

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

CP No. 58 of 2018

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)

1. Sri Pitambar Nanda, aged about 52 years, Son of Late Bhagban Nanda, at-Rampe, P.O.- Batijoda, P.S. – Dharmasala, District-Jajpur; At present continuing as Telecom Technician, At Subdega Telephone Exchange under S.D.O, Telecom, Sundergarh, At/P.O. – Subdega, P.S. _ Talsara, District - Sundargarh.

.....Applicant.

VERSUS

1. Mr. Anupam Srivastav, Chief Managing Director, Bharat Sanchar Nigam, New Delhi 110001.
2. Mr. Satyananda Naik, Chief General Manager, C.G.M.T., Bharat Sanchar Nigam Limited, Orissa Circle, Bhubaneswar, At/P.O./P.S./Bhubaneswar, District – Khurda; District – Khurda
3. Sri Gurudas Meher, General Manager, Telecom District, Sundargarh, At/P.O./P.S./District – Sundargarh.
4. Mr. Binod Kumar Das, Sub – Divisional Officer, Telecom District, Sundargarh, At/P.O./P.S./District – Sundargarh.

.....Respondents.

For the applicant : Mr. A. Swain, Advocate.

For the respondents: Mr. S.B. Jena, Advocate

Heard & reserved on : 17.12.2020

Order on :01.02.2021

O R D E R

Per Mr. Swarup Kumar Mishra, Member (J)

The applicant has filed this CP for non-compliance of order dated 03.10.2007 passed by this Tribunal in MA Nos. 22 & 159 of 2007 confirmed by Hon'ble High Court on 02.07.2009 in W.P (C) No. 14567 of 2008 and consequential order dated 25.02.2015 passed by the Hon'ble High Court in RVWPET No. 258 of 2009 and Hon'ble Supreme Court in SLP (Civil) Nos. 32499 and 32500 of 2015 as well in Review Petition (Civil) Nos. 1696 & 1697 of 2016 where the respondents have not complied the order of the Tribunal dated 15.03.2002 and consequential orders thereon, which has not been complied with in full fledged manner with regard to conferment of temporary status with a submission of the respondents for its full implementation subject to the outcome of the consequential order, which is at present disposed of by the Hon'ble Supreme Court in SLP (Civil) and Review Petition and the order has not yet been complied with taking into consideration of the regularization as per the order of the Tribunal in response to the letter dated 19.09.2018 of Respondent No. 3 seeking further instruction for compliance of the order passed by this Tribunal in connection with regularization of the applicant.

2. The contemnors in their show cause reply submitted that in compliance of the orders dated 15.03.2002 and 03.10.2007 the applicant was firstly engaged as casual

mazdoor on daily rated and purely temporary basis from 08.08.2003, then conferred with temporary status provisionally from date 29.06.2013, conferred with temporary status on regular basis w.e.f. 27.09.2014 and finally appointed as Telecom Technician (Gr. C) on regular basis w.e.f. 16.04.2018. Hence the orders passed by the Tribunal are fully complied and implemented in letter and spirit.

3. The relevant portion of the order dated 15.03.2002 of this Tribunal in OA No. 108/1995 is extracted below:

“10. Keeping in view the peculiar facts and circumstances of the case, we are of the considered view that the ends of justice would be duly met, if we direct the Respondents to re-engage the applicant, as and when work is available in preference to his juniors and freshers and also consider him for conferment of temporary status in terms of Para 3.2 of the letter dated 7th November, 1989 (Annexure R/2) by referring his case to the higher authorities. In the event of conferment of temporary status, the case of the applicant should be considered thereafter for regularization in Gr. ‘D’ post strictly in his own turn in accordance with law, rules and instructions. We do so accordingly. The prayer for grant of pay after 1.5.1989 is hereby rejected.”

4. The relevant portion of the order dated 03.10.2007 in MA Nos. 22 & 159/2020 is extracted below:

“16. In consideration of all the above, I direct the Respondents to confer temporary status on the applicant from the date when he became eligible and entitled in terms of the approval/order of the Respondents’ Corporate Office, which was mentioned by them in MA No. 1032 of 2003 containing the report of compliance with the Tribunal’s order dated 15.03.2002 and recorded in the order dated 31.07.2003, within a period of 60 (sixty) days from the date of receipt of copy of this order. It is also directed that the Respondents shall consider his

regularization when his turn comes and that the applicant shall be allowed to be engaged as and when work is available.

17. With the above observation and direction, MA Nos. 22 and 159 of 2007 are disposed of. No costs.”

5. We have heard the learned counsels for both the parties and carefully gone through the pleadings and materials on record. It is seen that vide order dated 08.08.2003 the applicant was engaged as casual mazdoor on daily rated basis on purely temporary and casual basis, vide order dated 29.06.2013 he was conferred with temporary status and vide order dated 22.06.2018 was appointed as Telecom Technician on regular basis w.e.f. 16.04.2018. Therefore the order dated 15.03.2002 and 03.10.2007 have been complied by the respondents. Since the direction was given to the respondents/contemnors to consider for regularization of the applicant in Group – ‘D’ post strictly in his own terms in accordance with law, rules and instructions therefore, this Tribunal is satisfied that no contempt of this Tribunal has been committed by the contemnors/respondents.
6. Accordingly the CP is dropped and notices issued are discharged but in the circumstances without any order as to cost.

(TARUN SHRIDHAR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)