

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

13

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 115/95

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SECTION OFFICER (Judl.)

Salda

5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 115 OF 1995
TRANSFER APPLN. NO. OF 1995
CONTEMPT APPLN. NO. OF 1995 (IN OA NO. 1)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... Smt. Namita Das..... APPLICANT(S)

-VS-

..... U. O. 1. Pans..... RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. B.K. Sharma
MR. S. Sharma
MR. Mr. S. Ali Sr. C.G.S.C.
...MR. A.K. Choudhary
Adv. Case

FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

29.6.95

This application is in
form and within time.
E. F. of Rs. 50/-
deposited vide
IPO/BD No. 823078
Dated 12.6.95

27/6/95
Am

(For admission)

Mr B.K.Sharma for the applicant.

Mr S.Ali, Sr.C.G.S.C for respondents

on notice.

It needs to be examined as to whether after having called the applicant to appear at an interview for a regular selection which interview however was postponed from the notified date and is yet to be held, the respondents can require the applicant to apply for engagement on purely contractual basis. The second question that needs to be examined is whether the applicant have been continued even as casual labour from 13.7.92 till she could not attend she could be refused resuming the duty as is the grievance of the applicant. For that matter the applicant had on her part purported to apply for maternity leave which might explain her absence. We think it appropriate to issue notice before admission to respondents 1 and 2 to show cause as to why the application be not admitted and interim relief as prayed be not granted and further to provide following informations in writir :-

contd...

2

Returnable on 13.7.1998. Adjourned to 13.7.1995 for admission.

Member

Vice-Chairman

pg

18-7-95

13.7.95

Fr Adonisjow.
on 18.7.95

Bon

Service Reports are shown
awaited.

82
17/7

Ref. order dtd. 18.7.95
Office note be seen at P.2/11
2 'C' file.
Notice duly sent to
on R. no. 223.

✓ 92
after sunset

Vice-Chairman

Am

QA. 115/95

94

OFFICE NOTE

Date

COURT'S ORDER

31-8-95

Written statement
submitted by the Respondent
No. 1, 2 and 3, A page
32-42.

12/3

OFFICE NOTE

Date

COURT'S ORDER

OFFICE

O.A. 115/95

1-8-95

At the request of Mr.S.Ali Adjourned
to 4-8-95.

hull
Vice-Chairman

[Signature]
Member

lm
3/8/95

*1) Notices duly served
on Respondts. no. 1-3.*

4.8.95

Mr S.Ali, Sr. C.G.S.C. states that the reply
is being filed. At his request adjourned to
9.8.95.

[Signature]
Member

hull
Vice-Chairman

trd
[Signature]
7/8/95

9-8-95

Mr.M.Chanda for the applicant.

Mr.G.Sharma Addl.C.G.S.C for the
respondents.

The request for calling records listed in
para 2 of the application is innocuous and
can be granted. Since it is stated in the
written statement of respondents 1 to 3. That
respondent No.4 has been appointed and she is
also respondent No.4. The order of her promotion
in any case will be necessary seen for deciding
the O.A. It is needless to emphasis that copies
of documents served on the applicant should be
readable. We have seen

5
O.A.115/95

~~9-8-95~~

Adjourned to 16-8-95.

hell
Vice-Chairman

ba
Member

lm
lm
11/8/95

17.8.95

Adjourned to 29.8.1995.

ba
Member

hell
Vice-Chairman.

pg
lm
22/8

29-8-95

None present for the applicant.

(for admission) Mr.S.Ali Sr.C.G.S.C. for the respondents.
Adjourned to 31-8-95.

hell
Vice-Chairman

ba
Member

lm

31-8-95

Adjourned to 5-9-95.

hell
Vice-Chairman

ba
Member

lm

5.9.95

Mr B.K.Sharma/Mr S.Ali, Sr.C.G.S.C.
O.A.admitted. Notice waived. By consent
to be listed for final hearing on 14.9.95.

ba
Member

hell
Vice-Chairman

pg
ba
16/9

5.9.95
Passed over for the
day.

ba
To come up
with 106/95
and 102/95

ba

O.A. 115/95

6

OFFICE NOTE

Date

COURT'S ORDER

12-9-95

Rejoinder to the
W/S submitted by
the Respondents.
A page ~~32~~ ~~42~~
43-53

22.1.96

To be listed for hearing
on 8.2.96.

8-2-96

Mr.S.Ali, Sr.C.G.S.C. is present.

Hearing adjourned to 29-3-96 before
Division Bench.

18.9.95

for hearing
on 24.11.95.

lm

Member

29.3.96

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

List for hearing on 16.5.96.

Member

27.5.96

Mr S.Sarma for the applicant. Mr S.Ali.
Sr.C.G.S.C for the respondents.

List on 2.7.96 for hearing.

Member

14-6-96

None for the applicant. Mr.S.Ali,
Sr.C.G.S.C. is present and ready for
hearing. The applicant is given another
opportunity of being heard. List for
hearing on 11-7-96.

Member(A)

Member(J)

lm

- 1) Service Ready on
Respds. no. 1-3.
- 2) W/statment - Rejoinder
has been filed.

pg

26-11-95

Adjourned to 22-1-96
for hearing.

pg

- 1) Service Ready on
O.P. No 1-3.
- 2) W/statment - Rejoinder
has been filed.

lm

OFFICE NOTE

Date

COURT'S ORDER

11-7-96

None for the applicant. Learned Sr.C.G.S.C. Mr.S.Ali is present for the respondents. Show cause has not been submitted. Mr.S.A.i states that the applicant has been allowed to join duty in Dispur. This has been confirmed by the applicant. Also seen

11-7-96

None for the applicant. Learned Sr.C.G.S.C. Mr.S.Ali is present for the respondents.

List for hearing on 8-8-96.

lm

Member

8-8-96

Learned counsel Mr.^S.Sarma for the applicant. Learned Sr.C.G.S.C. Mr.S. Ali for the respondents.

List for hearing on 6-9-96.

lm

Member

6-9-96

Learned Addl.C.G.S.C. Mr.A.K.Choudhury on behalf of Mr.S.Ali, Sr.C.G.S.C. for the respondents.

List for hearing on 7-10-96.

lm

Member

Notice duly served
on op. Nos. 1-3.

W/ statement & rejoinder
has been filed

5/9

W/ statement & rejoinder
has been filed

4/10

6/9

11.4.97

In this case after hearing at some length we found that records of the case was necessary. Accordingly we requested Mr. S.Ali, Sr.C.G.S.C. to bring records from the office of the Superintending Engineer, Telecom, fixing next date for production of records on 10.4.97. Mr. Ali informs us that though he informed the office of the Superintending Engineer, Telecom, records were not sent. For the ends of justice we granted further time till today for production of records. The office of the Superintending Engineer is only about a kilometre away from this place. Mr. Ali again informs this Tribunal though he again informed, records have not been produced. For non production of the records the Tribunal is not in a position to dispose of this case. This amounts to interference with the Administration of justice.

In view of the above, issue notice to the Superintending Engineer, Telecom to show cause why contempt proceeding shall not be drawn up against him for non-compliance of the directions. Notice is returnable by 30.4.97. The Superintending Engineer is also directed to produce the records on 22.4.97. Furnish the copy of this order to Mr. S.Ali, Sr. C.G.S.C. for taking necessary steps.

List for hearing on 30.4.97.

ba
Member

SB
Vice-Chairman

*W/statement & Rejoinder
has been filed*

*Service Reports on
R No. 2 & 3 are still
awaited.*

*Shud cause be met - 16/4
in bid*

30.4.97

Vide order passed in O.A. NO. 106 of 1995 on 30.4.97.

ba
Member

SB
Vice-Chairman

trd
2.5.97

Vide order passed in O.A.106 of 1995 on 2.5.97.

ba
Member

SB
Vice-Chairman

pg
15

8

O.A. 115/95

2

O.A. 115 of 1995

OFFICE NOTE

DATE

COURT'S ORDER

7.10.95

Mr. S.Ali, Sr. C.G.S.C. for the respondents.

List for hearing on 22.11.96.


Member

pg
m/2110

25.2.97

List on 20.3.1997 for hearing.


Member


Vice-Chairman

trd

20.3.97

On the prayer of Mr. S.Ali, Sr.C.G.S.C appearing on behalf of the respondents hearing adjourned to 9.4.1997.

List on 9.4.97 for hearing.

Member


Vice-Chairman

trd

9.4.97

Heard the learned counsel for the parties in part. List it tomorrow, 10.4.97 for further hearing.


Member


Vice-Chairman

nkm

9/14

10.4.97

On the prayer of the learned counsel for the parties, let this case be listed tomorrow, 11.4.97 for hearing.


Member


Vice-Chairman

nkm

D No 2 readily served on O.P. Nos. 1-3.

2) w/ statement & rejoinder has been filed.

SD
17/3

w/ statement & rejoinder has been filed.

SD
3/4

OA- 115/95

8.5.97

Left over. List on 19.5.97

for hearing.

16-5-97

Annexure 'B' page
50 not ligible.

50/5-

pg.

9/5

Member

Vice-Chairman

19-5-97

There is no representation.

List for hearing on 4-6-97.

Member

Vice-Chairman

1m

23/5

4.6.97

Let this case be listed on 4.7.1997 for
hearing.

Member

Vice-Chairman

trd

5/6

4.7.97

P.O. for the day.
B.

