

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.581/2002

Tuesday this the 17th day of June, 2003.

C O R A M

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. K.G.Selvaraj
Kamalavivasom House
Kamukarathottam
Vattavila, Chenkal P.O.
Amaravila, Trivandrum.
2. D.Syrus
Irinchal Pallithuraveedu
Irinchal P.O.
Aryanad, Nedumangad
Trivandrum.
3. J.Selvaraj
Periyal Nilayam, Pallivetta
Aryanadu P.O.
Nedumangad
Trivandrum.

Applicants.

(By advocate Ms.K.Indu)

Versus

1. Union of India represented by its
Secretary, Ministry of Communications
New Delhi.
2. The Chairman cum Managing Director
Bharath Sanchar Nigam Limited
Sanchar Bhavan, New Delhi.
3. The Chief General Manager, Telecom
Kerala Circle
Trivandrum.

Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 17th June, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicants, 3 in number, are the employees of BSNL and are aggrieved by the inaction on the part of the respondents in granting them temporary status under the Casual Labourers (Grant of Temporary Status & Regularization Scheme) 1989 and its subsequent clarifications. They have filed this OA for the following reliefs:

- (i) To declare that the applicants are entitled to be conferred with temporary status per Annexure A5 Scheme with effect from 16.7.94, 27.10.93 and 21.7.94 respectively, the dates on which they have completed one year's casual service, after re-engagement.
- (ii) To direct the respondents to grant temporary status to the applicants with effect from 16.7.94, 27.10.93 and 21.7.94 and to grant all consequential benefits thereon.
- (iii) To declare that the engagement of the applicants on piece rate basis is bad.
- (iv) To direct the respondents to treat the applicants as deemed to have continued as casual labourers even though they are now engaged on piece rate basis.

2. When the case came up for hearing, the learned counsel appearing for the respondents submitted that they have filed a reply statement contending that the applicants are employees of Bharat Sanchar Nigam Limited and, therefore, this Tribunal has no jurisdiction to entertain the application. The counsel submitted that this Tribunal in OA No.492/03 filed by similarly placed employees had considered the question of jurisdiction in detail and found that this Tribunal has no jurisdiction to entertain such applications.

3. When the case came up for hearing, the learned counsel of the applicant submitted that the applicants may be permitted to withdraw the application with liberty to seek remedy in the appropriate forum.

4. In the light of the submissions made by the counsel for both sides, the applicants are permitted to withdraw the application with liberty to seek remedy before appropriate forum. It is, however, made clear that the question of limitation, if any, will not adversely affect the applicants in seeking such a course of action.

5. The OA is closed as withdrawn. No costs.

Dated 17th June, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER