

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Wednesday 16th day of November Two Thousand And Sixteen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER (J)
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A.310/00530/2016

M. Socrates,
Telecom Mechanic, BSNL,
TD/MDF, Telephone Exchange-II,
Gray Hills,
Sims Park,
Coonoor- 643 101,
The Nilgiris.

....Applicant

(By Advocate : M/s.Kuilmozhi)

-versus-

1. Union of India Rep. by the Secretary to Government, Ministry of Telecommunications & IT Department of Telecommunication, Sanchar Bhawan, 20, Ashok Road, New Delhi- 110 001;
2. The General Manager, Bharat Sanchar Nigam Ltd., Door Sanchar Bhawan, Grays Hills Simspark Coonoor, The Nilgiris Dist- 643 101;
3. The Managing Director, Telecommunications Consult India Ltd., The Government of India Enterprises, TCIL Bhawan, Greater Kailash-I, New Delhi- 110 048,

4. The Chairman & Managing Director,
Bharat Sanchar Nigam Ltd.,
The Government of India Enterprises,
Corporate Office,
Janpath, HC Mathur Lane,
New Delhi- 110 001;

5. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Tamil Nadu Circle,
New BSNL administrative building,
16, Greams Road,
Chennai- 600 006.

...Respondents

(By Advocate: Mr. M. Kishore Kumar (R1
Mr. M.S. Velusamy, R2-5))

ORAL ORDER

(Pronounced by Hon'ble Mr. Justice A. Arumugaswamy, Member (J))

The case of the applicant is that he entered into service as casual Mazdoor in the office of the 2nd respondent and temporary status was conferred with effect from 01.10.1989. He was provisionally recommended for regularization of regular Mazdoor and on 26.02.1993 and he was directed to appear for medical examination. Before completion of regularization process, he was deputed to TCIL, namely, the 3rd respondent office to work at Saudi Arabia and there he worked between the period 29.03.1993 and 15.01.2001. After repatriation from TCIL, he joined in his parent department on 07.02.2001 and then the 2nd respondent vide his proceedings in CGM/Cni Lr. No. RET/84-46/95 dated 30.3.2001 regularized the service of the applicant as Regular Mazdoor with effect from 01.04.1993 with pay fixation. It is further stated that on 22.4.1993 the applicant promoted as Telecom Mechanic and on 21.1.2010, he was further promoted for next level upgradation. Because of deputation, his regularization process completed only in the year 2001 and, thereby, he appeared for screening test only on 22.3.2003. All juniors to the applicant are drawing two more increment than that of the applicant. Therefore, he submitted representation on 19.01.2013, which was rejected by the 2nd respondent. As the appeal dated 13.10.2015 preferred by the applicant is still pending with the department, he filed the instant O.A. challenging the order passed by the 2nd respondent seeking the following reliefs:-

"to stay all further proceedings of the impugned order passed by the 2nd respondent herein in his proceedings No. E1/GENL/2009-13-25 dated 13.02.2013 and to promote the applicant as Telecom Mechanic with effect from 04.08.1998 on par with his juniors pending disposal of the O.A."

3. Learned counsel for the applicant reiterated the contentions raised in the O.A. and states that the appeal preferred by the applicant against the order of the 2nd respondent is still pending with the 5th respondent. As no order has been passed on his appeal, applicant had to approach this Tribunal. However, he submits that his client would be satisfied if the appeal is directed to be disposed of within a stipulated time and thereafter, he may be given liberty to challenge the order, which shall have passed by the respondents.

4. Respondents have filed their respective replies.

5. It is the contention of the respondents that appeal preferred by the applicant is a belated one and that is the reason why it is pending with the authorities. The respondents prefer to argue in the main O.A. itself and further they would contend that the appeal is devoid of merits and prayed for dismissal of the O.A.

6. In view of the above, since the appeal preferred before the Respondent No.5, even though according to the respondents it is not a statutory appeal as there is delay in filing the same, is still pending, we are of the view to dispose of this OA. with a direction to the respondents to dispose of the appeal pending before them prior to this order, if any, by condoning the delay in filing the same and pass a speaking order,

without there being any influence of the order of the Tribunal, as expeditiously as possible within a period of three months from the date receipt of copy of this order. Applicant is also directed to furnish a copy of the appeal along with the document to the respondents forthwith. The applicant is also granted liberty to challenge the order to be passed by the respondents if he is so advised.

7. With the above observation, the O.A. is disposed of accordingly. There shall be no order as to costs.