

CENTRAL AGRICULTURAL  
COLLEGE  
GUJARAT

ORIGINAL APPLICATION NO.

MISC. PETITION/CONTEMPT PETITION NO 12/96  
in (O.A. 22/95)

Md. Reza Akhtare

VS.

~~Mr. O. J. Joshi~~

Adv. (s)

Mrs. A. Deshpande, M.K. Sakia Advocate for  
Applicant(s)  
B. C. Chaudhary

Mr. A.K. Chaudhary Advocate for  
Order (s)  
Addl. Secy.

OFFICE NOTE

DATE

O R

This application  
filed by B.C. Chaudhary,  
Advocate for the applicant  
for contempt of Court  
Ms 17 of Mr. A.T. Deshpande  
1985 for ignoring and  
disobeying the order  
dated 22.2.95 passed  
by this Hon'ble Tribunal  
in O.A. 22/95. The  
order dtd. 22.2.95  
~~is not opposed~~ and  
a draft Change of  
order enclosed along with  
the petition.

Laid before the  
Bench for form or orders.

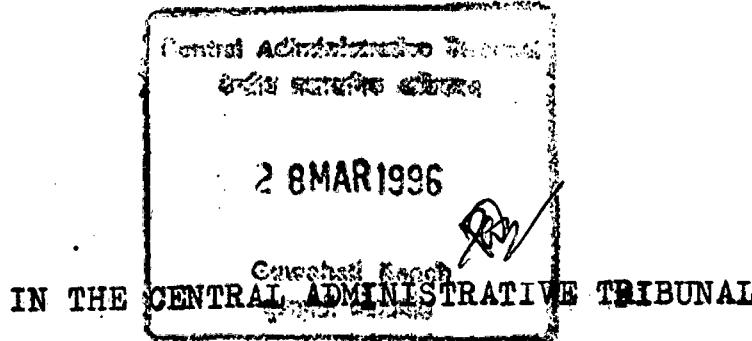
~~25/2/96~~  
Copy Registered (if  
Central Administrative Tribunal  
Gujarat Branch  
B/96.

OA/TA/CP/RAX MP/ No:

OFFICE NOTE

DATE.

Q R. D E R.



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 .

- A nd -

In the matter of :-

Willful disobediyanse 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 Akhtat @ Riaz Ali

resident of Christan Basti

Sri Nagar Nalinibala Devi Path

P.O. Dispur, Guwahati, Kamrup,

... Applicants.

- 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 furnished herewith in a tabular Form :-

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 Ommitt 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 .

Reyaz Murtaza  
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 Casual Labourers (grant of Temporary status and Regulerisation) Scheme 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 pursuant to the aforesaid Scheme, Department 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 concerned that the casual Mazdoors who were engaged by the project 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.

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

Rajesh Ahluwaliya  
5/2/96

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8. That inview of the aforesaid order dated 17.12.93 the applicant were entitled to be upgraded as Temporary Mazdoor ~~a~~ 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 Adinistrative 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 applicant in accordances 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 applicant, 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 .

Conted....6

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5-2-96

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 ~~app~~ applicant 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 .

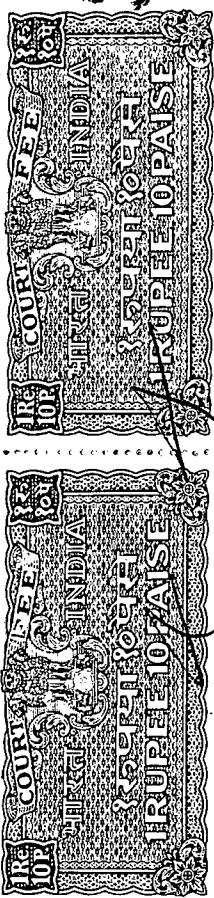
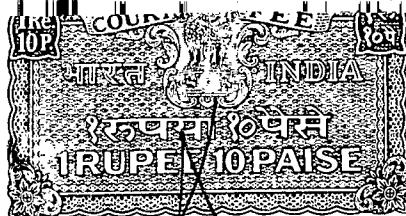
14. That this application is made bonafide and for the interest of justice .

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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 ~~hix~~ 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-complaisance 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 .



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 Christianbasti, 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 13<sup>th</sup> Feb 1996 at Guwahati.

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, Guwahati.