7.7.97

Records have been produced by the
respondents. Mr. B.K.Sharma, learned counsel
appearing on behalf of the applicant prays for
short adjournment to enable him to go through the
records. Other side has no objection. Prayer
allowed. Let the records be examined by Mr.
Sharma in the chamber of Registrar. After
examination the Bench Assistant shall keep the
records in safe custody.

Let the case be listed on 14.7.97 for
hearing.

Member

Vice-Chairman

(11)

19.7.97

Due to ref, the Court
is suspended after 12 noon
Adjourned to 23.7.97.

by

By order

23.7.97

Proper records have not been
produced by the respondents. Record
contains only written statement, a
citation and the parawise comments.
respondents are directed to produce
records on 28.7.97 regarding engag
and subsequent invitation of tender
etc.

List on 28.7.97 for hearing.

Member

Vice-Chairman

pg

21/7

28.7.97

On the prayer of Mr S. Ali,
Sr. C.G.S.C., this case is adjourned
till 30.7.97.

Member

Vice-Chairman

nkm

30.7.97

Lawyer for in day.

by

By order

31.7.97

Leftover. List on 3.9.97.

by

By order

3.9.97

Leftover. List on 8.9.97.

By order

8.9.97

Adjourned to 17.9.97

D/S and Refrainder
has been killed.

21/9

D/S and Refrainder
has been killed.

16/9

CA. 115 /95.

17.9.97

12
Heard Mr S. Sarma, learned counsel
for the applicant and Mr S. Ali, learned
Sr. C.G.S.C for the respondents.

Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. in terms of the order. No order as to costs.

8.10.97

Copy of the Judgment
has been issued to the
Respondent No 3 vide
No. 3015.


Member


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 17th Day of September, 1997.

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

Shri G.L.Sanglyine, Administrative Member.

Original Application No.106 of 1995.

Smt. Anita Baishya . . . Applicant

- Versus -

Union of India & Ors. . . . Respondents.

Original Application No.107 of 1995.

Md. Fazar Ali . . . Applicant

- Versus -

Union of India & Ors. . . . Respondents.

Original Application No.115 of 1995.

Smt. Namita Das . . . Applicant

- Versus -

1. Union of India
represented by the Director General
(Telecom.)
New Delhi.

2. The Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati-7.

3. The Superintending Engineer,
Telecom Civil Circle,
Guwahati-7.

. . . . Respondents.

Advocate for all the applicants : Shri S.Sarma.

Advocate for all the respondents : Shri S.Ali, Sr.C.G.S.C.

O R D E R

BARUAH J(V.C)

All the 3 applications involve common questions of law and similar facts. We, therefore, dispose of all the 3 applications by this common order. The facts are :

The applicants were appointed Casual Workers on various dates in the years 1992 and 1993. They are claiming temporary status and also subsequent regularisation. As per statement made in Annexure-4 in O.A.No.106/95 and O.A. 115/95 and Annexure-1 in O.A.107/95 all the applicants

worked for more than 206 days in the year 1993. The applicants claimed that they are working in 5 days week and therefore, as per the scheme prepared by the department of Telecommunications the person working more than 206 days in a 5 days week, where the offices observed 5 days a week, they are entitled to get temporary status and subsequent regularisation. This aspect of the matter has not been disputed in spite of that their engagement had been terminated verbally.

2. Heard Mr S.Sarma, learned counsel appearing on behalf of the applicants and Mr S.Ali, learned Sr.C.G.S.C. for the respondents. Mr Sarma submits that as per the scheme the present applicants are entitled to be given temporary status and subsequent regularisation. Mr Ali however, disputed the same, in view of the fact that they were working as Draftsman and Typist and therefore, they are not entitled to claim the benefit of the scheme. Mr Sarma on the other hand submits that even if applicants are regularised in a Group D posts they have no objection. Mr S.Ali also agrees to the same. He has stated that there will not be any difficulty in regularising them in the Group D posts. Considering the submissions of the learned counsel for the parties, we dispose of these applications with a direction to the respondents particularly respondent No.3, that is Superintending Engineer, Telecom Civil Circle, Guwahati to grant temporary status in any Group D post as agreed by the learned counsel for the parties and thereafter regularise their posts as per the scheme. This must be done as early as possible and at any rate within a period of 1 (one) month from the date of receipt copy of this order.

Considering the entire facts and circumstances of the case we however, make no order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

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

Title of the Case : O.A. No. /115 of 1995

Smt. Namita Das ... Applicant

- Versus -

Union of India & Ors. ... Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing : 22-6-95

Registration No.: O.A 115/95

REGISTRAR

16/5/97

Received copy
A.K. Choudhury
Hd. C of SC
16/6/95

Filed by
Principal Secy
Admin
15/6/95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 115 of 1995

BETWEEN

Smt. Namita Das, Draftsman,
working in the office of the
Superintending Engineer,
Telecom. Civil Circle,
Guwahati-7.

... Applicant

AND

1. Union of India, represented by
the Director General (Telecom.)
New Delhi.
2. The Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati-7.
3. The Superintending Engineer,
Telecom Civil Circle,
Guwahati-7.

... Respondents

DETAILS OF APPLICATION

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

The application is directed against the threatened discontinuance of service and forcible conversion of service to that of contractual system by inviting quotation No. 8(20)95/TCC/GH/170 dated 26.5.95.

2. JURISDICTION OF THE TRIBUNAL :

That the applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The applicant further declares that the application is made within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and a permanent resident of Assam, and as such, she is entitled to all the rights, protections and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the applicant is a diploma holder in Civil Draftsman and is fully qualified to hold the post of a Draftsman in Central Government Department. She has registered her name with the Employment Exchange and her registration Number is W.753/92.

4.3 That the Assam Telecom Circle under the Department of Telecommunication was established in 1992 and its main function is relating to civil construction. Pursuant to the Employment Exchange registration and having found the applicant suitable for the post of Draftsman, she was appointed in the Assam Telecom Circle as Draftsman (Civil) with effect from 13.7.92. Though no formal appointment letter was issued to her, it is an admitted position that she has been continuing in the office of Assam Telecom Circle since 13.7.92 without any interruption whatsoever. Be it stated here that for the purpose of appointment as Draftsman, the eligibility and requirement are diploma in Civil Draftsman and sponsorship by the

Contd...P/3.

Employment Exchange. The petitioner being qualified in both respects and there being ~~an~~ necessity of Draftsman in the newly created Assam Telecom Circle, her services have been utilised with effect from 13.7.92. Eversince her appointment, the applicant has been continuing and rendering her sincere and devoted services to the satisfaction of all concerned. Be it stated here that her basic salary is Rs.1200/- per month.

4.4 That by letter No. 16(2)92/TCC/GH/1135 dated 2.3.94, the applicant was informed that her name has been sponsored by the Employment Exchange for the post of Civil Engineering Draftsman-II. Accordingly by the said letter she was directed to attend an interview to be held on 12.3.94 in the office of the Superintending Engineer (Civil), Telecom Civil Circle. As indicated above, at the time of issuance of the aforesaid letter, the applicant was already in service of the department. However, after issuance of the said letter dated 2.3.94 an office memorandum No. 16(2)92/TCC/GH/1152 dated 8.3.94 was issued postponing the interview scheduled to be held on 12.3.94 until further order. The ground of postponement was indicated as "administrative reasons".

Copies of the aforesaid letter dated 2.3.94 and 8.3.94 are annexed as ANNEXURES-1 and 2.

4.5 That after the aforesaid postponement of the interview, the applicant has been awaiting for the interview and it was her legitimate expectation that her

services would be regularised having regard to her long continuance in the department. Be it stated herethat there are available vacancies to accommodate the applicant. Apart from the two posts available in the Telecom Civil Circle, six more posts are available in the office of the Chief Engineer.

In this connection letter No. 16(3)93/TCC/SH/1534 dated 1.9.94 may be referred to which is annexed herewith as ANNEXURE-2A.

4.6 That the Superintending Engineer (Civil) by his letter No. 16(2)92/TCC/GH/253 dated 30.5.94 addressed to the Asstt. Director, Telecom (E&R), office of the Chief General Manager, Assam Telecom Circle, Guwahati urged for regularisation of the services of the applicant. In the said letter, it was clearly stated as to how the services of the applicant has been utilised as Draftsman after creation of the Telecom Civil Circle. In the said letter it was further intimated that there are two vacant posts of Draftsman.

A copy of the said letter dated 30.5.94 is annexed herewith as ANNEXURE-3.

4.7 That againe in July 1994, the Superintending Engineer, Telecom Civil Circle by his letter No.8(3)92/TCC/GH/411 dated 26.7.94 forwarded the particulars of casual labourers in different units to the Superintending Engineer (Civil), Telecom Civil Circle, Shillong for

Contd...P/5.

further necessary action. In the said list, the name of the applicant figures at Sl. No. 8

A copy of the said letter dated 26.7.94 is annexed herewith as ANNEXURE-4, alongwith the statements showing the details of casual labourers.

