



BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 1731 of 2019.

MA. No. 243 of 2020

Details of Applicants and the Respondents :

1. Calcutta Telephone Contractors' Mazdoor Sangh, having its office at 10, Kiran Shankar Roy Road, Kolkata-700001 represented by General Secretary.

2. Shri Bivas Kumar Das, (General Secretary, Calcutta Telephone Contractors' Mazdoor Sangh), son of Bimal Kumar Das, residing at 178, Netaji Subhas Road, Howrah, PIN-711101.

3. Shri Raju Das, son of Debu Prasad Das, residing at 157D/1, Swin Hoe Lane, Post - Kasba, Kolkata-700042.

4. Sk. Abdur Razzak, son of Abdul Salam, residing at Vill - China, Post-Hatni, District-Hooghly, P.S.- Pandua, PIN-712134.

5. Shri Debmalaya Mitra, son of Dulal Mitra, residing at Flat No.-7, Balaji

Enclave, Moran Road, Gondalpara,
Chandannagore, Hooghly, PIN-712137.

6. Shri Jayanta Ghosh,
son of Ranjit Kr. Ghosh, residing at 685-
BI-'O' S.S.I. Camp, New Alipore, Kolkata -
700053.

7. Shri Pradip Naskar,
son of Kenaram Naskar, residing at Vill -
South Kalyanpur, Post. + P.S. - Baruipur,
District - 24, Parganas, Kolkata - 700144.

8. Shri Alok Kumar Bose,
son of Prasanta Kr. Bose, residing at B-62,
Purbayan, Post - Sodepur, Kolkata-
700110.

9. Shri Naba Kumar Pakira,
son of Panchu Gopal Pakira, residing at
Vill.-Champsara, P.O.-Mohistikari, P.S.-
Haripal, Dist.-Hooghly, PIN -

10. Shri Saraj Mukherjee,
son of Sujal Mukherjee, residing at Vill.-
Prasasther Sarder Para, Post-Prasasther,
District - Howrah, P.S. - Domjur, PIN-
711302.

11. Shri Shree Kumar Das,
son of Ramji Das, residing at 18,
Robertson, P.O.-Garifa, Paulbagan, P.S. -
Naihati, PIN-843166.

12. Shri Swapan Mondal,
son of Sudhir Mondal, residing at (Raja
Punja), South 24-Parganas, Kolkata-
700104.

13. Shri Alak Mazumder,
son of Ramananda Majumder, residing at
Vill.+P.O. - Gurudaspur, South 24-
Parganas, PIN-743349.

14. Shri Arun Kumar Bhattacharya,
son of Gour Chandra Bhattacharya,
residing at Vill.+P.O.- Gurudaspur, South
24-Parganas, PIN-743349.

15. Shri Pranab Mondal,
son of Adhir Mondal, residing at
Ramnagarchar, Santipur, District - Nadia,
PIN-741404.

16. Shri Soumendra Mistry,
son of Manaranjan Mistry, residing at
Ramnagarchar, Santipur, District - Nadia,
PIN-741404.

17. Shri Haradhan Sadhukhan, son of Gadadhar Sadhukhan, residing at 107/125, Chandra Master Road, Post - Nonachandan Pukur, Barrackpore, North 24-Parganas, PIN-700122.

18. Shri Laltu Mondal, son of Ramen Mondal, residing at Vill.- Hirgore, Mondal Para (Laxminarayanpur), P.O.- Bansra, P.S.-Jibandtala, Dist.-South 24-Parganas, PIN-743363.

19. Shri Buddhadeb Ghosh, son of Biswanath Ghosh, residing at Vill.+Post-Khatora, Domjur, Howrah, PIN-711411.

20. Shri Ajit Kumar Maity, son of Balai Chandra Maity, residing at Vill. - Santitala, Post - Sapuipara, P.S.- Bally, Howrah, PIN-711227.

