

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**MA No.060/00427/2018 IN
O.A. NO.060/00694/2012**

Chandigarh, this the 25th day of July, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Kulvir Singh Bains S/o Sh. Arjun Singh, working as Telephone Mechanic,
O/o D.E.T. Nangal under GMTD, Roop Nagar.

....APPLICANT

(Present: Mr. R.K. Sharma, Advocate)

VERSUS

1. Union of India, through the Secretary to Govt. of India, Ministry of Communications & Information Technology, Department of Telecommunications, New Delhi.
2. Bharat Sanchar Nigam Limited, through its Chairman-cum-Managing Director, Govt. of India, Ministry of Communications & Information Technology, Harish Chander Mathur Lane, Janpath, New Delhi.
3. Chief General Manager Telecom, Bharat Sanchar Nigam Limited, Sector 34-A, Chandigarh.
4. Senior General Manager Telecom District, Bharat Sanchar Nigam Limited, Sector 34, Chandigarh 160021.
5. General Manager Telecom District, Bharat Sanchar Nigam Limited, Ropar (Punjab).

....RESPONDENTS

(Present: Mr. D.R. Sharma, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/427/2018 has been filed by the applicant with a prayer to dispose of instant O.A. No.60/694/2012, which was adjourned sine die, vide order dated 02.07.2014, on the basis of order dated 01.11.2013 of the Hon'ble Supreme Court in SLP No.31313 of 2012.
2. Learned counsel for the applicant prayed that this matter may be disposed of in terms of order dated 17.02.2018 passed in O.A. No.60/750/2017 which was disposed of on the basis of order dated 16.01.2013 passed in O.A. No.279/HP/2012 titled Sanjay Kumar and ors. Vs. Union of India and Ors. as upheld by the Hon'ble High Court of Himachal Pradesh in CWP No.2196 of 2013 decided on 08.10.2015 and further upheld by the Hon'ble Supreme Court in SLP (C) No.12125/2016 decided on 01.08.2016.
3. Notice to counsel opposite side.
4. Sh. D.R. Sharma, counsel for the respondents submitted that on 02.07.2014, matter was adjourned sine die on the basis of order of the Hon'ble Supreme Court in SLP No.31313 of 2012, which is still pending. He submitted that since matter has not been finally adjudicated by the Hon'ble Supreme Court, therefore, this M.A. may be dismissed and matter only be taken up only after decision in pending SLP.
5. Learned counsel for the applicant submitted that since similar matters have already been disposed of, therefore, let a direction be issued to the respondents to consider present case also in terms of quoted decision of this Court. If applicant is similarly situated then benefit be extended to him otherwise a reasoned order be passed.

We find substance in submissions made by the learned counsel for the applicant as once similar matter has been disposed of by this Court, there is no earthly reason to keep this O.A. pending any further and M.A. deserves to be allowed.

6. In view of the above, we allow this M.A. and disposed of O.A. in the same terms, as prayed. Relevant portion of the order reads as under:-

"4. It is apparent, from a perusal of the pleadings raised by the parties and the documentation placed on record, that the consideration on point of grant of status of Temporary Mazdoor/casual labourer and the consequential regularization came to be concluded on 30.08./2000 but implementation thereof came to be delayed for no fault on the part of the applicants. They cannot, accordingly be made to suffer for the delay in the relevant context. The competent authority having issued the Presidential Order (Annexure A-4) cannot validly deny the requested benefit to them on the premise that they were direct recruits into BSNL which they infact, were not. There is plethora of documentation on record to prove that the applicants were erstwhile DoT employees who were absorbed in BSNL w.e.f. 01.0.2000, vide order dated 30.08.2008 (Annexure A-4). We would accordingly, allow O.A. and uphold the entitlement of the applicants to the benefit of NEPP Scheme."

7. Considering the above, we dispose of this O.A. in terms of the decision rendered in the case of Sanjay Kumar (Supra). The respondents will implement the order as expeditiously as possible preferably not later than 4 months. No costs."

7. Parties are left to bear their own costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 25.07.2018.

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