4.8 That when nothing was done towards regularisation of services of the applicant either through process of regularisation under the various schemes adopted by the Department pursuant to the dictum laid down by the Apex Court or through the process of selection as was sought to be done vide Annexure-1 letter dated 2.3.94, the applicant made representations both oral and in writing to the respondents. The cause of the applicant was also espoused by the National Union of Telecom. Engineering Employees Class-III and accordingly by letter No. Civil Wing/NUTEE/Cl-III ~~and accordingly by letter No. 26/Guwahati/11~~ dated 10.1.95 an agenda item was forwarded to the Superintending Engineer, Telecom Civil Circle, Guwahati. In the said letter, the agenda item No. 7 was in respect of regularisation of Draftsman, staff in different civil Unit Offices. However, it has been learnt by the applicant that nothing fruitful has come out pursuant to such discussion by the union with the authorities concerned.

A copy of the said letter dated 10.2.95 is annexed herewith as ANNEXURE-5.

4.9 That the applicant while continuing in service as aforesaid, ~~the applicant~~ had to apply for maternity leave and accordingly, she submitted an application praying

for maternity leave with effect from 21.3.95. By another letter dated 24.3.95 she prayed for further 4 weeks leave with effect from 24.3.95 in continuation of the earlier leave.

Copies of the aforesaid applications dated 21.3.95 and 24.3.95 are annexed herewith as ANNEXURES-5A and 5B respectively.

4.10 That on expiry of the leave, she went to office for resumption of her duties by filing her joining report dated 19.4.95. Alongwith the said joining report, she submitted a certificate in connection with maternity leave.

Copies of the said joining report and the certificate ~~4~~ are annexed herewith as ANNEXURES-5C and 5D respectively.

4.11 That even after submission of ~~the~~ such joining report, she was not allowed to resume her duties by the respondents without assigning any reason whatsoever. Her services were also not terminated. Having no other alternative, the applicant kept on visiting the office in anticipation of the assignment of duties. She submitted representations dated 15.4.95, 25.4.95, and 1.5.95 urging for allowing her to resume her duties. However, the respondents have not done anything about the matter and she has not been favoured with any reply.

Contd...P/7.

Copies of the said representation ~~stated~~ are annexed herewith as ANNEXURES-5E, 5F and 5G respectively.

4.12 That the aforesaid action of the respondents is grossly illegal and unbecoming of a model employer. Ever since the applicant submitted her joining report, she has been attending the office regularly, but the respondents ~~have~~ have neither told her that her services have been terminated nor she has been ~~sought~~ asked not to come to the office.

4.13 That after rendering three years of service by the applicant in the Department of Telecommunication, it has been the legitimate expectation of the applicant that her services would be regularised by the respondents. The respondents also all along assured her that her services would be regularised and she need not go for any other job. She was hopeful of materialisation of such assurances more so in view of the initiative taken by the department as indicated above. However, contrary to such expectations, the applicant is surprised to find that the respondents have issued quotation No. 8(20)95/TCC/GH/170 dated 26.5.95 inviting sealed quotation from qualified Draftsman of experience and skilled for preparation of structural drawings of building works on a purely contractual basis. It will be pertinent to mention here that the said so called quotation has not been published in any national or local newspaper, but a copy of the same has been given

to the applicant asking her to give her rates so that her services can be continued in contractual basis. She has also been asked to quote more copies of the quotations and than to insert rates lower than her own rate to be given giving some fictitious names so that on the basis of such fake quotations she can be continued on contract basis. Such attitude/action on the part of the respondents is prima facie unbecoming of a model employer and is against the dictum laid down by the Apex Court.

Copy of the said quotations- dated 26.5.95 is annexed herewith as ANNEXURE-6.

4.14 That the applicant states that the aforesaid action of the respondents is prima facie illegal and arbitrary inasmuch as instead of regularising her services, either through the process of regularisation or through the process of selection, her service condition is sought to be changed and her services are sought to be substituted to that of contract basis, which is against the law. Be it stated here that no action has been taken by the respondents and the applicant has been kept in dark regarding her future prospect. Unless some positive directions are issued to the respondents, the services of the applicant may be discontinued and in such eventuality, she will suffer irreparable loss and injury. The balance of convenience lies in favour of the applicant towards passing of such an interim order.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that prima facie the aforesaid action of the

respondents are illegal and arbitrary and liable to be set aside and quashed.

5.2 For that the services of the applicant is required to be regularised either through the process of regularisation pursuant to the various schemes formulated by the Government of India or through the process of selection as was sought to be done vide Annexure-1 letter. It will be pertinent to mention here that in other respect, the applicant has been extended the benefit of temporary status inasmuch as when the question of payment of interim relief came to be considered by the respondents, the question arises as to whether the casual workers like that of the applicant are entitled to grant of interim relief. Pursuant to the clarification issued by the Government of India vide its letter No. 49014/2/93-Estt(C) dated 9.3.94 the applicant and other such casual employees were granted the interim relief. The respondents may be directed to produce a copy of the said letter dated 9.3.94.

5.3 For that the applicant having continuously worked for three years on casual basis, her services are required to be regularised, but instead ~~affixes~~ the respondents have ~~sought to~~ adopted the policy of hire and fire and have sought to change the conditions of service of the applicant by converting her service into contractual system against the dictum of the Apex Court.

5.4 For that though the applicant cannot claim as a matter of right for regularisation of her services ; but

as yet she has got a right to be regularised. However, the respondents instead of considering her case for regularisation have sought to terminate her services without issuing any order by way of devising the policy to convert her services into a contractual one.

5.5 For that the interview which was sought to be held vide Annexure-1 letter having been postponed and the same having not been held, the applicant has got a right to be considered for being regularised and till such time, her services are required to be regularised in terms of the initial appointment.

5.6 For that the action of the respondents being arbitrary and illegal, the same are not sustainable under the law and appropriate directions are required to be issued by this Hon'ble Tribunal.

5.7 For that in any view of the matter, the impugned order/actions are not sustainable. The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that she has no other alternative or efficacious remedy than to come under the protective hands of Your Lordships.

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

The applicant further declares that she had not

filed any application, writ petition or suit in respect of the subject matter of this application before any other Court or any other Bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

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

- 8.1 To direct the respondents to regularise the services of the applicant as Draftsman (C), Grade-IIK with retrospective effect with all consequential benefits ;
- 8.2 To set aside and quash the Annexure-6 quotation dated 26.5.95.
- 8.3 To direct the respondents to allow the applicant to continue in her service as before till such time her case is considered for regularisation either through the process of regularisation under the regularisation schemes or through the process of selection.
- 8.4 Cost of the application;

Contd...P/12.

8.5 Any other relief or reliefs to which the applicant is entitled under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

During the pendency of the application, the applicant prays for an interim order directing the respondents to allow the applicant to continue in her services as before and not to act in pursuance of the Annexure-6 quotation dated 26.5.95.

10.

The application is filed through Advocate.

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

(i) I.P.O. No. : 8 03 883078
(ii) Date : 17/4/95
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

V.E.R.I.F.I.C.A.T.I.O.N

I, Smt. Namita Das, aged about 23 years, wife of Shri Nripen Deka, working in the office of the Superintending Engineer (Civil), Telecom Civil Circle, Guwahati-7 do hereby solemnly verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge those made in paragraph 5 are true to my legal advice and ~~th~~ I have not suppressed any material facts.

And I sign this verification on this the 14th day of June 1995 at Guwahati.

Namita Das.

GOVT. OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SUPERINTENDING ENGINEER: TELECOM CIVIL CIRCLE
GUWAHATI-781007.

No. 16(2092/TCC/GH/1135

Dated 02.03.1994

To

~~Miss Namita Das,~~

Miss Namita Das,
C/O Chandra Kanta Das,
Akshipath, R.G. Baruah Road,
Guwahati-9.

Sub : Interview for the post of Civil ~~Engg.~~
Engineering Draftsman Grade-II.

Regn. No. W.753/92.

Sir,

The undersigned has pleasure to inform you that your name has been sponsored by the local Employment Exchange for the above said post.

You are hereby requested to attend interview on 12.03.1994 at 11.00 hrs. in the office of the undersigned as given below.

Candidates will have to bring all certificates and credentials in original alongwith a attested copy and also drawing instruments viz. Set Squares, T-Square, Engineering drawing scales, pencil, rubber, errasors etc.

No. T.A./D.A. will be allowed for attending interview.

ADDRESS :

O/O the Superintending Engineer(Civil),
Telecom Civil Circle,
Mitra Building (2nd Floor)
Ashram Road,
Ulubari, Chariali,
Guwahati-781007.
(Adjacent to Staffed Building).

Sd/-

E.A. to Superintending Engineer
Telecom Civil Circle,
Guwahati.

*Accepted
22/3/94
[Signature]*

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS⁸
OFFICE OF THE SUPERINTENDING ENGINEER: TELECOM CIVIL CIRCLE
GUWAHATI-781007

OFFICE MEMORANDUM

No. 16(2)92/TCC/GH/1152 Dated 8.3.1994.

In continuation to this office letter No. 16(2) 92/TCC/GH/1135 dated 02.03.94 regarding interview for the post of Draughtsman Gr-II to be held on 12.3.1994 at 11.00 hours is hereby postponed due to administrative reasons untill further order.

Sd/-

(S.K. Dutta)
Superintending Engineer,
Telecom Civil Circle,
Guwahati.

Copy to :

1. The Asstt. Dy. Director of Employment, Dist. Employment Exchange, Bharalumukh, Guwahati-9 for information w.r.to his letter No. CRD.No. 17/94/1416-17 dated 09.02.1994.

2. Smti. Namita Das.

Sd/-

E.A. to Superintending Engineer,
Telecom Civil Circle,
Guwahati.

...