21. Shri Anshuman Das, son of Dayamay Das, residing at Chakraborty Para Road, Segun Bagan, Ward No.6, P.S.+Post - Baruipur, Kolkata-700144.

22. Shri Jeet Bahadur Thakur,
son of Bilas Thakur, residing at 14, Uma
Das Lane, Post - Parkstreet, P.S.-New
Market, Kolkata-700016.

23. Shri Uttam Kumar Barik,
son of Kalipada Barik, residing at Vill.-
Bheribaranga, Post - Uttar Gavindapur,
Dist.-Midnapur (East), P.S.-Ramnagar,
PIN-721453.

24. Shri Nirmal Chattopadhyay,
son of Panchanan Chattopadhyay,
residing at Vill.+Post-Kanuibanka, District
- Hooghly, PIN-712301.

25. Shri Chanchal Bairagi,
son of Dhananjoy Bairagi, residing at Vill.-
62, Purba Huda, Kaniara -1, Bagdaha,
North 24-Parganas, PIN -743251.

26. Shri Goutam Mallick,
son of Yousuf Mallick, residing at 156/1,
Maharaja Nanda Kumar Road,
Ramkrishnapur Apartment, FL-C309,
Kolkata-700036.

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27. Shri Tarak Nath Halder,
son of Rabiram Halder, residing at
Vill+Post - Dhanpota, P.S. - Mograhat,
Dist.-South 24-Parganas, PIN-743355.

28. Shri Bhadreshwor Mondal,
son of Madan Mondal, residing at Vill.-
Nayapukur, P.S. - Baruipur, Post-
Kalinagar, Dist. - South 24-Parganas,
PIN-

29. Shri Dipu Mondal,
son of Jatinchand Mondal, residing at
Vill.-Champahati, P.S.-Baruipur Post-
Champahati, Dist.-South 24-Parganas,
PIN -

30. Shri Hare Krishna Sarkar,
son of Haripada Sarkar, residing at
Kadihati Adarsa Pally, Post - Ganti Via
Ganganagar, P.S.-Airport, PIN-700132.

31. Shri Anil Santra,
son of Lakshman Santra, residing at 3/8,
Promadgarh, P.O.- Gouranagar, Rajarhat,
PIN-700159.

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32. Shri Pradip Debnath,
son of Sunil Debnath, residing at 2 No.
Durganagar, P.S.-Chakdaha, Dist.-Nadia,
PIN-741222.

33. Shri Makhanlal Maity,
son of Baneshwar Maity, residing at Vill.-
Kihetrapal, Post - Balya Gobindapur, P.S.-
Patashpur, District - Midnapur (East),
PIN-721440.

34. Shri Mukul Maity,
son of Gobinda Maity, residing at
Raghunathpur, Rangilabad, Usthi, South
24-Parganas, PIN-743609.

35. Shri Mirajulk Haque,
son of Sirazul Haque, residing at Bira
Mallick Para, Bira Ballav Para, PIN-
743234.

36. Shri Debasish Lodh,
son of Chunilal Lodh, residing at
319/24A, Jessore Road, Khudiram
Colony, Kolkata -700074.

37. Shri Samir Halder,

son of Binay Halder, residing at Vill.+Post-
Dhanpota, P.S.-Mograhata, Dist.-South 24-
Parganas, PIN-743355.

38. Shri Paritosh Mondal,

son of Banamali Mondal, residing at
Vill.+Post-Dhanpota, P.S.-Mograhata, Dist.-
South 24-Parganas, PIN-743355.

39. Shri Subasis Ganguly,

son of Debasis Ganguly, residing at 4,
Sumangalapuri, Old Calcutta Road,
Barrackpore, Post - Talpukur, P.S.-
Titagarh, PIN-700123.

40. Shri Mahesh Thapa,

son of Dilbahadur Thapa, residing at P-
155/L, Mudiali Road, Post - Gardenreach,
Kolkata-700024.

41. Shri Manik Poddar,

son of Monindra Poddar, residing at 34,
Purba Phulbagan, Baghajatin, Kolkata -
700086.

