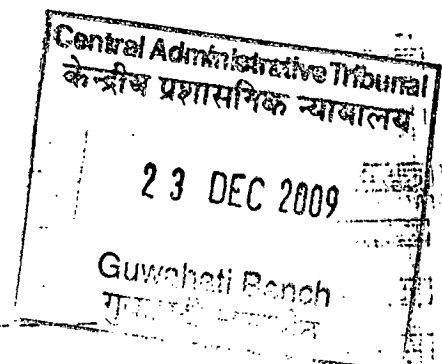
Withdrawal/Advance Rs. 6500

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

Remarks if any Rs. 10000/- fine hand the 31-3-2000

POSTMASTER
AGARTALA-799001

BADAL



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

Shri/Smt. Badal Chakraborty

In respect of Group 'D' G.P.F. account No. PA 97/355

Maintained by the Postmaster, Agartala H.O.

Opening Balance Rs. 6536-

Contribution/Refund Rs. 7800-

Interest Rs. 601-

Withdrawal/Advance Rs. 14,937-
11,400

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

Remarks if any Rs. 3. Hec thousand fine imposed on 28/11/01

Postmaster 2874
Agartala-799001

-36-

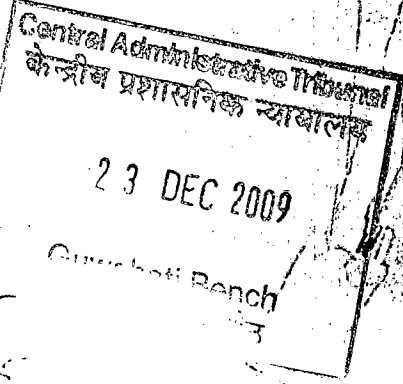
G.P.F Balance sheet for the year 2001-02

Shri/Smt

Badal Chakraborty

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

Maintained by the Postmaster, Agartala H.O



Opening Balance Rs 3537-

Contribution/Refund Rs 4800 -

Interest.....Rs 429 -

withdrawal/Advance

Rs. 11766 -
..... 6500
..... 5266 -

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

Remark if any

Rs. Five thousand two hundred and six

Postmaster
Agartala -799001

-37-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

Shri/Smt. Bimal Chakraborty 75-11, Khetri, Guwahati

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

Maintained by the Postmaster, Agartala H O

Opening Balance Rs. 5266

Contribution/Refund Rs. 13800 -

Interest 5% p.a. Rs. 464 -

19530

withdrawal/Advance Rs. 11000 -

Closing Balance as on 31/03/2003 Rs. 8530

Remark if any

[Signature]
Postmaster
Agartala-799001

-38-

Annexure-6
(series).

ए० सी० जी०-61 / A.C.G-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

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

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

प्रमाणित किया जाता है कि
Certified that the charge of the office of Group - D

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

(नाम) को
to (name)

स्थान
at (place) Agartala

तारीख को पूर्वाह्न में
अपराह्न

on the (date) fore noon in accordance with
after

सं०
No.

मार्ग
Dated

के अनुसार दे दिया।
from

भारतवासी अधिकारी
Relieved Officer

भारतवासी अधिकारी
Relieving Officer

[६०५०३०] (P.T.O.)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

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

रु.
Rs.

पे.
P.

(अ) नकदी/Cash

(ब) अग्रदाय टिकट/Stamp Imprest

जिसमें से शामिल है :-
 Made up of :-

(1) टिकट/Stamps

(2) नकदी/Cash

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 23 DEC 2009
 Guwahati Bench
 गुवाहाटी न्यायापीठ

भारमुक्त अधिकारी
 Relieved Officer

भारोग्राही अधिकारी
 Relieving Officer

तारीख

19

Dated the

Forwarded to

Smt. Juthika K. Koolh. को भेजा गया
 Apartala.

*जब प्रमाणपत्र की आवश्यकता न हो तो इसे काट दिया जाए।

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

[28-90/63-M1]

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC-2009
Guwahati Bench
गुवाहाटी न्यायापीठ

Department of Post
Pay Slip No. 30 Bill Number 3 AR Number : 68
For the month of November 2005
Employee Name: TUTHIKALODH
of Post: AGARTALA IO
Destination & Pay Scale: TS/OR D(2550-55-2600-10-3200)
Working at: TEMP STATUS: GR-D
GPE Number: 354
Increment: added in this month

Drawals	Deductions	Out Of Account
D.P. (A) 3200 PT	99	
D.A (TRCA) 1008 CGCIS	15	
D.P. 1600 TA	130 (750)	
H.R. 360 AOR	406 (3009)	
C.C.A. 450		
T. 75		
W. 30		

Totals 6723 670

Net Pay: Rs 6053/-
(Rupees Six Thousand Fifty Three Only)
Take Home Pay : Rs 6053/-
(Rupees Six Thousand Fifty Three Only)

AOR/MIS particulars :
D.P. 100% D.A (TRCA): 1067-

Signature
Date

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

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Shri/Smt

Juthika Deka

Guwahati Bench
गुवाहाटी न्यायपीठ

In respect of Group 'D' G.P.F. account No. PACI/354

Maintained by the Postmaster, Agartala H.O.