*Noted
Cm
Rm*

16

2A (75)

ANNEXURE - 2/932

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SUPERINTENDING ENGINEER : TELECOM CIVIL CIRCLE :
SHILLONG - 793 003.

Dated, the 2nd September, 1994.

No.16(3)93/TCC/SH/1534

To
The Chief Engineer (Civil),
Department of Telecom,
Ulubari,
Guwahati - 781 007.

Sub : - Recruitment to the Cadre of Group 'C' & 'D' posts.

Ref : - This office letter No.16(3)93/TCC/SH/1521 dated, 31.3.94.

Kindly refer to this office letter number cited above addressed to the S.G.M.T., Assam Telecom Circle, Guwahati wherein the total vacancy position in different cadres of Group 'C' and 'D' posts in various Civil Wing units in the jurisdiction of Assam Telecom Circle were intimated with the request to fill up the vacancy at the earliest.

As desired by you, the break-up of the units where vacancies exists as per available records is indicated below for favour of your perusal. You are requested to kindly get vacancies in the office of S.G.M.T. (Civil) verified by SE (HQ) Guwahati and confirmed to this office.

Group 'C' posts

Cadre

No. of vacancies

Units where vacancies exist

1. W.C. Grade II 13 Nos

SE(HQ)/SSW, Guwahati - 2
SW, TCC, Guwahati - 1
EE, TCD, Guwahati - 2
SE, TEC, Guwahati - 2
EE, TED, Guwahati - 3
15 Nos

2. Stenographer, Gr.III 7 Nos

SE (HQ)/SSW, Guwahati - 2
SW, TCC, Guwahati - 1
EE, TCD, Guwahati - 1
EE, TCD, Jorhat - 1
EE, TED, Guwahati - 1
Architect, Guwahati - 1
7 Nos

3. Junior Draftsman 8 Nos

SE(HQ)/SSW, Guwahati - 6
SW, TCC, Guwahati - 2
8 Nos

4. Driver 1 No.

CE (C), Guwahati - 1 No.

5. Mason 1 No.

EE, TCD, Guwahati - 1 No.

6. Carpenter 1 No.

EE, TCD, Guwahati - 1 No.

7. Plumber 1 No.

EE, TCD, Jorhat - 1 No.

Contd.....Page 2

es

S.E.	1/11/94
S.W.	1/11/94
A	1/11/94
1155	

Official
Ann
P.S.

Page - 2

Group 'D' posts

<u>Cadre</u>	<u>No. of vacancies</u>	<u>Units where vacancies exist</u>
1. Peon	18 Nos	CE(C), Guwahati - 2 SE(HQ)/SSW, Guwahati - 2 SE, TCC, Guwahati - 3 SE, TCC, Guwahati - 3 SE, TCC, Guwahati - 3 SE, TCC, Guwahati - 3 SW, TCC, Guwahati - 1 EE, TCD, Guwahati - 4 EE, TCD, Jorhat - 1 SE, TEC, Guwahati - 2 EE, TED, Guwahati - 3
2. Office Chowkidar	6 Nos	EE, TCD, Guwahati - 3 EE, TCD, Jorhat - 3 <hr/> 6 Nos
3. Beldar	3 Nos	EE, TCD, Guwahati - 1 EE, TCD, Jorhat - 2 <hr/> 3 Nos
4. Sewerman	1 No.	EE, TCD, Guwahati - 1 No.

H. Bagchi
2/9/9

(H. Bagchi)

Telecom Civil Circle
Shillong.

Copy to : -

1. The Superintending Engineer, Telecom Civil Circle, Guwahati.
 2. The Superintending Engineer, Telecom Electrical Circle, Guwahati.
 - 3-4. The Executive Engineer, Telecom Civil Division, Guwahati/Jorhat.
 5. The Architect, Department of Telecom, Guwahati.
 6. The Executive Engineer, Telecom Electrical Division, Guwahati.
- They are requested to verify the vacancies in their units as indicated above and confirmed to this office.

Sd/-

Superintending Engineer,
Telecom Civil Circle,
Shillong.

GOVT. OF INDIA.

DEPARTMENT OF TELECOMMUNICATIONS,

ANNEXURE 3 (9)

OFFICE OF THE SUPERINTENDING ENGINEER : TELECOM CIVIL CIRCLE,
GUWAHATI - 781 007.

No. : 16(2)92/TCC/GH/253

Dated : 30.05.1994.

To,

Sri K.S.K. Prasad Sarma,
Assistant Director Telecom (EER),
O/o the Chief General Manager Telecom,
Assam Circle, Guwahati.

Sub. :- Recruitment to the cadre of Draughtsman.

Kindly refer to your letter No. RECTT-5/16-94, dated 20.04.1994, it is intimated that no such eligible regular staffs are available in this Circle. Hence report may be treated as NIL.

Further it may be mentioned that after the creation of this Circle Office which is looking after various time-bound projects of Assam Telecom Circle, Posting of Draughtsman was absolutely essential to run the office. The sanctioned two post were not filled up immediately and hence to run the office works smoothly 2 (two) Nos of Casual Draughtsman were engaged w.e.f. July'92 by personally found eligible/qualified services rendered by them till date is found very much satisfactory.

Hence we are forwarding their names as below, for your consideration of recruitment to the cadre of Draughtsman.

Sl.No.	Name	Employment Exchange Recn. No.	Date from which engaged
1.	Smt. A. Balshya (SG)	262/90	01.07.1992.
2.	Smt. H. Das.	782/92	13.07.1992.

Accepted
(Signature)
EER

Superintending Engineer (C),
Telecom Civil Circle,
Guwahati.

- 15 -

ANNEXURE 4

18

Approved - 406

GOVT. OF INDIA.
DEPARTMENT OF TELECOMMUNICATIONS,
OFFICE OF THE SUPERINTENDING ENGINEER::TELECOM CIVIL CIRCLE,
GUWAHATI - 781 007.

No. : 8(3)92/TCC/GH/ 4/ii

Dated : 26.07.1994.

To,

The Superintending Engineer (C),
Telecom Civil Circle,
Shillong.

Sub. : Engagement of Casual labourer in different
units of Civil Wing.

Kindly refer to your letter No. 16(6)92/TCC/SH/1263,
dated 01.07.1994 the particulars of Casual labourers in
different units are furnished herewith for further necessary
action from your end.

enclo : Proforma.

[Signature]
Superintending Engineer (C),
Telecom Civil Circle,
Guwahati.

26/7/94
2002
1994

4. Comd.

P R O F O R M A

STATEMENT SHOWING DETAILS OF CASUAL LABOURS

Name of casual labourers	Date of Birth	Date of initial appointment as casual labourer	Resgn. No & date	Community	Qualifications	Total No. of days worked as on 30.6.94 Yearwise break-up.	Office to which attached	Nature of job/ post against which engaged.	Reasons for engagement	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
<u>TELECOM CIVIL CIRCLE, GUWAHATI.</u>										
1. Sri Bapdhan Rajbongshi	3.1.73	18.05.1992	3837/92/90	—	VIII	1992 - 121 1993 - 228 1994 - 92	TCC/GH	Office Chowkidar	Engagement on temporary basis was required to run the Office smoothly till the sanctioned posts are filled up on regular basis.	In this connection correspondence has been made with C.G.M.T. Assam Circle, Guwahati Vide T.O. No. 16(2)/92/TCC/GH/69 dated 13-7-92 and 16(2)/92/TCC/GH/622 dated 25-2-93 but no Group 'C' & 'D' Staffs posted against the existing vacant posts.
2. Sri Akhil Talukdar	1.3.71	15.06.1992	9907/92	—	IX	1992 - 124 1993 - 236 1994 - 124	TCC/GH	Office Peon		
3. Sri Kandarpa Rajbongshi	1.5.69	27.07.1992	5344/87	—	X	1992 - 101 1993 - 227 1994 - 123	TCC/GH	Office Peon		
4. Sri Anil Rajbongshi	1.3.73	27.07.1992	5671/93/91	—	Passed G.H.S.S.L.C.	1992 - 105 1993 - 223 1994 - 108	TCC/GH	Office Peon		
5. Sri Dimbeswar Das	31.12.67	12.10.1992	12176/91	—	IX	1992 - 56 1993 - 203 1994 - 108	TCC/GH	Office Peon		
6. Md. Fazar Ali	1.3.66	11.02.1993	6764/93	—	E.A.	1993 - 217 1994 - 125	TCC/GH	Typist		
7. Smt. Anita Baishya	1.3.70	22.06.1992	262/90	S.C.	Dip. in Draughtsmanship Civil Engineering	1992 - 112 1993 - 228 1994 - 64	TCC/GH	Draughtsman		
8. Smt. Namita Das	1.10.72	13.07.1992	753/92	—	-do-	1992 - 112 1993 - 235 1994 - 112	TCC/GH	Draughtsman		

Noted
 24/7/94
 12/8/94

[Signature]
 Superintending Engineer (C)
 Telecom Civil Circle
 Guwahati-781007
 24/7/94

F. N. T. O. *

5 C

3A

NATIONAL UNION OF TELECOM ENGINEERING EMPLOYEES

Class III

Ref. No Civil wing/NUTEE/C1, III/Ghy/11

Date 10.2.95

To

The Superintending Engineer
Telecom Civil Circle
Guwahati.

Sub. Agenda for by monthly meeting.

Sir,

This is with reference to your Telephonic discussion had with you on 9.2.95. In this connection I am very glad to place the following agenda for suitable decision.

