

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.280/2018.

Date of Decision: 13.04.2018.

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

1. Shri. Ulhas P. Parab,
 Age 51 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at 2/41 Irani Chawl G D Ambergkar Marg, Kalachowki
 Mumbai 400033.
2. Shri. Vinayak S. Parab,
 Age 53 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at 701, Mitrayan Co-op Hsg Society
 Ganesh Nagar Charkop Link Road
 Kandivali (W) Mumbai 400067.
3. Shri. Sanjay T. Nagpure
 Age 51 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at D-5/7 P&T Colony P.K. Road
 Mulund (W) Mumbai 400080.
4. Smt. Usha B. Kadam,
 Age 56 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at B-9/5 Mithanagar M.G. Road,
 Goregaon (W) Mumbai 400090.
5. Smt. Madhu Shashikant Sisodia

Age 58 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at Mihar A/605 Charkop Village M.G. Road,
 Kandivali (W) Mumbai 400067.

6. Smt. Ankita G. Maeen
 Age 55 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at 203/ Vijayshree T.G. Road
 Girgaon Mumbai 400004.

7. Smt. Asha Paul Louis
 Age 50 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The Chief General Manager BSNL
 Maha. Circle Admn Bldg Juhu Danda
 Santacruz (W) Mumbai 400054.
 Residing at 115 C Bella Vue Room No. 2
 Palinaka Bandra (W) Mumbai 400050.

8. Smt. Meenakshi Arun Chavan
 Age 55 years,
 Working as Asstt. Office Superintendent (T)
 O/o. The General Manager (M) BSNL (WTR)
 Near 3 Petrol Pump Tekadi Bungalow
 Thane (W) 400602.

.... *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 General Manager (M) BSNL (WTR)
 Near 3 Petrol Pump Tekadi Bungalow

Thane (W) 400602.

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 March 2018 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 212/2018 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 213/2018 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.