

~~FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES~~ CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 10 of 2013
Original Application No. 25 of 2013
Original Application No. 32 of 2013
Original Application No. 34 of 2013

Monday, this the 18th day of November, 2013

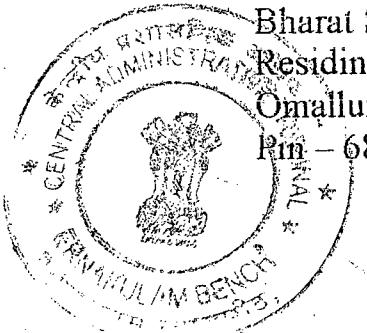
CORAM:

**Hon'ble Mr. Justice A.K. Basheer, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member**

1. Original Application No. 10 of 2013 -

1. T. Anil Kumar, aged 49 years, S/o. Thankappan Nair, Telecom Mechanic, Bharat Sanchar Nigam Limited, Telecom Bhavan, Pathanamthitta, Residing at : Panakuzhiyil House, Maroor, Mallassery PO, Pathanamthitta District, Pin – 689 646.
2. Haridas M.R., aged 49 years, S/o. Raghavan Nair, Telecom Mechanic, Bharat Sanchar Nigam Limited, Office of the Junior Telecom Officer (Groups), Vayalathala Telephone Exchange, Ranni, Residing at : Meppurathu House, Mandiram PO, Ranni, Pathanamthitta District, Pin – 689 672.
3. Abraham K.S., aged 48 years, S/o. Stephen K.I., Telecom Mechanic, Bharat Sanchar Nigam Limited, Office of the Sub Divisional Engineer (Marketing), Ranni, Residing at : Kakkuzhiyil House, Karikulam PO, Ranni, Pathanamthitta District, Pin – 689 673.
4. K.A. Sunnymon, aged 48 years, S/o. K.M. Abraham, Telecom Mechanic, Bharat Sanchar Nigam Limited, Vadasserikkara Telephone Exchange, Alleppey District, Ranni, Residing at : Kanjiramnikunnathil, Mundukottackal PO, Pathanamthitta District.
5. G. Jose, aged 51 years, S/o. George, Telecom Mechanic, Bharat Sanchar Nigam Limited, Telecom Bhavan, Pathanamthitta, Residing at : Thekkekara House, Vazhamuttam PO, Omallur, Pathanamthitta District, Pin – 689 647.

..... **Applicants**



2. Original Application No. 25 of 2013 -

N. Somasekhara Kurup, aged 56 years, S/o. Neelakanta Pillai, Telecom Mechanic, Bharat Sanchar Nigam Limited, Telephone Exchange, Kulanada, Pandalam, Pathanamthitta District, Residing at : Thattamkandathil House, Mangaram, Pandalam PO, Pathanamthitta District, Pin : 689 501.

..... **Applicant**

3. Original Application No. 32 of 2013 -

K.P. Kuruvilla, aged 48 years, S/o. Kuruvilla Philip, Telecom Mechanic, Bharat Sanchar Nigam Limited, Office of the Sub Divisional Engineer/Phones/Ranni, Residing at : Kakuzhyil House, Karikulam PO, Ranni, Pathanamthitta District, Pin – 689 673.

..... **Applicant**

4. Original Application No. 34 of 2013 -

1. Simon Zacharia, aged 47 years, S/o. M.C. Zacharia, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Parakode Exchange, Adoor Taluk, Pin – 691 554, Permanent Address: Kalluvilla Puthenveedu, Pannivizha, Adoor PO, Pin – 691 523.

2. Thomas George, aged 47 years, S/o. Oommen George, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Office of the Sub Divisional Engineer, External (West), Adoor, Pin – 691 523, Permanent Address : Vattuthu Grace Villa, Alakuzhi, Kura PO, Kottarakkara, Pin – 691 557, Quilon District.

3. K.A. Akochucherukkan, aged 57 years, S/o. Ayyan, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Office of the Sub Divisional Engineer, External (West), Adoor, Pin – 691 523, Permanent Address – Kochuvilayil Veedu, Moonnalam, Adoor PO, Pin – 691 523.

4. V.P. Mohanan, aged 48 years, S/o. Parameswaran K., Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Telephone Exchange, Kadambanad South PO, Pathanamthitta, Pin – 691 553, Residing at : Vattavila Thekkethil, Kadambanad South PO, Adoor, Pathanamthitta, Pin – 691 553.

V. George, aged 48 years, S/o. Varghese, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Telephone Exchange, Peringanad, Permanent Address : Paravila Vadakkepura, Karuvatta, Adoor, Pathanamthitta District, Pin – 691 523.



6. Omanakuttan B., aged 50 years, S/o. N. Bhaskaran, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Telephone Exchange, Kilivayal, Adoor, Pin – 691 523, Permanent Address – Sumesh Bhavanam, Kulakkada PO, Kottarakkara, Kollam District, Pin – 691 554.
7. R. Jayachandran, aged 48 years, S/o. K. Raghavan, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Office of the Sub Divisional Engineer, Adoor, Pin – 691 523, Residing at : Athira, Moonnalam, Adoor PO, Pathanamthitta District, Pin – 691 523.
8. K.V. Varghese, aged 53 years, S/o. Varghese Yohannan, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Telephone Exchange, Ezhankulam, Pin – 691 556, Permanent Address – Nellivila Kizhakkethil, Arukalikal East, Nedumon PO, Pin – 691 556.
9. Unnikrishna Kurup M., aged 51 years, S/o. Gopala Kurup, Telecom Mechanic, Bharat Sanchar Nigam, Limited, (BSNL), Telephone Exchange, Thumbamon, Pin – 689 502, Permanent Address – Mangalathu Veedu, Mallika Ward, Thattayil PO, Adoor, Pathanamthitta District, Pin – 691 525.
10. Ajikumar K.S., aged 47 years, S/o. Sasidharan Nair, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Office of the Sub Divisional Engineer, External (West), Adoor, Pin – 691 523, Permanent Address – Ponnurutta Padinjattethil House, Kodumon PO, Adoor, Pathanamthitta District, Pin – 691 555.
11. R. Ramanan Nair, aged 49 years, S/o. Raghavan Pillai, Telecom Mechanic, Bharat Sanchar Nigam Limited, (BSNL), Office of the Sub Divisional Engineer, External (West), Adoor, Pin – 691 523, Permanent Address – Illikkulath Veedu, Injakkad, Kakkakkunnu PO, Sooranad South, Kollam District, Pin – 690 552.

..... **Applicants**

(By Advocate – Mr. T.C. Govindaswamy in all the OAs)

V e r s u s

The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd., Corporate Office,
New Delhi – 110 001.

The Chief General Manager (Telecom),
Bharath Sanchar Nigam Ltd., Kerala Circle,
Trivandrum – 695 033.



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3. The Principal General Manager, (Telecom),
Bharat Sanchar Nigam Ltd., Pathanamthitta Telecom Division,
Thiruvalla – 689 101. **Respondents
in all the OAs**

(By Advocate – Mr. Pradeep Krishna in all the OAs)

These applications having been heard on 18.11.2013, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice A.K. Basheer, Judicial Member-

Applicants are stated to be working as Telecom Mechanics in Pathanamthitta Telecom Division of Bharat Sanchar Nigam Limited. They have filed these Original Applications with the following prayer:-

“(i) Declare that the applicants are entitled to the benefit of stepping up of pay at par with their juniors as held in Annexures A2 and A3, with all consequential benefits arising there from, and direct the respondents to grant the consequential benefits accordingly.”

2. The case of the applicants in brief is that all of them were initially appointed as Casual Labourers in the Department of Telecommunication prior to October 1, 1989 and that they were granted temporary status with effect from the above date. Still later they were regularized as Regular Mazdoor with effect from April 1, 1990. Later all the applicants were promoted as Telecom Mechanic on officiating basis from July 1999 and on regular basis with effect from August 16, 2000 as could be seen from Annexure A1 order issued by respondent No. 2.

The primary grievance of the applicants is that their juniors are drawing more pay. In this context applicants have pointed out that an



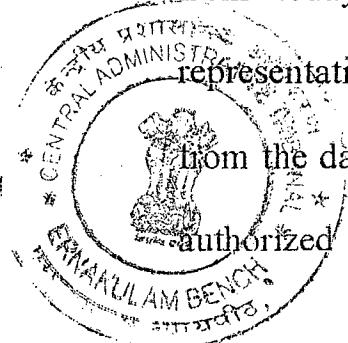
identical issue was considered by this Tribunal in OA No. 623 of 2009 and connected cases and a direction was issued to the respondents to step up the pay of the applicants in those cases on par with their juniors who were promoted as Telecom Mechanics later than the applicants and to grant them all consequential benefits. There was a further direction to reimburse the amounts if any recovered from those applicants. It is further pointed out by the learned counsel that the above order was confirmed by the High Court of Kerala in Annexure A3 judgment dated August 8, 2011. But still, the respondents are refusing to extend similar benefits to the applicants. It is in the above circumstances that the applicants have filed this Original Application with the prayers mentioned supra.

4. If the applicants are identically situated as the applicants in Annexure A2, we do not find any reason why they shall be treated differently.

Order to be issued

5. Having regard to the entire facts and circumstances of the case, this Original Application is disposed of with a direction to the respondents to consider the claim made by the applicants on its merit and in accordance with law keeping in view Annexures A2 and A3 orders passed by this Tribunal and the High Court respectively. It will be open to the applicants to submit individual representations highlighting their grievances within three weeks from today. Respondents shall take an appropriate decision on these representations as expeditiously as possible at any rate within three months

from the date of receipt of a copy of this order. Needless to mention that an authorized representative of the applicants shall be afforded sufficient



opportunity of hearing before the final decision is taken in the matter. However, we make it clear that we have not considered the merit or de-merit of any of the contentions raised by the applicants.

6. Original Applications are disposed of in the above terms. No costs.

(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

(JUSTICE A.K. BASHEER)
JUDICIAL MEMBER

CERTIFIED TRUE COPY
Date 26/11/13

Section Officer (Judl)

"SA"