AGENDA.

1. Recruitment of L.D.C. & Steno-III & D.M.Gr.II from local employment exchange.
2. O.T.B.P. Promotion to TOA-II who have completed 16 years.
3. Transfer of Mrs. Usha Saikia to Jorhat Division.
4. Shifting of Telecom Civil Division, Guwahati
5. Acceptance of Options & issue of order for conversion from clerical to T.O.A. pattern in in r/o candidates promoted from Gr. D to L.D.C. recruited after 1990.
6. Posting of clerical staff & steno in Chief Engineer's and D/M Gr.II to Civil S.E.'s office and D/M Gr. III in Division office. Pay scale to be given as per central secretariate scale for chief Engg. office class III staff.
- ✓ 7. Regularisation of ERM staff in different civil wing office
8. Immediate posting of P.S. P.A. to Chief Engineer (C), S.E. (H.Q.)
- Misc. 9. Adhoc promotion of eligible Gr.D staff to Gr.C
10. Bifurcation of S.E. civil Shillong and S.E. Guwahati
- * 11. Issue of order for Sr. TOA.
12. Functioning of L.G.C.m.
13. Admin. Bleg.

(F.K. Sharali)
Divisional Secy.
NUTEE, C.III (civil wing)
Guwahati.

Accepted
Cm
Am

To

The Superintending Engineer (C)
Telecom Civil Circle,
Ulubari, Guwahati-7.

Dated at Guwahati the 23rd Jan. '95.

Sub : Prayer for 'Maternity Leave'

Sir,

Respectfully I beg to inform you that I am unable to attend office and to perform duties due to my 'Maternity' condition for 2 (two) months with effect from 23.01.95.

In this connection I enclose herewith a copy of Doctor's certificate for favour of your necessary action.

Therefore, I request you kindly to grant me leave of absence for those days.

Thanking you

~~Yours sincerely,~~
Yours faithfully,

Sd/-

(NAMITA DAS)
Draftsman
Telecom Civil Circle,
Ulubari, Guwahati-7.

Approved
Rm
Pm

...

To

The Superintending Engineer(Civil),
Telecom Civil Service,
Ulubari, Guwahati-781007.

Dated at Guwahati the 24th March, 1995.

Sub : Prayer for extension of leave of ~~an~~ ^{an} elegance.

Ref : My leave application dt. 23.1.95.

Sir,

With reference to my leave application dated 23.1.95
I beg to inform you that I am unable to join duty even
after expiry of two months for maternity purpose as per
doctor's advice (certificate already furnished). So kindly
* grant me leave of elegance for another 4(four) weeks
from 24.3.95.

Thanking you,

Yours faithfully,

Sd/-

(Namita Das)

Casual Draftsman
O/O SE (C) GH.

...

*Approved
(A.M.)
13/04/95*

To

The Superintending Engineer(C),
Telecom Civil Circle,
Ulubari, Guwahati-7

Dated at Guwahati the 19th April '95.

Sub : Submission of 'Joining Report'.

Sir,

I beg to resume on my duty today on 19th April '95 (F.N.) after expiry of 3 (three) months leave of absence on maternity ground. Doctor's fitness certificate is enclosed herewith.

Therefore, you are requested kindly to allow me to join and accept this joining report.

Thanking you,

Yours faithfully,

Sd/- (Namita Das)

O/O the Superintending Engineer,
Telecom Civil Circle,
Guwahati-7.

Enclo :

1. Doctor's Certificate.

...

*Checked
Ann
Bvt*

ANNEXURE-5D

SHREE MARWARI DATABYA AUSADHALAYA'S
MARAWARI MATERINITY HOSPITAL
Sati Jaymati Road, Athgaon, Guwahati-781008.

19.4.95.

This is certified that Smt. Namita ~~Rany~~ Deka,
who had normal delivery here on 21.2.95 is now doing
well.

She is fit to resume her duties.

Sd/-

(Dr. Vijay S. Nahata)
MB.B.S. M.S. (Obst.&Gynae)
Regd. No. 9380 AMC

...

attested
27/4
1995

The Chief Engineer,
Deptt. of Telecom,
North East Zone,
Hizanbazar,
Guwahati-781 001.

ANNEXURE 5 E

25

u2

Dated at Guwahati
the 15th April '95

Sub: Prayer for allowing retention of my service as Casual Civil Engineering Draughtman against the existing vacancies and consideration for regularisation of services.

Respected Sir,

With due respect and humble submission I beg to state the following few lines for favour of your kind consideration and sympathetic action.

That Sir, I joined on 13-7-92 as Civil Draughtman on casual basis in the newly created % S.E. Telecom Civil, Guwahati against a sanctioned post as per verbal order of Mr. S.K. Dutta, then S.E. Civil. I have been working continuously till 18-4-95, without break, including maternity leave from 23-1-95 to 18-4-95 with medical certificate. I have been performing my duties for five days in a week and drawing monthly wages accordingly. I have been discharging my duties very sincerely, honestly and with satisfaction to my superiors without any complain.

That Sir, I joined my duty on 19-4-95 after expiry of maternity leave as per medical advice, but I am surprised to know that S.E. Telecom Civil, Guwahati Mr. Kishan Kumar did not allow me orally to work on the plea that one regular person has already joined in that post from % F.E. Telecom Civil, Guwahati on transfer. But as there are more than 6(six) vacancies yet to be filled up under the establishment of Telecom Civil, Guwahati including the newly created % S.E. Telecom Civil, the question of not having vacancies does not arise. It is also not understood how S.E. Civil, Guwahati has chosen me alone not to be allowed to retain in service while all other casual workers have been already working. In this connection I have requested him to consider my case vide representation dt. 25-4-95 and 1-5-95 (copy enclosed). But no communication whatsoever, consideration has so far been received from his end. As a result I have been badly suffering mentally, physically and financially.

That Sir, I have been made to feel my removal from job as discrimination as well as natural injustice done against me alone.

In view of the above facts, I fervently request your kindness to consider my case on humanitarian ground and allow me to continue to work as casual draughtman against the existing vacancies at Guwahati at an early date. I also humbly request your honour to consider me for regularisation in service, while processing recruitment as I have already completed almost 3(three) years of continuous service (i.e. 206 days in a year in case of five days week) on casual basis, for act of which I shall remain ever grateful to you.

Thanking you Sir,

Yours faithfully

Namita Das, casual D/M
(Namita Das)
% S.E. Telecom Civil, Guwahati

Copy to:-

1. The CGM Telecom Assam Circle, Hlubari, Guwahati-781 007.
2. The S.E. Telecom Civil/CH for kind information and necessary action.

Namita Das.

CHIEF ENGINEER
TELECOM ASSAM
CIRCLE
HILUBARI
GUWAHATI

To

The Superintending Engineer,
Telecom Civil Circle, GH,

Dated at Ghy the 25th April 1995.

Sub : Prayer for grant of retension of my
service.

Sir,

Respectfully I beg to state that I have submitted my joining letter on 19.4.95, after availing 3(three) months maternity leave alongwith doctor's certificate. But I am surprised to know that you have not allowed me to join in my service. It is also not understood the reason for which you have choiced me alone not to allow to retain me in service while all other casual workers are already working. Besides a lot of vacancies in the cadre of draftsman, are also lying vacant under the Telecom Civil Circle establishment, I have been serving in the office w.e.f. 13.7.92 till 18.4.95 with sincerely and honesty. So, it is a great discrimination and injustice done against me.

Therefore, I fervently request you kindly to consider my case and allow me to continue in my service at the earliest for act of which I shall ever remain grateful to you.

Yours faithfully,

sd/-

(Namita Das)
Casual Draftsman
O/O S.E. Telecom Civil Circle
GHY.

...

Accepted
Date
Signature

To

The Superintending Engineer,
Telecom Civil Circle, Guwahati

Dated at Guwahati the 1-5-95.

Sub : Prayer for grant of retention
of service.

Sir,

Respectfully I would like to refer my representation dt. 25.4.98 on the above mentioned subject (copy enclosed). But it has been observed that you have neither considered my case nor replied so far. As a result I have been suffering financially and mentally.

I, therefore, request your honour either to allow me to join duty immediately or I may take my free hands to approach higher ups.

Thanking you,

Yours faithfully,

Sd/-
(Namita Das)
Casual Draftsman
O/O S.E. Telecom Civil Circle,
Guwahati.

Copy forwarded for favour of
kind information and sympathetic
action to :

1. The Chief Engineer, Department Telecom,
North East Zone, Uzanbazar, Guwahati-781001.
2. The Chief General Manager, Assam,
Telecom Circle, Ulubari,
Guwahati-781007.

...

Checked
Bmr
Bd-1

28
GOVT. OF INDIA. ANNEXURE 6 6
DEPARTMENT OF TELECOMMUNICATIONS,
OFFICE OF THE SUPERINTENDING ENGINEER::TELECOM CIVIL CIRCLE,
GUWAHATI - 781 007.

No. : 8(20)95/TCC/GH/170/

Dated : 26.05.1995.

Q U O T A T I O N

=====

Sealed quotations are invited from qualified Draughtsman of experience and skill, for preparation of structural drawings of the building works, on a purely contractual basis. Rates for each size of job summarised below is to be quoted. The person who shall be selected for working will not have any right for regular engagement. The contract can be terminated any time by the department without showing any cause to him.

