

GAHC010035272018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/83/2018

BINENDRA BASUMATARY AND 16 ORS.
S/O- LATE RAMENDRA BASUMATARY, R/O- MERBANG CHUBA VILLAGE,
P.O- BENGBARI, DIST- DARRANG, ASSAM- 784523

2: ATUL CHANDRA DEKA
S/O- LATE MADAN DEKA
R/O- BATABARI VILL
P.O- MAZBAT
DIST- UDALGURI
ASSAM- 784507

3: SAKIRAM MAJHI
S/O- LATE DURGARAM MAJHI
R/O- OUBARI VILLAGE
P.O- THELAMARA
DIST- SONITPUR
ASSAM- 784149

4: KARUNA CH. LAHKAR
S/O- LATE DASHARATH LAHKAR
R/O- NIMAIGARH VILLAGE
P.O- RANGAPARA
DIST- SONITPUR
ASSAM- 784505

5: BISWAJIT MALAKAR
S/O- LATE SATINDRA MALAKAR
R/O- WARD NO. 8 VILL
SANKAR MANDIR ROAD
P.O- DHEKIAJULI
DIST- SONITPUR
ASSAM- 784110

6: MINA DAS

W/O- LATE JAMINI DAS
R/O- WARD NO. 10
VILL
NOZARAPAR
P.O- DHEKIAJULI
DIST- SONITPUR
ASSAM- 784110

7: PARAMITA DEY
W/O- LATE NARAYAN CHANDRA DEY
R/O- WARD NO. 8 VILLAGE
SANKAR MANDIR ROAD
P.O- DHEKIAJULI
DIST- SONITPUR
ASSAM- 784110

8: ANUP KUMAR DUTTA
S/O- SRI AMAL DUTTA
R/O- WARD NO. 3
VIVEKANANDA ROAD
P.O- RANGAPARA
DHEKIAJULI
DIST- SONITPUR
ASSAM- 784110

9: SANJAY KUMAR DEB
S/O- LATE NANI GOPAL DEB
R/O- WARD NO. 4 VILLAGE
SATSANG BIHAR
P.O- RANGAPARA
DIST- SONITPUR
ASSAM- 784505

10: DINAKANTA GHATOWAL
S/O- SRI FAGURAM GHATOWAL
R/O- KALAKUCHI VILLAGE
P.O- THELARAM
DIST- SONITPUR
ASSAM- 784149

11: ROHINIKANTA BASUMATARY
S/O- SRI GUNIRAM BASUMATARY
R/O- RAJABASTI VILLAGE
P.O- KAJIAMATI
DIST- DARRANG
ASSAM- 784509

12: RAJAT BHATTACHARJEE

S/O- RAJENDRA BHATTACHARJEE
R/O- JALUKBARI VILLAGE
P.O- TANGLA
DIST- DARRANG
ASSAM- 784521

13: RAJIN KUMAR BORO
S/O- DANDIRAM BORA
R/O- NO.1 SAPKHATI VILLAGE
P.O- UDALGURI
DIST- DARRANG
ASSAM- 784509

14: KAMALESHWAR NARARY
S/O- SRI UPEN NARZARY
R/O- LAHAPARA VILLAGE
P.O- BEHAPARA
DIST- KAMRUP
ASSAM- 781365

15: BIREN RABHA
S/O- SRI RABINDRA RABHA
R/O- HABIGAON VILLAGE
P.O- TAMULBARI (HARISINGA)
DIST- DARRANG
ASSAM- 784510

16: PIAR ALI
S/O- MOHSEN ALI
R/O- SINGHIMARI VILLAGE
P.O- KANDAJAN
DIST- DARRANG
ASSAM- 784125

17: MOINUL HAQUE
S/O- LATE AYUB ALI
R/O- BANSERIA VILLAGE
P.O- TANGLA
DIST- UDALGURI
ASSAM- 78452

VERSUS

ARUNA SUNDARARAJAN AND 5 ORS.
THE SECRETARY TO THE DEPTT. OF TELECOMMUNICATIONS, GOVT OF
INDIA, NEW DELHI

2:SUJATA RAY

THE DIRECTOR (HRD) BSNL CORPORATE OFFICE
BHARAT SANCHAR BHAWAN
HARISH CHANDRA MATHUR LANE
JANPATH
NEW DELHI- 110001

3:ANUPAM SHRIVASTAVA
THE CHAIRMAN CUM MANAGING DIRECTOR
BSNL CORPORATE OFFICE 10TH FLOOR
STATESMAN HOUSE
NEW DELHI- 01

4:AVINNA KUMAR PAHI
CHIEF GENERAL MANAGER (TELECOM)
ASSAM CIRCLE
ADMINISTRATIVE BUILDING
GUWAHATI-01.

5:INDRA GOVIN SOREN
GENERAL MANAGER (TELECOM)
DISTRICT-TEZPUR
SSA
BSNL
TEZPUR-784001.

6:THE DISTRICT TELECOM ENGINEER
TEZPUR SSA
BSNL
TEZPUR- 78400

Advocate for the Petitioner : MR. A CHOUDHURY, MR N J DAS,MR. P K DAS,MR. D DEKA,MR. N MAHAJAN

Advocate for the Respondent : ,

Linked Case : Cont.Cas(C)/466/2023

BABUL SAIKIA AND 18 ORS
S/O- LT. DAMBARU SAIKIA
VILL.- BAMGAON
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM

2: BIREN BORAH
S/O- SRI LOKESWAR BORAH
VILL. AND P.O.- CHOTIA
DIST.- SONITPUR
ASSAM.

3: GAGAN BHUYAN
S/O- LT. THULESWAR BHUYAN
VILL.- BARBHUYAN
P.O.- CHOTIA
DIST.- SONITPUR
ASSAM.

4: BIREN DAS
S/O- LT. DULAN DAS
VILL.- KHORASIMALU
P.O.- GERUABARI
DIST.- SONITPUR
ASSAM.

5: ABANI BARUAH
S/O- LT. BHOLA BARUAH
VILL.- CHOTI BARUAH CHUBURI
P.O.- CHOTIA
DIST.- SONITPUR
ASSAM.

6: TILAK BORAH
S/O- LT. LABORAM BORAH
VILL.- BANGAON
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

7: PULIN BORAH
S/O- LT. PURNA KANTA BORAH
VILL.- MAZGAON
P.O.- TEZPUR
DIST.- SONITPUR
ASSAM.

8: GOBINDA BHUYAN
S/O- LT. TARINI BHUYAN
VILL.- BANGAON
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

9: MS. TUNMONI SAIKIA
D/O- LT. PABITRA SAIKIA
VILL.- KOCHGAON
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

10: DHARMENDRA KR. RAY
S/O- RAJENDRA RAY
R/O VILL. AND P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

11: AMBIKA BARMAN
S/O- LT. PRANESWAR BARMAN
R/O VILL-RONGAMURY
PABHOI
DIST.- SONITPUR
ASSAM.

12: BASANTA BHUYAN
S/O- LT. DHATU RAM BHUYAN
R/O VILL.- GOPALPUR
P.O.- ALENGISATRA
DIST.- SONITPUR
ASSAM.

13: PRABHAT KALITA
S/O- LT. DHIRA DUTTA KALITA
VILL.- NAHARANI
P.O.- BALICHANG
DIST.- SONITPUR
ASSAM.

14: DIPEN BHUYAN
S/O- LT. DEBESWAR BHUYAN
R/O VILL.- BARACHUK
P.O.- KHATARGAON (KALABARI)
DIST.- SONITPUR
ASSAM.

15: JITEN SARMAH
S/O- LT. NITYANANDA SARMAH
VILL.- BARGHOGIA
P.O.- JAMUGURIHAT
DIST.- SONITPUR
ASSAM.

16: GOBINDA BORAH
S/O- SIVANATH BORAH
R/O P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

17: JITU SARMAH
S/O- LT. RABIRAM SARMAH
VILL.- BANGAON
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.