Opening Balance Rs. 28,550/-

Contribution/Refund Rs. 12,300/-

Interest Rs. 1949/-

Withdrawal/Advance Rs. 42,799 -
25,000 -

Closing Balance as on 31-3-2001 Rs. 17,799 -

Remarks if any Rs. Five thousand seven hundred and seventy nine only

Postmaster Agartala - 799001

A-1

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
23 DEC 2009
Guwahati Bench
গুৱাহাটী বেঞ্চ

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

Shri/Smt Juthika Looth (Bank)

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

Maintained by the Postmaster, Agartala H.O

Opening Balance Rs 17799 -
Contribution/Refund Rs 15600 -
Interest Rs 2098 -

withdrawal/Advance Rs 35497 -
25000 -

Closing Balance as on 31/03/2002 Rs 10494/-

Remark if any Rs. Ten Thousand Four Hundred and Ninety Four only

Postmaster
Agartala - 799001

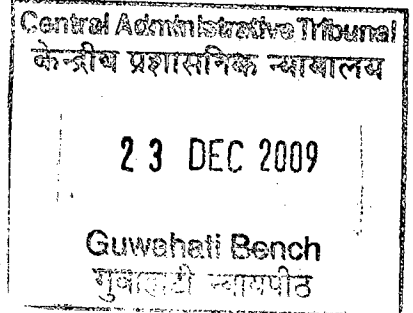
collected
Mitta
Adh

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.81 of 2006

Date of order: This the 5th Day of June, 2008.HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Shri Badal Chakraborty
S/O Jagannath Chakraborty
P & T Quarter No.14, Block No.3
Siddi Ashram
P.O. Agartala-1
Tripura
2. Shri Pradeep Das
S/O Late Dharendra Das,
P.O. Abhaynagar,
Tripura West
3. Sri Jutika Lodh
W/O Shri Shyamal Banik
Agartala Head Post Office,
P.O. Agartala-789001.

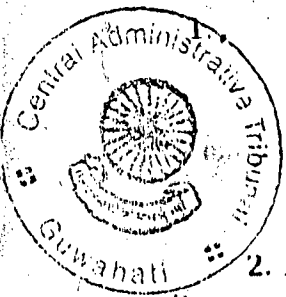


Applicants

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

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

-Versus-

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

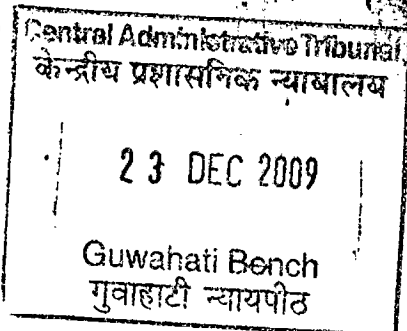
2. The Director General
Department of Posts
Dak Bhawan,
Samsad Marg,
New Delhi-110001.
3. The Chief Postmaster General
North Eastern Circle
Shillong-1
4. The Superintendent of Post Offices
Agartala
Tripura-899001

Attended
Adutta
Adv

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

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

Respondents



O.A 81 of 2006
ORDER (ORAL)
05.06.2008

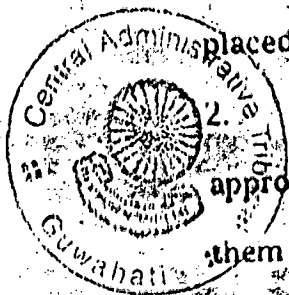
M.R. MOHANTY, V.C.

