

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD**

OA/20/250/2017  
Dated : 20/09/2018

BETWEEN

1. L Ramana Reddy,  
S/o. Sri Bala Venkata Reddy,  
Aged about 42 years,  
Occ: Casual Labour in  
Telecom Centre, B.S.N.L. Pulivendula  
R/o. Pulivendula.
2. S. Baba Fakruddin,  
S/o. Sri S. Mastan Saheb,  
Aged about 48 years,  
Occ: Casual Labour in  
Telecom Centre, B.S.N.L. Pulivendula  
R/o. Pulivendula.

.... Applicants

AND

1. M/s. Bharat Sanchar Nigam Limited  
rep. by its Chairman-cum-Managing Director,  
20, Ashoka Road, Sanchar Bhawan,  
New Delhi – 110 001.
2. The Assistant Director General (Pers.IV),  
M/s. Bharat Sanchar Nigam Limited,  
20, Ashoka Road, Sanchar Bhawan,  
New Delhi – 110 001.
3. The Chief General Manager (Telecommunications),  
Andhra Pradesh Circle,  
M/s. Bharat Sanchar Nigam Limited,  
Abids, Hyderabad.
4. The General Manager (Telecommunications),  
M/s. Bharat Sanchar Nigam Limited,  
Telecom District, Cuddapah.
5. The Union of India rep. by its  
Secretary, Govt. of India,  
Ministry of Communications,  
Dept. Of Telecom,  
New Delhi.

..... Respondents

Counsel for the Applicants	...	Mr. V. Venkateswara Rao
Counsel for the Respondents	...	Mrs. K. Rajitha, Sr. CGSC (for R-5)
		Mr. M.C. Jacob, SC for BSNL (for R-1 to R-4)

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER  
THE HON'BLE MRS.NAINI JAYASEELAN, ADMN. MEMBER

### **ORAL ORDER**

(Per Hon'ble Mr.Justice R. Kantha Rao, Judicial Member)

The O.A. is filed to declare the letters No.GMTD/KDP/LC/ Court Cases/ LRR & SBF/CLs/ 2013-14/20 and 21 dated 17.2.2014 issued by the 4<sup>th</sup> Respondent as illegal, arbitrary and unconstitutional and to set aside the same with a direction to the Respondents to grant temporary status and regularization of services to the applicants with all consequential benefits.

2. Shortly stated background facts giving raise to the litigation are that the applicants were initially engaged as casual labours on daily wages on 1.4.1993 & 21.10.1994 respectively at Telecom Centre, Pulivendula. Some other individuals were also engaged in a similar way in or about the same time. The applicants and some others filed O.A. No.471/1998 seeking directions to confer on them temporary status and regularisation of their services. The Tribunal denied them either the temporary status or regularisation by Order dated 10.8.1998. However, the Tribunal held that there was sufficient work and the department can formulate a scheme to consider cases of the applicants and other similarly situated employees for the purpose of conferring temporary status and regularisation. The applicants filed Writ Petition to set aside the letter dated 29.6.2004 issued by the 4<sup>th</sup>

Respondent and to declare them as entitled for grant of temporary status and regularisation with all consequential benefits. In the said Writ Petition, the Hon'ble High Court of A.P. recorded a finding that the petitioners worked as part time casual labourers in the department and accordingly set aside the impugned proceedings and remitted the matter to the Respondents for their re-consideration in accordance with the instructions and scheme within a period of six weeks from the date of receipt of order in the Writ Petition. Aggrieved by the said Order, the Respondents filed Writ Appeal No.2306/2005 which was dismissed by the Division Bench of the High Court by Order dated 21.8.2013. After dismissal of the said Writ Appeal, the Respondents by the impugned Order dated 17.02.2014 rejected the representation of the applicants for temporary status as well regularisation on the ground that it was impermissible in law purportedly basing on the judgement of the Hon'ble Supreme Court in the case of the Secretary, *State of Karnataka Vs Uma Devi & Others* against which the present O.A. is filed.

4. In the meanwhile, the other similarly situated casual employees filed Writ Petition No.1856/2005 praying for the same relief. The same was dismissed on 31.8.2005 against which they preferred Writ Appeal No.2560/2005. The same was allowed by the Division Bench of the High Court on 9.10.2014 holding that “ the Appellants shall be deemed to have been converted from part time casual labourers to full time casual labourers and then conferred with temporary status from 30.06.2004. They shall also be deemed to have been regularised w.e.f. 01.07.2007. However, they shall not be entitled to any arrears of salary on account of such measures. They shall be paid salary as regular employees w.e.f 01.11.2014.” Against the said order in the Writ Appeal, the department filed Review Petition in Review WAMP

No.190/2015 in WA No.2560/2005. The same was disposed of by the High Court on 23.12.2016. The Order in the Review Petition is as follows:

“We find considerable force in the submission of Sri Vemuri Venkateswara Rao that the order of the Division Bench, to the extent of temporary status was directed to be granted to the respondents-appellants, does not necessitate review. The earlier order of the Division Bench, to the limited extent the appellants were deemed to have been regularised w.e.f. 01.07.2007, is set aside. It is made clear that this order shall not preclude the review petitioners from considering the case of the respondents- appellants, for regularisation of their services, in accordance with law.”

6. After passing of the said order in the Review Petition, the department complied with the orders dated 09.10.2014 of the Hon'ble High Court of Hyderabad and converted similarly situated casual labourers into full time casual labourers and conferred on them the temporary status with retrospective dates mentioned in the said order and pay and allowances were granted w.e.f. 01.11.2014.

7. The Respondents in their reply statement sought to justify their rejection order which is impugned in the O.A. on the basis of the judgement rendered in *Uma Devi's* case. But according to us the facts and circumstances of the present case are different since the scheme was formulated much earlier to the decision rendered in *Uma Devi's* case. Therefore, since the Respondents implemented the order passed by the High Court in the Review WAMP No.190/2015 in WA No.2560/2005 in respect of similarly situated part time casual labourers, they cannot deny the benefit to the applicants who are similarly situated. Therefore, the O.A. is allowed directing the Respondents to convert the applicants into full time casual labourers and confer on them the temporary status w.e.f. 30.06.2004. The Respondents are further directed to

draw and pay the pay and allowances to the applicants basing on the  
aforereferred judgements. The Respondents are further directed to implement  
the order passed in the present O.A. within eight weeks from the date of  
receipt of a copy of the order. There shall be no order as to costs.

(NAINI JAYASEELAN)  
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)  
JUDL. MEMBER

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