

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00468/2020

Friday, this the 9th day of October 2020

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

C.K.Joshy, aged 54 years

S/o.C.K.Bharathan

Telecom Technician

Telecom Exchange, BSNL, Vennala,

Ernakulam Dist. Residing at

Chakkaraparambil House,

Punathil Road, Vennala P.O

Ernakulam – 682 028

...Applicant

(By Advocate Mr.T.C.G Swamy and Adv.Mrs.Kala T.G)

v e r s u s

1. Union of India, represented by its Secretary to the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications)
New Delhi – 110 001
2. The Chairman and Managing Director
Bharat Sanchar Nigam Limited
New Delhi – 110 001
3. The Chief General Manager (Telecommunications)
Bharat Sanchar Nigam Limited
Trivandrum – 695 001
4. The Principal General Manager (Telecommunications)

Bharat Sanchar Nigam Ltd.,
Ernakulam – 682 016

5. The Assistant General Manager
Office of the Principal General Manager (Telecommunications)
Bharat Sanchar Nigam Ltd.,
Ernakulam – 682 016
-Respondents

(By Advocate : Mr.Thomas Mathew Nellimoottil for R1 and Mr.T.C.Krishna for R 2 to 5)

This application having been heard through video conference on 9th October 2020, this Tribunal on the same day delivered the following :

ORDER (O R A L)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant who presently working as a Telecom Technician in the BSNL is aggrieved by the gross discrimination and vindictive attitude on the part of the respondents in reckoning the applicant's Boy service for the purpose of regularisation at par with his colleagues and juniors. The applicant has approached this Tribunal praying for the following reliefs:

"(i) Call for the records leading to the issue of Annexure A4 and quash the same to the extent it reckons only 153 days of the applicant's boy service as against the actual service of 452 days and also to the extent it regularises the applicant's service only w.e.f 30.10.1993, as against the requirement of regularising the applicant's service w.e.f 19.7.1992.

(ii) direct the respondents to reckon the applicant's entire boy service from 19.7.1982 to 14.10.1983 for the purpose of regularisation and direct further to regularise the applicant's

service on that basis w.e.f 19.7.1992 with all consequential benefits.

(iii) direct the respondents to grant all consequential benefits of promotion, fitment, arrears of payment and allowances etc on the above basis within a time frame as may be found just and proper by this Tribunal."

2. When the matter came up for consideration, it appears that the applicant's representation at Annexure A-7 is still pending before the competent authority and no decision has been taken so far.

3. **In view of the pendency of the said representation, without going into the merits of the matter, the Original Application is disposed of at the admission stage itself with a direction to the competent authority to consider Annexure A-7 representation of the applicant in the light of relevant rules , regulations and the Hon'ble High Court's decisions on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

4. The O.A is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER
SV

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

- Annexure A1 - A true copy of the judgment is WP(C) 13526 of 2006 dated 18.1.2008 rendered by the Hon'ble High Court of Kerala
- Annexure A2 - A true copy of the judgment in W.A 2289 of 2008 dated 1.12.2009
- Annexure A3 - A true copy of the judgment of the Apex Court in C.A 8018 of 2010 dated 7.8.2019 and connected case
- Annexure A4 - A true copy of the order No.Q 8801/C.K Joshy/34 dated 26.6.2020 issued from the office of the 6th respondent
- Annexure A5 - A true copy of the said order in Contempt Petition (Civil) No.384 of 2020 dated 9.7.2020
- Annexure A6(a) - A true copy of the pay slip of the applicant for the pay period from 1.12.2019 to 31.12.2019
- Annexure A6(b) - A true copy of the pay slip of Sri.Sunil for the pay period from 1.12.2019 to 31.12.2019
- Annexure A7 - A true copy of the representation dated 6.7.2020 by the applicant to the 5th respondent AGM (Operations).

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