42. Shri Debdulal Bairagi,
son of Narendra Nath Bairagi, residing at
Vill. - Purbakamar Pukuria, P.O.-
Urelchandpur, P.S. - Magrahat, District -
South 24-Parganas, PIN - 743355.

43. Shri Biju Patra,
son of Dulal Patra, residing at Q/101,
Simpukur Lane, Post-Gardenreach, Telia
Para, PIN-700024.

44. Shri Subir Bhadra,
son of Binod Bihari Bhadra, residing at
A/26, New Phool Bagan, Baghajatin, Post -
Patuli, Kolkata - 700086.

45. Shri Bhanu Gayen,
son of Mukta Ram Gayen, residing Gayen
Para, Banbene, Shikhar Bali, South 24-
Parganas, PIN-743387.

46. Shri Biswajit Roy,
son of Shambhunath Roy, residing at
Vill.+Post - Ghateswar, P.S. - Dhubulia,
Dist.-Nadia, PIN -

47. Shri Aloke Santra,

son of Nanipada Santra, residing at
Aymachampsara, Post - Mohistikari, P.S.-
Haripal, Dist.-Hooghly, PIN -

48. Shri Pulak Santra,

son of Nanipada Santra, residing at
Aymachampsara, Post - Mohistikari, P.S.-
Haripal, Dist.-Hooghly, PIN -

49. Shri Samim Akter,

son of Md. Altaf Ali, residing at Vill.-Post -
Furfura, P.S.-Jangipara, Dist.-Hooghly,
PIN -

50. Shri Dilip Bairagi,

son of Dhananjoy Bairagi, residing at Vill.-
Purba Huda, P.O. - Baliadanga, P.S.-
Bagdah, North 24-Parganas, PIN-743251.

51. Shri Bablu Kumar Ghosh,

son of Pulin Ghosh, residing at Vill.-
Chandkhali, Post - Kumarhat, P.S.-
Baruipur, Dist.-South 24-Parganas, PIN-
743387.

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52. Shri Samir Bala,

son of Baidhyanath Bala, residing at
Vill.+Post - Kumar Khola, Dist.-North 24-
Parganas, P.S.-Bagdoz, PIN-743270.

53. Shri Dilip Naskar,

son of Shaktipada Naskar, residing at
Vill.-Earagram, Post - Gotalahat, P.S.-
Bisnupur, Dist.-South 24-Parganas, PIN -
743503.

54. Shri Biswajit Banerjee,

son of Nani Gopal Banerjee, residing at
Vill.+Post - Belpukur, Dist.-Nadia, PIN-
741125.

55. Shri Sudip Mukherjee,

son of Prasanta Mukherjee, residing at
Kanakshally, 206, Jora Pukur Road,
Chinsura, Hooghly, PIN -

56. Shri Sanjib Chakraborty,

son of Ram Chakraborty, residing at 140,
Ballavpur Thakurbari Street, Srirampur,
Hooghly, PIN-712201.

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57. Shri Ardhendu Adhikary,
son of Shashadhare Adhikarty, residing at
Vill.- Brindabanchak, P.S.-Moyna, Post -
Srikantha, Dist.-Midnapur (East), PIN-
721629.

58. Shri Avijit Mondal,
son of Kalipada Mondal, residing at
Dakshin Rajyadharpur (Ghosh Para),
Srirampur-III, Hooghly, PIN-712203.

59. Shri Manash Halder,
son of Manoj Halder, residing at Sherpur
Nayasarai, Hooghly, PIN-712513.

60. Shri Debasish Ghorai,
son of Nitai Ghorai, residing at 114, N.
Bidhan Palli, Pati Pukur, P.O. - Shree
Bhumi, P.S.-Lake Town, Kolkata -
700048.

