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O.A. No. 157 of 2010

Order dated: 06.04.2010

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. Sanjay Kr. Mishra, Ld. Counsel appearing for the applicant and Mr. S.B.Jena, Ld. Counsel appearing on notice for the BSNL.

2. The applicant is working as a daily rated Mazdoor under the Respondent No.3 for the last 13 years. His contention is that while about 150 similarly placed daily rated Mazdoors have been conferred with temporary status in pursuance of C.G.I.T. award, which has been confirmed by the Hon'ble High Court of Orissa as well as by the Hon'ble Apex Court, such benefits have not been extended to the applicant. In addition to the above, the applicant refers to a circular dated 29.9.2000 issued by the BSNL Headquarter relating to regularization of casual labourers.

3. It is seen that the applicant has not made any representation to the competent authority regarding either conferment of temporary status or regularization of his services before approaching this Tribunal.

4. At this stage, Ld. Counsel for the applicant submits that the applicant will make a representation to

Respondent Nos. 1, 2 and 3 putting forth his grievance for not having been accorded either temporary status or the benefit of regularization of service inspite of having served the organization for about 13 years.

5. As agreed to by the Ld. Counsel for both the sides, without going into the merit of the case, in the light of above submission, it is considered at this stage that a direction can be issued to Respondent Nos. 1, 2 and 3 to consider the representation, if filed by the applicant within 15 days, and pass a reasoned order intimating the result thereof to the applicant within 60 days from the date of receipt of a copy of this order. Ordered accordingly.

6. Meanwhile, if the applicant has not been disengaged, he shall not be disengaged till the decision of the competent authority as ordered above.

7. With the above observation and direction, this O.A. is disposed of at the stage of admission itself.

8. Send copy of this order, along with copy of the O.A., to the Respondents at the cost of the applicant.


MEMBER (A)

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