Name of the intending person	Qualification & experience	Sheet size	Rate to be quoted
1.	2.	3.	4.

Preparation of structural/Architectural Drawing as per details supplied, making corrections as directed & complete as per direction of the Engineer in charge.

1) 1.00 m. x 0.60 m.

2) 0.42 m. x 0.30 m.

(A₃)

C O N D I T I O N S

=====

1. The candidate must possess a diploma/certificate of draughtsmanship from a Govt. recognised institution.
2. The Candidate should have at least six months experience of working in an organisation of repute and a certificate of experience must be produced while furnishing his candidature.
3. The person selected for working have to procure his own drawing instruments and upkeep those in his own custody. However Tracing paper for the drawing shall be supplied by the Engineer in charge. He has to prepare/drawings at his own premises and get them approved in the Office of the Engineer in charge.
4. All additions, alterations, deletions, corrections, omissions in drawings prepared has to be complied with till the satisfaction of department, for getting payment for a complete drawing sheet of 1.00 mt. X 0.60 mt. (for smaller size of sheet, proportional rate will be paid).
5. Payment shall be made only after the drawing is prepared and corrected as per directions and to the entire satisfaction of the Engineer in charge. No claim for any incomplete or uncorrected work to the satisfaction of Engineer in charge shall be entertained.
6. The filled up quotation must be submitted to the undersigned within 31.05.1995 upto 3.00 P.M.

Assistant Surveyor of Works (E).
O/c the Superintending Engineer,
Telecom Civil Circle, Guwahati.

Copy forwarded for information to :-

1. The C.E. (C), NEZ, Guwahati.
2. The D.E. (C), TCD, Guwahati.
3. Notice Board.

3/c
A. K. B. B. B.
22/5/95

-32-
-29-

Filed by
Kamrui 9/8/95
Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati 56

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

In the matter of :-

O.A. No. 115 of 1995

Namita Das

-Vs-

Union of India and ors.

-And-

In the matter of :-

Written Statements submitted by
the Respondents No. 1, 2 & 3.

WRITTEN STATEMENTS::

The humble Respondents submit
their written statements as follows:-

1. That with regard to statements made in paragraph 1 of the application, the Respondents beg to state that the applicant is not the employee of the department but she was preparing some structural drawings under the instruction of the department for which she has been paid on hand receipt which was a form of contract in which the applicant agreed to do the same on verbal offer. For every month the applicant was doing the same work in same terms and conditions on contract basis.
2. That with regard to statements made in paragraph 2 of the application, the Respondents beg to state that the applicant not being a Central Govt. employee the Hon'ble Tribunal has no jurisdiction to entertain the application of the applicant.

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5. That with regard to statements made in paragraph 4.3 of the application, the Respondents beg to state that it is not correct to say that having found her suitable for the post of Draftman, she was appointed as Draftman w.e.f. 13.7.1992. In fact this office required certain structural drawings to be prepared in the course of duties to be performed by this Office and therefore on casual job basis she was asked to prepare structural drawings for which payment was made to her on hand receipt. If she were appointed in any capacity ~~to~~^{for} hold a post, necessary appointment letter would have been issued. Just because some jobs were required to be done for some time and were got done from her does not confer any right on her to hold the post or because she was eligible to hold that post does not give any right to that post. The necessity of a Draftman even does not give her status of employee as appointment to the post can only be made by the authority ~~xxxxxxx~~ competent to appoint through the established channels of recruitment in the department.

It is absolutely baseless to say that she was at any time appointed as Draftman and she has rendered any service in such capacity and she was paid salary as Rs. 1200 (Rupees One thousand two hundred)only per month. She was paid only on hand receipt on the basis of work done by her in terms

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opportunity to all eligible candidates shall be observed in which case applicant can also avail the opportunity instead of getting some preferential treatment which infringes upon the rights of other eligible candidates. The interview was therefore cancelled but due to change of incumbent and persons on additional charge, the formal orders were not issued and got ignored, the applicant was aware of the same.

The appointing authority in case of Gr. "C" employees is Chief General Manager Telecom. Assam Circle, Guwahati who shall take up the recruitment process. The respondent No.3 is not the appointing authority for this post of Draftman.

7. That with regard to statements made in paragraph 4.5 of the application, the Respondents beg to state that it is not correct to say that it has been her legitimate expectation that she would be offered regular service as she has not been promised for the same at any time ~~and for the~~ ^{for} ~~the same at any time~~ and for the 2 nos. of posts 16 (sixteen) names were forwarded by the employment exchange and it would not have been reasonable expectation that she would surely be selected just because she has prepared some structural drawings for the office. The availability of the vacancies in the office for which claimant has done some works ^{does not} ~~is~~ in any ^{case} way confer any right on her for the appointment as would to any other person who has done some casual job for a day, or a month or an year or more ^{for} the respondent's office or for any other office or Department.

As regards the posts available in office of the Chief Engineer (C) are concerned, she cannot claim any right on them on the basis of being called for interview for two posts ^{in office of the respondent no 3} and there is no relevance with the case. The recruitment for posts in the office of the Chief Engineer (C) which

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- 33 -

is different office shall be done by C.G.M.T., Assam Circle, Guwahati only after completing necessary formalities. The claimant can avail of her right with others equally eligible as and when the department takes up recruitment against those posts.

It may also be stated that the recruitment for Group-"C" posts is to be done through the recruitment cell of C.G.M.T., Assam Circle, Guwahati as per established practices and departmental rules and Superintending Engineer (Civil) is not the appointing authority. As soon as the fact came to the notice of Superintending Engineer, the interview was postponed and on receipt of letter from C.G.M.T., Assam Circle, Guwahati No. Rectt.-5/16-94, dated 20.4.1994 on the basis of circular No.9-1/93-TE-II, dated 14.2.1994 from Ministry of Communications the recruitment process were cancelled. This was known to the applicant but since no cancellation orders were issued by Superintending Engineer (C) due to his transfer and relieving on 13.5.1994 and subsequent duel charge with other officers, the case was lost sight off and the claimant is trying to take advance ^{stage} of the same. The letter referred as Annexure-"2a" dt. 1.9.94 is just an internal official communication regarding vacancies in various cadres in different offices which does not mean that claimant can claim any preferential right on them for the appointment.

9. That with regard to statements made in paragraph 4.6 of the application, the Respondents beg to state that the C.G.M.T., Assam Circle, Guwahati asked for the names of departmental candidates for consideration for recruit as per policy of the department. In the said letter No.16(2)92/TCC/GH/253 Dt. 30.5.94 it was clearly stated that no regular

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departmental candidate is eligible, the names of two persons who were engaged for preparation of drawings on casual job basis were forwarded for consideration if permissible under the rules only on specific request on humanitarian grounds which in anyway does not confer on them any right to appointment. The stating of the name of applicant as Draftsman was done in routine manner as they were doing some drawing work for the office and which did not in anyway imply that she was appointed as Draftsman, and if ^{it} were so there was no need to forward her name. Her name was forwarded totally on the request of the applicant on the plea that in case no departmental candidate was available she might have some chance of consideration, *along with other similarly qualified candidates.*

9. That with regard to statements made in paragraph 4.7 of the application, the Respondents beg to state that the name included in the casual labour group -"D" list forwarded on 26.7.94 was wrongly forwarded as Draftsman in Gr."C" post and there is no connection between casual labour and work being taken from a person for drawing the structural drawings. Moreover this was forwarded as general administrative report in which name of all persons working on casual basis were included as a routine report only without any thought or consideration of any legal aspects.

10. That with regard to statements made in paragraph 8.8 of the application, the Respondents beg to state that since the applicant was given work on casual basis as and when it was there and work area of the office of the respondent was reduced to half as a result of creation of one more Circle at Jorhat and there was practically no work to do by

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Draftsman, there was no justification of giving work to the applicant. Since the work was reduced considerably, quotations were called by this office for preparation of drawings to cater to the still more infrequent need as and when it arose. The agenda item with union quoted (union agenda item at Sl.No.7) for DRM Staff has no relevant with the case as it deals with Casual Mazdoors of Gr-"D" level engaged on daily wages basis.

11. That with regard to statements made in paragraph 4.9 of the application, the Respondents beg to state that it is not correct to say that applicant was continuing in service as she was not appointed at all to any post and her application has the effect of intimation only for which no action was required by this office. Since she was not having appointment to any post, there was no question of her maternity or any other leave or prayer for any extension thereof. These documents have no relevance in the case.

12. That with regard to statements made in paragraph 4.10 of the application, the Respondents beg to state that there was no entitlement of leave and hence there was no question of expiry of leave and since respondent was not having any appointment to any post there was no relevance of joining report or requirement of certificate for maternity. The documents are irrelevant.

13. That with regard to statements made in paragraph 4.11 of the application the Respondents beg to state that since applicant was not having any post incumbent and was not appointed at any time there is no question of allowing

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her to join or terminate her services. The representations of the applicant were filed as she did not have any status as employee of the office and hence no action was required to be taken on the representations. The documents do not have any relevance. -

14. That with regard to statements made in paragraph 4.12 of the application, the Respondents beg to state that since the respondents did not appoint the applicant in any manner but only got some work done from her which was duly paid like they pay to all other people from whom casual works are got done or to contractors as and when works are got done from them, there was nothing illegal in not giving her a right which was never conferred on her. There was no question of telling applicant that her services were terminated as she was never appointed. It is not correct to say that she has been attending office regularly in the capacity of employee of this office. Regularly coming to office for asking for a job and getting it as and when available does not confer any right as employee just as it does not make any contractor attending the office every day for checking tenders floated, getting some of them off and on or regularly for some period does not become employee of the office or ~~222~~ earns any right to be given a job as he has been attending office in the hope of getting a job whether office has any job or not.

