

ORIGINAL APPLICATION NO.

MISC. PETITION / CONTEMPT PETITION

No 12/96

In (O.A. 22/95

Mr. Rexaz Akhtar

VS.

~~Mr. O. I. Jais~~

NDIA (1)

Mr. A. Dasgupta, M.K. Saikia

Advocate for
Applicant(s)

B.C. Chaudhry

Mr. A.K. Chaudhry

Advocate for
Respondent(s)

Addl. Case

OFFICE NOTE

DATE

J K

This application
filed by B.C. Chaudhry,
advocate for the applicant
for contempt of Court
w/s 17 of the A.T. Act,
1985 for ignoring and
disobeying the order
dated 22.2.95 passed
by this Honble Tribunal
in O.A. 22/95. The
order dt. 22.2.95
~~was not enclosed~~ and
a draft change ~~are~~
not enclosed along with
the petition.

laid before the
Bench for facts & orders.

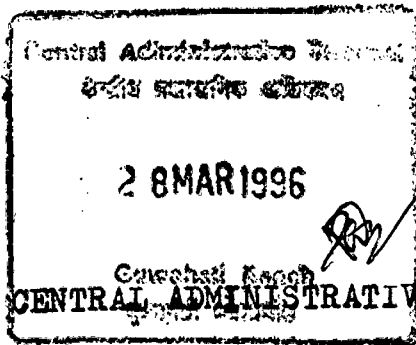
~~[Signature]~~
Deputy Registrar (JP)
Central Administrative Tribunal
Guwahati Bench
[Signature]

CA/TA/CP/RA/ MP/ No.

OFFICE NOTE

DATE.

ORDER.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

C.P. No. 12/96

Reyaz Akhtar
5-2-96

In the matter of :-

An application under section
17 read with section 27 of the
Administrative Tribunal Act,
1985 and Rule 74 of the Central
Administrative Tribunal (Procedure)
Rules, 1987 .

- And -

In the matter of :-

Willful disobedience of the
order passed by this Hon'ble
Tribunal on 22.2.95 in Case No.
A 22/95 .

- And -

In the matter of :-

Md. Reyaz Akhtar @ Riaz Ali

resident of Christan Basti

Sri Nagar Nalinibala Devi Path

P.O. Diapur, Guwahati, Kamrup,

. . . Applicants.

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- Versus -

1. Dist. Manager

Department of Tele-Communication

Guwahati- Kamrup,

The humble petition of the
above named applicant .

MOST RESPECTFULLY SHEWETH :-

1. That the applicant are citizens of India having their permanent residence at Guwahati in the District of Kamrup .
2. That the applicant were the casual Mazdoor in the Tele-Communication Department under the establishment of Assistant Engineer, Cable (East) Ambari, Guwahati-1 .
3. That the applicant were engaged in service in the month of January 1987 and their services were extended from time to time . They were in service till 3.8.94 .

Details particular of their tenure of services
finished herewith in a tabular Form :-

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Reaz Akhtar
5.2.96

<u>Sl. NO.</u>	<u>Name of the Casual Labour.</u>	<u>Service from 01.4.95 to 93</u>
Ed.	Reaz Akhtar	Jan/87 to Dec/87 = 283 Days Jan/88 to Dec/ 88 = 270 Days Jan/89 to Dec/89 = 295 Days Jan/90 to Dec/90 = 311 Days Jan/91 to Apr/91 = 102 Days (Wkg under Task force under ACG-17) May/91 to Dec/91 = 211 Days Jan/92 to Dec/92 = 320 Days Jan/93 to Apr/93 = 100 Days

4. The applicant performed skilled and manual jobs of cable line fitting and maintainance. During their tenure of service the applicant performed their jobs to the satisfaction of all concerned . In no point of time their services were spotted by any stigma .

5. That all on a sudden, on 3.8.94, the Sub-Divisional Engineer Cable (East), the Respondent No. 2 passed an order to Ommit the name of the applicant from the list of the casual labourers. This order was issued to the Assistant Engineer (Administrative) C/O T.D.M., Guwahati The Respondent No. 3 vide letter No. E-13/94-95/10 dt. 3.8.94 .

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5-2-96

6. That the applicant beg to state that the Department of Tele-Communication framed a scheme for absorbtion of Casual workers. This scheme is called as ^ACasual Labourers (grant of Temporary status and Regulari- sation) Schemex of the Department of Tele-Communication 1989 . According to this scheme, Casual labour after rendering 3 years contineous service on attainment of temporary status the casual labour will be treated on par with temporary Group- 'D' employees .

7. That pursuent to the aforesaid ~~Scheme~~ Scheme, Depart ment of Tele-Communication STN section, New Delhi issued a circular vide their office order No. 269-4/93 on 17.12.93 . By this order it was directed to all concern- ed that the casual Mazdoors who were engaged by the projec t circle/Electrification circles during the period 31.3.85 to 22.6.88 should be given the temporary status This order was circulates to all concerned including the staff members of J.C.M.

Relegant extract of order dated 17.12.93
is annexed hereto and marked as Annexure- A .

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8. That in view of the aforesaid order dated 17.12.93 the applicant were entitled to be upgraded as Temporary Mazdoor but they have been arbitrarily terminated from their services without any reason whatsoever .
9. That being highly aggrieved by the aforesaid order of termination, the applicant preferred an application under section 19 of the Administrative Tribunal Act, 1985. This application was registered as OA 22/95 .
10. That on 24.2.95, this Hon'ble Tribunal passed an order . By this order the Respondent was directed to consider the case of the applicants in accordance with the scheme for mutated in this behalf . It was further stated that " It is left open to the respondent to consider to give purely temporary appointment to the applicants, if possible till their case can be considered under the scheme in as much they have faced unemployment after having been in service since 1987 " .

A copy of the said order annexed hereto and marked as Annexure-B .

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11. That immediately after the aforesaid order, the applicant submitted a representation before the Tele-Communication District Manager on 21.3.95, 31.5.95, 3.8.95 & 19-9-95 . But nothing has been done till Date .

Copies of the aforesaid representation are Annexed hereto and marked as Annexure E & F respectively .

12. That the applicant begs to state that the contemner has no regard to the order passed by this Tribunal. Nothing has been done till date even some Junior persons have been conferred with the temporary status . But why the ~~applicant~~ applicants have been deprived of is best known to the contemner .

13. That the applicant beg to state that it is a fit case where this Hon'ble Court may be pleased to initiate a contempt proceeding against the contemner .

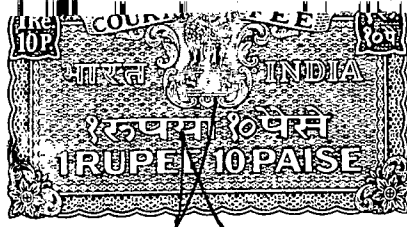
14. That this application is made bonafide and for the interest of justice .

Reyaz Akhtar

52.2.96

The applicant, therefore, prays
that this Hon'ble Tribunal may be pleased
to issue notice directing the contemner
to show cause as to why a contempt
proceeding ~~may~~ shall not be drawn against
him and upon hearing the cause or causes
that may be shown this Hon'ble Tribunal
may be pleased to initiate a contempt
proceeding and punish the contemner for
non-compliance of the order passed by this
Hon'ble Tribunal on 24.2.95 in OA 22 of 1985
and/or pass any further or other order or
orders as this Hon'ble Tribunal may deem
fit and proper .

And for this the applicant as in duty bound shall
ever pray .



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In the Court of the Magistrate Guwahati.

A F F I D A V I T

I, Reyaz Akhtar, son of Md. Ali kaza, aged about 26 years, resident of Christanbasti, Sri Nagar, Nalini Bala Devi Path, P.O.Dispur, Guwahati-5, District-Kamrup, Assam do hereby solemnly affirm and state as follows :-

1. That I am one of the applicants of this case and am well acquainted with the facts and circumstances of this case.
2. That I have been authorised by the other applicant to swear this affidavit.
3. That the statements made in this affidavit and in paragraphs 1,2,3,4,5,6,11 are true to my knowledge and that of 7,8,9,10 are matters of records and the rest are humble submissions before this Hon'ble Court. I sign this affidavit on this the th day of 13th Feb 1996 at G uwahati.

(Identified by

Advocate.

13/2/96

Reyaz Akhtar
Deponent

Deponent, identified by Shri
Advocate at Guwahati affirmed
before me on this the th day of
1996 at Guwahati.

Magistrate, Guwanati.