

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.Nos.207/10 & 248/10

Monday this the 26th day of September 2011

C O R A M :

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

HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER

O.A.No.207/10

1. Harilal R.S.,
S/o.Ramachandran Nair N,
JTO (Officiating), Telephone Exchange,
Panavoor, Trivandrum District.
Residing at Chirakkara Bhavan,
Vellanchira, Panavoor Post,
Trivandrum District – 695 568.
2. Sreejith C.V.,
S/o.late Krishnan C.P.,
JTO (Officiating), Computer Cell,
O/o.AGM Computer, GMTD Kannur.
Residing at CV House, Karuva Kadalayi PO,
Kannur – 670 007.
3. Anil Kumar S,
S/o.Sreedharan Nair P.,
JTO (Officiating), CSC,
BSNL Bhavan, Trivandrum.
Residing at Santha Bhavan,
TC 29/310, Anakkuzhi Lane,
Pettah Post, Trivandrum District.
4. Narayanan K.M.,
S/o.late C.H.Gopalan Nambiar,
JTO (Officiating), Telephone Exchange,
Iritty, Kannur District.
Residing at Cholaparambath House,
34 Punnad, Punnad PO, Kannur District,
Kerala – 670 703.

5. Sadeesan Nair N,
S/o.Narayanan Nair N,
JTO (Officiating), Telephone Exchange,
Udayamkulangara, Trivandrum District.
Residing at Narayaneeyam, Kadakulam,
Plamoottukkada Post, Trivandrum District.
6. Dineshan K.K.,
S/o.A.Balakrishnan Nambiar,
JTO (Officiating) A&P Stores, BSNL,
Edakkad PO, Muzhappailangad – 670 662.
Residing at Alavoor House, Cheleri PO,
Kannur 670 604.
7. Manmadhan R.S.,
S/o.R.Sukumaram Unnithan,
JTO (Officiating) Telephone Exchange,
Kaipattoor, Kozhenchery Division,
Pathanamthitta District.
Residing at Mullamthanath House,
Ulavakkad, Nooranad Post, Allapuzha District.
8. Vinod Kumar M,
S/o.Kunhiraman Nambiar,
JTO (Officiating) Telephone Exchange,
Iritty, Kannur District.
Residing at Vijaya Nivas, Irrity PO, Kannur District.
9. Surendran P.,
S/o.Pushpangathan R.,
Junior Telecom Officer, Punnakulam,
Vizhinjam Division, Trivandrum District.
Residing at Kottiya Kulathinkara Veedu,
Kulathamal, Chakkottukonam Post,
Trivandrum District.

...Applicants

(By Advocate Mr.V.Sajith Kumar)

V e r s u s

1. The Bharat Sanchar Nigam Limited represented
by its Chairman & Managing Director, New Delhi.
2. The Chief General Manager,
Bharat Sanchar Nigam Limited, Trivandrum.

3. Chandrika Panamboor,
T.T.A., O/o.Sub Divisional Engineer,
BSNL, Poonkunnam, Trissur.
4. Santhosh Antony,
T.T.A., O/o.Sub Divisional Engineer,
BSNL, Thirunakkara, Kottayam.
5. Shafi M.S.,
T.T.A., Circle Telecom Training Centre,
BSNL, Trivandrum.
6. Jayan P.S.,
T.T.A., Customer Service Centre,
Central Telegraph Office, BSNL, Trivandrum. ...Respondents

(By Advocates Mr.Johnson Gomez [R1-2]
& Mr.P.K.Madhusoodhanan [R3-6])

O.A.No.248/10

1. All India BSNL Executives Association
represented by its Circle Organising Secretary,
P.Radhakrishnan, S/o.K.P.Krishan,
JTO (CSR Backend) BSNL Bhavan, Kannur.
Residing at Payyaratta House, Kallyassery South,
Anjampeedika PO, Via Mottammal, Kannur.
2. P.Radhakrishnan,
S/o.K.P.Krishan,
JTO (CSR Backend) BSNL Bhavan, Kannur.
Residing at Payyaratta House, Kallyassery South,
Anjampeedika PO, Via Mottammal, Kannur.
3. Balakrishnan M.P.,
S/o.late P.K.Kelu,
JTO (Group), Telephone Exchange,
Kathiroor, Kannur.
Residing at Meethale Peruvankandiyil,
Kariyadu Therur, Kariyadu South - 673 316.
4. K.V.Mohanan,
S/o.Kunhikoran,
JTO (Group),
Telephone Exchange, Ramanthady.
Residing at Kooloth, Near Siva Temple,
Vilayankode PO, Kannur - 670 501.

5. Radhamani P.P.,
D/o.Balan Nambiyar KOP,
JTO, O/o.SDE External, Payyannoor.
Residing at Avani, Vengara PO,
Kannur – 670 305.

...Applicants

(By Advocate Mr.M.R.Hariraj)

V e r s u s

1. Union of India represented by the Secretary to Govt. of India, Department of Communications, New Delhi.
2. Bharath Sanchar Nigam Ltd., represented by its Chairman and Managing Director, Sanchar Bhavan, New Delhi.
3. Chief General Manager, Telecom, BSNL, Kerala Circle, Trivandrum.
4. T.Jalajamany Amma, Senior TOA (Phones), O/o.DGM Marketing, CTO Building, Statue, Thiruvananthapuram – 33.
5. Lalitha Skariah, Senior TOA (Phones), RLU Exchange, BSNL, Paruthippara, Thiruvananthapuram – 695 005.

...Respondents

(By Advocates Mr.George Joseph,ACGSC [R1],
Mr.Johnson Gomez [R2-3] & Mr.Vishnu S Chempazhanthiyil [R4-5])

This application having been heard on 26th September 2011 this Tribunal on the same day delivered the following :-

ORDER

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

In the above two Original Applications the reliefs sought for is as under :-

1. *To quash Annexure A-9 (a) and Annexure A-9 (b).*

2. *To direct the respondents to consider the regularisation of applicants against the JTO vacancies arisen from 1996 to 2000 and issue regularisation orders granting all consequential benefits.*

3. *In the alternative direct the respondents to accommodate the applicants and other similarly situated as regular JTO's by creating supernumerary vacancies as ordered in Annexure A-6.*

2. The Applicants, according to the counsel, serving as JTOs since 2005 are entitled to regularisation in the said post against vacancies that arose from 1996 to 2000 under the then existing rules.

3. After completion of pleadings, when these cases came up for final hearing, counsel for the applicants submitted that the matter could in all expectation be amicably resolved by liaising with the administration and the Original Applications may be disposed of accordingly giving liberty to the applicants to revive by way of a fresh Original Application, if at all necessity arises.

4. Vide order dated 22.3.2010 in O.A.248/10, Annexure A-1 order therein has been stayed.

5. When the applicants expressed their firm faith in the Department and hope that administratively the issue can be resolved, it is only appropriate that their prayer for disposal of the Original Applications with permission to file representation, if any, to the Department is allowed. For, as observed

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by the Apex Court in the case of Kanta Goel Vs. B.P.Pathak (1977) 2 SCC 814, so heartening to the Judges' bosom would be the happy ending of a bitterly fought litigation, if justice is accomplished by the parties settling the difference. If such an application is made by the applicants in the two Original Applications the same may be considered by the Department within a period of two months from the date of receipt of such representation. It is only in case the applicants are aggrieved by any decision on their representation that the applicants may file fresh Original Application in respect of their grievances that might arise from the decision of the Department. Original Applications are closed with the above direction.

(Dated this the 26th day of September 2011)

K.NOORJEHAN
ADMINISTRATIVE MEMBER

Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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