15. That with regard to statements made in paragraph 4.13 of the application, the Respondents beg to state that it is not correct to say that the applicant has rendered 3 years of services in the department as she has been paid

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for the work done^{as} equivalent^{to} payment made to employee of equivalent skill in Group "C" for 116 days in 1992-93, 218 days in 1993-94 and 195 days in 1994-95. She was not paid anything in Nov, 1992, Dec, 1992, Jan, 1993 and June, 1993. In several other months payment was equivalent to say in April, 92 17 days, in Jan, 1994 17 days, in April, 1994 10 days, in July, 1994 12 days, in Oct, 1994 18 days, and in Jan, 1995 13 days only which clearly shows that the claimant was not a regular employee or having any service paid on monthly basis regular pay in which case it would have been constant monthly pay instead of variable payment on varying number of days in different months and but only casual work as and when required and not confining status of an employee. This also discredits the annexure-"3" dated 30.5.94 which gives wrong impression of service which in fact was not there.

At no stage she was assured of any appointment and it is totally false baseless and after thought. Since the structural drawing work of the respondent was reduced drastically because (1) reduction of jurisdiction to less than 1/2 of what was earlier (2) preparation of structural drawings of most of the standard staff quarters and Telecom buildings and requirement of work reduced to less than 1/3rd and work was required infrequently, the quotations were called for getting work done on contractual basis. Since claimant was to be given job only when it was available and the job was required very rarely now, there was no need for the claimant to come to the office everyday and returning back empty, thereby wasting her time, efforts and money instead of doing some other fruitful job.

16. That with regard to statements made in paragraph 4.14 of the application, the Respondents beg to state that the same is not correct and hence denied. The Respondents further beg to state ~~that it is stated~~ that regular appointment to Group "C" post can only be done by Chief General Manager through the established recruitment rules and guidelines issued by the department giving due opportunity to all concerned instead of such backdoor appointments which is being tried by the applicant and is illegal and unwanted practice which infringes upon the rights of other similarly qualified candidates who are denied opportunity to the appointment.

17. That with regard to statements made in paragraph 5 of the application, regarding Grounds for relief with legal provisions, the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to be dismissed.

18. That with regard to statements made in paragraph 6 of the application, the Respondents beg to state that the applicant could have approached higher offices situated in Guwahati itself like office of Chief Engineer (C)/C.G.M.T., Assam Circle, Guwahati.

19. That with regard to statements made in paragraph 7 of the application, the Respondents have no comments.

20. That with regard to statements made in paragraph 8, regarding Reliefs sought for, the Respondents beg to state that the applicant is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

.p/11.

21. That with regard to statements made in paragraph 9 of the application, regarding Interim Order prayed for, the Respondents beg to state that in view of the facts and circumstances narrated above the Interim order is liable to be dismissed.
22. That with regard to statements made in paragraphs 10, 11 and 12 of the application, the Respondents have no comments on them.
23. That the Respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

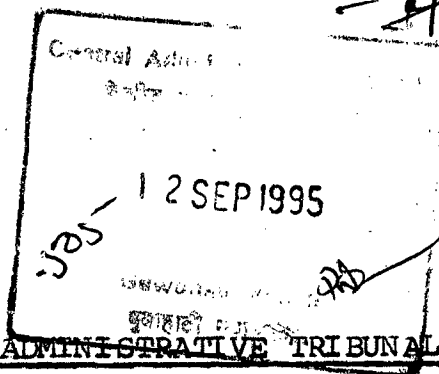
- Verification -

K.P. Rajkhowa AssH. ~~Y.G.~~
I, Sri ~~Krishan Kumar~~, Superintending Engineer,
SD-I ~~Y.G.~~
Telecom Civil Circle, Guwahati do hereby solemnly declare that the statements made above are true to my knowledge, belief and information.

And I sign the verification on this 9th day of AUGUST, 1995 at Guwahati.


DECLARENT::

K.P. Rajkhowa)
AssH. Eng (Civil)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 115 of 1995

Namita Das

- Versus -

Union of India & Ors.

REJOINDER TO THE WRITTEN STATEMENTS SUBMITTED BY
THE RESPONDENTS

The applicant begs to state as follows :

1. The applicant has gone through the copy of the Written statement filed by the respondents and have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the W.S. are categorically denied by the applicant. Further the statements which are not borne on records are also denied.
2. That the statements made in paragraph 1 of the W.S., while denying the contentions made by the respondents the applicant begs to state that she was engaged as a Casual Draftsman with effect from 13.7.92 by the competent authority against the sanctioned post. All the duties of a Civil Draftsman were entrusted to her and she had been performing her duties satisfactorily. She always attend the office regularly and kept on performing her duties to the best of her ability. She was enjoying the status of full time Draftsman from the very beginning. The mode of payment of salary was by ACG-17 per month which is

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one of the prescribed procedures for payment of monthly wages to casual workers.

Thus it is stated that the statements made by the respondents are not true. The applicant has ~~fixed~~ ~~the~~ failed to understand as to what the respondents have meant by the words ^{hand receipt} "not received". It is also denied that her appointment was contractual. She was a casual employee like any other casual employees in any other departments.

3. That with regard to the statements made in paragraph 2 of the W.S., the applicant states that the Hon'ble Tribunal has got jurisdiction to entertain the O.A. filed by the applicant. The applicant craves leave of the Hon'ble Tribunal to refer to the various provisions of law in support of her claim. At the same time, the respondents are called upon to substantiate their claim that the O.A. is not maintainable.

4. That with regard to the statements made in paragraphs 3 and 4 of the W.S., the applicant reiterates and reaffirms the statements made in the O.A.

5. That with regard to the statements made in paragraph 5 of the W.S., it is stated that ~~the~~ at the time of creation of the Assam Telecom. Circle in 1992, there were two sanctioned posts of Civil Draftsmen and the said posts were sanctioned by the Directorate, New Delhi alongwith other posts. Thus there being requirement of staff, the applicant was appointed as a

casual Draftsman by the competent authority. It will be pertinent to mention here that in all such newly created Telecom Circles, casual draftsman and other such casual employees have been appointed and some of them have also been granted temporary status. As pointed out above, the payment of salary was made through ACG-17 a prescribed departmental form for payment to casual employees. It will further be pertinent to mention here that other casual employees engaged prior to and after the applicant, are still working in the office of the Superintending Engineer, Telecom Civil Circle, Guwahati. Thus there is no earthly reason as to why the applicant should not be continued in her service.

It is unfortunate that the respondents instead of being a model employer have gone to the extent of making an incorrect statement to the effect that the services of the applicant was utilised towards preparation of structural drawings as per the requirement of the office. Such a statement is wholly incorrect inasmuch as her services were utilised like any other casual employees and she had to remain in the office through out the duty hours performing her duties. In this connection, the applicant craves leave of the Hon'ble Tribunal to direct the respondents to produce the relevant records. It is also denied that the payment of salary was made to her not on monthly basis but on the basis of the works done by her. Further the applicant states that merely because she was issued no any appointment letter, it does not mean that her services were on contract basis or that she was not a casual employee. As has been seen that it

is the usual practice not to give any appointment letter to the casual employees. However, as will be evident from the Annexures in the O.A., the then competent authority as a recognition to her services urged for regularisation of her services. The stand of the respondents cannot be allowed to be changed with the change of the competent authority. The earlier competent authority duly recognised her as a casual employee. The respondents cannot go on taking new stand than the earlier one with the change of incumbent. The Hon'ble Tribunal would surely look into this aspect of the matter. It is emphatically stated that the payments are made on monthly basis as per DOT's ~~ix~~ guidelines vide letter No. 269-33/90-STN dated 4.12.90.

A copy of the said letter dated 4.12.90 is annexed herewith as ANNEXURE-A which include the copy of the letter dated 23.2.88.

In the above context, the grant of temporary status scheme ~~made~~ may also be referred to. As regards pay, it is stated that the payments were made to the applicant to the equivalent pay of the Draftsmen in the minimum of pay scale of Rs.1200/- plus D.A. on monthly basis. Further the applicant was also paid Rs.100/- as interim relief with effect from 16.9.93 which is admissible to regular staff as well as casual workers in terms of letter No. 490/4/2093-Estt(C) dated 9.3.94. Further the applicant has been paid arrears of D.A. as and when Central Government granted additional D.A. to its

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regular employees. This fact can easily be ascertained from the Accounts Officer, office of the Executive Engineer, Telecom Civil Circle, Guwahati who is the disbursing officer for the staff of Superintending Engineer, Telecom Civil Circle.

Above facts clearly prove that the applicant was a casual draftsman with monthly wages and that she was not engaged on contract basis as has been stated by the respondents incorrectly and baselessly. As per the departmental guidelines, she is also entitled to confer the temporary status and thereafter her case is to be considered for regularisation against the available vacancies. Instructions are available from the Directorate that so far as regularisation is concerned, the casual workers should be regularised first and then only outsiders can be appointed.

