

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 35 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. G. Thulaseedharan, aged 51 years, S/o. Gopinathan, Telecom Mechanic, Bharat Sanchar Nigam Limited, Kollakkadavu Telephone Exchange, Kollakkadavu PO, Alleppey, Residing at Ambili Bhavan, Ponnaram thottam, Mavelikkara PO, Alleppey District, Pin – 690 101.
2. K.S. Radhakrishnan, aged 52 years, S/o. Sreedharakurup, Telecom Mechanic, Bharat Sanchar Nigam Limited, Kollakkadavu Telephone Exchange, Kollakkadavu PO, Alleppey District, Residing at : Kizhakkedathu House, Kozhuvallur PO, Alleppey District, Pin-689 521.
3. Babu T., aged 49 years, S/o. Thankappan, Telecom Mechanic, Bharat Sanchar Nigam Limited, Budhanur Telephone Exchange, Residing at : Thekkemankattil, Ulunthi, Perinjilipuram PO, Alleppey District, Pin – 689 424.
4. Prabhakaran P.R., aged 52 years, S/o. Kunju Kunju, Telecom Mechanic, Bharat Sanchar Nigam Limited, Chengannur Telephone Exchange, Alleppey District, Residing at : Saradha Prabha, Puthenkavu PO, Chengannur, Alleppey District, Pin – 689 123.
5. K.C. Vijayakumaran, aged 54 years, S/o. Raghavan, Telecom Mechanic, Bharat Sanchar Nigam Limited, Chengannur Telephone Exchange, Alleppey District, Residing at : Kavinte Thekkethil, Areekkara PO, Mulapuzha, Chengannur, Alleppey District, Pin – 689 505.
6. G. Harikumar, aged 50 years, S/o. N. Gopinathan Nair, Telecom Mechanic, Bharat Sanchar Nigam Limited, Mavelikkara Telephone Exchange, Alleppey District, Residing at : Lakshmi Nivas, Puthen Kottakagam, Chennithala, Alleppey District, Pin – 690 105.
7. M.K. Sathyan, aged 50 years, S/o. Kuttappan, Telecom Mechanic, Bharat Sanchar Nigam Limited,

Chettikulangara Telephone Exchange, Alleppey District,
Residing at : Kuttiyil Puthen Veedu, Kallumala PO,
Umbernadu, Alleppey District, Pin – 690 110.

8. R. Sivasankara Pillai, aged 51 years, S/o. V. Ramakrishnapillai,
Edappone Telecom Mechanic, Bharat Sanchar Nigam Limited,
Alleppey District, Residing at : Puthen Tharayil, Erezha North,
Chettikulangara PO, Alleppey District, Pin – 690 106.
9. C. Sudesan, aged 49 years, S/o. Chellappan,
Telecom Mechanic, Bharat Sanchar Nigam Limited,
Mavelikkara Telephone Exchange, Alleppey District,
Residing at : Aikkara Thekkethil, Erezha North,
Chettikulangara PO, Alleppey District,
Pin – 690 106.

..... **Applicants**

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. The Chief General Manager (Telecom),
Kerala Circle, Thiruvananthapuram – 695 024.
2. The General Manager (Telecom Division),
Bharath Sanchar Nigam Limited (BSNL),
Alappuzha – 688 007.
3. Accounts Officer (ESH), O/o. The General Manager
(Telecom Division), Bharath Sanchar Nigam Limited (BSNL),
Alappuzha – 688 007.

..... **Respondents**

(By Advocate – Mr. Pradeep Krishna)

This application 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 Alleppey Telecom Division of Bharat Sanchar Nigam Limited. They have filed this Original Application with the following prayers:-

- “(i) Call for the records relating to the issue of Annexures A1 and A2 and similar orders issued as regards the other applicants and quash


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the same;

(ii) Declare that the applicants are entitled to the benefit of stepping up of pay at par with the juniors as held in Annexures A3 and A4 with all consequential benefits arising there from."

2. The case of the applicants in brief is that all of them were initially appointed as Casual Labourers in the Department of Telecommunications prior to October 1, 1989 and that they were later granted temporary status with effect from the above date. Still later, they were regularized as Regular Mazdoor with effect from April 1, 1990 and 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. 3.


3. 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 A5 judgment dated August 8, 2011. But still, the respondents are refusing to extend similar benefits to the applicants. Even though they had approached the competent authority seeking redressal of



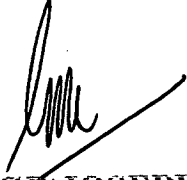
their grievances, their request was turned down by Annexures A1 and A2 orders. Similar orders were passed in the case of other applicants also. It is in the above circumstances that the applicants have filed this Original Application with the prayers mentioned supra.

4. A perusal of Annexures A1 and A2 orders will show that they are totally cryptic and non-speaking. If the applicants are identically situated as the applicants in Annexure A4, we do not find any reason why they shall be treated differently. Therefore, Annexures A1 and A2 and other similar orders passed in the case of other applicants are quashed.

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 A4 and A5 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 representation 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 Application is disposed of in the above terms. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE A.K. BASHEER)
JUDICIAL MEMBER

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