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15

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Saha
23-1-18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 41 OF 1995
TRANSFER APPLN. NO. OF 1995
CONTENT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

..... B. Chakraborty, for APPLICANT(S)

-vs-

..... H. O. I. Goum... RESPONDENT(S)

FOR THE APPLICANT(S)

MR. B. K. Sharma
MR. M. K. Chandley
MR. B. Mehta
MR. S. Sarma

FOR THE RESPONDENTS

MR. G. Sarma, Addl. C.M.

OFFICE NOTE

DATE

ORDER

20.3.96

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

Issue notice on the respondents to show cause as to why this application should not be admitted and relief sought be allowed.

List on 21.5.96 for disposal of show cause and consideration of admission. Steps within 2 days.

Status quo as on today to be maintained by the respondents till disposal of show cause and consideration of admission.

Member

This application is in form and within time
C. F. of Rs. 50/-
deposited vide
IPO/BD No. 345078
dated 27.2.96

[Handwritten signatures and initials]

Copy of this order be furnished to the counsel of the parties.

pg

By order

22-5-96

Adjourned for to 23-5-96 for admission.

Member

Requisites are sent & issued v. no. 631-32 dt. 25.3.96

lm

Copy of order issued to counsel of parties vide NO. 650-51 dt. 26.3.96.

[Handwritten signature]
22/3/96

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

2
OA 4/96

ORIGINAL APPLN. NO. OF 1995
TRANSFER APPLN. NO. OF 1995
CONT EMPT APPLN. NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)
APPLICANT(S)
RESPONDENT(S)
FOR THE APPLICANT(S)
FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

Notice
23.5.96
12-6-96
31-36

Mr S. Sarma for the applicant. Mr G. Sarma, Adl. C.G.S.C for the respondents. Show cause has not been submitted.

Mr G. Sarma seeks further time for submission of show cause. List on 24.6.96 for show cause and consideration of admission.

Member

W/s filed on behalf of Respondents at pgs 31-36.

Mr S. Sarma, for the applicant. Mr G. Sarma for the respondents. NO show cause has been submitted. Application is admitted. Issue notice on the respondents by registered post. Written statement within four weeks.

List on 22.7.96 for written statement and further orders.

Member

3

O.A. 41/96

22-7-96

Learned Adl.C.G.S.C. Mr.G.Sarma for the respondents seeks four weeks time for filing counter.

List on 16-8-96 for counter and further order.

W/ statement has been filed

14/8

[Signature]
Member

lm

[Signature]
22/7

16.8.96

Mr. B.K.Sharma for the Applicants.

Mr. G. Sarma, Adl. C.G.S.C. for the respondents.

Written statement has been submitted by Mr. G. Sarma Adl. C.G.S.C. on 12.6.96. Copy of the same be served on the opposite party.

List for hearing on 12.9.96.

[Signature]
Member

trd

[Signature]
16/8

16-9-96

Memo of appearance filed by Mr. G. Chandru, ACSR

17.9.96

Mr. S.Sarma for the applicant.

Mr. G.Sarma, Adl. C.G.S.C. for the respondents.

List for hearing on 14.10.1996.

W/ statement has been filed

16/9

[Signature]
Member

1-10-96

W/S filed by us

trd
[Signature]
17/9

Result nos. 1 & 2 at pg. 37-46

41

O.A. 41 of 1996

14.10.96

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

List for hearing on 2.12.1996.

ba
Member

9.5.97

The case is ready as regards written statement, for hearing.

g
9/5

nkm
15/10

12.5.97

Counsel for the parties submit that the case is ready for hearing.

List on 11.7.97 for hearing.

ba
Member

SB
Vice-Chairman

Memo of appearance has been filed by Mr. G. Sarma, Addl. C.G.S.C.

w/s has been filed

pg
13/5

11-7-97

Left over. List for hearing on 22-8-97.

ba
Member

SB
Vice-Chairman

w/s has been filed

lm
14/7

22-8-97

Left over. List on 21-11-97.
By order

w/s has been filed on all the respondents.

21-11-97

Ad'oned to 7.1.98
By order

w/s has been filed

7.1.98

Let the case be listed for hearing on 27.3.98.

ba
Member

SB
Vice-Chairman

w/s has been filed on R Nos. 1 & 2. The R. No. 3 has not been filed.

pg

6/3

OA 41/96

5

4

Notes of the Registry	Date	Order of the Tribunal
<p>Written statement filed on R.No-122, R.No. 3 has not been filed.</p> <p><i>20/26.C</i></p>	<p>27.3.98</p> <p>pg 27/3</p>	<p>Division Let the case be listed for hearing on 29.6.98.</p> <p><i>Member</i></p>
<p><i>w/s has been filed</i></p> <p><i>15</i></p> <p><i>W/s has been filed</i></p>	<p>29.6.98</p> <p>15</p> <p>10-7-98</p> <p>lm 28/13/7</p>	<p>Adjourned to 10.7-98.</p> <p><i>By order</i></p> <p>Heard in part. Case is adjourned till 14-7-98.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>
<p><u>20.7.98</u></p> <p>Copy of order dated 14.7.98 issued to the respondents counsel.</p> <p><i>Boy</i></p> <p><i>w/s has been filed</i></p>	<p>14.7.98</p> <p>nkm 28/16/7</p> <p>29-7-98</p> <p>lm</p>	<p>On the prayer of the learned counsel for the parties the case is adjourned till 29.7.98 for hearing. On that day the officers of the Postal Department and the Telecom Department will be present with the necessary records.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>
<p><i>w/s has been filed</i></p>	<p>29-7-98</p> <p>lm</p>	<p>10 days time is allowed on the prayer of Mr.A.K.Choudhury, learned Addl.C.G.S.C.</p> <p>List it on 11-8-98 for hearing. On that day the respondents shall produce the records. Else, necessary steps will be taken.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>

Notes of the Registry	Date	Order of the Tribunal
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11.8.98

On the prayer of Mr A.K.Choudhury, learned Addl.C.G.S.C the case is adjourned to 13.8.98.

be
Member

LB
Vice-Chairman

pg
28
12/8

13.8.98

In spite of repeated request the learned counsel appearing for the respondents Mr. G.Sarma, Addl. C.G.S.C. and Mr. A.K.Choudhury, Addl. C.G.S.C. have not produced the relevant records. On the last occasion we also indicated that steps would be taken. We regret to express our view that this is unbecoming of a Government Department. Today the Deputy General Manager, Mr. R.S.Tripathi is however present. He seeks two weeks further time for production of necessary documents relating to the service of the applicants. Prayer allowed. Mr. G.Sarma also assures that all the relevant documents shall be produced on the next date.

List on 31.8.98.

be
Member

LB
Vice-Chairman

trd

MS
12/8

31.8.98

On the prayer of Mr G. Sarma learned Addl. C.G.S.C. the case is adjourned till 10.9.98 for production of records.

be

LB
Vice-Chairman

The case is ready for hearing.

28
28.8

The case is ready for hearing.

28
28.8

(7)

O.A. 41 of 1996

10.9.98

On the prayer of Mr. G.Sarma and Mr. A.K.Choudhury, learned Addl. C.G.S.C the case is adjourned till 15.9.1998.

List on 15.9.98.

Member.

Vice.Chairman

trd.

15.9.98

Mr S. Sarma has made a mention that Mr B.K. Sharma who is in charge of this case is indisposed and is unable to attend court today. Therefore, he prays for two weeks adjournment. Prayer allowed. List it on 2.11.98.

Member

Vice-Chairman

trd

2.11.98

Division Bench is not available List on 24.11.98 for hearing

Member

pg

24.11.98 Present: HOn'ble Mr Justice Baruah, Vice-Chairman Hon'ble Mr G.L. Sangly Administrative Member

On the prayer of the lead counsel for the parties the case is adjourned till 30.11.98.

Member

Vice-Ch

nkm

w/s has been filed
14/9

Addl. w/s filed on behalf of the respondents No. 1 & 2.

24/9

w/s and Addl. w/s has been filed

23/11

The case is ready for hearing.

nd
27/11/98

8A 4/1/78

20-11-98

Written statement -
and Addl. written statement
has been taken

31-11-98

passed on in day

By order

30/11/98

1-12-98

passed on in day

By order

22-1-99

Copies of the Judgment
have been sent to the
D/Sec. for issuing the
same to the parties through
Regd. writs AFD.

2.12.98 " Heard the learned counsel
for the parties. Hearing concluded.
Judgement delivered in open court,
kept in separate sheets. The applica-
tion is disposed of. No order
as to costs.

[Signature]
Member

[Signature]
Vice-Chairman

Issued vide receipt No.
194 to 197 dt. 27-1-99

trd

5-2-99

[Faint handwritten notes]

[Faint handwritten notes]

[Faint handwritten notes]

u

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

Original Application No. 41 of 1996

Date of decision 2.12.98

Shri Bishnu Pada Chakraborty & Ors.

PETITIONER(S)

Mr. S. Sarma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

~~Mr. A.K. Choudhury, Addl. C.G.S.C.~~

ADVOCATE FOR THE
RESPONDENT(S)

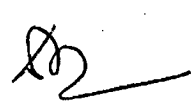
Mr. G. Sarma, Addl. C.G.S.C.

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L. SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



0

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 41 of 1996.

Date of decision : This the 2nd Day of December, 1998.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

1. Shri Bishnu Pada Chakraborty,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
2. Shri Kanu Bhusan Chakraborty,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
3. Shri Gokul Chandra Dey,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
4. Shri Bikash Kar,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
5. Md. Eunish Ali, DRM Telemessenger,
District Telegraph Office, Hojai.
6. Shri Dilip Paul, DRM Telemessenger,
District Telegraph Office,
Hojai.
7. Shri Ashok Kumar Das,
Casual Telegraph Man,
District Telegraph Office, Kokrajhar.
8. Shri Mridul Chakraborty,
Casual Telegraph Man,
District Telegraph Office,
Kokrajhar. Applicants.

By Advocate Mr. S. Sarma.

-versus-

1. The Union of India,
to be represented by the Secretary
to the Govt. of India,
Telecommunication Deptt.,
New Delhi.
- B*

Contd....

2. The Chief General Manager, Telecom,
Assam Circle,
Ulubari, Guwahati-7.
3. The Chief Postmaster General,
Assam Circle,
Meghdoot Bhawan, Guwahati-1.

Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.
and Mr G. Sarma, Addl. C.G.S.C.

O R D E R

BARUAH.J. (V.C.)

