

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.282/2018.

Date of Decision: 13.04.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

1. Smt. Ashwini A. Gupte
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at C-1/II, Shri. Jalaram CHS
Murbad Road Near Purnima Talkies
Kalyan (West) 421301.
2. Shri. Anant D. Patil
Age 56 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at 4/401 2nd Phase, Neelkanth Park,
Wayle Nagar Khadakpada
Kalyan (West) 421301.
3. Smt. Genevive T. Pereira
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Aradhana House at Gass,
Kandok-2 PO Soparatal Vasai Dist.
Thane 400703.
4. Smt. Madhuri N. Deshpande
Age 52 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at A-11 Madhav Ashirwad
Society Tilak Nagar Samaj Mandir Hall
Dombivali (East) 421001.
5. Smt. Priyanka P Sawant
Age 53 years,

Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B 501, Thakkar Avenue Bldg No. 2.
Shiv Vallabh Cross Road Rawalpada
Dahisar (E) Mumbai 400068.

6. Smt. Sonal S. Pawar
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B4/1 PT Colony Near Mulund
Tele. Exchange Mulund (W) Mumbai 400080.

7. Smt. S.R. Patankar
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at A-17 Nav Dattaraya CHS Natu
Paranjape Colony, Mithbunder Road
Thane (East) 400603.

8. Shri. Sunil A. Lotlikar
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at 203 Aaditya Smruti CHS
Behind Bank of India Rajaji Path
Dombivali (East) 421201.

9. Shri. S.R. Gavali
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at A/4 Rohidas CHS Opp Mahegaon
Hospital Katemanivali Naka
Kalyan (East) 421301.

10. Smt. Vinaya V Masurkar
Age 52 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B/7 New Suryakiran CHS
Gandhi Nagar Dombivali (East) 421201.

11. Smt. Mamta L. Wadhawa
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Barrack No. 7 Room No. 1
Parwani Bhawan Ulhasnagar 421001.
12. Smt. Medha S. Patil
Age 57 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Sunder CHS Block No 24
4th Floor Near Bhanu Cinema
Kalyan (W) 421301.
13. Smt. Swarupa R. Mahajan
Age 56 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B/2 Keshar Vatika Murlidhar
Lane Parnaka Kalyan (W) 421301.
14. Smt. Seema V Bhagwat
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B-1/201 Shrushti Residency
Kambalpada Road Dombivali (E) 421201.
15. Smt. Pranjali P Prabhu
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B-18 Chamunda Villa Anandnagar
Dombivali (W) 421201.
16. Smt. Rashmi U Deshpande
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at B-2/101 Amrut Park Wayale
Nagar Khadakpada Kalyan (W) 421301.

17. Smt. Sneha S. Shinde
Age 55 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at 508, D-4 Hilview Golden Park
Beturkar Pada Road Kalyan (W) 421301.
18. Smt. P.H. Kulkarni
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Sidhivinayak Darshan CHS
3rd Floor Block No. 10 Parnakar
Vasai 400703.
19. Smt. Suryakant B. Kshirsagar
Age 56 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Ashtavinayak Sankul Flat No. 505,
Shiwaji Chouk Badalapur (E) 421504.
20. Shri. Rajiv P. Mandkulkar
Age 55 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Mamata CHS 406 Section
32 Ulhasnagar 421001.
21. Smt. Seema Deshmukh
Age 53 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at 27 Shiv Sagar CHS Mahatma Phule
Road Dombivali (W) 421201.
22. Shri. Prabhakar P. Pingale
Age 54 years,
Working as Office Superintendent (T)
O/o. The GMT BSNL
Kalyan 421301.
Residing at Flat 103 Sitaram Palace CHS
Duttawadi Kulgaon Badlapur (E)
421503.

23. Shri. Raghunandan S Deo

Age 55 years,

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at Manera Road Opp Ladi

Karkhana Block A-703 Ulhasnagar 5.

24. Smt. Reema R Mandkulkar

Age 52 years,

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at Mamta CHS 406 Section 32,

Ulhasnagar 421004.

25. Shri. Shrikant V. Kadegaokar

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at 2/10 Shankar Mahadev Prasad

Shidheswar lane Parnaka Kalyan (W)

421301.

26. Smt. Asha M. Pisat

Age 52 years,

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at B-104 Golden Park Thane (W) 400601.

27. Smt. Sneha S. Tawde

Age 52 years,

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at Rustomjee Desiano, H Wing

Flat No. 502, Majiwada Thane 400601.

28. Smt. P.V. Nimkar

Age 54 years,

Working as Office Superintendent (T)

O/o. The GMT BSNL

Kalyan 421301.

Residing at C-1/II, Shri. Jalaram CHS

Murbad Road Near Purnima Talkies

Kalyan (West) 421301.B 306 Madhavashram Nagar No. 2

Ramnagar Dombivali (E).

29. Smt. Aruna S. Kulkarni
 Age 55 years,
 Working as Office Superintendent (T)
 O/o. The GMT BSNL
 Kalyan 421301.
 Residing at A/302, Ambar Paradise Sunil Nagar
 Dombivali (E) 421201.

30. Smt. Pooja G. Supal
 Age 54 years,
 Working as Office Superintendent (T)
 O/o. The GMT BSNL
 Kalyan 421301.
 Residing at Bldg No. 5 J/702 Maruti
 Mahadev Nagar Dombivali (E).

(By Advocate Shri G.B. Kamdi)

....Applicants

Versus

1. Bharat Sanchar Nigam Ltd.,
 Through Chairman & Managing Director,
 Bharat Sanchar Bhawan H C Mathur
 Lane Janpath New Delhi 110001.

2. The Chief General Manager
 BSNL Maha Circle, Admn Bldg.,
 Juhu Danda Santacruz (W),
 Mumbai 400054.

3. The General Manager
 BSNL Kalyan Telecom District,
 Kala Talav Kalyan 421301.

4. The Secretary
 Ministry of Communication, Dept. of
 Telecommunication Sanchar Bhawan
 20 Ashoka Road, New Delhi 110001.

...Respondents

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is taken up for
 Admission, heard Shri G.B. Kamdi, learned
 Advocate for the Applicants. We have
 carefully perused the case record.

2. By this Joint Application under Section 19 of the Administrative Tribunals Act, 1985, the Applicants who are presently working as Office Superintendents under Respondent No.3 in BSNL Mumbai, seek regularization from the date they rendered service as short duty Telegraphists between 1983 to 1985.

3. In this OA, the following reliefs are sought;

“8.a) *This Hon'ble Tribunal be pleased to call for record and after examining the legality, validity and propriety of the same be pleased to declare the action of the respondent regarding not considering the case of the applicants for the regularization from the date they rendered the service to the department as short duty Telegraphist as prayed in representations is illegal, null and void.*

8.b) *This Hon'ble Tribunal may direct the respondent to regularize the services as short duty Telegraphist after completion of the training from the date of their initial appointment with all consequential benefit as decided by the Hon'ble CAT Bench Ernakulam in the OA No. 133/2009.*

8.c) *This Hon'ble Tribunal may direct the respondent to consider the case of the applicant for counting of the training period for increment and pensionary benefit as FRSR Rule 26 and CCS Pension Rule 22.*

8.d) *Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.*

8.e) *The cost of this original application be*

provided”.

4. The record shows that the individual representation submitted by the Applicants to the Chief General Manager, BSNL, Mumbai in March 2013 are still pending for consideration. In view of above, we are of the considered view that ends of justice will be better served, if appropriate directions are issued in this matter.

5. Along with OA, MA 216/2018 is filed for permission to file Joint Petition. The same is **allowed**, since applicants are similarly placed and are seeking same reliefs.

6. Along with OA, MA 217/2018 is filed for condonation of delay in approaching this Tribunal.

7. Considering the fact that there is no impugned order as such rejecting the claim of the Applicants, competent authority from Respondent Nos.1 to 4 is directed to consider and pass a reasoned and speaking order on the pending representations of the applicants in accordance with law, within a period of four weeks from the date of receipt of certified copy of this order.

8. While considering the representations, the contention of the applicants that they are identically placed with others to whom reliefs sought by them is already granted should also be considered.

9. The order so passed shall then be communicated to the applicants at the earliest, who will be at liberty to approach the appropriate forum, in case their grievance still persists.

10. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping all the legal pleas open.

11. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.