

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00350/2021

Thursday, this the 29th day of July, 2021

CORAM:

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

A.P.Balan, aged 69 years, S/o.Unichoyi
(Casual Labourer/BSNL/Kozhikode)
Areeparambath House, Peringalam Desom
Kunnamangalam P.O, Kozhikode – 673 571

- Applicant

(By Advocates: Mr.T.A.Rajan))

Versus

1. Bharat Sanchar Nigam Ltd. Represented by its Chairman
A 703, Statesman House, B-148, Barathambha Road
New Delhi – 110 001
2. The Chief General Manager (Telecom)
Bharat Sanchar Nigam Ltd., Kerala Circle
Thiruvananthapuram – 695 033
3. The Principal General Manager Telecom
Bharat Sanchar Nigam Ltd.
Kozhikode – 673 001
4. The Divisional Engineer
Bharat Sanchar Nigam Ltd.
Kozhikode – 673 001

- Respondents

(By Advocate: Mr.V.Santharam)

The O.A having been heard on 29th July, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicants seeking the following reliefs:

“i) Declare that the applicant is entitled to get temporary status and regularization in service from the dates they were given to his junior Sri.M.K.Jagadeesh.

ii) Declare the denial of pension and pensionary benefits to the applicant as illegal.

iii) Direct the respondents to grant pension to the applicant with effect from 1.3.2012 and also to grant the pensionary benefits, with 12% interest from 01.03.2012 to the date of payment. ”

2. The brief facts of the case are as follows:

The applicant was initially engaged as Casual Mazoor on 06.10.1978 and continued in service till 30.12.1986. Thereafter he was re-engaged on 5.8.1990 and continued in service without any break till 14.12.1994. Thereafter, he was denied employment, which was declared unjustified by the Labour Court, Kozhikode in Annexure A1 award and the Labour Court Kozhikode directed the management to reinstate the applicant in service with continuity of service. The said award was confirmed by the Hon'ble High Court of Kerala and the Hon'ble Supreme Court of India. Pursuant to the award, the applicant was reinstated in service on 10.7.2010, but the wages due to the applicant for the period from 26.1.1998 to 10.7.2010 was not given him. Later on the basis of the order in C.P 1/2016, he was given the wages for the above period. But he was not given temporary status and regularization in service though his juniors were given the said benefits. He was also not given the pension and pensionary benefits. Hence the applicant submitted a representation to the third respondent which was also not considered by the third

respondent. Hence the applicant has approached this Tribunal praying for the aforementioned reliefs.

3. When the matter came up for consideration, it appears that the detailed representation filed by the applicant at Annexure A-12 is still pending with the Competent Authority. Counsel for the applicant submits that the applicant will be satisfied if the said representation is properly considered and disposed of by the Competent Authority within a time frame on the basis of rules and regulations on the subject.

4. Adv.Ms.A.K.Revathy representing Adv. Mr. V.Santharam takes notice on behalf of the respondents.

5. *In view of the above, we direct the Competent Authority among the respondents to consider the representation of the applicant at Annexure A-12 and pass a reasoned and speaking order on the basis of relevant rules, regulations and facts of the case within a period of three months from the date of receipt of a copy of this order.*

6. Without going into the merits of the matter , the Original Application is disposed of as above at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A 1- A true copy of the award dated 29.10.97 of the Labor Court, Kozhikode.

Annexure A2- A true copy of the judgment dated 4.3.2004 of the Hon'ble High Court of Kerala in O.P No.7391/1998

Annexure A3- A true copy of the judgment dated 27.6.2005 of the Hon'ble High Court of Kerala in W.A.No.1062/2004

Annexure A4- A true copy of the order dated 6.8.09 of the Hon'ble Supreme Court in Civil Appeal No.2026/2006

Annexure A5- A true copy of the order dated 21.4.10 of the Hon'ble Supreme Court in RP(C) No.753/2010

Annexure A6- A true copy of the order dated 30.7.2012 of the Central Government Industrial Tribunal Cum Labour Court, Ernakulam in C.P No.4/2010

Annexure A7- A true copy of the order bearing No.STZ/1008/2006-10/16 dated 9.7.2010

Annexure A8- A true copy of the order dated 27.1.2020 of the Central Government Industrial Cum Labour Court, Ernakulam in C.P No.1/2016

Annexure A9- True copy of the judgment dated 17.6.1992 of this Hon'ble Tribunal in O.A No.368/1991

Annexure A10- A true copy of the order dated 16.8.1996 of the Divisional Engineer Telecom Transmission Project, Kozhikode

Annexure A11- A true copy of Memo No.SDC 3035/2001/2 dated 26.4.2001 of the third respondent

Annexure A12- True copy of the representation dated 11.1.2021 submitted by the applicant to the third respondent.

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