

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00485/2020, MA 236/2020 & MA 237/2020

Date of Order :04.01.2021

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



1. Harilal Ram, aged about 47 years, son of Sri Arjun Ram, resident of Village-Jankinagar, P.O.-Chapra Ramnagar, P.S.-Jankinagar, District-Purnea.
2. Binod Ram, aged about 48 years, son of Sri Ramawatar Ram, resident of village-Nishiharpur, P.O.-Sonbarsa, P.S.-Shankarpur, District-Madhepura.
3. Becho Ram, aged about 46 years, son of Sri Lakshan Ram, resident of Village-Singheshwar, P.O.-Singheshwar, P.S.-Singheshwar, District-Madhepura.
4. Mohan Ram, aged about 46 years, son of Sri Dhudhar Ram, resident of village-Basantpur, P.O.- Raibhir, P.S.-Shankarpur, District-Madhepura.
5. Akhileshwar Ram, aged about 43 years, son of Sri Chhutharu Ram, resident of village-Maheswa, P.O.-Maheswa, P.S.-Barrahi, District-Madhepura.
6. Visheshwar Ram, aged about 55 years, resident of village-Basantpur, P.O.-Raibhir, P.S.-Shankarpur, District-Madhepura.
7. Ramesh Kumar, aged about 47 years, son of Late Bindeshwari Ram, resident of Village-Chausar, P.O.-Maheswa, P.S.-Madhepura, District-Madhepura.

..... Applicants.

- By Advocate : Shri I.D.Prasad.

-Versus-

1. The Union of India through the Secretary cum Managing Director, BSNL, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi-110001.
2. The Chief General Manager, Telecom BSNL, Bihar Telecom Circle, Patna-800001.
3. The Telecom District Manager, Saharsa.

4. The Sub-Divisional Engineer, BSNL, Madhepura.

..... Respondents.

By Advocate :- Shri K.P.Narayan.

ORDER [ORAL]

Per M.C.Verma, Member (Judl.):- Instant OA has been preferred

jointly by seven applicants. The prayer as has been made in OA is as

under :-



“[a] That the respondents may be directed to give the work to the applicants in preference over the newly engaged casual labourers according to their seniority.

[b] That the respondents be directed to prepare a seniority list and to give the work to the applicants as per their seniority.

[c] That any other relief or reliefs as your Lordships may deem fit and proper.”

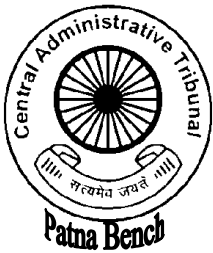
2. Heard. Learned counsel for applicant Shri I.D. Prasad while pressing the MA for joint application and the OA submits that the applicants were engaged as casual labour in 1992 and since then they are working as casual labour. That applicants are not being given proper work and new comer casual labourers are given preference over the applicant. He also argued that similarly situated casual labourers has been regularized by the respondents but in the case of applicants, they are sitting over the matter for the reasons best known to them. Learned counsel also referred annexures A/1series, A/2 and A/3 series of the OA.

3. Learned counsel for the respondents vehemently opposed the maintainability of the OA and urged that presently there is no casual labourer at all with the respondents department, applicants are not working as a casual labour and he contended that had the applicants are working they would have submit their record. He also rebutted the submission that representation of the applicant is pending before the respondents. He emphasizes that Annexure A/3 was never received in the office of the respondents.



4. We have considered the submissions and also have had the glance of the pleadings and annexures of the OA. Annexure A/1 series is the relates to list of working dates of the applicant. As far as applicant no. 1 relates, the period covered is from January 1992 to October 1994. Relating to applicant no. 2, the period is from July 1992 to September 1994. Relating to applicant no. 3, the period is from June 1992 to December 1994. Relating to applicant no. 4, the period is from October 1992 to November 1994. Relating to applicant no. 5, the period is from October 1992 to September 1994. Relating to applicant no. 6, the period is from December 1992 to December 1994 and relating to applicant no. 7, the period is from June 1992 to June 1993. Annexure A/1 series does not show that applicants has worked after November 1994. Annexure A/2 is the memo no. G-33/2000/2001/42 dated at Saharsa the 26.03.2001 which shows that eight labourers were granted temporary status and the name of the

applicant are not there in that list. Annexure A/3 series is the so called representation of the applicants given to the District Manager, Telecom wherein it has been stated that case of applicants for temporary status and regularization is pending and that they are not given work and preferences is given to new comer casual labourer.



5. Learned counsel for the applicant submits at this stage that OA may be disposed of with liberty to the applicants to give fresh representation, raising their grievance to the respondents and suitable direction may be given to the respondents. Counsel for respondents having no objection to said request and he urged to pass appropriate order.

6. Having taken note of entirety, the applicants, if are having any genuine grievance, may submit within fifteen days their representation to the respondents and if any such representation is given by either of the applicant or by all the applicants, the respondents shall consider the same and the respondents shall pass order thereon within three months of receipt of the same.

7. The OA is disposed of. MA 236/2020 and MA 237/2020 also stand disposed of accordingly.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/