

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01374/2018

WITH

MISCELLANEOUS APPLICATION NO.170/00361/2018

DATED THIS THE 12TH DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

N.T. Malagi,
S/o Tukappa Malagi,
Aged about 50 years,
Working as Pump operator,
P&T Quarters,
Aravind Nagar, Hubli 580 024
Residing at Lathipet,
Chanpet Main Road,
Old Hubli 580 024
(By Advocate Shri P. Kamalesan)

..... Applicant

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi 110 001

2. Post Master General,
N.K. Region,
Dharwad 580 001

3. Chief Post Master General,
Karnataka Circle,
Bangalore 560 001

4. Senior Superintendent of Post Offices,
Dharwad Postal Dn,
Dharwad 580 008

5. Senior Post Master,
Hubli HO 580 020

6. General Manager,
Telecom,
Dharwad Telephone District,
Hubli 580 020

7. Sub Divisional Engineer,
NWOP,
Bharat Sanchar Nigam Ltd,
Krishnapur
Hubli 580 024

....Respondents

(By Shri Gajendra Vasu, Counsel for Respondent No.1 to 5 and
Shri V.N. Holla, Counsel for Respondent No. 6 & 7)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

A pump operator's continued existence as a government servant and
his continuation of life with reasonable dignity is the issue involved. He was

appointed as a pump operator with a duty to work for 7 hours. Even though it was classified as a part-time appointment, given the nature of function of a pump operator of a conglomeration of residences of government servants with only one underground sump, one overhead tank and one pump, cannot be held down by working 7 hours a day. Without any doubt, a small manipulation is admitted by the government authority which mentions that it is only a part time appointment. First of all, we decline that. His appointment, whether it will be called as part time appointment for 7 hours or not, will be treated as a full time appointment based on the function and functioning required of a pump operator as he will be required to work, if necessary, even round the clock.

2. But then after that BSNL came into being after bifurcating it from the Postal Department. Even though appointment was issued by the Postal Department, now the BSNL would say that out of the 30 residences they are using only 14 residences and the Postal Department is using 16 residences. But then BSNL pays half the electricity charges and half the wages of the applicant vide Annexure-A3 which we quote:

"OFFICE OF THE SENIOR POSTMASTER HUBLI 580 020

To

*The General Manager Telecom
Dharwad Telephone District, Hubli 580 020*

No. AC2/35/2.11 dated at Hubli.20 THE 09.09.2011

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Sir,

Subject:- Payment of WAGES AND Electricity charges of P&T staff quarters of Aravindnagar OLD Hubli (70% share)

Reference:- Your office file no. Bldg/D-29/A-160

The telecom share of the wages of pump operator and electricity charges for following months is furnished below.

Kindly arrange to pay your share early

MONTH	WAGES PAID	ELEC CHARGES	TOTAL	TELECOM SHARE
FEB 2011	2238	2022	4260	2982
MARCH 2011	2571	2727	5298	3709
APRIL 2011	2782	2722	5504	3853
MAY 2011	2875	2702	5577	3904
JUNE 2011	2782	1886	4668	3268
JULY 2011	2875	2807	5682	3977
AUGUST 2011	2874	2602	5476	3833
TOTAL	18997	17468	36465	25526

Yours faithfully

Sd/-

**SENIOR POSTMASTER
HUBLI 580 020"**

3. Therefore, some sort of demarcation is made between P&T and the BSNL. P&T paying half and BSNL paying half. Now, since the applicant was appointed in 1996, he comes within the protective umbrella of Umadevi judgment and becomes eligible for temporary status and regularization. But then regularization with whom is the question now.

4. Since the applicant was originally appointed as a government servant in the Postal Department and even though BSNL had utilized his services till now, we will hold that applicant will be eligible for appointment and regularization in the Postal Department. Postal Department will be eligible for claiming from the department pro-rata subscription for all his benefits.

Therefore, within one month next, applicant will be regularized in the appropriate position and granted the benefit. Of the benefit to be granted to the applicant, there will be a pro-rata division of 50:50 between the Postal Department and the BSNL as the case may be but the initial and functional responsibility of the applicant will be with the Postal Department.

5. In the circumstances of the case, we hold that there is no delay at all as detailed examination was being held between Postal Department and the BSNL. Therefore, MA No. 170/00361/2018 for condonation of delay is allowed. A doubt has also been raised in the meantime. Therefore, we will clarify it as the Postal Department in the first instance will pay all the benefits of the applicant and later on will claim it from the BSNL who will pay it within the next one month of the claim being made by the Postal Department.

6. The OA is, therefore, allowed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01374/2018

- Annexure-A1: Copy of the SPM, Hubli letter dated 02.08.1996
- Annexure-A2: Copy of the SPM, Hubli letter dated 27.06.2011
- Annexure-A3: Copy of the GM, Telecom letter dated 09.09.2011
- Annexure-A4: Copy of the GM, Telecom letter dated 28.01.2013
- Annexure-A5: Copy of the SSPO letter dated 16.03.2015
- Annexure-A6: Copy of the representation of the applicant dated 14.03.2016
- Annexure-A7: Copy of the SPO, Dharwad letter dated 18.05.2016

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