All the applicants are at present working in the Telecommunication Department, Ministry of Communication and they are posted at various places in the State of Assam. The case of the applicants is that originally they were working as Extra Departmental Telegraphic messengers. They were appointed on the various dates during the period beginning from 1978 to 1987 in the erstwhile Posts and Telegraph Department. Thereafter, in the year 1984 the said department (Posts and Telegraph) was bifurcated into two departments, one, Department of Posts and the other was Department of Telecommunication. After the bifurcation the present applicants were transferred to the newly created Telecommunication Department. Since then they have been working in the said department. According to the applicants they were transferred and permanently absorbed in the Telecommunication Department. However, their past services had not been counted in this department. Situated thus, the applicants submitted Annexure-A to Annexure E representations to the Chief General Manager, Assam Telecommunication Circle, Ulubari, Guwahati-7. In spite of those representations the Department have not taken any action. Hence the present application.



2. In due course the respondents have filed written statements separately. In paragraph 1 of the written statement the respondent No.3 has stated as follows:

".....As all these Extra Departmental Tele Messengers were made surplus due to the creation of D.T.O. abolishing the telegraph branch of combined offices and all the surplus Extra Departmental Tele Messengers were directed to D.T.O. for regular absorption, hence it is the responsibility of the Department of Telecommunications to absorb them permanently. The Chief Postmaster General, Assam Circle, the Respondent No.3 is the present O.A. has nothing to do regarding their absorption in Department of Telecommunications."

The 1st and 2nd respondents similarly have filed separate written statement. In the various paragraphs of the written statement they have stated that after bifurcation of the erstwhile Posts and Telegraph Department, the applicants were sent to the Telecommunication Department and absorbed as casual employees. They are still casual. Therefore, their past services could not be counted. An additional written statement was also filed by the 1st and 2nd respondents. In paragraph 7 of the said additional written statement the 1st and 2nd respondents have stated as follows:

"7. That the C.P.M.G. was requested vide this office letter No.STES-13/22/2 dated 27.4.98 to process the repatriation cases of E.D.A. deputationists. However, the gap of 5 years in which no correspondence was made, is regretted."

3. We have heard Mr S. Sarma, learned counsel appearing on behalf of the applicants and Mr A.K. Choudhury, learned Addl. C.G.S.C. and Mr G. Sarma, learned Addl. C.G.S.C. According to Mr S. Sarma the applicants' past services in the erstwhile Posts and Telegraph Department should be counted as they had been transferred to the present department by the authorities. Mr G. Sarma, on the other hand, submits that the Department of Posts is not at all concerned with the applicants' service. He further submits that no doubt the applicants belong to the erstwhile Posts and Telegraph Department, but after bifurcation of the said department they



have been serving in the Department of Telecommunication as casual workers, and therefore, for all purposes they are the employees of the Department of Telecommunication. Mr G. Sarma further submits that the postal department has nothing to do with the past services of the applicants. The submissions of Mr Choudhury is somewhat different. According to him, the applicants being casual employees in the erstwhile Posts and Telegraph Department they are not entitled to their claim.

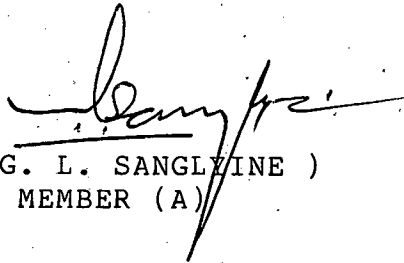
4. Facts emerging from the application and written statements are that, on bifurcation, the applicants were sent to the Department of Telecommunication and since then they have been working in the said Department although on casual basis. Mr Choudhury, however, finds it difficult to substantiate the contentions in the written statement made by the 1st and 2nd respondents, because the correspondences suggest that they were permanently absorbed. By Annexure 2 order dated 7.1.1991 the applicant Nos.1 and 2, by Annexure 3 order dated 7.1.1991 applicant No.3 and by Annexure 4 order dated 29.1.1991 applicant No.4 had been permanently absorbed. The applicant Nos. 2 and 3 were absorbed as Casual Mazdoor under the Telecommunication Department though on temporary basis. By Annexure 3 order dated 7.1.1991 the applicant No.3 was appointed, however, it was mentioned that there would be no claim for regular absorption. Similarly, applicant Nos.4, 5, 6, 7 and 8 were absorbed. It is an admitted fact that the present applicants are working in the Department of Telecommunication as casual employees. The additional written statement is contrary to the original written statement. Mr Choudhury does not dispute that the statement in the additional written statement is contradictory to the original written statement because in the original written statement the respondents have admitted that they had been working as casual employees on regular basis; in the additional written statement these respondents have taken a new plea that they



were sent on deputation. Mr Choudhury and Mr G. Sarma, learned Addl. C.G.S.C.s were requested to find out the real state of affairs. Mr G. Sarma has produced the records. He submits that the records do not show that these applicants were sent on deputation. Learned counsel for the applicants submits that there is no evidence that they were sent on deputation.

5. After ~~the~~ hearing the learned counsel for the parties and from the materials available before us, we hold that the applicants are at present regularly working in the Department of Telecommunication though initially they were appointed in the erstwhile Post and Telegraph Department. The present applicants still are on casual basis, but if the services of the applicants are regularised that should be done as per rules and/or Scheme, if any, applicable to the present applicants and their past services rendered in the Department of Posts and Telegraph shall have to be counted as per rules or Scheme.

4. With the observations made above, the application is disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

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

16
 Guwahati Bench

Title of the case : O.A. No. 41 of 1996

Shri Bishnupada Chakraborty & Ors. ... Applicants

- Versus -

Union of India and others. ... Respondents

I N D E X

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18.	W/s on behalf of Respondents.	31-36

For use in Tribunal's Office :

Recd Copy
Gole/Vanna
ADP/CYSC
CAT, GHY
15-3-96
at - 11:25 AM

Date of filing :
 Registration No. :

 REGISTRAR

Filed by the applicant through
B. Mehta
Advocate
15.3.96

O.A. No. 41 of 1996

BETWEEN

1. Shri Bishnu Pada Chakraborty,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu
2. Shri Kanu Bhusan Chakraborty,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
3. Shri Gokul Chandra Dey,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu
4. Shri Bikash Kar,
Casual Telegraph Man (Outdoor),
District Telegraph Office, Diphu.
5. Md. Eunish Ali, DRM Telemessenger,
District Telegraph Office, Hojai
6. Shri Dilip Paul, DRM Telemessenger,
District Telegraph Office, Hojai
7. Shri Ashok Kumar Das,
Casual Telegraph Man,
District Telegraph Office, Kokrajhar.
8. Shri Mridul Chakraborty,
Casual Telegraph Man,
District Telegraph Office, Kokrajhar.

.... Applicants

AND

1. The Union of India,
to be represented by the Secretary
to the Govt, of India,
Telecommunication Deptt.
New Delhi.
2. The Chief General Manager, Telecom,
Assam Circle,
Ulubari, Guwahati-7
3. The Chief Postmaster General,
Assam Circle,
Meghdoot Bhawan, Guwahati-1.

... Respondents

DETAILS OF APPLICATION

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

The application is made not against any particular order, but for a direction to the respondents to regularise the services of the applicants as of regular Group 'D' cadre.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

The applicants further declare that the application is within limitation as prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 The applicants are citizens of India.

4.2 That the applicants have similar cause of action, the relief ~~same~~ prayed for is also same and they have a common interest in the matter and as such, the applicants crave leave of the Hon'ble Tribunal to permit them to join together in a single application as provided for in Rule 5(a) of the C.A.T. (Procedure) Rules, 1987.

4.3 That the applicants are similarly placed employees working as Casual Telegram Man/Telemessenger at different Telegraph Offices under the Department of Telecommunication.

4.4 The applicants were earlier working in Telegraph Signalling Section of different Post Offices as Extra-Departmental Telegraph Messengers. The dates of initial appointment of the applicants in Post Office are show below :

	<u>Date of initial appointment</u>	<u>At Post Office at</u>
1st Applicant	3.10.78	Diphu
2nd Applicant	1.2.82	Diphu
3rd Applicant	16.10.87	Diphu
4th Applicant	5.1.84	Diphu
5th Applicant	5.9.83	Diphu Hojai
6th Applicant	9.9.83	Hojai
7th Applicant	23.3.85	Kokrajhar
8th Applicant	8.8.78	Kokrajhar

4.5 The Department of Posts offers telegraph services alongwith its regular services of acceptance and delivery of letters and articles and for this purpose each Post Office is having a telegraph signalling system which is called Combined Signalling Offices (C.S.O for short). The Posts & Telegraph Department took up a policy decision that the CSOs which are on an average dealing with more than 500 telegrams a day would be converted into full fledged Telegraph Offices under the Telegraph Traffic arm of P&T Department. The standard of conversion of CSOs into Telegraph Offices (called DTOs) were latter on liberalised from 500 telegrams to 350 telegrams a day.

Posts and Telegraph Department were bifurcated into Department of Posts and Department of Telecommunication; and after this bifurcation, it was decided by the

Government that each civil district head-quarter should have minimum one telegraph office under traffic arm (now under Department of Telecom.) irrespective of the number of telegrams to be dealt with. Pursuant to such a decision Telegraph Offices were opened at Diphu, Kokrajhar and Hojai on 4.1.91, 20.3.91, and 29.3.92 respectively by converting the corresponding CSOs into DTOs.

Since there were chances that the staff in the erstwhile CSOs may be rendered surplus ~~xxx~~ at Post Offices due to closure of Telegraph portion at Post Offices and since there may be serious discontentment if the employees are retrenched due to no fault on their part, the Telecom Department engaged those employees in the same position and changed their designation as Casual Telegraph Man instead of Extra Departmental Telegraph Man.

The applicants are such extra departmental telegraph man who are presently working under the respondents as casual telegraph man.

4.6 That by an order dated 3.7.90 issued by the Postmaster, Diphu, it was intimated that the names of the 1st, 2nd and 3rd applicants were forwarded to the Telecom Department for absorption.

A copy of the said order dated 3.7.90 is annexed herewith as ANNEXURE-1.

4.7 That by order dated 7.1.91 the 1st and the 2nd applicants were absorbed as Casual Mazdoor (Telegraph Messenger) and were posted to the District Telegraph Office,

Diphu. It was stated in the order that the regularisation of the said applicants will be made as per existing departmental rules.

A copy of the aforesaid order dated 7.1.91 is annexed herewith as ANNEXURE-2.

4.8 That similar order in respect of the applicant No. 3 was issued on 7.1.91 by the Superintendent, Telegraph Traffic, Jorhat Division by which he was engaged as Casual Mazdoor.

A copy of the said order dated 7.1.91 is annexed herewith as ANNEXURE-3.

4.9 That as regards the petitioner No. 4, an order dated 29.1.91 was issued by the Incharge, District Telegraph Office, Diphu by which he was engaged as a daily rated Mazdoor.

A copy of the said order dated 29.1.91 is annexed herewith as ANNEXURE-4.

4.10 That as regards the applicant Nos. 5 and 6 are concerned, such order was issued on 28.3.92. It is pertinent to mention here that the order dated 28.3.92 states that the applicants No. 5 and 6 are transferred and directed to join the D.T.O.

A copy of the said order dated 28.3.92 is annexed herewith as ANNEXURE-5.

4.11 That similarly order dated 7.3.91 was issued by the Superintendent, Telegraph Traffic, Dhubri whereby

the applicant Nos. 7 and 8 were diverted with a direction to report to the Incharge, D.T.O. Kokrajhar. Pursuant to the aforesaid order dated 7.3.91, the applicant Nos. 7 and 8 were relieved by an order dated 19.3.91 and accordingly, they joined at Kokrajhar.

Copies of the aforesaid orders dated 7.3.91 and 19.3.91 are annexed herewith as ANNEXURES-6 and 7 respectively.

4.12 That the petitioners state that as already stated hereinabove, a decision was taken by the authorities to convert CSOs located at all the district head quarters into DIOs and that the existing signalling staff may be absorbed in the DIOs. Such a decision is reflected in a communication dated 5.5.90 written by the Superintendent Telegraph Traffic, Dhubri addressed to Superintendent of Post Offices.

A copy of the aforesaid communication dated 5.5.90 is annexed herewith as ANNEXURE-8.

4.13 That the applicants state that they were not retrenched by the Department of Posts but were transferred from Post Offices to Telegraph Offices and since all these applicants were holding civil posts as extra departmental telegraph man, they should have been offered a similar post under the telecom. department and under no circumstances they should have been put in lower posts. But the respondents for reasons best known to them had engaged the applicants as Casual Mazdoor for telegraph man work which were non-civil and non-regular posts in the Telecom

23

Department. This has been done in a most arbitrary and highhanded manner and as the applicants hail from very lower strata, they could not have any choice and joined the posts.

4.14 That the applicants state that on the date of opening of Telegraph Offices in respective places, few posts of ~~the~~ Postal signallers and telegraph messengers were abolished at the signalling sections of the Combined Offices and same number of posts cropped up at the newly opened Telegraph Offices for the purpose of doing similar/same jobs. Therefore, the applicants who were extra-departmental telegraph man and who were doing the same pattern of jobs at Post Offices in their respective signalling sections should have been straightway engaged/absorbed in the newly created posts at Telegraph Offices as regular employees. The vacancies were regular in nature and as such, there there was no impediment on the part of the respondents to engage the applicants as ~~Casual Mazdoor~~ regular employees. But the respondents preferred to engage the applicants as Casual Mazdoor to perform similar job of telegraph man or telegraph messenger.

4.15 That the applicants state that since January 1991, the Department of Telecom has been regularising about 200-300 Casual Mazdoors ever year in many non-specific posts and has offered them the status of regular Mazdoor. However, the applicants have been made to work against regular works of regular telegraph man without giving them the benefit of the said posts.

4.16 That the applicants state that the Director

General, Posts and Telegraph issued a circular dated 20.2.76 laying down a scheme for absorption of Casual Mazdoors and Part-time Casual Mazdoors (the circular is prior to bifurcation of Telecom Department). According to this circular, recruitment to regular establishment from outsiders may not be made till eligible casual labourers, Mazdoors and Part-time labourers ~~are~~ who are otherwise suitable are regularly employed. It has also been laid down that the recruitment may be made ~~for the~~ in the following order of preference :

- (a) By Peon now dying cadre
- (b) Non-test category, class-IV ;
- (c) extra-departmental agents ;
- (d) casual labourers ;
- (e) Part-time casual labourers
- (f) outsider through Employment Exchanges.

Thus preference has been given to the extra-departmental ages like that of the applicants for regularisation into the Group-D posts as compared to Casual Mazdoor or Part-time Mazdoor. But the benefit of that circular has not been extended to the applicants. There are other circular holding the field by virtue of which the petitioners should have been regularised. The applicants crave leave of this Hon'ble Tribunal to produce the relevant circulars at the time of hearing of the application. However, a copy of the circular dated 20.2.76 is annexed herewith as ANNEXURE-9.

4.17 That the applicants state that they are qualified for the posts of Telegraphman or any Group-D posts in which they are presently working. They are not only

educationally qualified for the Group-D posts but by now they are also thoroughly acquainted with all the works of a Group D staff and telegraphman (Indoor and outdoor) of Telegraph Office. In fact they are at times required to extend their helping hands to Group C colleagues when latter are required to ~~make~~ manage the works singlehanded at counter as well as instrument room.

4.18 That the applicants state that on the basis of the circular dated 20.2.76 they are entitled ~~be~~ to be regularised in their services in any Group D posts. Even otherwise also as per the policy decision they ought to have been regularly appointed in the Telecom Department.

4.19 That the applicants state that they have made representations for absorption in a regular posts in the Telecom Department. However, inspite of such representations, the case of the applicants have not been considered by the respondents. Since the representations are identical, copies of some of the representations filed by the applicants are annexed herewith as ANNEXURES-10A, 10B, 10C, 10D and 10E.

4.20 That the applicants state that during the course of their service under the respondents they have spent their valuable years and have lost chances of appointment elsewhere. Some of the applicants are about to cross their upper age limit for appointment ~~xxThe~~ under the Government. The applicants having crossed or about to cross, the upper age limit for appointment in the Government job, their services are required to be regularised

as they will ~~be~~ not be able to be appointed in other departments.

4.21 That the applicants state that when they have made representations and they have been expecting regularisation in terms of the policy/circular of the Government, they respondents instead of regularising the services of applicants have considered to dispense with the services of the applicants. Thus there is imminent threat of termination of their services and therefore, the applicants pray that appropriate interim order be passed restraining the respondents from terminating the services of the applicants. ~~xxxxxx~~ Unless such an order is passed, the applicants would suffer irreparable loss and injury and they would be forced to starvation.

4.22 That a statement showing the details of educational qualifications, appointment etc. of the applicants is annexed herewith as ANNEXURE-11.

4.23 That the applicants state that the respondents having utilised the services of the applicants in exploitative terms, their services are required to be regularised.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the applicants being extra-departmental agents in the Postal Department, they were holding a civil post and therefore, they are required to be regularly absorbed in the Telecom Department.

5.2 For that the applicants having been utilised

again t permanent posts, they deserve consideration for permanent absorption in the regular vacancies. The respondents cannot do away with the services of the applicants in an arbitrary manner.

5.3 For that the applicants were in fact transferred from the Postal Department to the Telecom Department and therefore their case is not of re-appointment. On their transfer, they have been working against permanent posts, and therefore, they are required to be regularised in those posts.

5.4 For that the services of the applicants are required to be regularised in view of the circular dated 20.2.76.

5.5 For that after utilising the services of the applicants in exploitative terms, it is the bounded duty of the respondents to give the applicants the benefits of regular employees.

5.6 For that when the right to work has been a slogan of the day, the services of the applicants are threatened to be terminated rendering them jobless and in the process their livelihood is being threatned to be snatched away contrary to the said slogan and that too without affording the applicants any opportunity of being heard.

5.7 - For that after having rendered services in the Postal Department for such a long period of time, it is the legitimate expectation of the applicants that

they would be regularly absorbed by the respondents.

5.8 For that the impugned threatened action being violative of the Articles 14, 16 and 311 of the Constitution of India, the same is not sustainable in the eye of law and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicants declare that they have exhausted their departmental remedies by filing representations and there is no other alternative remedy opened to them except by way of filing this application.

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

That the applicants further declare that they have not filed any application, writ petition or suit regarding the matter in respect of which this application is filed before any Court or Authority or any other Bench of this Hon'ble Court nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

In view of the facts and circumstances of the case mentioned in paragraph 4 and the grounds mentioned in paragraph 5, the applicants pray that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records, Your Lordships may be pleased to grant the following reliefs :

- (i) To issue a direction to the respondents to regularise the services of the applicants from the date of

their joining the Telegraph Offices.

- (ii) To issue a direction to the respondents not to terminate the services of the applicants and to give them all consequential benefits ;
- (iii) To issue any other direction or directions as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, the respondents be directed not to terminate the services of the applicants.

10.

The application is filed through Advocate.

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

- (i) I.P.O. No. 8.09.345076
- (ii) Date. 27.2.96
- (iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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

I, Shri Bishnu Pada Chakraborty, Casual Telegraph Man (Outdoor), District Telegraph Office, Diphu, the applicant No.1, do hereby solemnly verify and state that statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact. I am also duly authorised by other applicants to sign this verification on behalf of all of us.

And I sign this verification on this the 15/5 day of March, 1996 at Guwahati.

Shri Bishnu Pada Chakraborty

No. A-1/Estt Diphu/90

Subj: Absorption of E.D. Messengers in D.T.O. Diphu due to shifting of delivery of work of Telegrams from post office to Telegraph Office.

Ref:- Your Memo No. T-5/D.T.O./conversion/90-91 dt. 3-7-90

ANNEXURE- 1

The following post of tele Messengers and E.D. tele Messengers were specifically created for delivery of Telegrams in Diphu Town area. Due to diversion of telegram delivery work from post office to Telegraph Office, the persons working at present are also required to be diverted from post office to Telegraph Office, otherwise all of them will be thrown out of employment having no subsistence of their own as there is no vacancy at Post office to accommodate them.

All these messengers are well acquainted with day to day work of telegraph Branch. The location of various farms, business and commercial centres, Institutions etc. in the different parts of the Diphu Town area are also well known to them as they are rendering door to door delivery service for a long time.

The particulars of the messengers to be diverted to D.T.O. Diphu from Diphu H.P.O. are shown below:-

Name	Date of birth	Date of continuous service.	Length of service
1. Shri Bishnu Pada Chakrabarty	1-3-61	3-10-78	More than 12 yrs.
2. Shri Kanu Bhusan Chakrabarty	1-10-64	1-2-82	More than 8 yrs.
3. Shri Gokul Ch. Dey	19-11-65	16-10-87	More than 3 yrs.

All of them have been asked to have a liaison with the Officer In-charge, D.T.O./Diphu. Their personal file and other service particulars will be sent accordingly.

This is in continuation of this office letter of even no. dt. 9-7-90.

Postmaster
Diphu H.O.-782460

Copy to:- 1. The In-charge, D.T.O./Diphu for favour of absorption of the existing Tele Messenger before placing them to the Employment Exchange for new candidates or for diversion of Officials from other Telegraph Units.

2. Shri B.P. Chakrabarty, offg. Tele Messenger/Diphu. He will please carry with him all undelivered "C" messages and booked "A" messages to be transitted by D.T.O. on the morning of the day of opening as the post of Telegraphist at Diphu H.O. will be abolished from the day of opening of D.T.O.

3. Shri K.B. Chakrabarty, E.D. Tele Messenger | They will keep proper liaison with D.T.O. and report to duty there.

4. Shri Gokul Ch. Dey offg. Tele Messenger

5. One spare copy to The Supdt. Telegraph Traffic, Jorhat at Camp T.O./Diphu.

6. The Supdt. of post Offices, Nowgong Division, Nowgong for favour of information.

Attested.

Advocate.

B.P.e.

Postmaster.
Diphu - 782460

ANNEXURE- 3

GOVT. OF INDIA:

Department of Tele-Communications.
Office of the Superintendent, Telegraph Traffic, Jorhat Division,
JORHAT- 785 001.

No.E-2/CENT/DIPHU/90-91 Dated at Jorhat-1, the 07-01-91.

P-3

Sri Gokul Ch.Dey, regular Casual Messenger of Diphu Post office is hereby engaged as Daily Rated Casual Mazdoor as Night Guard on purely temporary and on Ad-hoc basis (no work no pay for five day a week) and posted at D.P.O.Diphu against the existing vacancy of the N/Guard. The candidate may be terminated at any time assigning any reason thereof and there will be no claim for regular absorption in future.

The candidate had been working at Diphu Post Office as telegraph messenger since 16-10-1987.

(J.Singh).
Superintendent, Telegraph Traffic,
Jorhat Division, Jorhat-785 001.
phone/20630.

No./ E-2/Cent/Diphu/90-91 Dated at Jorhat-1, the 07-01-91.

Copy to : 1. The In-Charge, D.P.O.Diphu for information and n/a and report compliance.

- 2. The Area Manager, Telecom, Upper Assam, Dibrugarh.
- 3. The Post Master, Diphu Post Office, Diphu.
- 4. The candidate concerned.
- 5. File No.E-5/DIC/Diphu/Staff/90-91 for record.
- 6. C/C. 7. Spere.

10

Sri Gokul ch dey

Diphu

[Signature]

Avocato.

[Signature]
(J.Singh).
Superintendent, Telegraph Traffic,
Jorhat Division, Jorhat-785 001.
phone/20630.

Department of Telecommunications⁻¹⁷⁻

Office of the T.M. Incharge

ANNEXURE-4

DTO Diphu.


No. D-2/DRM/DTO Diphu 1990-91

Date 29-1-91

With reference to STT Jorhat
Letter No E-2/cont dated 11.1.91
Sri Bikash Kar s/o Sri B. B. Kar
P and T colony Diphu, is hereby
engaged as DRM (Daily rated
Mazdoor) purely on adhoc basis, not
more than 5 (five) days a week.

Diphu

Date 29/1/91


Incharge
D. T. C., DIPHU
29/1/91

Attes.ed.


Advocate.

7 23 35

2-2/200's - promotion/deputation : D.O. Hojai 782435

Hojai 782435
Departmental Telegraph Office

Subj:-

Transfer of 2 (two) ED official in addition to the
existing ED messenger working at Hojai C.D.O. against
vacancy of tele-messenger's (newly created) at
D.T.O. Hojai.

Sir,

I have been directed vide Supdt of Post Offices
Magan Division W.P.-1/10/21/11 and Teleorder No/1319/26.3.92 to
transfer two ED officials in addition to the existing ED tele-messenger
of the Hojai C.D.O. to your D.T.O. (Departmental Telegraph Office) at
the post of departmental telemsg engrs

In complying the order of the Supdt of Post Offices
Magan Division Magan the following officials are hereby transferred
and directed to immediately join the D.T.O by 29.03.92 positively.

SERIAL NO	NAME OF OFFICIALS	DESIGNATION	TO D.O
1.	Sri Bilip Kumar Paul	ED/tele messenger	D.T.O Hojai
2.	M. Suresh Ali	ED/tele messenger	D.T.O. Hojai

The joining date of the above these officials are
kindly be intimated to the undersigned.

Yours faithfully
Sub-Divisional Inspector of Post Office
Hojai Sub-Division
Hojai-782435

Copy to:-

- Sri Bilip Kumar Paul S/O telemsg Hojai
- M. Suresh Ali S/O telemsg Hojai
- The Supdt of Post Offices Magan Division Magan for info
and ref to the letter above.

encl:-

Sub-Divisional Inspector of Post Office
Hojai Sub-Division
Hojai-782435

ANNEXURE- 6

Department of Telecommunications
Office of the Superintendent Telegraph Traffic
Dhubri Division, Dhubri.

NO.C-9/Conversion/KKJ/90-91

Dated at Dhubri
the 7th March/91.

To:
The Postmaster
Kokrajhar.

Subi-Conversion of CSO Kokrajhar into
DTC-Absorption of ED messenger thereof.

Refs-Supdt. Postoffices Dhubri Division
Dhubri letter no.B/A-10/Pt-IV dtd.
21-2-91.

It is intimating that Telegraph Branch of CSO
Kokrajhar is being converted into DTC on 12/3/91 (12/3/91).

So, you are hereby requested to divert the
following two ED messengers of Kokrajhar CSO to DTC Kokrajhar
with a direction to report themselves to I/C DTC Kokrajhar on
12/3/91 before 1000 hours.

Name of the ED messenger:-

- 1) Sri Ashok Kumar Das, ED messenger Kokrajhar CSO.
- 2) Sri Mridul Chakraborty, ED messenger Kokrajhar CSO.

(S.R. BARUAH)

Superintendent Telegraph Traffic
Dhubri Division, Dhubri.

Copy forwarded to :-

- 1) The Superintendent Postoffices, Dhubri Division, Dhubri w.r.t.
his letter no.B/A-10/Pt-IV dtd.21-2-91.
- 2) The I/C DTC Kokrajhar for information.
- 3) O/C.

Superintendent Telegraph Traffic
Dhubri Telegraph Traffic Division,
Dhubri-781001

Attested.

Office of the Sub-Postmaster (L.S.G.) Kokrajhar-78371.

No. 1-1/Staff/52/1-91 Dated at Kokrajhar the 19th March/91.

To,

The Superintendent, Telegraph Traffic Dhubri Division
D.H.B. 111.

Subject:- Conversion of C.S.D., Kokrajhar in to L.T.O.
Assignment of E.O. Messengers thereof.

Ref:- Suptd. Telegraph Traffic, Dhubri Division,
Dhubri No.C-9/Conversion/KKJ/20-91 dt.7.3.91.

Sir,

In pursuance of your letter dtd. 7.3.91 on the above subject, the following E.O. messengers of this office are hereby relieved to-day the 19.3.91 afternoon with direction to report to the S/O, L.T.O., Kokrajhar.

Name of the E.O. messengers.

- 1. Sri. Sank Kumar Das,
- 2. Sri. Primal Sankrabarty,

Your's faithfully,

(J.N. Sarker)

Sub-Postmaster (L.S.G.) Kokrajhar.

Copy to :-

- 1. The Superintendent, Telegraph Traffic, Dhubri Division, D.H.B. 111, for information.
- 2. The Postmaster, Dhubri H.B. for information and necessary action.
- 3. The officials concerned.
- 4. Office copy.

Sri A. K. Das

1913
L. S. G.
KOKRAJHAR-78371

Attested.

[Signature]

Department of Telecommunications
Office of the Superintendent Telegraph Traffic,
Dhubri Division, Dhubri.

No. 3-9/Conversion/1/KKJ-GP/90

Dated at Dhubri
the 5th May/90

To
The Superintendent of Post Offices,
Goalpara Division, Dhubri.

Sub :- Conversion of CJs at Dist. Head
quarters/Deputation of present
signalling staff.

In accordance with the decision/instruction of
Telecom. Commission, the CJs located at Dist. HQ should be
provided with Departmental Telegraph Office and accordingly
Chief General Manager Telecom. Assam Circle decided that all
the Dist. HQ CJs will be converted into DTCs by December, 1990.
Therefore, Kokrajhar and Goalpara CJs under your control will
be converted into DTCs within a short period.

In this connection, the undersigned requests you to
spare your existing signalling staffs on deputation at least
for a period of 6 months/1 year for working in the aforesaid
CJs.

Further, you are requested to obtain options from the
Telegraph Messengers attached to Kokrajhar & Goalpara CJs,
whether they are willing for their absorption in the Telecom
side on conversion of CJs into DTCs, if so, forward their
options to the undersigned in triplicate at an earliest
possible.

Thanking you,

Sd/- N.C. Das
Superintendent Tele-Tft
Dhubri Division, Dhubri.

Attention.
[Signature]

Absorption of casual mazdoors and part-time casual mazdoors ~~whke~~ in regular class IV cadre - relaxation given - clarifications regarding.

DGP&T No. 269/142/75-STB dt. 20.2.1976.

Various instructions for absorption of casual mazdoors and part-time casual mazdoors have been issued from time to time by the Directorate. Instances have come to notice that these instructions have not been interpreted correctly and as a result of this they are not being implemented properly. A summary of various relaxations issued so far for absorption of casual mazdoors and part-time casual mazdoors are reproduced below for guidance and necessary action.

2. According to the instructions contained in this office letter No. 204/22/69-STB.1 dated 14.5.69 casual mazdoors are eligible for absorption as regular class IV posts provided they have been recruited through employment exchange and rendered a minimum of two years continuous service (at least 140 days of service during each of two years). The casual mazdoors have also been given age concession for absorption vide this office letter No. 204-11/61-STB dated 25.8.61 & 9.10.61 which inter alia provide that the period spent by casual mazdoors including the broken period of ~~the~~ service provided it is in a continuous stretch of 6 months, may be taken into account for the purpose of age relaxation in regular establishment. The age concessions granted to mazdoors for absorption to regular class IV cadre have been extended to casual mazdoors for their appointment as Lineman also vide this office letter No. 18-25/67-NCG dated 21.1.74.

3. As regards the absorption of part-time casual mazdoors to regular establishments, orders have been issued vide this office letter No. 160-25/66-SPB-1 dated 25.4.69 which inter alia provide that part time casual mazdoors are also eligible for absorption to regular establishments if they have acquired experience of a minimum of four years continuous service as part time casual labour in the office establishment to which they were appointed through employment exchange.

Contd....P/2.

Attested.

4. The condition of nomination from Employment Exchange was reviewed in 1973 and it was decided in consultation with D.G. P&T and orders were issued vide this office letter No. 269-21/68-STB-1 dated 22.8.73 that casual mazdoors appointed without nomination through Employment Exchange upto 31.7.73 may be dispensed with. The above concession has also been extended to all part time casual mazdoors vide this office letter No. 269/105/73-STB-I dated 6.4.74.

5. While making recruitment to regular class IV estt., it has been made clear vide this office letter No. 269/34/64-STB-1 dated 15.9.64 that recruitment to regular establishment from outsiders may not be made till eligible casual labourers, mazdoors and part-time casual labourers who are otherwise suitable, are available as mentioned earlier in para 2, 3 and 4 above. If such casual mazdoors, eligible for absorption are not available then only recruitment may be made as per the provisions of this office letter No. 45-13/72-SPB, I(P) dated 29.6.73 which inter alia provide that the recruitment may be made in the following order of preference.

- (a) Boy peon (now dying cadre)
- (b) Non-test category Class IV
- (c) Extra Departmental Agent
- (d) Casual Labourers.
- (e) Part-time casual labourers
- (f) Outsiders through Employment Exchange

Obviously the inclusion of non-test category staff at (b) who are already on regular establishment, is for consideration to test category. So also the casual labourers and part-time casual labourers mentioned at (d) and (e) above refer to those who are not eligible as per para 2, 3, and 4 above.

5. However, some instructions were issued vide this office letter No. 45/25/73-STB.1 dated 24.6.74 which inter alia provide that the services of the casual labourers who have not completed two years of service as on 30.11.73

Attested.

Jr

Contd...P/3.

may be dispensed forthwith and resultant vacancies may be got filled by suitable candidates sponsored by the Employment Exchange. It has, however, been clarified vide our letter No. 269/21-68.STB.I dated.22.8.73 wherein some special relaxations have been given to casual mazdoors in regard to their nomination through Employment Exchange. In short those casual mazdoors who were employed before 31.7.73 and are continuing thereafter, will not be disqualified for consideration on the plea of their not being sponsored by the Employment Exchanges.

....

Attested.

To,

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

Dated Diphu the 28-9-91

Sub :- Prayer for absorption into Telegraphman Post by counting my total Central Govt. Services in P & T Department.

Sir,

With due respect, I beg to state that when D.T.O. Diphu, was opened on 04.01.91 by closing the Telegraph signalling section of Diphu Head Post Office, the then C.G.M.T. having been realised that all of us, who were working in Telegraph signalling section under H.P.O., Diphu, may become surplus there had agreed to give us temporary appointment as Casual Mazdoor at D.T.O., Diphu, vide S.T.T. Jorhat No. B-2/Cont/Diphu/90-91, Dated at Jorhat 07.01.91, issued as per instruction of C.G.M.T's, Assam, Guwhati's No. TFC-3/90-91/DOI/30Dip, Dated 31.07.90, and engaged me to work as Telegraph Messenger (out door) D.T.O. Diphu with effect from 04.01.91.

That sir, I beg to state hereby that I was first appointed in Postal Department on 03-10-78 and if my total ~~xxxx~~ casual service in P & T Department is considered, I have already served here for SIXTEEN years continuously initially as E.D. Messenger and later on as Group "D" on promotion.

That sir, I hail from a poor family and holding the burden of FIVE Members of my family being married one.

Under the circumstances, I would request you to kindly regularise me into the cadre of GROUP "D" while there is clear vacancy exists in that post at D.T.O. Diphu.

Thanking you.

Yours faithfully,

Bishnu Pada Chakraborty
Telegraph Messenger

Encloser :-

1. Photostat copy of S.T.T's No. B-2/Cont/Diphu/90-91, Dated at Jorhat 07.01.91. out door
DIPHU
2. No. A-1/ESTT Diphu/90, Dtd. Diphu the 03.01.91 issued by Post Master to S.T.T. Jorhat.
3. Service Varification Memo issued by P.M., H.P.O. Diphu, Dtd. 26.12.91.

Attested.

Produced to
Dim Sect.
(B) 28/9/91

- 26 -

17

ANNEXURE- 10 B

To,
The Chief General Manager,
Assam Telecommunication Circle,
Ulubari, Guwahati-7.

Dated Diphu, the 28-9-91

Through proper channel.

Sub :- Prayer for absorption into Telegraphman Post by counting my total Central Govt. Services in P & T Department.

Sir,

With due respect, I beg to state that when D.T.O., Diphu, was opened on 04.01.91, by closing the Telegraph Signalling Section of Diphu Head Post Office, the then C.B.M.T. having been realised that all of us who were working in Telegraph Signalling Section, under H.P.O. Diphu may become surplus there had agreed to give us temporary appointment as casual Mazdoor at D.T.O., Diphu, vide STT/Jorhat No. B-2/Cont/Diphu/90-91, dated at Jorhat 07.01.91, issued as per instruction of GGHT's, Assam, Guwahati's No. IFC/90-91/DO(3)/Dip. dated 31.07.90, and engaged me to work as telegraph messenger (out door) at D.T.O., Diphu, with effect from 04.01.91.

That sir, I beg to state hereby that I was first appointed in Postal Department on 01.02.1982, and if my total casual service in P&T Department is considered. I have already served here for 13 (thirteen) years continuously initially as E.D. Messenger and letter on as Group 'D' on promotion.

That sir, I hail from a poor family and holding the burden of 5 (five) members of my family, being married one.

Under that circumstances, I would request you to kindly regularised me into the cadre of Group 'D' Telegraphman (out door) while there is clear vacancy exists in that post at D.T.O., Diphu;

Thanking you.

Yours faithfully,

Kanu Bhusan Chakraborty
(Kanu Bhusan Chakraborty)
Telegraph Messenger
(outdoor)

Telegraph Office,
Diphu - 782 460.
Karbi Anglong District.

Enclosers :-

1. Photostat copy of STT No. B-2/Cont/Diphu/90-91.
2. No. A-1/Estt.Diphu/90 dtd. Diphu the 03.01.91 issued by post Master to STT Jorhat.
3. Service Verification Memo issued by Post Master, H.P.O. Diphu, Dated 26.12.91.

Forwarded to DTM.
Secy,
BWS
28/9/91

00000

Attested.

Advocate.

Forwarded
 10/2/95
 4

To
 The Telecom District Engineer,
 Nagaon(Assam).

Dated, Hojai the 9th Feb@995.

Sub:- Regularisation of service from D.R.M.

Sir,

With due respect, I beg to write you that I have been appointed as ED Telegraph Messenger at Hojai, P.C. with effect from 4.9.83. and while working there I have been transferred and posted as D.R.M. in the D.T.O. Hojai, and joined at the D.T.O. Hojai on its opening on 29.3.92. and working in the D.T.O. as D.R.M. Telegraph Messenger since then.

I would request you to kindly absorb me as regular Departmental official at Hojai D.T.O. as I have been working in the Department since a long years continue.

Thanking you.

Yours faithfully

MD. EUNUS ALI

(Md. Eunus Ali)
 DRM Telegraph Messenger
 Hojai D.T.O. (Assam)

Dated. 9.2.95/95.

Attested.

Advocate.

29
Forwarded as:
10/2/95
US
U.S. MAIL
Telegraph Office
Cable-782636

To
The Telecom District Engineer,
Nagaon (Assam).

(Through the 1/c T.O. Hojai)

ANNEXURE-10 E

Dated Hojai the 9th Feb/95.

Sub:- Regularisation of Service from D.R.M.

Sir,

With due respect, I beg to write you that I have been appointed as ED Telegraph Messenger at Hojai P.O. with effect from 9.9.83 and while working there I have been transferred and posted as D.R.M. in the D.T.O. Hojai, and joined at the D.T.O. Hojai on its opening on 29.3.92. and working in the D.T.O. as D.R.M. Telegraph messenger since then.

I would request you to kindly absorb me as regular Departmental official at Hojai D.T.O. as I have been working in the Department since a long years continue.

Thanking you.

Yours faithfully.

Sri Dilip Kumar Paul

(Sri Dilip Kumar Paul)
DRM Telegraph Messenger,
D.T.O. Hojai (Assam)

9/2/95

Attended
Advocate.

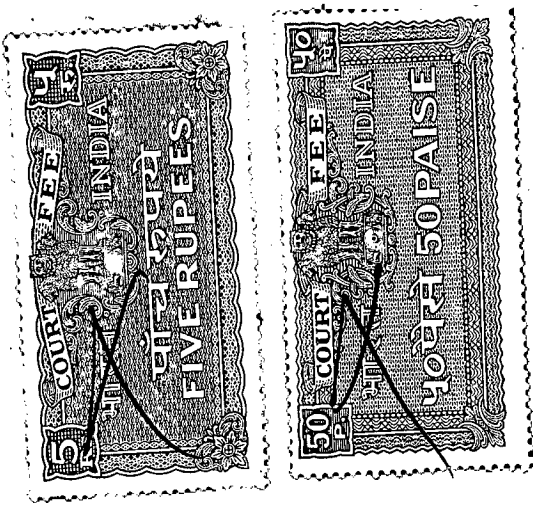
30

Sl. No.	Name of the applicant	Educational qualification	Date of birth	Present age as on 1.7.95	Office in which working	Entered PO on	Joined Tele-com on	Post now being held	Present pay
1.	Shri Bishnupada Chakraborty	Class IX	1.3.61	34 yrs.	DTO, Diphu	3.10.78	4.1.91	Casual T/Man (Outdoor)	Rs. 1917.00
2.	Shri Kanu Bhuson Chakraborty	Class VII	1.10.64	30½ "	DTO, Diphu	1.2.82	4.1.91	-do-	-do-
3.	Shri Gakul Ch. Dey	HSLC	19.11.65	29 "	-do-	16.10.87	4.1.91	-do-	-do-
4.	Shri Bikash Kr.	Class VIII	11.1.65	30 "	-do-	5.1.84	29.1.91	Casual T/Man (Indoor)	Rs. 1917.50
5.	Md. Eunish Ali	Class IX	12.10.70	24 "	DTO, Hojai	5.9.83	29.3.92	DRM Tele Messenger	Rs. 1917.50
6.	Shri Dilip Kr. Paul	HSLC	12.1.59	36 "	DTO, Hojai	9.9.83	29.3.92	-do-	Rs. 1917.00
7.	Shri A.K. Das	HSLC	1.10.66	29 "	DTO Kokrajhar	23.3.85	20.3.91	Casual T/Man	Rs. 1888/-
8.	Shri Mridul Chakraborty	Class VIII	1.7.61	34 "	-do-	8.8.78	20.3.91	-do-	-do-

Attested.

Advocate.

Dist.



1. M.D. Faruque
2. Sant Saha
3. Sri Bishnu Padm Choudhary
4. Kam Bhusan Choudhary
5. Gokul Ch. Dey
6. Ranash Nait
- 7.

VAKALATNAMA

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM, AND ARUNACHAL PRADESH)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

IN THE COURT OF....., AT THE GUWAHATI

OA NO. 41 OF 1996

BISHNUPADA CHAROORTY, & ORS Applicant/Appellant (s)
Plaintiff/Petitioner

VERSUS

UNION OF INDIA & ORS, Respondent (s)
Defendant/Opposite Party

Know all men by these presents that the above named Applicants do hereby nominate, constitute and appoint Sri B.K.Sharma, M.K.Choudhury Advocate

and such of the undermentioned Advocates as shall accept Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection herewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filling in or taking out papers, deeds of composition, etc. for me/us and my/our behalf and I/We agree to ratify and confirm all acts so done by the said advocates as mine/ours to all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In witnesses whereof I/We hereunto set my/our hand this day of 199

- | | | |
|--|---|---|
| D. N. Choudhury | L. Talukdar | Satyajeet Sarm |
| P. K. Goswami | P. K. Tiwari | Rupjyoti Bardaloi |
| P. C. Deka | <input checked="" type="checkbox"/> M. K. Choudhury | D. S. Bhattacharyya |
| J. M. Choudhury | B. M. Sarma | <input checked="" type="checkbox"/> Bishnu Mehta |
| A. K. Bhattacharyya | Ashok Roy | <input checked="" type="checkbox"/> Siddhartha Sarma. |
| <input checked="" type="checkbox"/> B. K. Sharma | Satyen Sarma | |

Sri Senior Advocate, leads me / us in this case

Received from the executant, satisfied and accepted.

Advocate

B. Mehta
(B. Mehta)

Accepted
M.K. Choudhury
Advocate
(M.K. CHOUDHURY)

Accepted
S. Sarma
(S. Sarma)

Accepted
B.K. Sharma
Advocate (B.K. Sharma)

Dist.

1. Ashok Roy
2. Moidul Chatterjee

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VAKALATNAMA
IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,
MIZORAM, AND ARUNACHAL PRADESH)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
IN THE COURT OF....., AT THE GUWAHATI

NO..... OF 199

Applicant/Appellant

Plaintiff/Petitioner

VERSUS

Respondent

Defendant/Opposite Party

Know all men by these presents that the above named _____

do hereby nominate, constitute and appoint Sri _____

Advocate

and such of the undermentioned Advocates as shall accept Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection herewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filling in or taking out papers, deeds of composition, etc. for me/us and my/our behalf and I/We agree to ratify and confirm all acts so done by the said advocates as mine/ours to all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In witnesses whereof I/We hereunto set my/our hand this day of 199

D. N. Choudhury

P. K. Goswami

P. C. Deka

J. M. Choudhury

A. K. Bhattacharyya

B. K. Sharma

L. Talukdar

P. K. Tiwari

M. K. Choudhury

B. M. Sarma

Ashok Roy

Satyen Sarma

Satyajeet Sarm

Rupiyoti Bardaloi

D. S. Bhattacharyya

Bishnu Mehta

Siddhartha Sarma.

Sri Senior Advocate, leads me / us in this case

Received from the executant,
satisfied and accepted.

Accepted

Accepted

Advocate

Advocate

Advocate

J.N. Sarmah
Advocate
12/6/96

12 JUN 1996
GUWAHATI BENCH
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of :

O.A.No.41 of 1996
Shri Bishnupada Chakraborty & Ors.
... Applicants.

-Versus-

Union of India & Ors.
... Respondents.

-AND-

In the matter of :

Written Statement on behalf of
Respondent No. *41*

I, Shri J.N.Sarmah, Asstt.Postmaster General(Vig)
in the office of the Chief Postmaster General, Assam Circle,
Guwahati do hereby solemnly affirm and declare as follows:-

1. That a copy of application alongwith an order
passed by this Hon'ble Tribunal have been served upon the
Respondents and myself being authorised to defend the
case on behalf of Respondent No. *3* ,I do hereby file
the written statement and say categorically that save and
except.....

Sarmah
Advocate
16.8.96

except what is admitted in this written statement, rest will be total denial by the Respondent No. 3.

Further, I beg to state that before I go for parawise comments, I make a 'Brief History of the Case' which will constitute part and parcel of this Written Statement.

Brief History of the Case

That Shri Bishnupada Chakraborty, Shri Kanu Bhusan Chakraborty, Shri Gokul Ch.Dey and Shri Bikash Kar i.e. Applicant No.1,2,3 and 4 respectively were appointed as ED Tele Messenger, in full Extra Departmental Tele Messenger, Diphu HO on 3.10.78, 1.2.82, 16.10.87 and 5.1.84 and on creation of D.T.O. Diphu on 1.1.91 the post of Extra Departmental Meseengers in Diphu H.O. were abolished and ED Messenger so made surplus in Diphu H.O. were transferred to D.T.O. Diphu for their absorption in newly created Tele Messenger posts at D.T.O.Diphu on 3.1.91. Accordingly, Superintendent Telegraph, Jorhat Division had absorbed Shri Bishnupada Chakraborty, Shri Kanu Bhusan Chakraborty and Shri Gokul Dey on 7.1.91 as Casual Mazdoor (Telegraph Messengers) D.T.O. Diphu and Shri Bikash Kar on 29.1.91 as Casual Mazdoor (Telegraph Messenger).

Md.Eunish Ali and Dilip Kumar Paul, applicant No.5 & 6 was appointed as Extra Departmental Messenger Hojai S.O. on 5.9.83 and 9.9.83 respectively. On creation of D.T.O. Hojai, the post of ED Messenger at Hojai S.O. had been abolished and ED Messengers became surplus staff. These surplus ED Tele Messengers were transferred to D.T.O. Hojai on 29.3.92 with a direction to absorb them.....

them in newly created Tele Messenger post at D.T.O. Hojai. They were accordingly engaged in DFO Hojai as Casual Mazdoor (Tele Messenger w.e.f. 29.3.92).

Shri Ashoke Kumar Das and Shri Kridul Chakraborty, the applicant No.7 and 8 were appointed as Extra Departmental Tele Messenger at Kokrajhar S.O. w.e.f. 23.3.85 and 8.6.78 respectively. On creation of D.T.O.Kokrajhar, the post of ED Tele Messenger at Kokrajhar S.O. became surplus and they were transferred to D.T.O. Kokrajhar on 20.3.91 with a direction to absorb them against newly created Tele Messenger post in D.T.O. Kokrajhar. Accordingly, they were engaged by the Superintendent Tele Traffic, Dhubri as Casual Mazdoor (Tele Messenger) at D.T.O. Kokrajhar. As all these Extra Departmental Tele Messengers were made surplus due to the creation of D.T.O. abolishing the telegraph branch of combined offices and all the surplus ~~Extra~~ Departmental Tele Messengers were directed to D.T.O. for regular absorption, hence it is the responsibility of the Department of Telecommunications to absorb them permanently. The Chief Postmaster General, Assam Circle, the Respondent No. 3 in the present O.A. has nothing to do regarding their absorption in Department of Telecommunications.

2. That with regards to the contents made in paragraphs 1,2,3,4.1 & 4.2 of the application, I beg to state that I have nothing to comment.

Cntd..p.4/-

3. That with regard to the contents made from paragraph 4.3 to 4.12 of the application, I beg to state that I have nothing to comment as the facts are true and based on records.

4. That with regard to the contents made in paragraph 4.13, Respondent No. 3 from Postal side has nothing to comment.

5. That with regard to the contents made in paragraph 4.14, I beg to admit the same being true.

6. That with regard to the contents made from paragraph 4.15 to 4.20 of the application, I beg to state that I have nothing to comment.

7. That with regard to the contents made in paragraphs 4.21, I beg to state that I have nothing to comment on behalf of Respondent No. 3. The action was taken by the Department of Telecommunications.

8. That with regard to the contents made in paragraph 4.22 and 4.23 of the application, I beg to state that I have nothing to comment.

9. That with regard to the contents made in paragraph 5.1 of the application, I beg to state that as per ED Service and Conduct Rule, Extra Departmental

Employees.....

Employees of the Department of Post are being considered as like as holding of Civil Post.

10. That with regard to the contents made from paragraph 5.2 to 5.8, I beg to state that I have nothing to comment on behalf of Respondent No. 3. i.e. Department of Post.

11. That with regard to the contents made from paragraph 6 to 12, I beg to state that I have nothing to comment.

12. That the present application is not maintainable in the present form and liable to be dismissed.

13. That the present application is ill-conceived of law and mis-conceived of fact and liable to be rejected out-right.

14. That the Respondent No. 3. i.e. the Chief Postmaster General, Assam Circle has nothing to do regarding the claim of the applicants.

15. That the respondents crave leave of filing additional Written Statement if this H_on'ble Tribunal so desires.

16. That this Written Statement is filed bonafide and in the interest of justice.

Verification.....

4/8
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V E R I F I C A T I O N

I, Shri J.N.Sarmah, Asstt.Postmaster General (Vig), in the office of the Chief Postmaster General, Assam Circle, Guwahati do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 11 including 'Brief History of the Case' are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 21st day of June, 1996 at Guwahati.

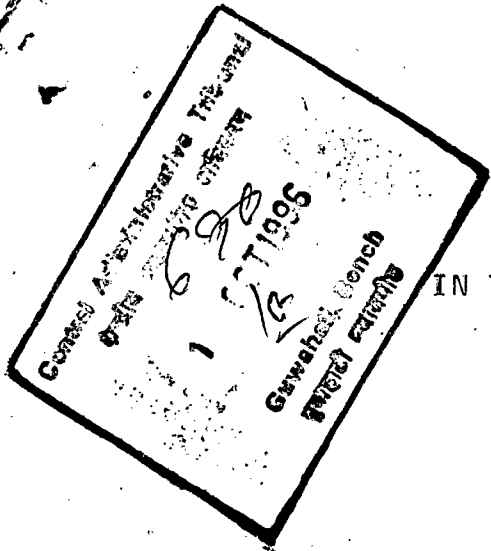
Jitendra Nath Sarmah.

DEPONENT.

**Asstt. Postmaster General (Vig)
Assam Circle, Guwahati-781001**

37

58
Filed by:-
A. K. Choudhury
Addl. Central Govt.
Standing Counsel
1.10.96



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

In the matter of :-

O.A. No.41 of 1996

Shri Bisnupada Chakraborty

..... Applicant

-Versus-

Union of India & others

..... Respondents.

Written statement for and on behalf of the
Respondents No.1+2

I, B. Dasgupta, Asstt. Director Telecom(Legal)
Office of the Chief General Manager, Telecom,
Guwahati-781007, do hereby solemnly affirm and
say as follows :-

*Recd. by
Asstt. Secy
1/10/96*

1) That I am the Asstt. Director Telecom(Legal), Office of the Chief General Manager, Telecom, Guwahati-7 and am acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statements made in the application may be deemed to have been denied. I am authorised to file this written statement on behalf of all the Respondent.

2) That the respondents have no comments to the statements made in paragraph 1,2,3,4,4.2 and 4.3 of the application.

3) That the Respondents do not admit the statements made in paragraph 4.4 of the application as the respondents do not have any records to ascertain the dates of engagement of the applicants, since the applicants have had their engagements not directly under the Department of Telecommunications.

Contd.p/2-

B. Dasgupta
Asstt. Secy
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781007.

// 2 //

- 4) That with regard to the statements made in paragraph 4.5 of the application the Respondents do not admit the portion where the applicants claim that their engagement, in the Department of Telecom, after its bifurcation from the Department of posts (in 1985), have taken place due to discontentment prevailed upon them, for their fear of being considered surplus. The respondents do not enjoy any discretionary power to engage any staff without specific vacancy in the Department, hence question of engagement of any one purely for the reason of discontentment doesn't arise at all. The respondents submit that they are duty bound to act under the Rules and Regulations of the Department, in all matters including the engagement of casual/daily rated Mazdoors. (The cadre like EDA does not exist in Department of Telecommunication any time).
- 5) That with regard to the statements made in paragraph 4.6 of the application the Respondents beg to state that, though the respective postmaster forwarded the list of the names of the applicants, for absorption, respondents are not supposed to act only on the basis of the letter of the postmasters. They acted as per departmental rules and instructions of superior officers. As cadre Extra Departmental Agents in Department of Telecommunication do not exist, as far as practicable, the applicants were utilised as casual labour according to the requirement of the unit Offices.
- 6) That the respondent have no comments to the statements made in paragraph 4.7 to 4.12 of the application.
- 7) That with regard to the statements made in paragraph 4.1 of the application, the respondents beg to state that they are to act as per rules and regulations of the Department. The Departmental rules of transfer and posting of staff are not applicable to the applicants, and their services could not have been regulated under the CCA(CCS) Rules of the Department of Telecommunication. Also the applicants are not the permanent staff of the any Department. The applicants were engaged as per rules in the posts and were placed where their services were actually needed.

Contd..p 3-

[Signature]
 Asstt. Director Telecom (Legal)
 O/O the C. G. M. Telecom
 Assam Circle, Guwahati--781007.

8) That with regard to the statements made in paragraph 4.14 of the applications, the respondents beg to state that the applicants were originally engaged by Department of Posts not as regular staffs. Hence their claim for outright appointment in the regular vacancies of Department of Telecommunications is not justified. In any case of regular employment in Deptt. of Telecommunication latest prescribed rules will have to be followed.

9) That with regard to the statements made in paragraph 4.15 of the application, the respondent beg to state that the applicants names were simply endorsed by the respective Postmasters for engagement in Departmental Telegraphs Offices, other records in respect of them are wanting and hence no scope is open to the respondents for dealing with the cases of regularisation of the services of the applicants.

10) That with regard to the statements made in paragraph 4.16 and 4.18 of the application, the respondents beg to state that the contents of the DG P & T circular No.269/142/75-STG, dated 20-2-76 referred to by the applicants relaxes the employment Exchange nomination for casual Mazdoors only upto 31-7-73. It is presumed that none of the applicants was employed before 1978, hence their cases can not be governed under the said D.G.P & T Order. Also after bifurcation of P&T Department in to Department of posts and Department of Telecommunication, the above mentioned rule is not applicable to Deptt of Telecommunications. Several guidelines were issued in Deptt. of Telecommunication in respect regularisation of Mazdoor after bifurcation.

11) That the respondent have no comments to the statements made in paragraph 4.17 and 4.19 of the application.

12) That with regard to the statements made in paragraph 4.20 of the application, the respondents beg to state that there was absolutely no bar imposed by the respondents on the applicants during their engagement in D.T.O.s in restricting them to seek employment elsewhere. They were free to do so.

13) That with regard to the statements made in paragraph 4.21 of the application, the respondents beg to state that the cases of the applicants will be dealt with as per Departmental rules.

Contd.p/4-

- 14) That the respondent have no comments to the statements made in paragraph 4.22 of the application.
- 15) That with regard to the statements made in paragraph 4.23 of the application are denied. The applicants rendered their service willingly and without any compulsion. They received payment for their engagement in the Department. Hence question of exploitation can not arise.
- 16) That with reference to the statements made in paragraph 5.1 of the application, the respondents beg to state that in Department of Telecommunication cadre like Extra Departmental Agents does not exist, hence their cases will be dealt strictly as per instructions received from Deptt. of Telecommunication time to time.
- 17) That with reference to the statements made in paragraph 5.2 of the application, the respondents beg to state that any appointment to regular post is done strictly as per Deptt. of Telecommunication rules, never any arbitrary manner is adopted.
- 18) That with reference to the statements made in paragraph 5.3 of the application, the respondents beg to state that postal Authority has denied in their meeting with telecom authority that they had transferred any of their ^{regular} employee to Deptt. of Telecommunication. Hence claim of regularisation of applicants, as transfer employees from Deptt. of posts, is not sustainable in this case.
- 19) That with regard to the statements made in paragraph 5.4 of the applicatio-ns the respondents beg to state that circular is not applicable to the applicants explained in paragraph 10 above.
- 20) That with reference to the statements made in paragraph 5.5. of the application, the respondents beg to state that contents of the para is denied and reason is explained in paragraph 15 of this written statement.
- 21) That with reference to the statements made in paragraph 5.6 of the application, the respondents beg to state that the Respondents are bound by the Rules of Deptt. of Telecommunicatio

Contd.p/5-

and have to operate within that limitation so question of threatening or snatching away anybody's livelihood by the respondent is not sustainable.

- 22) That the respondent have no comments to the statements made in paragraph 5.7 of the application.
- 23) That with regard to the statements made in paragraph 5.8 of the application, the respondents beg to state that it is submitted that Hon'ble Court may not issue any directive to set aside and quash, any non existing order simply based on apprehension.
- 24) That the respondent have no comments to the statements made in paragraph 6 and 7 of the application.
- 25) That with regard to the statements made in paragraph 8 of the application, the respondents beg to state that it is submitted here that all the applicants were Extra Departmental Agents of Department of post. They were not automatically switched to Department of Telecom at the time of bifurcation (1986). They were engaged in respective DTOs around 1991, on purely casual basis.
- 26) That the respondents have no comments to the statements made in paragraph 9, 10, 11 and 12 of the application.
- 27) That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

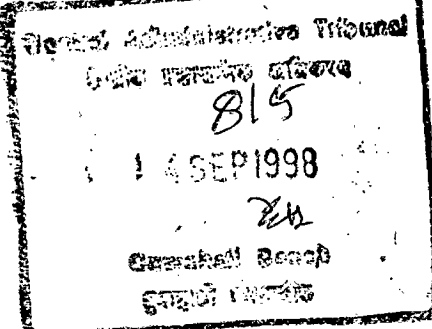
V E R I F I C A T I O N

I, B. Dasgupta, Asstt. Director Telecom (Legal), Office of the Chief General Manager Telecommunication, Guwahati-781007 do hereby declare that the statements made in ~~paragraph~~ this written statement are true to my knowledge arrived from the records of the case.

I sign this Verification of this the 30th day of *Sept.* 1996 at Guwahati.


DEPONENT

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781007.



Filed by
A.K. Choudhury
14/9/98
61
Addl. Central Govt.
Standing Council.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.

In the matter of :

O.A. No. 41/1996

Sri Bishnupada Chakravarty

..... Applicant

- Vs -

Union of India and others

..... Respondents.

Additional written statement for and on
behalf of the Respondents No. 1 & 2.

I, Sri G. C. Sarma, Asstt. Director Tele-
com., (legal) Office of the Chief General Manager Telecom.,
Guwahati - 781 007 do hereby solemnly affirm and say
as follows:-

1. That I am acquainted with the new facts that
has come to light and have understood the contents
thereof. I am authorised to file this additional written
statement on behalf of all the Respondents.

2. That according to Departmental policy enunciated
in DG. P&T letter No. 253/41/70-STN dated 15.2.85,
addressed to all Heads of Circle, the Extra Departmental

contd....2...

Agents who become surplus as a result of conversion of combined offices to D.T.O. are to be posted in the corresponding D.T.O. on deputation basis till vacancy arises in the Postal Department for their absorption and mentioned in Annexure - R-I.

3. That when the D.T.O, Diphu, Hojai and Kokrajhar were formed in 91-92, the applicants who were working as D.E. Agents in the corresponding combined offices were posted in the D.T.O. as a matter of policy, so that they are not thrown out of employment.

4. That the Chief Postmaster General, Assam Postal Circle, in his letter No. Staff/16-Misc/Signallers-V/92 dated 29.7.93 acknowledged that the E.D. Messengers working in the D.T.Os belongs to Postal Department and are on deputation to the Department of Telecommunications. (Annexure - R-II).

5. That the .D. Staff of Postal Department who are on deputation to the Telecom Department will be repatriated to their parent Department as soon as vacancy arises in Post Offices to accommodate them.

6. That it was requested by the Deptt. of Telecom to take back the E.D. Messengers who were working in D.T.Os but no action was taken by Deptt. of Posts. Letter No. E-5/Pz/93-94/67 dated at Bongaigaon the 29.10.93 from STT, Bongaigaon where names of the two applicants viz. Sri Ashok Kn. Das and Sri Mridul Chakravorty appear, may kindly be seen (Annexure - R-III).

7. That the C.P.M.G. was requested vide this office letter No. STES-13/22/2 dated 27.4.98 to process the repatriation cases of E.D.A. deputationists. However, the gap of 5 years in which no correspondence was made, is regretted. (Annexure R-V)
8. That the Deptt. of Telecom. is not in a position to regularise the service of the E.D.As as they do not belong to the Deptt. of Telecom. The staff of Postal side were not transferred to the Telecom. Wing and vice-versa. in the erstwhile Deptt. of P&T also.
9. That the E.D.A. concept is non-existent in the Deptt. of Telecom nor there is any rule/instruction regarding absorption/regularisation of the E.D.As against any sanctioned post of the Deptt. of Telecommunications.
10. That the applicants are not entitled to any relief as sought for in the application and the same is liable to be dismissed.

VERIFICATION

I, Sni G. C. Sarma, Asstt. Director Telecom.,
(legal), Office of the Chief General Manager, Tele-
communications, Guwahati - 781 007 do hereby declare
that the statements made in the written statement
are true to my knowledge derived from the records
of the case.

I sign this verification on the 10th day of
September, 1998 at Guwahati.

W. S. A.

DEPONENT

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom.
Guwahati Circle, Guwahati - 781007

R-I

8

30 MAR 1985
46
5

Copy of the letter No. 253/41/78-STN Dated 15-2-1985 from DG New Delhi-1 addressed to All Heads of Telecom. circles.

Sub:-Absorption of E.D. Messengers in a D.T.O. after conversion of C.O.

It has been represented to this office by the T-III & T-IV Union (CHQ) that in some circles E.D. Messengers are being terminated after conversion of C.O. into DTO. The case has been considered and it has been decided that till a policy decision is taken on the issue against vacancies of messengers in a DTO, E.D. Messengers, whose services are likely to be terminated consequent on conversion of C.O. into D.T.O., may be posted on deputation till they get absorbed in Postal Branch.

प्रतिलिपि पत्र सं० 253-41/78-स.टी. स. दिनांक 15.2.1985 प्रेषक: श्री वीरामास्वामी सहायक महा निदेशक, रतटी स.टी., कार्यालय महा निदेशक, डाक-तार, नई दिल्ली-1 सेवा में: सभी दूरसंचार सर्किलों के अध्यक्ष एवं अन्य।

विषय: संयुक्त डाक-तारघरों के अंतरण के बाद अतिरिक्त विभागीय सदेश वाहकों को विभागीय तारघरों में खाना।

तार परिषदात कर्मगारी संघ (श्रेणी-1)।। एवं IV केन्द्रीय मुख्यालय ने इस कार्य को दिए एक अध्यादेश में कहा है कि संयुक्त डाक-तारघरों का विभागीय तारघरों में अंतरण के बाद कुछ सर्किलों में अतिरिक्त विभागीय सदेश वाहकों को नियुक्त किया जा रहा है। इस मामले पर विचार किया गया है और यह निर्णय लिया गया है कि जब तक इस बारे में नतीजा निर्णय न लिया जाए तब तक विभागीय तारघर में सदेश वाहकों के रिक्त पदों पर अतिरिक्त विभागीय सदेश वाहक, जिनकी सेवाएं संयुक्त डाक-तारघरों को विभागीय तारघरों में अंतरण के कारण समाप्त हो जाने की संभावना है, तब तक प्रतिनिगुणित किए जाएं जब तक कि वे डाक शाखा में खाने जाएं।

EO/= सहायक महा निदेशक, रतटी स.टी.

पृष्ठ संख्या: स्थापना/आर-3-टीटी/11/4 दिनांक: लखनऊ 22-3-1985.

- प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु निम्न को अर्पित:-
1. निदेशक दूरसंचार, मुख्य, लखनऊ/पूर्व/वाराणसी/पश्चिम/देहरादून/उत्तर/बरेली
 2. समस्त अधीक्षक/प्रवर अधीक्षक तार परिषदात
 3. मुख्य अधीक्षक केन्द्रीय तारघर आगरा/लखनऊ
 4. सहायक महाप्रबन्धक तार परिषदात, परिमण्डल कार्यालय, लखनऊ
 5. सहायक निदेशक दूरसंचार, अमला, परिमण्डल कार्यालय, लखनऊ
 6. सहायक निदेशक तार परिषदात, परिमण्डल कार्यालय, लखनऊ
 7. अमला अनुभाग/सर्फिक अनुभाग, परिमण्डल कार्यालय, लखनऊ
 8. डी सी-2 तथा अन्य सभी डी लिंग चर्क, स्थापना अनुभाग, परिमण्डल कार्यालय लखनऊ

* See amendment in ~~the~~ letter no. 13 enclosed ahead.

के० राम

सहायक निदेशक तार परिषदात
को. महाप्रबन्धक दूरसंचार, उ०प्र० परिमण्डल, लखनऊ-1

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781007

P. T. O. →

AD (T)

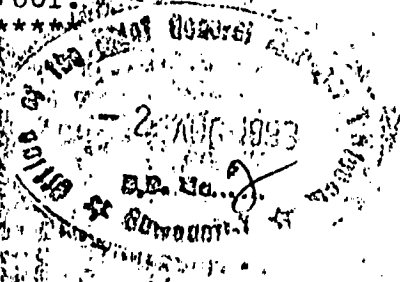
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DEPARTMENT OF POSTS : INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL : ASSAM CIRCLE,
MEGHDOOT BHAWAN GUWAHATI-781 001.

To,

The Chief General Manager,
Assam Telecom Circle,
Guwahati-781 007.



No. Staff/16-Misc/Signallers-V/92 Dtd. at Ghy, the 29-07-93.

Sub:- Postal Signallers, Departmental Messengers and
ED Messengers on deputation to the Department
of Telecom.

Sir,

Kindly recollect the discussion had during the
Co-ordination Committee Meeting on 27-5-93 regarding the
number of Postal Signallers, Departmental and ED Messengers
working with the Department of Telecom on deputation basis.
The matter has been examined in this office and it is found
that 1 (one) Postal Signaller, 1 (one) Departmental Messen-
ger and 11 (eleven) ED Messengers from this Circle are on
deputation to the Department of Telecom at different stations
in Assam. The detailed position is furnished below.

- | | | |
|-----------------------------|-----|---|
| 1. Guwahati Postal Division | - | NIL |
| 2. Cachar Postal Division | - | 2 (two) ED Messengers |
| 3. Goalpara Postal Division | - | 4 (four) ED Messengers |
| 4. Nalbari-Barpeta Postal | - | 1 (one) Departmental &
3 (three) ED Messengers |
| 5. Darrang | " " | 1 (one) Signaller and
2 (two) ED Messengers |
| 6. Nowgong | " " | NIL |
| 7. Sibsagar | " " | NIL |
| 8. Tinsukia | " " | NIL |
| 9. Dibrugarh | " " | NIL |

Yours faithfully,

(P. NATH)
A.P.M.G. (Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-781 001.

REC-290793

Handwritten initials and signatures.

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781 007



Department of Telecommunications

Office of the Superintendent Telegraph Traffic,
Bongaigaon Division, Bongaigaon.

No.E-5/P.T./93-94/67 Dated at Bongaigaon, the 29.10.93.

Subi-Regularisation of ED messenger(EDA)who opted for Telegraph-Traffic arm at the time of conversion of CSOs into DTOs.

Undersigned has been directed by CGMT, Guwahati vide his letter No.UNST-2/1/Vol.V dtd.28.9.93 followed by reminder dtd.15.10.93 on the basis of minutes of the 12th RJCM meeting held on 20.8.93 in the conference hall of CGMT, Guwahati under item No.19(26) 'NOT TO REGULARISE EDA in telegraph traffic wing.

In the light of above instruction undersigned is bound not to absorb any ED messengers who have been diverted in telegraph traffic at the time of conversion of CSOs into DTOs. In this connection, this office letter of even no. dated 2nd Jan/93 may kindly be referred to. Detail of ED messenger engaged in telegraph traffic wing is appended below:-

Sl.No.	Name of ED messenger	working at	Diverted by
1.	Sri.Kashi Ram Mazunder	DTO, Nalbari	Supdt. of post offices, Barpeta-Nalbari Division Nalbari.
2.	Sri. Basanta Kumar Bezbaruah	DTO, Nalbari	
3.	Sri. Gajendra Nath Bhan	DTO, Barpeta	
4.	Sri. Ashok Kumar Das	DTO, Kokrajhar	Supdt. of post offices Goalpara Division, Dhubri.
5.	Sri. Mridul Chakraborty	DTO, Kokrajhar	
6.	Sri. Nirmal Chandra Das	DTO, Goalpara	
7.	Sri. Umakanta Ray	DTO, Goalpara	-Do-
8.	Sri. Nareswar Barma	DTO, Barpeta	Supdt. of post offices Darrang Division, Tezpur.

Concerning Supdt. of post offices are requested that ED messengers related to their postal wing may kindly be repatriated. Ample opportunity may be provided to those ED messengers keeping their future prospects in view.

Superintendent Telegraph Traffic
Bongaigaon Division Bongaigaon.

- Copy to:-
1. Supdt. of post offices Goalpara Division, Dhubri for information and necessary action please.
 2. Supdt. of post offices Barpeta-Nalbari Division Nalbari for information and necessary action please.
 3. Supdt. of post offices, Darrang Division, Tezpur for information and necessary action please.
 4. I/C, DTO, Kokrajhar/Goalpara/Barpeta/Nalbari. They are instructed to inform ED messengers working in their Units.
 5. Tara Singh, ADT(S&E) O/O AMT, Guwahati w.r.t. his letter No. DIR-GH/U-17/RJCM, 5/78 dtd. 15.10.93 for information.
 6. Sri. P. Boro, ADT(Welfare) O/O CGMT, Guwahati w.r.t. his letter no. UNST-2/1/Vol.V dtd 28.9.93 for information.

Superintendent Telegraph Traffic
Bongaigaon Division Bongaigaon.

Director Telecomm. & Infr.
O/O the C. G. M. Telecom
Azam Circle, Guwahati-781007

N. 14

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Govt. of India
Department of Telecommunication
O/O the CGMT, Assam Telecom Circle, Guwahati.

No. STLS-1372/2

dated 27-04-98

To
The Chief Postmaster General,
Assam Circle, Guwahati.

Sub:- Absorption of E.D. Messengers in a DTO after conversion
of C.O
Ref:- Letter no. 253/41/70-STN dated 15/2/85

On the captioned subject cited above, you are directed to intimate you that a policy decision was taken on the issue against vacancies of Messengers in a DTO. The E.D. Messengers whose services are likely to be terminated consequent on conversion of C.O into DTO, may be posted on deputation till they get absorbed in postal Branch.

There fore, you are requested kindly to intimate the vacancy position of E.D. Messengers in your circle to enable us to prepare a list of deputationists who can be repatriated to Postal Branch.

Enclo:-a/a

(A.K.Chelleng)
Asstt. General Manager (Admn)
For Chief General Manager, Telecom,
Assam Circle, Guwahati-7

Copy to:-

- 1. Sri M.C. Modak, ADT(WLF), Circle office, Guwahati.

For Chief General Manager, Telecom,
Assam Circle, Guwahati-7

14/7/98
Asstt. Director
O/O the C. G. M. Telecom,
Assam Circle, Guwahati-781007