

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.27/2019 with MA Nos.31/2019 & 236/2020

This the 06th day of September, 2021.

Coram : Hon'ble Shri Jayesh V.Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)

(By Advocate : Shri P.H.Pathak)

VERSUS

1. Union of India
Notice to be served through
The Secretary
Ministry of Communication
Sanchar Bhavan,
New Delhi – 110 001.
2. The Chief General Manager
Gujarat Circle, (DOT Cell)
Telecom Bhavan,
C.G.Road, Ahmedabad – 380 006.
3. Sub Divisional Officer
Telegraph BSNL
Telephone Exchange,
Jagadia – 393 110. Respondents

(By Advocate : Shri H.D.Shukla, Ms. R.R.Patel)

ORDER (ORAL)

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

1. Today, as per the direction issued by this Tribunal, the Registry has submitted report with respect to the OA No.358/2006. According to

the said report, the record of the said OA reveals that the same was disposed of vide order dated 26.3.2007 and record of it was destracted vide communication dated 20.01.2024. The Registry has retained one copy the order passed by this Tribunal on 26.03.2007 for record purpose. Counsel for the applicant submits that the applicant had approached this Tribunal by filing OA No.358/2006, which was disposed of on the ground that the Tribunal has no jurisdiction. Against it, the applicant had approached the Hon'ble High Court by way of SCA Nos. 12965, 12966 & 12970 of 2007 whereby the order passed by this Tribunal was quashed and set aside and directed to adjudicate the validity of grant of Temporary Status and whether regularization was due or not. At the same time, it was clarified that the order passed by the BSNL will be subject matter of remand (Annexure A/2). The respondents had corrected the date of birth of the applicant and had accepted the representation of the applicant and he continued in service till date. He also contended that vide order dated 24.04.2018, the concerned authority had also issued appreciation letter of his work. It is the grievance of the applicant that *in spite* of his best performance, he was not regularised without any justification. Hence, this OA.

2. After going through the material on record, we do not find any details with regard to what actually happened after the order was passed by the Hon'ble High Court, as referred hereinabove. The applicant stated

that he was granted Temporary Status and he is continuing till date. There is no material on record with regard to regularization of the applicant's service after he was granted Temporary Status. The applicant without approaching concerned authority, had directly approached this Tribunal, as such there is no decision.

3. Counsel for the applicant submits that admittedly he has not approached the concerned authority for redressal of his grievance, more particularly, payment of minimum pay scale and the claim of regularization in terms of the Scheme for regularization of casual labourers. At this stage, he requests that the applicant will be satisfied, if appropriate direction be issued to the respondents to consider this OA as his representation and decide the same expeditiously.
4. On the other hand, Shri H.D.Shukla, standing counsel for the respondent No.1 and Ms. R.R.Patel, standing counsel for the respondent Nos.2 & 3 submit that they have already filed their reply.

Standing counsel for the respondent No.1, Shri H.D.Shukla submits that entire service record of the applicant is lying with the BSNL whereas on the otherhand, Ms. R.R.Patel, standing counsel for the respondent Nos.2 & 3 appears and submits that as such they have filed MA No.236/2020 for deleting their name from the array of the parties as they cannot grant any relief with regard to the order dated 29.09.2000 passed by the Department of Telecom (Annexure A/4), but

it is the respondent No.1, who is the competent authority to decide the eligibility of the applicant with regard to the claim of regularisation.

5. At this stage, we take note that the applicant has not approached the competent authority and straightway approached this Tribunal and filed the present OA. We accept the request made on behalf of the applicant to submit the additional representation before the competent authority.
6. In view of this circumstances, we deem it fit to dispose of this OA by directing the applicant to submit his additional representation along with copy of this OA as his representation to the respondents within two weeks from the date of receipt of a copy of this order and the respondents are directed to consider the same in terms of the claim for regularization and service record of the applicant for redressal of his grievance within three months from the date of receipt of such representation. We made it clear that we have not expressed any opinion of the merit of the case.
7. With the above observation and directions, the OA stands disposed of. Pending MAs, if any, also stand disposed of.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)