

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 239 OF 2013**

Thursday, this the 21<sup>st</sup> day of March, 2013

**CORAM:**

**HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER**

P.J. Sebastian, S/o. P.T. John,  
Temporary Status Mazdoor,  
Telephone Exchange, Sultanbathery.  
Residing at Puthenparambil House,  
Moolankavu (P.O), Sultanbathery – 673 592.      -      Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1.      Bharath Sanchar Nigam Limited,  
         Represented by its Chairman and  
         Managing Director, Sanchar Bhavan,  
         New Delhi – 110 001.
2.      Chief General Manager,  
         Bharath Sanchar Nigam Limited,  
         Kerala Circle, Thiruvananthapuram – 695 033.
3.      General Manager, BSNL,  
         Calicut SSA, Calicut – 673 001.
4.      Union of India, represented by  
         The Secretary to Government of India,  
         Department of Telecommunications,  
         New Delhi – 110 001.      -      Respondents

(By Advocate Mr. T.C. Krishna)

The application having been heard on 21.03.2013, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER**

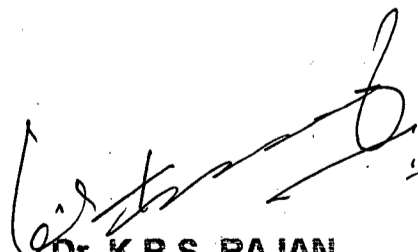
The applicant earlier employed as a Temporary Status Casual Mazdoor was subjected to a criminal proceedings in Sessions Case No. 62/2003. On account of the same, his services could not be regularized and when the matter was taken up before the Tribunal in O.A. No. 919/2001, the said O.A was dismissed observing, however, that the application would

be free to approach the higher authorities for appropriate decision regarding the regularization of the applicant in accordance with the Rules (Annexure A-2 refers). The applicant had submitted Annexure A-4 representation along with the copy of the Annexure A-2 Sessions Court Judgment, whereby he was acquitted and requested for consideration of his case for regularization. Though, this representation was filed as early as in May, 2012, no decision has been taken and hence this Original Application seeking the following reliefs:-

- "i) To direct the respondents to consider the applicant for regularization with effect from 1.10.2000 as proposed in Annexure A-1 with all consequential benefits including arrears of pay and allowances;
- ii) Grant such other reliefs as may be prayed for and the court may deem fit to grant, and
- iii) grant the costs of this Original Application."

2. At the time of admission hearing itself, when the counsel for the respondents was also present, it was suggested that this O.A can be disposed of with a direction to the respondents to consider the application of the applicant pending before the respondents and arrive at judicious decision within a time frame calendared by the Tribunal. Accordingly, without going into the merit of the matter, this O.A is disposed of with direction to the respondents to consider the case of the applicant and arrive at a judicious decision and communicate the same to the applicant. It is made clear that no opinion on the merit of the matter has been expressed in this order.

3. O.A is disposed of. No costs.

  
**Dr. K.B.S. RAJAN**  
**JUDICIAL MEMBER**