It is not at all correct that the applicant has not worked during November 1992, December 1992 and June 1993. During this period also, the applicant had been working regularly. The respondents for their own convenience showed the monthly payments to have been made to one Miss Hima Bezbarua but the actual works were executed by the applicant and the salaries were also received by her. The applicant being at the receiving end had no other alternative than to accept such a position. The motive behind can easily be understood. As has been reflected in the O.A. she had to take leave on maternity ground but on her return, she was not allowed to resume her duties. Such action on the part of the respondents is most illegal and arbitrary.

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A copy of the letter dated 9.3.94 is annexed herewith as ANNEXURE-B.

6. That with regard to the statements made in paragraph 6 of the W.S., it is stated that the statements made by the respondents are not correct. To the best of knowledge of the applicant and the information gathered from the office, she has come to know that the Telecom Civil Circle got the approval from the CCM(T), Assam for processing recruitment of Civil Draftsmen. Accordingly, the process was initiated towards regularisation of the services of the applicant and other. Thus as per the procedure, requisition was placed in the Employment Exchange and interview call letters were also issued. However, suddenly same was kept in abeyance. Later on the applicant came to know that there are more than 8 posts of Civil Draftsmen at different offices under CCM(T), Guwahati. Thus there is a proposal to fill up all the 8 posts of Civil Draftsmen through a single recruitment. According to the information of the applicant the process will be initiated shortly.

As there are provisions first to fill up from the departmental staff, the applicant has got a better right to be considered for such appointment in preference to the outsiders.

7. That with regard to the statements made in paragraph 7 of the W.S., it is stated that as the applicant has served more than 3 years continuously it was within her legitimate expectation that her services

Contd...P/7.

would be regularised. The applicant is not in a position to make any comment in absence of the letters dated 20.4.94 and 14.2.94 which have been referred to by the respondents in support of their claim.

8. That with regard to the statements made in paragraph 8 of the W.S., the applicant reiterates and reaffirms the statements made hereinabove.

9. That with regard to the statements made in paragraphs 9 and 10 of the W.S., while reiterating and reaffirming the statements made in the O.A., the applicant states that her services were terminated in a most illegal and arbitrary manner without giving a notice. It is also denied that there was no justification of giving works to the applicant. The factual position has been placed in a distorted manner by the respondents. In this connection, the applicant enumerates the vacancy position of the Draftsmen as follows :

- (i) Two posts in the office of the Superintending Engineer, Telecom Civil Circle ;
- (ii) six posts in the office of Chief Engineer (Civil)
- (iii) three posts under Project Circle.

All these posts are under CGM(T), Assam and are still lying vacant.

10. That with regard to the statements made in paragraphs 12, 13, and 14 of the W.S. while denying the contentions made by the respondents, the applicant reiterates and reaffirms the statements made hereinabove as well as in the O.A.

11. That with regard to the statements made in paragraph 15 of the W.S., the applicant states that she was working for more than 3 years on regular basis and she was also paid monthly salary like any other regular employees. In November 1992, December 1992, January 1993 and June 1993 the applicant was working but her salary was shown to be paid to one Miss Hima Bezbarua ; but factually salary was received by the applicant herself. The Hon'ble Tribunal may be pleased to verify this position on perusal of the records. In April 1994 the applicant was on leave due to her marriage. As pointed out above other casual employees are still working and there is no earthly reason as to why the applicant should not be allowed to continue in her service.

12. That with regard to the statements made in paragraphs 16 to 23 of the W.S. the applicant does not admit anything contrary to the relevant records and reiterate and reaffirm the statements made hereinabove as well as in the O.A.

13. That in view of the facts and circumstances stated above, the applicant most respectfully submits that it is a fit case for appropriate direction by this Hon'ble Tribunal towards continuance of her services as before till regularisation of her services through due process of law.

Verification....

VERIFICATION

I, Namita Das, the applicant in O.A. No. 115 of 1995, do hereby solemnly affirm and verify that the statements made in the accompanying rejoinder are true to my knowledge and belief, and I have not suppressed any material facts.

And I sign this verification on this the 11th day of September 1995 at Guwahati.

Namita Das.

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(203)

(A)

ANNEXURE - A

D-252-82-
849

No. 269-33/90-STN
Government of India
Ministry of Communications
Department of Telecommunications
STN Section

New Delhi, the 4.12.90

All Heads of Telecom. Circles/Telecom. Districts.
C.G.Ms MTNL Delhi/Bombay.
All CGMs Maintenance Regions.
All Heads of Project Circles.
CGMs ALTTC, Chaziabad/T.T.C. Jabalpur.
All Heads of other Administrative Units.

Subject:- Payment of wages to semi-skilled/skilled casual workers.

It has been brought to the notice of the department by the Staff Unions that semi-skilled/skilled casual employees are not being paid at the rate of regular employees in the corresponding grade. Your attention in this regard is invited to the instruction issued vide this office letter number 10-13/87-Rates dated 23.2.88 (A copy of which is enclosed herewith) vide which all the casual labourers are to be paid wages worked out on the basis of minimum pay in the pay scale of regularly employed officials in the corresponding cadre but without any increment w.e.f. 5.2.86. Such casual labourers will also be entitled to D.A. and A.D.A., if any, on the minimum of the pay scale. These instructions are once again reiterated. You may kindly ensure that the casual workers are paid accordingly.

S.K. MEHAWAN

(S.K. MEHAWAN)
ASSISTANT DIRECTOR GENERAL (STN)

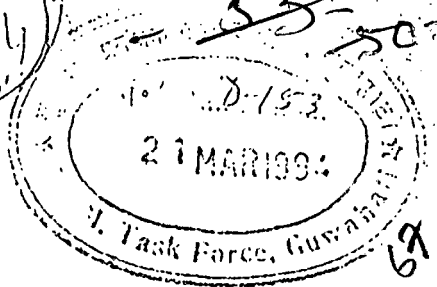
Copy to:-

S.O. Rates for placing it in file No. 10-13/87-Rates.
NCG/CSE/TFS/SEA section of the Department of Telecom.

All Staff Unions/Federation for information.

*Noted
B. Mehra
11-5-91*

ANNEXURE-B



No.49014/2/93-Estt.(C)
Government of India
Ministry of Personnel, Public
Grievances and Pensions
Department of Personnel and Training

New Delhi, dtl. 9 March, 1994

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of
Casual workers - admissibility of Interim Relief.

.....

The undersigned is directed to refer to Department of Personnel & Training O.M. No. 5116/2/93-Estt.(C) dtd. 10th September, 1993 on the subject noted above and to say that references have been received from various Ministries/Departments seeking clarification whether Interim Relief of Rs.100/- p.m. granted to Central Government Employees vide Ministry of Finance, Deptt. of Expenditure O.M. No. 7(26)/E.III/93 dtd. 27.9.93 would be admissible to casual employees who have been bestowed with temporary status.

2.. The matter has been considered in consultation with Ministry of Finance and it has been decided that the Interim Relief at the rate of Rs.100/- p.m. will be admissible to casual employees with temporary status and also to casual employees who are entitled to daily wages with reference to minimum of the pay scale for corresponding regular Group 'D' including DA, HRA and CCA or pay plus DA. The casual employees entitled to daily wages not linked to minimum of the pay scale plus DA for corresponding regular Group 'D' employees or casual workers/contingent employees engaged on part-time basis shall not be entitled to Interim Relief.

3. The above decision is effective from 16.9.1993.

SA/-

(V. NATARAJAN)
 Dy. Secretary to the Govt. of India

To.

All Ministries/Departments/Offices of the Govt. of India as per the standard list. etc. etc.

cc - To the Director, Government of India, dated 22.3.94

copy forwarded to all concerned, DEs of all regions, etc. etc. and also to the Director of IF Region for information and action.

13.03.94
Sd/- (Signature)
Assistant Engineer (Adm.)
O/O the C. & P. G. & P.
New Delhi-110003

AAC (TF)

Amended
B. K. Bhatt
Advocate
11.5.95

51-
18
Government of India
Department of Telecommunications
Sanchar Bhavan, New Delhi

No. 5-3/93-PAT

DATED: 16.3.1994

To

All Heads of Telecom. Circles/
All Heads of Telephone Districts/
All Heads of other Administrative Offices/
M.T.N.L., New Delhi/Bombay /
V.S.N.L. New Delhi/Bombay/

Subject: Grant of temporary status and regularisation of
Casual workers- admissibility of of Interim Relief.

.....

Sir,

I am directed to forward herewith a copy of O.M. No. 49014/2/93-ESIT(C) dttd. 9.3.1994 received from the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi on the subject cited above for information/guidance and necessary action.

Yours faithfully,

S.D.

(S.D. SHARMA)
SECTION OFFICER(PAT)

Copy forwarded to ;

1. All DGSs/Directors
2. All A.D.Gs.

3. All Heads of Telecom. Circles/ T.-I/II/III/IV/ Pa-Cor/ Cash/ Genl.I/II/
4. All Heads of Telephone Districts/ T.-I/II/III/IV/ Rates & Costing/SEA/SR/STH-I/II/
5. All Heads of other Administrative Offices/ T.-I/II/III/IV/ Rates & Costing/SEA/SR/STH-I/II/

6. All Heads of Telecom. Circles/ T.-I/II/III/IV/ Rates & Costing/SEA/SR/STH-I/II/

5. Pay Accounts Office/
6. R/O (7) Guard file

S.D.

(S.D. SHARMA)
S.O. (PAT)