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

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

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

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



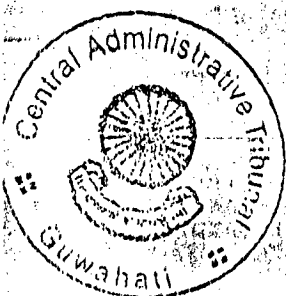
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायापीठ

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

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



LM

Sd/-
Manoranjan Mohanty
Vice Chairman
Sd/-
Khushiram
Member (A)

TRUE COPY

प्रतिलिपि

अनुमानित तिथि 12/6/08

Section Officer (Legal)
Central Administrative Tribunal
गुवाहाटी न्यायापीठ
Guwahati Bench
गुवाहाटी न्यायापीठ

18/6

To,

The Chief Postmaster General,
North Eastern Circle,
Shillong-1.

(Through proper channel)

Sub: Judgment and order dated 05.06.2008 in O.A. No. 81 of 2006 (Shri Badal Chakraborty & Ors. - Vs- U.O.I & Ors.), passed by the Hon'ble CAT, Guwahati Bench, implementation of;

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

DEC 2009

Guwahati Bench
गुवाहाटी बेंच

Sir, Most humbly and respectfully I beg to state that I along with others approached the Hon'ble CAT, Guwahati Bench praying for direction upon the authority to absorb the undersigned on regular basis in the existing Group 'D' vacancies with retrospective effect at least from the date of completion of three years temporary service from the date of conferment of temporary status to enable the undersigned to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation. However, the Hon'ble CAT, Guwahati Bench disposed of the O.A. No. 81/2006 on 05.06.08 with the direction to the authority to examine the entire matter and grant the relief to the undersigned as due and admissible under the rules and the facts of the case with a period of 120 days. As such I am praying before Your Honour to absorb me on regular basis in the existing Gr. 'D' vacancies with retrospective effect at least from the date of completion of three years temporary service from the date of conferment of temporary status to enable the undersigned to derive pension and pensionary benefits and other service benefits in the event of retirement on superannuation. The judgment and order dated 05.06.08 is self detailed. I am enclosing a copy of the judgment and order dated 05.06.08 for your perusal and compliance thereof.

Encl:- Copy of the judgment and order dated 05.06.08.

Yours faithfully

Badal Chakraborty
(BADAL CHAKRABORTY)

S/o Jagannath Chakraborty
P&T Quarter No.14, Block No.3
Siddi Ashram
P.O. Agartala-1, Tripura.

Date: 23-6-2008

Accepted
Banta
Ash

-47-

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE DIRECTOR POSTAL SERVICES:
AGARTALA - 799 001

290
ANNEXURE - 9

No. CPT/CAT-81/2006 (ii)

Dated at Agartala the 30th October 2008

To
Smt Jutika Lodh
Gr-D (Temporary Status)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench

Sub-Prayer for regularization of service in Departmental Group-'D' post.

In pursuance of CAT, Guwahati judgment dtd 05/06/2008 in O.A. 81/2006 regarding absorption on regular basis of Gr-D post it is to inform you that

1. Recruitment of Group -"D " post is governed by prescribed recruitment rule of the Department as per Postal Directorate letter no. 37-15/2001-SPB-1 dated 30/01/02.
2. For the purpose of recruitment of Gr-D post, the following priority is to be observed :

- i. NTC Gr-D.
- ii EDAs of the same Division.
- iii.Casual Labourers (Full-time or Part-time)

3. 25 % of the vacancies which remain unfilled after recruitment from non-test category employees is given to casual labourers for their absorption. The method of recruitment for filling up the vacancies by Gramin Dak Sevak and Casual labourers is selection-cum-seniority.
4. The vacancy in Gr-D for the year 2006 is yet to be declared as the approval of the Gr-D vacancies is pending with the Screening Committee, Govt. Of India for clearance.
5. Once the Screening Committee clears & declares the vacancies for this division , only then can these be filled up through the procedure highlighted above.
6. In the event of any vacancy remaining unfilled after due recruitment process only then can your case be considered after examining your eligibility & observing all rules/regulations in the process.

[Signature]
Director Postal Services
Agartala Division.

*Attested
With
Ad*

उप-अधीक्षक
Deputy Superintendent
कार्यालय निर्देशक डाक सेवा
O/O the Director Postal Services
अगरतला- 799001
Agartala-799001

4/6/17

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO. 279/2009

Shri Badal CHakraborty and others

...Applicants

-Versus-

Union of India & others

.... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 1 to 6

WRITTEN STATEMENT:

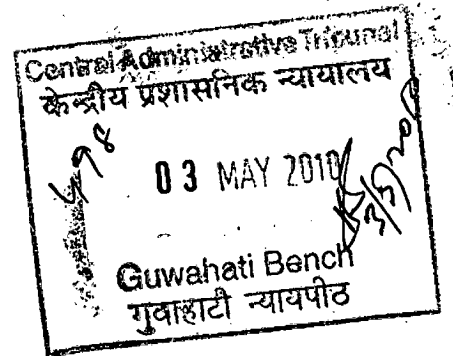
The humble answering respondents submitted their written statement as follows:

I(a) That I Narayan Das at present working as Dy. Supdt. of P.S. of the Director Postal Service a and respondent No. 5 in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

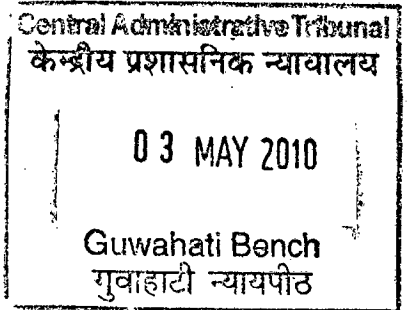
(b) The application is filed unjust and unsustainable as to both facts and in law.

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

Copy Served on
23/04/10
P



उप-अधीक्षक
Deputy Superintendent
कार्यालय निदेशक डाक सेवा
O.O. the Director Postal Services
अगर्तला- 799001
Agartala-799001



2

(d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.

2) That with regard to the statement made in paragraph 1 of the OA, the respondents while denying the statement made therein beg to submit that the speaking order dated 30.10.2008 passed by the respondents in compliance of the Hon'ble CAT order dated 05.6.2008 whereby the respondents have informed the applicant regarding absorption of the applicants in Group- D posts vide Director of Postal Services office, Agartala letter No. CPT/CAT-81/2006 (i)-(iii) dated 30.10.2008

3) That with regard to the statement made in paragraph 2,3, 4.1 and 4.2 of the OA, the respondents beg to offer no comment.

4) That with regard to the statement made in paragraph 4.3 of the OA, the respondents do not admit anything contrary to the records of the case.

5) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to submit that the statements made in this paragraph are false and baseless. The department provided all the benefits to the applicants from time to time as per existing rules/guidelines/instructions. Their absorption depends on vacancies available and related terms and conditions.

6) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to submit that the order of the Hon'ble Supreme Court has been

उप-अधीक्षक
Deputy Superintendent
कार्यालय निदेशक डाक से
O.O. the Director Postal Service
अगरतला- 799001
Agartala-799001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
03 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

implemented by giving the applicants temporary status. The rest depends on existing vacancies and related ruling as due and admissible.

- 7) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to submit that a few more persons were there at the time in the status of "temporary status Group-D" senior to the applicants and also the approval of the screening committee was pending. The order of the Chief Post Master General as noted in the note sheet could not be implemented as no such scope were available to consider, but necessary steps have been taken instantly on that basis.
- 8) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to submit that on the basis of order of the Hon'ble Supreme Court, they were given temporary status and their absorption in Group-D posts depends on vacancies approved by the screening committee subject to the available of unfilled vacancies after filling up non-test category within 25% limit as per admissible rule.
- 9) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to submit that the regular absorption/regularization of the applicants is considerable as per existing rules as due and admissible.
- 10) That with regard to the statement made in paragraph 4.9 of the OA, the respondents beg to submit that the order if the Hon'ble CAT dated 05.6.2008 has been complied with and the applicants were addressed in this regard.
- 11) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to submit that the absorption on regular basis is subject to the fulfillment of terms and condition.

उप अधीक्षक
Deputy Superintendent
कार्यालय निदेशक डाक सेवा
O/O. the Director Postal Services
अगर्तला- 799001
Agartala-799001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
03 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

4

12) That with regard to the statement made in paragraphs 4.11, 4.12 and 4.13 of the OA, the respondents beg to submit that the letter was issued as per rule due and admissible, as noted in Hon'ble CAT, order dated 05.6.2008.

13) That with regard to the statement made in paragraph 4.14 of the OA, the respondents beg to submit that the no such approval for regular absorption has been received from the competent authority, but the Chief Post Master General, NE Circle noted on the note sheet of the file No. WF-9 (AT) to absorb the applicants in Group- D cadre by redeploying of posts from other offices.

14) That with regard to the statement made in paragraph 4.15 of the OA, the respondents beg to submit that the absorption and granting of benefit is subject to the concerned rules guiding the field.

15) That with regard to the statement made in paragraph 4.16 of the OA, the respondents do not admit contrary to the case.

16) That with regard to the statement made in paragraph 5.1 of the OA, the respondents beg to submit that regular absorption depends on rules and regulation and they will be absorbed as per existing rules and regulations and as and when their turn comes up.

17) That with regard to the statement made in paragraph 5.2 of the OA, the respondents beg to submit that the applicants have already been granted temporary status as per Verdict of the Hon'ble Supreme Court and they will be absorbed on regular basis as per admissible rules.

18) That with regard to the statement made in paragraph 5.3 of the OA, the respondents beg to submit that no such approval was received from the competent authority. But the CPMG, NE Circle noted on the note sheet of the

उपप्रमुख
Deputy Superintendent
कार्यालय नि. श. डाक सेवा
OIO, the Director Postal Services
अमरतली- 799001
Agartala-799001

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
03 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

File No. WF-9 (AT) to absorb the applicants in Group-D cadre by redeploying of posts from the other offices and necessary steps have been taken on that basis.

19) That with regard to the statement made in paragraph 5.4. of the OA, the respondents beg to submit that the regular absorption in Group- D depends on *certain rules and regulations and this will be done accordingly. The applicants can not enjoy benefits in contravention of rules depriving the eligible persons. After three years of service the applicants have been granted temporary status, which they are enjoying till date.*

20) That with regard to the statement made in paragraph 5.5 of the OA, the respondents beg to submit that *mere submission of representation cannot confer any right upon them for getting themselves absorbed in permanent Group-D posts in contravention of rules and depriving the rights of other eligible persons/candidates.*

21) That with regard to the statement made in paragraph 5.6 of the OA, the respondents beg to submit that *the applicants are paid as per related scale. The term "Poor Paid" is relative within and hence denied.*

22) That with regard to the statement made in paragraph 5.7 of the OA, the respondents beg to submit that the order of the Hon'ble CTA dated 05.6.2008 is complied with within the purview of the rules as due and admissible.

23) That with regard to the statement made in paragraphs 6 and 7 OA, the respondents beg to offer no comment.

24) That with regard to the statement made in paragraph 8 of the OA, the respondents beg to submit that the applicant were addressed regarding absorption in regular Group-D posts within the purview of admissible rules.

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उप अधीक्षक
Deputy Superintendent
कार्यालय निदेशक डाक सेवा
O/O. the Director Postal Services
अगरतला - 781001
Agartala-781001

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
03 MAY 2010
Guwahati Bench गुवाहाटी न्यायपीठ

25) That with regard to the statement made in paragraph 8.1 of the OA, the respondents beg to submit that in compliance if the order if the Hon'ble CAT, the referred letter was issued to the applicants as per admissible rule.

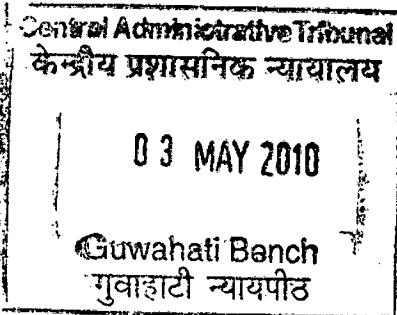
26) That with regard to the statement made in paragraph 8.2 of the OA, the respondents beg to submit that the absorption with retrospective effect does not arise. When their ^{turn} will come up @25% vacancies, they will be absorbed with effect from the date of absorption.

27) That with regard to the statement made in paragraph 8.3 of the OA, the respondents beg to submit that the applicants are not entitle to get any cost as without knowing the rules they have approached the Hon'ble Tribunal. The department ^{is} ~~is~~ very clear with the rules and regulations.

28) That with regard to the statement made in paragraph 8.4 of the OA, the respondents beg to submit that the applicants can not enjoy the relief beyond the existing rules and regulations.

29) That with regard to the statement made in paragraph ^{9 & 9(i)} 4.3 of the OA, the respondents beg to submit that the applicants will be absorbed against permanent Group- D posts as per rules and regulations as described in the foregoing paras.

30) That in view of the submission made above the applicants are not entitled to any relief as sought for in the OA hence liable to be dismissed with cost.




VERIFICATION

I Narayan Das, aged
about 57 years at present working as
Dy. Supdt. of Pos & as Director Postal Service
....., who is one of the respondents and taking steps in this case, being
duly authorized by the Competent authority and competent to sign this
verification for all respondents, do hereby solemnly affirm and state that the
statement made in paragraph
1, 5, 8, 12, 13, 16, 217 are true
to my knowledge and belief, those made in paragraph
2 being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 23rd day of April 2010 at Agartala.

DEPONENT


उप अधीक्षक
Deputy Superintendent
कार्यालय निदेशक डाक सेवा
O/O. the Director Postal Services
अगरतला- 799001
Agartala-799001