

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the th day, 1st day of June Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/857/2016

1. P. Sampath, Aged 56,
S/o. Poongavanam,
Residing at Poyapakkam Village,
Perumuchai Post, Arakonam Tk,
Vellore District;
2. M. Damodharan, Aged 49,
S/o. Munusamy,
Door No. 198, Ambedkar Street,
Managammalpettai, Vadamambakkam Post,
Arakkonam Tk. Vellore District;
3. C. Jaganathan, aged 52,
S/o. Chinnappan,
P.No.25, 3rd Street,
New Bethalagam, Office M.M. Shoe,
Ambur, 635802, Vellore District;
4. C. Arumugam, Aged 50,
S/o. Chellan,
Chennamapet Post,
Thiruvallankadu, Tiruttani Tk.,

5. P.L. Sivakumar, Aged 47,
S/o. Loganathan,
No. 11, Vengatapuram Village,
Vellancherry Post, Thiruthani Tk.,
6. A. Shnmugam, aged 48,
S/o. Arumugam,
Drowbathi Amman Koil St.,
Parameswarmangalam, Perumurchipost,
Kadambanallur Post, Arakkonam Tk.,
Vellore District;
7. V. Ravi, aged 47,
S/o. Vellai,
No.42, Synapuram Village and post,
Arakkonam Taluk, Vellore District,
(All are lastly employed as Casual Labourers in
The Sub Divisional Engineer (Groups) BSNL,
Tiruttani.

.....Applicants

(By Advocate: M/s. M. Gnanasekar)

Vs.

1. The Chief General Manager, BSNL,
Tamil Nadu Circle, Chennai;
2. The General Manager,
BSNL, Kancheepuram District,
Chennai;
3. The Divisional Engineer (Admn),
O/o. General Manager, BSNL,
Kancheepuram Dist., Chennai;
4. The Sub Divisional Engineer (Groups),
BSNL, Tiruttani.

.....Respondents.

(By Advocate: Mr. M. Kishore Kumar (R1-R4))

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking the following reliefs:-

- "i. To direct the respondents to reinstate all the applicants in service and consider them for regularization as it has been done in the case of applicants in O.A. No. 231 of 2010 with all consequential monetary and other service benefits and
- ii. Pass such further orders as are necessary to meet the ends of justice;
- iii. Award costs and thus render justice."

2. The applicants herein were initially appointed in 1991 as Casual Labourers. But there were breaks in their services. The BSNL had absorbed Casual Labourers as per Mazdors(Grant of Temporary Status and Regularisation) Scheme. The case of the applicants were rejected by the BSNL stating that there was a break in service for more than one year from 1991. According to applicants, they had put in more that 240 days in the last 2 preceeding years and they are eligible for temporary status. Similarly placed persons had approached the Tribunal with OA 231/2010 and the Tribunal by order dt. 10-11-2010 directed the respondents to consider the case of applicants their in for re-instatement.

3. The respondents filed reply stating that the applicants herein cannot be considered for temporary status as they had break in service for more than one year. The applicants had filed various cases from 1995 to 1998 and failed to get any order in their favour. This is the 2nd round of litigation. The applicants had filed a case before the CGIT Chennai against their termination. But the CGIT had dismissed the case on 29-11-2001. Similarly placed applicants filed OA207/16 before this Tribunal relying on an earlier decision of Tribunal in OA 231/2010 and this Tribunal had allowed the said OA and directed the respondents to re-instate the applicants therein. The respondents had filed a Writ Petition as WP No. 33232/2017 before the Honb'le Madras High Court and the Honble High Court had set aside the order of the Tribunal by order dt. 4th December, 2018. According to the respondents, the case is barred by limitation and liable to be dismissed.

4. When the matter came up for hearing, the counsel for the applicants fairly conceded the dismissal of earlier OA's filed by the applicants. But he submitted that the applicants in OA 231/2010 were re-instated on the basis of the order. In view of the decisions cited in this OA, the counsel for the applicants submitted that he is limiting his prayer to consider the applicants' case for engagement

as and when work is available without any claim for regularisation. The counsel for the respondents opposed the same.

5. In view of the facts revealed , we are of the view that the OA cannot be sustained in the eye of law. Since the applicants were terminated in the year 1998, the case of the applicants is barred by limitation. But it is to be noted that the counsel for the applicants also conceded it and he limits his prayer which is innocuous and will not be against law. The applicants are aged more than 50 years and they cannot seek any other employment.

6. In the result, we find that there is no merit in this OA and it is liable to be dismissed. But since the counsel for the applicants had limited the prayer for a consideration of their cases for future engagement without any conditions, we dispose off this OA with a general direction to consider the case of the applicants for engagement as casual labourer in future if they are found suitable for the work with condition that it will not give rise to any kind of right for regularisation or absorption or such similar rights. No costs.

(T. JACOB)
MEMBER(A)

(P. MADHAVAN)
MEMBER(J)

Asvs

.06.2020