

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.287/2001

Friday this the 23rd day of May, 2003.

C O R A M

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. T.P.Jayamohanan
S/o Parameswara Menon
Aroor Telephone Exchange
2. V.N.Gopakumar
S/o Narayana Pillai V.R.
Cherthala Telephone Exchange.
3. R.Venugopal
S/o Ramakrishna Kurup
Aroor Telephone Exchange.
4. T.D.Maiyan
S/o Dasappan
Cherthala Telephone Exchange.
5. K.K.Manoharan
S/o Narayanan
Aroor Telephone Exchange.
6. V.Pryadas
S/o Velayudhan
Aroor Telephone Exchange.
7. P.Poonam
S/o Pappan
Aroor Telephone Exchange.
8. M.Gopakumar
S/o Madhavan Nair
Aroor Telephone Exchange.
9. G.Appukuttan
S/o Govindan
Aroor Telephone Exchange.
10. T.S.Sathyan
S/o P.K.Sreedharan
Cherthala Telephone Exchange
11. K.N.Kunjumon
S/o Narayana Chettiyar
Cherthala Telephone Exchange.
12. C.P.Sadu
S/o Padmanabhan
Aroor Telephone Exchange.
13. V.N.Murali
S/o Neelakantan Nair
Aroor Telephone Exchange.

14. S.Surajkumar
S/o Sukumaran Nair
Cherthala Telephone Exchange.
15. M.Raju
S/o Madhav Panickar
Cherthala Telephone Exchange.
16. K.Dinakaran
S/o Karunakaran
Cherthala Telephone Exchange.
17. R.Sasiappan
S/o Rajappan
Aroor Telephone Exchange.
18. V.P.Ashokan
S/o Parameswaran N.K.
Cherthala Telephone Exchange.
19. A.B.Balamurali
S/o Bhaskaran A.D.
Aroor Telephone Exchange.
20. Rajendran Nair
S/o Rajappan Nair
Cherthala Telephone Exchange.
21. P.Muraleekrishnan
S/o Padmanabha Panicker
Cherthala Telephone Exchange.
22. P.D.Velayudhan
S/o Damodaran
Haripad Telephone Exchange.
23. V.S.Satheesan
S/o Sukumaran
Haripad Telephone Exchange.
24. K.K.Babu
S/o N.Kumaran
Haripad Telephone Exchange.
25. G.Gopi
S/o Govindan
Haripad Telephone Exchange.
26. S.Madhu
S/o P.Sasidharan
Haripad Telephone Exchange.
27. M.S.Baiju
S/o Satyapalan
Haripad Telephone Exchange.
28. V.C.Abraham
S/o V.X.Charlie
Haripad Telephone Exchange.
29. P.Manjunathan
S/o K.K.Padmanabhan
Haripad Telephone Exchange.

30. P.Yoonus
S/o A.M.Abdul Kareem
Thycattussery Telephone Exchange.
31. V.K.Janardhanan
S/o Krishnan Kesavan
Thycattussery Telephone Exchange.
32. C.V.Sabu
S/o C.K.Bhaskaran
Thycattussery Telephone Exchange.
33. K.N.Udayan
S/o Narayanan
Thycattussery Telephone Exchange.
34. V.S.Gopalakrishnan Nair
S/o Sreedharan Nair
Cherthala Telephone Exchange.
35. P.Vijayakumar
S/o Padmanabhan
Cherthala Telephone Exchange.
36. V.M.Maniappan
S/o Kochuappi
Aroor Telephone Exchange.

Applicants.

(All were Hired Labourers)

(By advocate Mr.M.R.Rajendran Nair)

Versus

1. Union of India represented by
The Secretary to Government of India
Ministry of Communications
New Delhi.
2. Bharath Sanchar Nigam Ltd. represented by
The Chief General Manager
Telecom, Kerala Circle
New Delhi.
3. The General Manager
Telecom, Alappuzha.

Respondents.

(By advocate Mr.,P.M.M.Najeeb Khan, ACGSC)

The application having been heard on 23rd May, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Applicants, 36 in numbers, were hired casual labourers, under the Department of Telecom. They are aggrieved by A-4 and A-5 memorandums dated 12.2.99 and 15.6.99 to the extent those prescribe a maximum number of days for which hired labourers can


be engaged as it is, according to them, repugnant to Article 14 of the Constitution of India and other statutory provisions. The applicants seek a declaration from this Tribunal that the stipulation in A-1, A-2 and A-3 to the effect that work of applicants will be limited to 100 days in a year and 4 days at a time is unenforceable and a direction to be issued to the respondents to engage the applicants for casual work in preference to freshers and juniors and individuals not recruited in accordance with law, without any limitation on the number of days they would be engaged. The applicants further seek a direction to the respondents to issue labourer cards or other documentary evidence showing the details of casual engagement of the applicants.

2. Although at the admission stage no question of jurisdiction was raised, subsequently when the matter came up for hearing, the respondents filed additional reply statement dated 22.1.03 stating that this Tribunal did not have jurisdiction over the BSNL in respect of the category of persons involved in this OA. When the matter was heard, Sh.M.R.Rajendran Nair tried to justify exercise of jurisdiction by this Tribunal on the ground that the claim of the applicants arose out of specific Government orders regarding engagement of casual labourers and that, therefore, this subject matter fell within the realm of this Tribunal's jurisdiction. Sh.P.M.M.Najeeb Khan, the learned ACGSC appearing for the respondents, however, maintained that in view of the Tribunal's decision in OA 811/02 and OA 377/02 and also in view of the latest order in a batch of cases in OA 492/2002 and other cases dated 15.5.03 the matter agitated in this OA clearly fell outside this Tribunal's jurisdiction.

3. We have considered the question of jurisdiction and gone through the orders cited by the learned counsel for the respondents. We are satisfied that this case is squarely covered by our latest decision in a batch of cases in OA 492/2002 and other cases dated 15.5.03. It is to be specifically mentioned in this context that once the BSNL has taken over the business of Dept. of Telecom etc., whether or not casual employees are to be engaged is a matter to be exclusively decided by the BSNL and no engagement of hired casual labourers like the applicants can be enforced on the BSNL. Therefore, we decline to exercise jurisdiction in such matters. The application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

4. The interim orders stands vacated.

Dated 23rd May, 2003.



K.V.SACHIDANANDAN
JUDICIAL MEMBER

aa.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER