

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

**Original Application No.1583 and 1586 of 2013
Date of Order : 30.10.2019**

O.A.No.1583/2013 :

Between :

J.Mathaiyah, S/o J.Venkatarayulu,
Aged about 42 years, Occ : Casual Labourer,
Tirumala Telephone Exchange and Customer
Service Centre, Tirumala Tirupati. ... Applicant

And

1. The Union of India, rep. by its Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi – 110 001.

2. Bharat Sanchar Nigam Limited, rep. by its
Chairman cum Managing Director,
Harischandra Mathur Lane, Janpath,
New Delhi – 110 001.

3. The Chief General Manager, Telecom,
A.P.Circle, BSNL, Door Sanchar Bhavan,
Nampally Station Road, Abids, Hyderabad-1.

4. The General Manager, Telecom District,
Tirupathi Telecom District, Tirupathi. ... Respondents

Counsel for the Applicant ... Mr. B.Pavan Kumar, Advocate
Counsel for the Respondents ... Mrs.K.Rajitha, Sr.CGSC
... Mr.M.C.Jacob, SC for BSNL

O.A.No.1586/2013 :

Between :

M.Adinarayana, S/o M.Chengaiah,
Aged about 34 years, Occ : Casual Labourer,

Tirumala Telephone Exchange and Customer
Service Centre, Tirumala Tirupati.

... Applicant

And

1. The Union of India, rep. by its Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi – 110 001.
2. Bharat Sanchar Nigam Limited, rep. by its
Chairman cum Managing Director,
Harischandra Mathur Lane, Janpath,
New Delhi – 110 001.
3. The Chief General Manager, Telecom,
A.P.Circle, BSNL, Door Sanchar Bhavan,
Nampally Station Road, Abids, Hyderabad-1.
4. The General Manager, Telecom District,
Tirupathi Telecom District, Tirupathi. ... Respondents

Counsel for the Applicant ... Mr. B.Pavan Kumar, Advocate
Counsel for the Respondents ... Mrs.K.Rajitha, Sr.CGSC
Mr.M.C.Jacob, SC for BSNL

CORAM:

Hon'ble Mr.Justice L.Narasimha Reddy ... Chairman
Hon'ble Mr. B.V.Sudhakar ... Member (Administrative)

ORAL ORDER

{ Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman }

The facts in these two OAs are similar and the relief claimed therein also identical, hence they are disposed of through a common order.

2. The applicants state that they were being engaged by the Department of Telecom as casual labourer from 1985 onwards and about a decade thereafter they are started working under a contractor. They state that after working under a contractor almost for a period of 10-11 years, they were being engaged by the BSNL which came into existence from 01.01.2000 and continued to discharge the functions. In this background, applicants claimed relief of benefit of conferment of temporary status, followed by regularization of service. The applicants have furnished the particulars of the different kinds of engagements by various agencies.

3. The respondents have filed counter affidavit in the OAs. They denied the contentions of the applicants that as they have been engaged as casual labourer and stated that there is no practice of engaging casual labourer in BSNL, much less, one of conferment of temporary status and regularization. According to the respondents the applicants were engaged in Railways and other departments through a private contractor and that the same cannot be treated as a basis for claiming relief against them. They contend that it was only during 2012 and 2013 that the services of the applicants were availed as daily wage workers and the amounts were also paid.

We heard Mr.B.Pavan Kumar, learned counsel for the applicants, Mrs.K.Rajitha, Senior Central Government Standing Counsel and Mr.M.C.Jacob, learned standing counsel for BSNL.

There is serious dispute as to the particulars furnished by the applicants about their so called service. For example, the applicant in O.A.1583/2013 stated that he was engaged by the Department of Telecom. If one takes into account the age, he would be 13 or 14 years at that time. Added to that, the so called engagement was in the Railway Electrification project, and not by an authority of DOT. Thereafter, it was by a private contractor for a period of 10 years. BSNL came into existence as a Corporate body in the year 2000. Though they submit that they were engaged as casual labourers, the respondents categorically stated that they were engaged as casual labourers between 2012 and 2013 along with many workers for undertaking some temporary works. There is no scheme of Temporary Status or Regularization in BSNL. When the facts are not so clear, the question of granting relief as prayed for in the OA does not merit consideration.

OA is therefore dismissed. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER(ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

sd