61. Shri Partha Mal,
son of Dulu Mal, residing at Akhanbazar
Rammandir, Daktargali, Chinsurah,
Hooghly, PIN -

62. Shri Prabir Kumar Goswami,
son of Sasthi Prasad Goswami, residing at
Vill.-Karui (Paschimpara), Post - Karui,
Madhabitala , Katwa, Dist. - Burdwan,
PIN -

63. Shri Shrikanta Samanta,
son of Pannalal Samanta, residing at Vill.-
Bhotaghory, Thalya, Howrah, PIN-711401.

64. Sk. Rafikul Islam,
son of Md. Ebadali Mondal, residing at
Kanur, Post - Ilsoba Monolai, Dist.-
Hooghly, P.S.-Pandua, PIN - 712749.

65. Shri Manik Malik,
son of Nade Malik, residing at Vill.+Post -
Banharishpur, P.S. - Panchla, Howrah,
PIN -

66. Shri Dilip Kumar Pattanayak,
son of Pashupati Pattanayak, residing at
32/1, Murari Pukur Road, P.S.-Maniktala,
Post - Ultadanga, Kolkata -700067.

67. Shri Rabin Das,
son of Lalit Das, residing at Shantipally,
Sonatuli, Chinsura, Hooghly, PIN -

68. Shri Jayanta Das,
son of Haradhan Das, residing at 19, Kabi
Bharatchandra Road, Hatkhola, Chalke
Para, Chandannagore, Hooghly - 712136.

69. Shri Najrul Haque,
son of Haradhan Das, residing at Vill.-
Barmoheri Dabghanga, Post - Pirpur,
Uluberia, Howrah, PIN -

70. Shri Somnath Sarder,
son of Kartick Sarder, residing at
Vill.+Post - Hotor, P.S. - Mograhat, Dist. -
South 24-Parganas, PIN - 743610.

71. Shri Sanjib Chatterjee,
son of Brojo Gopal Chatterjee, residing at
26, R.K. Chatterjee Road, Kolkata-700042.

72. Shri Subir Kumar Halder,
son of Joytish Ch. Halder, residing at
Tegaria R.K. Pally, Post - Sonarpur,
Kolkata - 700150.

73. Shri Kamal Mazumder,
son of Subodh Mazumder, residing at
Bonomalipur, Post - Barasat, North 24-
Parganas, PIN -

74. Shri Debabrata Patra,
son of Swapan Patra, residing at Vill.-
Aymachampsara, Post - Mohistikari, P.S.-
Haripal, Dist.-Hooghly, PIN -

75. Shri Samir Naskar,
son of Narayan Ch. Naskar, residing at
Jagadishpur, Post - Sonarpur, Dist.-South
24-Parganas, PIN -

76. Shri Samir Das,
son of Rasbihari Das, residing at
132/H/21, Belegkata Main Road, Kolkata
- 700010.

77. Shri Amar Sardar,
son of Manik Chandra Sardar, residing at
Vill.-Hirapur Kamar Para, Post -Hirapur
Bazar, P.S.-Sankrail, Howrah, PIN-
711310.

78. Shri Biswanath Naskar,
son of Bijay Naskar, residing at Vill.-
Raghunathpur, P.O.- Dingle Pota, P.S.-
Sopnarpur, District - South 24-Parganas,
PIN -

79. Shri Sanjay Maji,

son of Ranjit Kumar Maji, residing at Vill.-

Aymachampsara, Post - Mohistikari, P.S.-

Haripal, Dist.-Hooghly, PIN - 712223.

80. Shri Bikash Ghosh,

son of Chandi Charan Ghosh, residing at

Vill.- Aymachampsara, Post - Mohistikari,

P.S.- Haripal, Dist.-Hooghly, PIN -

712223.

81. Shri Pradip Mondal,

son of Nalini Kanta Mondal, residing at

46/8, Bose Pukur Road, Kasba, Kolkata -

700042.

82. Shri Swapan Kumar Das,

son of Biswanath Das, residing at 138,

R.B. Avenue, Post - Bhadreswar, Hooghly,

PIN - 712124.

83. Shri Sukhen Chandra,

son of Sambhu Nath Chandra, residing at

A-33, Purbayan, Sodepur, Kolkata -

700110.

84. Shi Goutam Kumar Das,

son of Gour Chandra Das, residing at
Vill.+Post - Matiary, Dist.-Nadia, PIN -
741153.

85. Shri Bhabesh Pathak,

son of Tarapada Pathak, residing at Vill.-
Mahiary Ray Para, Post - Andul Mouri,
P.S.-Domjur, Howrah, PIN - 711302.

86. Md. Aowur Maruf.Khan,

son of Jaynal Abedin Khan, residing at
Post - Mecheda, Vill.-Purbabania, Dist.-
Medinipur(East), P.S.-KTPP, PIN -

87. Sk. Rejabul Hoque,

son of Sk. Sarafat Hossain, residing at 14,
Nuruluddin Lane, Kolkata - 700017.

88. Shri Ajijul Rahaman,

son of Fazlur Rahaman, residing at Vill.-
Chaturia, Post - Noapara, P.S.-Barasat,
Dist.-North 24-Parganas, PIN -

89. Shri Somnath Ghosh,

son of Sanjoy Ghosh, residing at Vill.-
Sultan Bag (Dakshin Para), Post - Netra,
P.S.-Diamond Harbour, PIN - 743368.

90. Shri Gopi Nath Naskar, son of

Amiya Naskar, residing at Vill.-Orancha,

Post - Begampur, P.S.-Baruipur, Dist.-
South 24-Parganas, PIN -

91. Shri Sajal Kumar Sarkar,
son of Nripen Chandra Sarkar, residing at
D/30, New Patuli, Post - Panchasayar
(Baghajatin), Kolkata -700094.

92. Shri Subrata Chakraborty,
son of Sachindra Nath Chakraborty,
residing at Vill.-Kuchiberia, Post -
Shibgung, P.S.-Shyampur, Dist.-Howrah,
PIN -711314.

93. Shri Prasanta Pal,
son of Subodh Chandra Pal, residing at
Vill.+Post+P.S. - Bagdah, North 24-
Parganas, PIN-743232.

94. Shri Nidhiram Naskar,
son of Bishnu Pada Naskar, residing at
Vill.+Post-Kuldia, Magrahat, South 24-
Parganas, PIN -

95. Shri Khokon Halder,
son of Nirananda Halder, residing at Vill.-
Taldanga, Post - Basuldanga, P.S.-
Diamond Harbour, South 24-Parganas,
PIN -

96. Shri Rajib Kumar Mondal,
son of Dhrubish Kr. Mondal, residing at
Vill.-Paschim Gabberia, Post - Gorerhat,
P.S.-Jaynagar, District - South 24-
Parganas, PIN - 743372.

97. Shi Tapas Bairagi,
son of Tarapada Bairagi, residing at Vill.-
Shikarpur, Post-Bhagirath shodpagram,
District - Nadia, PIN - 741248.

98. Shri Shyamal Samanta,
son of Fatick Chandra Samanta, residing
at Vill.+Post - Ghosh Pur, P.S.-Amta,
Dist.-Howrah, PIN-711401.

99. Shri Samir Halder,
son of Haripada Halder, residing at
12/1, Kali Kingkar Road, Barisa, Kolkata -
700008.

100. Shri Prabir Kumar Bhattacharjee,
C/o Niranjana Bhattacharjee, residing at
3, Bankray Street, Kolkata - 700012.

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101. Maidul Islam Mufti,

son of Rashid Mufti, residing at Vill.+Post

- Raghudavbati, Dist.-Howrah, PIN -

711310.

102. Shri Debraj Dey,

son of Dilip Dey, residing at 6/A/25, Dr.

Suresh Chandra Banerjee Road, Kolkata -

700010.

103. Shri Ajit Das,

son of K.N. Das, residing at Vill. - Berh,

Post + P.S. - Singur, Dist.-Hooghly,

PIN-712409.

104. Shri Dilip Das,

son of Chittaranjan Das, residing at

Q-353, Mudiali Road, Garden Reach,

Kolkata-700024.

105. Shri Gobinda Das,

son of Haradhan Das, residing at

Satyanarayan Pally, Ghola Kachari Road,

Post + P.S. - Barasat, Dist.-North 24-

Parganas, PIN - 700124.

106. Shri Nandu Singh,
son of Jagdish Singh, residing at Dr. P.K.
Banerjee Road, Mallick Fatak, Howrah,
PIN-711101.

107. Shri Bekash Nansi,
son of Tarak Nansi, residing at Vill.-
Faridpur, Post - Balidaha, Dist.-Hooghly,
P.S.- Gurap, PIN -712303.

108. Shri Ujjal Chakraborty,
son of Sachindra Chakraborty, residing at
Rajpur Aghar Sarani Road, Kadamtala,
Kolkata-700149.

109. Shri Tarun Saha,
son of Krishna Lal Saha, residing at
Shimurali Chanduria, District - Nadia,
P.S.-Chakdaha, PIN-741248.

110. Shri Sukesh Haldaṛ,
son of Prankrishna Haldaṛ, residing at
Vill. - Bazar, Post - Gumukberia, P.S.-
Kulpi, Dist.-South 24-Parganas, PIN -
743332.

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116. Shri Digen Pramanik,
son of Ganesh Pramanik, residing at
Ramnagar Char, Santipur, Dist. - Nadia,
PIN-741404,

117. Shri Asim Das,
son of Sunil Chandra Das, residing at 299,
Sashi Babu Road, Sahid Nagar, Kanchra
Para, Bijpur, PIN -

118. Shri Samir Majumder,
son of Jadunath Majumder, residing at
7/2793, Gayeshpur, Dist.- Nadia, PIN-
741234.

119. Shri Raju Chatterjee,
son of Ratan Chatterjee, residing at 34,
Pashupati Bhattacharjee Road, Kalitala,
Post - Pascjhim Putiary, Behala, Kolkata -
700041.

120. Shri Dilip Purkait,
son of Sukumar Purkait, residing at Vill.-
Ramjibonpur, Dist.-South 24-Parganas,
PIN-743336.

121. Shri Totan Bente

son of Judhistir Bente residing at Vill.-
Egaragram, P.O. - Gotala Hut,
Krishnapur, P.S. Bishnupur, Dist.-South
24-Parganas, PIN-743503.

122. Shri Kartick Karmakar,

son of Sadhu Charan Krmakar, residing at
Tarapukur (West) Pally, Agarpara, 24-
Parganas (N), Kolkata -700109.

123. Shri Pratap Chandra Mondal,

son of Anil Kumar Mondal, residing at
B/20, Rabindra Polly, P.O.-Baghatin, P.S.-
Patuli, PIN-

124. Shri Suman Acharjee,

son of Sukhendra Chandra Acharjee,
residing at P.O.+ P.S. - Barasat, North 24-
Parganas, PIN-700124.

125. Shri Ajit Kumar Ray,

son of Narayan Ch. Ray,, residing at Vill.
+P.O. + P.S. - Bamangola, Dist.- Malda,
PIN -732138

126. Shri Tapas Kumar Gayen,
son of Radha Nath Gayen, residing at Vill.-
Kishorepur, P.O.- Gotalahat - Krishnapur,
P.S. - Bishnupuir, Dist.-South 24-
Parganas, PIN - 743503.

- All are working under Bharat Sanchar
Nigam Limited.

....Applicants

- Versus -

1. Union of India,
service through the Secretary, Ministry of
Communication & Information
Technology, Department of
Telecommunication, Sanchar Bhavan, 20,
Asoka Road, New Delhi - 110001.

2. Bharat Sanchar Nigam Limited,
Government of India Enterprise, a
Statutory Body, service through the
Chairman-cum-Managing Director, Bharat
Sanchar Bhavan, Hartish Chandra
Mathur Lane, Janpath, New Delhi -
110001.

3. The Director (H.R.),

Corporate Office, BSNL 3rd Floor, BSNL
Bhawan, Janpath, New Delhi - 110001.

4. The General Manager (WS&I),

WS&I Cell, BSNL CO, Janpath, New Delhi
- 110001.

5. The Chairman-cum-Managing

Director, Bharat Sanchar Bhavan, Harish
Chandra Mathur Lane, Janpath, New
Delhi - 110001.

6. The Chief General Manager,

BSNL, Calcutta Telephones, 2nd Floor,
Telephone Bhavan, 34, B.B.D. Bag,
Kolkata - 700001.

7. Prabir Enterprise,

27B, Bosepukur Road, Kolkata-700042.

8. A.K. Paul & Co.,

550/4, Diamond Harbour Road, Kolkata-
700034.

.....Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01731/2019
M.A. 350/00243/2020

Date of order: 8.7.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

CALCUTTA TELEPHONE CONTRACTORS MAZDOOR SANGH & OTHERS

VS.

UNION OF INDIA & ORS. (BSNL)

For the Applicant : Mr. G. Singh, Counsel
Ms. A. Neogi, Counsel

For the Respondents : Mr. S. Paul, Counsel
Ms. M. Bhattacharya, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard Ld. Counsel for both sides.

2. Ld. Counsel, Mr. S. Paul, appears for Department of Telecom and submits that DOT has no role to play towards payment of contractual labourers since they are all employees of BSNL. However, Ld. Counsel for the respondents submits as proposed that BSNL shall be given funds by the DOT but only after a Cabinet nod. Mr. Paul would also submit that BSNL would be able to pay their contractor for wages of contractual labourers.

3. Ld. Counsel for the applicant submits that the members of the Mazdoor Sangh, the applicants, are contractual labourers, serving the BSNL but deprived of their regular wages since April, 2019. Ld. Counsel also draws our attention to a decision of the Hon'ble High Court in the matter of *BSNL – Nationalist Thika Workers' -----vs. --- Union of India & ors.* in *WP No. 20855 (W) of 2019* rendered on 25.11.2019 to contend that the BSNL being the principal employer is directly liable to pay wages. Relevant portion of the said order is quoted as under:-

"9. In the light of the above, I am of the view that BSNL is liable to make the payments to the contract labourers as the contractors have failed in their duty to make the payment under Section 21 (3) of the Act of 1970. BSNL being the principal employer automatically becomes liable to make the payment under Section 21(4) of the Act of 1970.

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11. In light of the above, I direct BSNL being the respondent No. 2 to make payment of the wages of the contract labourers within a period of five weeks from date. BSNL shall coordinate with the contractors being the respondent Nos. 6 to 11 and make the payments to the contract labourers either directly or through the contractors, as convenient to BSNL."

Raising the above, Ld. Counsel would contend that if the contractors are unable to pay the contractual labourers by virtue of this judgment, the BSNL authorities should release the payments to the serving contractual labourers.

4. We have heard Ld. Counsel for both sides.

5. Ld. Counsel for the BSNL authorities would raise objection on maintainability of this application before this forum.

Ld. Counsel for the applicant would point out that some objection was also raised by BSNL before the Hon'ble High Court but the BSNL authorities have themselves referred to this Tribunal as an appropriate forum where its contractual labourers would seek justice.

As the BSNL is trying to blow hot and cold at the same breath and since, in fact, the Hon'ble High Court has ordered such, we direct the BSNL authorities to see that the wages of the serving contractual labourers are released at least to the extent of 50% within a period of one month and to complete payment within a further period of 2 months thereafter and continue paying the same month by month and every month provided the contractual labourers are serving the BSNL.

6. With these directions, the O.A. is disposed of. No costs.

The M.A. also stands disposed of accordingly.

7. Urgent certified copy of this order be handed over to Ld. Counsel for both parties.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP