

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00773/2016

Thursday, this the 16th day of August, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

L. Shailaja Kumari, Aged 38 years,
T.C. 54/964, Sreesailam, Anthivilakku, Karuman Post,
Karamana, Thiruvananthapuram. **Applicant**

(By Advocate – Mr. Manu Thampi)

V e r s u s

- 1 The Chief General Manager,
O/o. The CGMT, Kerala Circle, BSNL,
Thiruvananthapuram, Pin - 695 033.
- 2 The General Manager (HR),
O/o. The CGMT, Kerala Circle, BSNL,
Thiruvananthapuram, Pin - 695 033.
- 3 The Chief Engineer (E),
O/o. The CE (E), BSNL Electrical Zone,
Thiruvananthapuram, Pin – 695 033. **Respondents**

(By Advocate – Mr. V. Santharam)

This Original Application having been heard on 08.08.2018, the
Tribunal on 16.08.2018 delivered the following:

ORDER

Per: E.K. Bharat Bhushan, Administrative Member -

The brief facts of the case are that the applicant had worked as a casual labour typist in the office of the Executive Engineer (Electrical), Telecom Electrical Division since 18.6.1991 for various periods. When the process of regularization was taken up by the authorities, the applicant's name was

willfully excluded from the list. Thereupon she had filed OA No. 882/1992 which was disposed of, directing the respondents that if work became available, the applicant be given preference among the freshers and outsiders. The applicant preferred representations for engagement but the respondents denied his request. Aggrieved she has filed the present Original Application seeking a direction to the respondents to accept Annexure A3 representation and consider her name for the new vacancies which arose.

2. The respondents have filed a reply statement contesting the claim of the applicant. They submit that the grievances of the applicant are highly belated and hopelessly barred by limitation. The applicant is presently engaged by M/s. Squad 7 Security & Facility Services Private Limited, Secunderabad since 1.4.2016 to provide housekeeping services to BSNL. Prior to 1.4.2016 the services of the applicant were engaged by various contractors providing manpower. The services rendered by the applicant engaged by contractor for providing services to BSNL cannot be considered as directly engaged in BSNL. She had not produced any proof to show that she was engaged as a casual typist through employment exchange and no casual labour card has been produced in support of her claim. Further the services rendered by the applicant in Department of Telecommunications during June, 1991 to July 1996 cannot be considered for appointment in BSNL. The respondents further submit that the apex court in *The Secretary, State of Karnataka v. Uma Devi & Ors.* - (2006) 4 SCC held that there should be no further bypassing of the constitutional requirement and no regularizing or making permanent, those not duly appointed as per the

constitutional scheme.

3. Heard Mr. Manu Thampi, learned counsel appearing for the applicant and Shri V. Santharam, learned Standing counsel appearing for the respondents. Perused the records.

4. The applicant claims that she was working as a casual labour typist in the office of Executive Engineer (Electrical) since 8.6.1991 and her name was deliberately left out when the process of regularization of casual labourers was taken up in 2000. She had approached this Tribunal by filing OA No. 82 of 1998 wherein an order was obtained directing the respondents that if work becomes available and it is necessary to consider new personnel, the applicant should be considered in preference to freshers and outsiders. She states that she was working in the office of the Executive Engineer (Electrical) between 1991 and 2000. However, she had made a representation seeking regularization only on 5.7.2016 which is nearly 17 years after her alleged termination. Apart from that while she is claiming several years of experience she appears to have no evidence whatsoever to prove that she had been employed as casual labour in the respondents' office. After the judgment of the apex court in *Uma Devi* (supra) which ordered a one time regularization of casual labour on the basis of strict criteria, which obviously she does not fulfill, there is no question whether her regularization can be taken up on a subsequent date. Apart from that the respondents have denied that she was ever working directly under the respondents. According to the respondents she was employed under various contractors who were taking up

work on contract basis. They have brought out Annexures R1(a) where her name figures as having been employed under an agency called Squad 7 Security and Allied Services. That appears to be the only document to show that she had been working on any continuous basis.

5. These being the facts, this Tribunal is unable to see any merit in the case. The Original Application is liable to be dismissed and is dismissed accordingly. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No.180/00773/2016**List of Annexures of the applicant**

- Annexure A-1-** True copy of the order in OA No. 882/1998 dated 19.06.1998.
- Annexure A-2-** A true copy of the order in OA No. 885/1999 dated 16.08.1999.
- Annexure A-3-** A true copy of the representation dated 05.07.2016.

List of Annexures of the Respondents

- Annexure R1(a)-** True copy of EPF statement for the wage month of July 2016.
- Annexure R1(b)-** True copy of BSNL Hqrs Ltr No. 7-10/2013-LE dated 04.11.2013.