18: KHARGESWAR BORAH
S/O- LT. LEBORAM BORAH
VILL.- RANGAMATI
P.O.- PANBOI
P.O.- BISWANATH CHARIALI
SONITPUR
ASSAM.

19: NIGAM SWARGIARY
S/O- RAGHUNATH SWARGIARY
VILL.- BHELUGURI
P.O.- BARPAAM TINIALI
P.O.- BISWANATH CHARIALI
DIST.- SONITPUR
ASSAM.
VERSUS

MS. ARUNA SUNDARARAJAN
IAS AND 5 ORS.
THE SECRETARY TO THE DEPARTMENT OF TELECOMMUNICATIONS
GOVERNMENT OF INDIA
NEW DELHI

2:SMT. SUJATA RAY
THE DIRECTOR (HRD)
BSNL CORPORATE OFFICE
BHARAT SANCHAR BHAVAN
HARISH CHANDRA MATHUR LANE
JANPATH
NEW DELHI-110001

3:ANUPAM SHRIVASTAVA
THE CHAIRMAN-CUM-MANAGING DIRECTOR
BSNL

CORPORATE OFFICE
10TH FLOOR
STATESMAN HOUSE
NEW DELHI-1

4:SANDEEP GOVIL
THE CHIEF GENERAL MANAGER (TELECOM)
ASSAM TELECOM CIRCLE
ADMINISTRATIVE BUILDING
4TH FLOOR
PANBAZAR
GUWAHATI-781001
ASSAM

5:M.S. BECK
THE GENERAL MANAGER
(TELECOM) DISTRICT
TEZPUR SSA
BSNL
TEZPUR-784001

6:MONOJ KUMAR KARKI
THE TELECOM DISTRICT ENGINEER
TEZPUR SSA
BSNL
TEZPUR-784001

Advocate for : MR. N BORAH
Advocate for : appearing for MS. ARUNA SUNDARARAJAN
IAS AND 5 ORS.

Linked Case : Cont.Cas(C)/81/2018

GOJEN BARUAH AND 7 ORS.
S/O- LATE NARAYAN BARUAH
R/O- VILL- BHERBARGHAT
P.O AND P.S- MONGALDOI
DIST- DARRANG
ASSAM- 784125

2: SWAPAN KUMAR SAHA
S/O- LATE HEMANTA KUMAR SAHA
R/O- VILL- GOPAL NAGAR
P.O AND P.S- KHARUPETIA
DIST- DARRANG
ASSAM- 784125

3: TAIZUDDIN AHMED
S/O- MD. TAZIM ALI
R/O- VILL- SONAWA
P.O AND P.S- SIPAJHAR
DIST- DARRANG
ASSAM- 784125

4: INARMAL GOWALA
S/O- LATE TILAK GOWALA
R/O- VILL- UDALGURI
P.O AND P.S- UDALGURI
DIST- UDALGURI
ASSAM- 784509

5: PRABIN CHANDRA BORO
S/O- PATIRAM BORO
R/O- VILL- BORKALA
P.O AND P.S- DHULA
DIST- DARRANG
ASSAM- 784146

6: INDIRA BORA
S/O- SRI GAJEN BARUAH
R/O- VILL- BHEBERAGHAT
P.O AND P.S- MANGALDOI
DIST- DARRANG
ASSAM- 784125

7: SADHIRAM DEKA
S/O- LATE JAGAT CHANDRA DEKA
R/O- VILL- BHEBERAGHAT
WARD NO.10
P.O AND P.S- MANGALDOI
DIST- DARRANG
ASSAM- 784145

8: KISHOR KUMAR PATHAK
S/O- LATE JOGENDRA NATH PATHAK
R/O- VILL- MILANPUR
P.O- BISWANATH CHARIALI
DIST- SONITPUR
ASSAM- 784176
VERSUS

ARUNA SUNDARARAJAN AND 5 ORS.
THE SECRETARY TO THE DEPTT. OF TELECOMMUNICATIONS
GOVT OF INDIA

NEW DELHI-01

2:SUJATA RAY
THE DIRECTOR(HRD)
BSNL CORPORATE OFFICE
BHARAT SANCHAR BHAWAN
HARISH CHANDRA MATHUR LANE
JANPATH
NEW DELHI- 110001

3:ANUPAM SHRIVASTAVA
THE CHAIRMAN CUM MANAGING DIRECTOR
BSNL
CORPORATE OFFICE
10TH FLOOR
STATESMAN HOUSE
NEW DELHI-01

4:AVINNA KUMAR PAHI
THE CHIEF GENERAL MANAGER (TELECOM)
ASSAM CIRCLE
ADMINISTRATIVE BUILDING
GUWAHATI- 01

5:INDRA GOVIN SOREN
THE GENERAL MANAGER(TELECOM)
DIST- TEZPUR SSA
BSNL
TEZPUR- 784001

6:MONOJ KUMAR KARKI
THE TELECOM DISTRICT ENGINEER
TEZPUR SSA
BSNL
TEZPUR-784001.

Advocate for : MR. A CHOUDHURY
Advocate for : appearing for ARUNA SUNDARARAJAN AND 5 ORS.

Linked Case : Cont.Cas(C)/82/2018

KAMAL CHANDRA NATH AND 43 ORS.
S/O LT. PALAN NATH
R/O VILL- CHAUDHUABALI
P.O. GOGAMUKH
DIST. DHEMAJI

ASSAM
PIN - 787034

2: SRI MOTILAL MILI
S/OLT. RUPESHWAR MILI
R/O VILL- ADISUTI GAON

P.O. KHAGA
DIST. LAKHIMPUR
ASSAM- 787052.

3: SRI GHANAKANTA SONOWAL
S/O LT. BOLURAM SONOWAL
R/O VILL- KADAM KACHARI
P.O. CHARAIMORIA
DIST. LAKHIMPUR
ASSAM- 787032.

4: SRI JOGESWAR BORAH
S/O LT. RUPESHWAR BORAH
R/O VILL- KUCHIAMARI
DIST.LAKHIMPUR
ASSAM- 787001.

5: SRI GIRIDHAR SAIKIA
S/O LT. DINESWAR SAIKIA
R/O NAHARANI VILLAGE

P.O. HANDAHKHUA
DIST. LAKHIMPUR
ASSAM- 787054.

6: SRI ANIL NATH
S/O ATUL NATH
R/O GUGAMUKH NAGAON VILLAGE

P.O. BOGINADI
DIST. LAKHIMPUR
ASSAM- 787054.

7: SRI DIMBESWAR SONOWAL
S/O LT. KALINATH SONOWAL
R/O VILL- NALANISUK
P.O. BAGINADI
DIST. LAKHIMPUR
ASSAM
PIN - 7877030.

8: SRI JOGEN SONOWAL
S/O LT. LAKHAN SONOWAL

R/O VILL- SONARDHEKI
P.O. SONARDHEKI
DIST. LAKHIMPUR
ASSAM- 787052.

9: SRI KHAGESWAR SONOWAL
S/O SRI POWAL SONOWAL

R/O VILL- NALANISUK
P.O. BOGINADI
DIST. LAKHIMPUR
ASSAM- 787030.

10: SRI MAHENDRA CHELLENG
S/O SRI GAYARAM CHELLENG
R/O VILL- GABALDUBI
BALIGAON
P.O. BOGALDUBI
DIST. LAKHIMPOUR
ASSAM- 787030.

11: SRI DILIP NEOG
S/O LT. KOSHESWAR NEOG

R/O VILL- DHEKIAJULI (BOISHNAVPUR)
P.O. JORIGURI
DIST. LAKHIMPUR
ASSAM
PIN - 784160.

12: RATNESWAR SONOWAL
S/O LT. DHARMESWAR SONOWAL

R/O VILL- BHARTI SONOWAL GAON

P.O. PHUKANARHAT
DIST. LAKHIMPUR
ASSAM- 787001.

13: SRI NIRMAL PAWE
S/O LT. NANDI RAM PAWE
R/O VILL- UJANI MIRI GOAN
P.O. PAHUMARA
DIST. LAKHIMPUR
ASSAM- 787001

14: SRI CHENIRAM BORAH
S/O LT. PRAFULLA BORA
R/O P.O. DHAKUAKHANA
DIST. LAKHIMPUR
ASSAM - 787055.

15: SRI ATUL SONOWAL
S/O LT. LAKHI SONOWAL

R/O VILL- BHARTI SONOWAL GAON
P.O. PHUKANARHAT
DIST. LAKHIMPUR- 787052

16: SRI JITEN THENGAL
S/O SRI BHIMA THENGAL
R/O VILL- KUCHIAMARA
P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM
PIN -787032.

17: SRI LOHIT BORAH
S/OLT. DHANIRAM BORAH
R/O VILL- KADAM MOINAPARA
DIST. LAKHIMPUR
ASSAM
PIN - 787032.

18: SRI DHANIRAM BASUMATARY
S/O LT. BOLURAM BASUMATARY
R/O VILL- KUCHIMARI
P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM- 787032.

19: SRI RUDRA THENGAL
S/O SRI KALIRAM THENGAL
R/O VILL- KUCHIMARI GOAN

P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM- 787032.

20: SRI BALU SAIKIA
S/OLT. HINGI SAIKIA
R/O VILL- KUCHIMARI
P.O. BADHAKARA

DIST. LAKHIMPUR
ASSAM - 787032.

21: SRI DIBYA SONOWAL
S/O SRI REBAT SONOWAL

R/O VILL- BHARTI SONOWAL GAON

P.O. PHUKANARHAT
DIST. LAKHIMPUR
ASSAM
PIN - 787052

22: SRI PRAFULLA SONOWAL
S/O LT. GOPAL SONOWAL

R/O VILL- KUCHIAMARA
P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM
PIN - 787032.

23: SRI MOINA SONOWAL
S/O LT. SOMESWAR SONOWAL

R/O VILL- KUCHIAMARA
P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM - 787032

24: SRI LILARAM PAYENG
S/O LT. NARAYAN PAYENG
R/O VILL- UBHAT CHAMPARA
P.O. MORNOI BEBEJIA
DIST. LAKHIMPUR
ASSAM
PIN - 787058.

25: SRI TULAN THENGAL
S/O LT. BALURAM THENGAL
R/O VILL- KUCHIAMARA
P.O. BADHAKARA
DIST. LAKHIMPUR
ASSAM- 787032.

26: SRI GAHIN SONOWAL
S/O LT. KHUTIRAM SONOWAL
R/O VILL- BHARTI SONOWAL GAON

P.O. SONARDHEKI
DIST. LAKHIMPUR
ASSAM-787052.

27: SMTI. NIJU HAZARIKA
W/O SRI AJIT HAZARIKA
R/O VILL- JORHATIA GAON
P.O. CHARAIMARIA
DIST. LAKHIMPUR
ASSAM- 787032.

28: SRI GHANA SONOWAL
S/O LT. BIRASON SONOWAL
R/O VILL- SONARDHEKI
P.O. SONARDHEKI
DIST. LAKHIMPUR
ASSAM
PIN - 787052.

29: SRI REBAT SONOWAL
S/O SRI MUNINDRA SONOWAL
R/O VILL- NALANICHUK
P.O. BAGINADI
DIST. LAKHIMPUR
ASSAM-78030

30: SRI GOBIN SONOWAL
S/O LT. THANESWAR SONOWAL
R/O NAHARANI VILL- TELAHIMAJGAON
P.O. SONARDHEKI
DIST. LAKHIMPUR
ASSAM- 787052.

31: SRI ROHIT SONOWAL
S/O SRI RUDRA SONOWAL
R/O VILL- GAGALDHUBI
P.O. BOGINADI
DIST. LAKHIMPUR
ASSAM- 787030.

32: SRI LOHIT SONOWAL
S/O SRI DAYARAM SONOWAL
R/O VILL- BAPUCHANG
P.O. ARADHAL
DIST. LAKHIMPUR
ASSAM- 787057.

33: SRI ROBIN DOLEY

S/O LT. TADUK DOLEY
R/O VILL- JIADHAL DIGHAL GORAH
P.O. JIADHAL CHARIALI
DIST. LAKHIMPUR
ASSAM- 787057.

34: SRI BIMAN KUMAR PAYENG
S/O LT. NONDESWAR PAYENG
R/O VILL- DUSUTIMUKH
P.O. KHUBALIA
DIST. LAKHIMPUR
ASSAM- 787057.

35: SRI SUNANDA SONOWAL
S/O LT. ROHESWAR SONOWAL
R/O VILL- BAPUCHANG
P.O. ARADHAL
DIST. LAKHIMPUR
ASSAM- 787057.

36: SRI ANANDA SONOWAL
S/O LT. DIMBESWAR SONOWAL
R/O VILL- BAPUCHANG
P.O. ARADHAL
DIST. LAKHIMPUR
ASSAM- 787057.

37: SRI KALIPAD BORAH
S/O LT. TILESWAR BORAH
R/O VILL- BHAJUGAON
P.O. JIADHAL CHARIALI
DIST. DHEMAJI
ASSAM- 787057.

38: SRI DINESH PEGU
S/O LT. GAM PEGU
R/O VILL- RATANPUR
P.O. DHEMAJI
DIST. DHEMAJI
ASSAM- 787057.

39: SRI BABUL BORA
S/O ROKHESWAR BORA
R/O VILL- KULAPATHAR BALIGAON
P.O. ARADHAL
DIST. DHEMAJI
ASSAM- 787057.

40: SRI THAGIRAM TAYE
S/O LT.PHUKAN TAYE
R/O VILL- RAICHAPRI DOLOPARA
P.O. JAMUGURI
DIST. DHEMAJI
ASSAM- 787057.

41: SRI NOBIN SONOWAL
S/O SRI RAJANI SONOWAL
R/O VILL- BAPUCHANG
P.O. ARADHAL
DIST. DHEMAJI
ASSAM- 787057.

42: SRI BIBEKANANDA PEGU
S/O SRI PADMADHAR PEGU
R/O VILL- BORPAMUA
P.O. JENGERMUKH
DIST. JORHAT
ASSAM- 785105.

43: SRI KHEMSON PEGU
S/O LT. GONESWAR PEGU
R/O VILL- KEKURI
P.O. JIADHAL
DIST. DHEMAJI
ASSAM
PIN -787057

44: SRI JAYANTA PHUKAN
S/O LT. GONGADHAR PHUKAN
R/O VILL- KOCHOITING
P.O. HATIGARH

DIST. DHEMAJI
ASSAM- 787057.
VERSUS

ARUNA SUNDARARAJAN AND 5 ORS.
THE SECRETARY TO THE DEPARTMENT OF TELECOMMUNICATIONS
GOVT. OF INDIA

NEW DELHI.

2:SMTI. SUJATA RAY
THE DIRECTOR (HRD)
BSNL CORPORATE OFFICE
BHARAT SANCHAR BHAWAN

HARISH CHANDRA MATHUR LANE
JANPATH
NEW DELHI- 110001.

3:ANUPAM SHRIVASTAVA
THE CHAIRMAN-CUM- MANAGING DIRECTOR
BSNL
CORPORATE OFFICE 10TH FLOOR
STATEMAN HOUSE
NEW DELHI-1.

4:AVINNA KUMAR PAHI
THE CHIEF GENERAL MANAGER (TELECOM)
ASSAM CIRCLE
ADMINISTRATIVE BUILDING
GUWAHATI -01.

5:INDRA GOVIN SOREN
THE GENERAL MANAGER (TELECOM)
DIST. TEZPUR
SSA
BSNL
TEZPUR- 784001.

6:MONOJ KUMAR KARKI
THE TELECOM DISTRICT ENGINEER
TEZPUR
SSA
BSNL
TEZPUR- 784001.

Advocate for : MR A CHOUDHURY
Advocate for : appearing for ARUNA SUNDARARAJAN AND 5 ORS.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

Date : 19.08.2024.

(Vijay Bishnoi, CJ)

These Contempt Petitions are filed by the petitioners, complaining that the respondents have not complied with the directions given by this Court vide order dated 15.06.2017, in WP(C) No.2229/2016, WP(C) No.2228/2016, WP(C) No.2058/2016 and the order dated 30.08.2017, passed in WP(C) No.5353/2015

2. It is contended that the Division Bench of this Court has directed the respondents to grant them benefits flowing out of the order dated 27.05.1996, by which the temporary status under the Casual Labours (Grant of Temporary Status & Regularization) Scheme was conferred. It is further directed by the Division Bench to the respondent BSNL Authority that it shall work out benefits of the petitioners which they are entitled to.

3. During the pendency of these Contempt Petitions, the matter went upto the Hon'ble Supreme Court. However, after the disposal of the cases before the Hon'ble Supreme Court, ultimately the BSNL Authority has issued an order dated 28.07.2023, whereby Temporary Status Majdoor (TSM) was granted to the petitioners, pursuant to the order dated 15.06.2017, passed by the Division Bench of this Court.

4. It is noticed that the order also indicates the terms and conditions, on the basis of which the TSM status was granted to the petitioners and the condition No.(iii)(e) provides that after rendering three years continuous service on attainment of temporary status, the Casual Labours would be treated at par with temporary Grade 'D' employees for the purpose of contribution of G.P.F. & would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as per applicable to temporary Grade 'D' employees, provided they furnish two sureties from permanent Government servant of this department.

5. Later on, vide Corrigendum dated 12.10.2023, condition No.(iii)(e) was modified and provided that "Existing EPF scheme will be continued for these Casual Laborers who have been granted TSM Status. Besides, the facility of ESI and Gratuity will also be extended to them".
6. Learned counsel for the petitioners have submitted that the action of the respondent BSNL of withdraw the benefit of GPF Scheme from the petitioners would amount to nullifying the order passed by this Court dated 15.06.2017, whereby it is specifically directed that the petitioners be granted the TSM status as per the Casual Labours (Grant of Temporary Status & Regularization) Scheme. It is submitted that as per the said scheme, the cases of the petitioners are covered under the GPF Scheme and not under the EPF Scheme.
7. An additional affidavit is filed on behalf of the respondent BSNL on 27.06.2024, wherein it is mentioned that the BSNL was formed on 01.10.2000 and the petitioners are absorbed in the BSNL from the said date only. It is further submitted that as per Rule 37 A of the CCS (Pension) Rules, particularly Sub-Rule 21 to 24, the BSNL is required to devise its own pension scheme and make arrangements for funding and disbursing pensionary benefits. It is contended that the persons, who were working in the DoT and continuing at the time of creation of the BSNL, are only covered under the GPF Scheme, whereas the persons who are absorbed on 01.10.2000 in the BSNL are covered under the EPF Scheme. It is also submitted that the issue of coverage of GPF of Casual Laborers, regularized in BSNL is pending adjudication before the Hon'ble Supreme Court since 2012 and the same has not been decided till date. It is contended that in the above facts and circumstances, the corrigendum dated 12.10.2023 is issued. Learned counsel has therefore, submitted that the order passed by this Court on 15.06.2017, has substantially been complied with.

8. Having heard the learned counsel for the parties and after going through the additional affidavit filed on behalf of the BSNL, we are of the view that the order dated 15.06.2017, passed by this Court is substantially complied with. However, it is made clear that if the petitioners are being aggrieved of, with the action of the respondents of applying EPF Scheme in their cases, they are free to challenge the same by availing appropriate remedy.

9. With these observations, these Contempt Petitions are disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant