

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.279/2018.

Date of Decision: 13.04.2018.

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

1. Shri. Nitin N. Sali,
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at 501 Panch Bunglow,
BSNL Staff quarter, Near Sangam
Cinema, Andheri Kurla Road,
JB Nagar Andheri (East) 400059.

2. Shri. Vijay K. Talekar,
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at 601 Sai Apartment, 64-B,
B P Marg Parel Village Mumbai-12.

3. Smt. Sujata B. Patil,
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at Ekveera Apprtt. 4th Floor,
R.N. 412 Dr. S. Radhakrishnan Road,
Andheri East Mumbai 400069.

4. Smt. Supriya G. Dalavi
Aged 52 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at R.N. 302, 3rd floor Prerana
Shri Prasad Co op Hsg Society,
Naupada Thane (West).

5. Shri. D.P. Karambe,
Aged 56 years,

Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at A-12/3 P&T Colony,
Vakola Santacruz (E) Mumbai 29.

6. Smt. Shradha S. Shirdhankar
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at A/12 Chheda Complex Charkop
Village MG Road Kandivali (W),
Mumbai 400067.

7. Smt. Manamma S. Pagadimarri
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at 1/E 202 Indira Nagar Soc.
Opp. Manjarekar Market, JSYK Road Sion
Koliwada Mumbai 400037.

8. Smt. Manjusha M. Shah
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT BSNL Santacruz (W)
Mumbai 400054.
Residing at C-1-B/2&C, Ground Floor, P&T Colony
Sahar Road, Andheri (E)
Mumbai 400099.

9. Shri. Pravin Manjarekar,
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 182-B/6554 Gr Floor,
Kannamwar Nagar-2 Vikhroli (E)
Mumbai 400083.

10. Smt. Archana P. Bhise,
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Chitrlekha Co-op HSG Soc.
A/G/1 Vikram Nagar Kalwa Thane 400605.

11. Smt. Usha A. Kamble,
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at A/201 Shanti Mahal Soc.
Kopri Colony Opp Kishan Leela Tower,
Thane (E) 400601.

12. Smt. Vandana A. Mhatre
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 14 Sushil R. No. 3 1st Floor,
Veer Savarkar Marg Shivaji Park Dadar
Mumbai 400028.

13. Smt. Nanda T. Ghadigaonkar
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 11-A/401 Om Sai Ram HSG Soc.
Sai Wadi Andheri (E) Mumbai 400069.

14. Smt. Leena U Rangnekar
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at C-38, Anupreeta Co Hsg Soc.
Veer Desai Road, Azad Nagar Rd-3,
Andheri (W) Mumbai 400053.

15. Smt. Rashmi R. Surve,
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh. BSNL Santacruz (W)
Mumbai 400054.
Residing at A/9 3rd Floor Mahendra Smruti
Dr. Walimbe Rd., Parel Village,
Mumbai 400012.

16. Smt. Anviti S Kesarkar,
Aged 52 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.

Residing at F/2 Telephone Colony Mogal Lane,
Matunga Road, Mumbai 400016.

17. Shri. S.D. Pandit,
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at D4/4 P&T Colony Mulund (W)
P.M.M.M. Road, Mumbai 400080.

18. Shri. Shripad P. Chandekar,
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 405 Type III Bldg. BSNL Quarter Colony
Gorai Road Borivali (W)
Mumbai 400091.

19. Shri. Sanjay D. Devlekar,
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 205 Type III Bldg. BSNL Quarter
MHB Colony Gorai Road Borivali (W)
Mumbai 400091.

20. Smt. Vinda V. Parab,
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Shilpi 701 Mulund (E)
Mumbai 400091.

21. Shri. Vinod L. Jinde
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Sagar CHS Ltd Sector 10/8-b/24
Koparkhairane, Navi Mumbai 400709.

22. Smt. Gauri M. Khalwadekar
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)

Mumbai 400054.
Residing at A/202 Link Saibaba
Complex Goregaon (E) Mumbai 400063.

23. Smt. Irene C. Fernandes,
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at R.N. 12 Kaveri Bldg BSNL
Quarter Wireless compound Santacruz
Mumbai 400054.

24. Smt. Anagha D. Kulkarni
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 501 Srinivas Liberty Garden Rd.
No. 1, Malad (W) Mumbai 400064.

25. Smt. N.R. Bandivadekar
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 506, Amrutwel Co-op Hsg. Society,
Lalbaug Mumbai 400012.

26. Smt. Dorothy N. Dsouza
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Shree Sai Darshan CHS A/2
Siddhi Vinayak Marg Bhayandar (W)
Distt Thane 401101.

27. Smt. Namrata D. Patil
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at B-1/21/104 Saraf Chadhary
Nagar Thakur Complex Kandivali (E)
Mumbai 400101.

28. Ms. Kankuben K Kanparia
Aged 53 years,

Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Bhoomi Green E-318 Raheja
Estate Borivali (E) 400066.

29. Smt. Sharvari S Patankar
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at BSNL Complex III/303 Gorai
Borivali (W) Mumbai 400091.

30. Smt. Rutuja R Joshi
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at E-1704 Shiv Sai Complex
Richmand Bldg., Majiwada Thane 400601.

31. Kum. Karuna D. Joshte
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Neelkantha Park Bldg No. 1/C-16
Karve Road Dombivali (W) 4221201.

32. Smt. Snehal S. Mandrekar
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at A-21, Tarang Vihar P&T Colony
Wadala Mumbai 400031.

33. Smt. Vidula V. Sawant
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Akruiti CHS B/101 1st floor New Link
Road Borivali (W) Mumbai 400092.

34. Shri. Dilip P. Karpe
Aged 53 years,
Working as Office Superintendent (T)

O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 403, Punch Bangalow, BSNL Quarter,
J.B. Nagar Andheri (E) Mumbai 400069.

35. Shri. Pramod D. Deodhar
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at R.N. 11, Bldg No. 12/C Zavbawadi
Thakurdwar Mumbai 400004.

36. Smt. Sampada S. Parab
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 2/39, Vitthal Sadan D.N. Lad Marg,
Chinchpokali Mumbai 400012.

37. Smt. Samidha C Mahale
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 3/102 Asmita Mogra CHS Andheri
Mumbai 400093.

38. Smt. Kavita R. Ghadi
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 16/1098 Giriraj CHS Abhudaya Nagar,
Kalachowki Mumbai 400033.

39. Smt. Pallavi S. Wadkar
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 29/B Smitanjali CHS Kasamgo Nagar,
S.V. Road, Borivali (W) Mumbai 400092.

40. Shri. R.H. Dharampurkar
Aged 59 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)

Mumbai 400054.
Residing at 41/1 Patel Terrace, Jorbai Wada
Parel Mumbai 400012.

41. Smt. Jayshree J. Kelkar
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at B-13 Paramsukh Society Naupada
Thane 400601.

42. Smt. Jyoti J Manjrekar
Aged 52 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Manik Apt. C/102 B.S. Road
Dadar (W) Mumbai 400028.

43. Shri. Ramesh B. Ramane
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Sai Niwas A CHS G-1 Samarth
Ramdas Nagar Vasai (E) 400703.

44. Smt. Madhuri G. Kulkarni
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 1805, 18th Floor RN 5 Jayant
Ganesh Krupa Bldg. Girgaon,
Mumabi 400004.

45. Mrs. Vidya Vivek Pathak
Aged 55 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at Bldg. N. 18/967 Sardar Nagar No. 1
MHB Colony Sion Koliwada Mumbai 400022.

46. Mrs. Shraddha Amberkar
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)

Mumbai 400054.
Residing at 53/304 Priyadarshini CHS L.T.
Road, Gorai II Borivali (W) 400092.

47. Mrs. Meena Manohar Kondvilkar
Aged 56 years,
Working as Office Superintendent (T)
O/o. The CGMT Mh BSNL Santacruz (W)
Mumbai 400054.
Residing at 53/402 Priyadarshini CHS L.T.
Road, Gorai II Borivali (W) 400092.

48. Bharati G. Gawade
Aged 57 years,
Working as Office Superintendent (T)
O/o. The CGMT WTR
Mumbai 400028.
Residing at 203 Panch Bungalow BSNL
Staff quarter JB Nagar Andheri (E),
Mumbai 400059.

49. Shri. Chhaya A. Patil
Aged 54 years,
Working as Office Superintendent (T)
O/o. The CGMM WTR
Mumbai 400028.
Residing at Gharkul Bldg. 8th Floor R.N. 808,
Prabhadevi Mumbai 400025.

50. Smt. Ashwini B. Pawale
Aged 53 years,
Working as Office Superintendent (T)
O/o. The CGMM WTR
Mumbai 400028.
Residing at B/103 Sai Krupa Society K V Chitale
Path Dadar (W) Mumbai 400028.

51. Smt. Shweta V. Vanage
Aged 55 years,
Working as Office Superintendent (T)
O/o. The GMM WTR Thane 400605
Residing at 3A 203 NMM Society Mumbai
Pune Road Kalwa (W) Thane 400605.

..... Applicants

(By Advocate Shri G.B. Kamdi)

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 Chief Manager WTR
BSNL, Telephone House Prabhadevi
Prabhadevi Dadar Mumbai 400028.

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 regularise 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 December 2017 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 210/2018 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 211/2018 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.