

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00321/2017

Dated Wednesday the 27th day of March Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

R.Lakshmiamma (3099),
No. 23, Ancheyar Nagar,
3rd Street, O.H.Road,
Royapuram, Chennai 13.Applicant

By Advocate M/s. R. Rajesh Kumar

Vs

1. The Chairman cum Managing Director,
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi 110001.

2. The Chief General Manager,
BSNL, Chennai Telephones,
78, Purasaiwakkam High Road,
Chennai 600010.

3. The Accounts Officer,
Central Telegraph Office,
Chennai 600001.Respondents

By Advocate Mr. Manoj Sreevalsan

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"Direct the respondents to regularise the applicant as Regular Mazdoor (RM) in the respondent organisation from 22.09.1999 the date on which the applicant was appointed as Temporary Status Mazdoor (TSM) with all back wages, attended and service benefits and further direct the respondent to take into account the service rendered by the applicant as Casual Labourers for Pensionary Purpose and other benefits and pass such or other order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. It is submitted that the applicant was appointed as a part time Casual Labourer in the respondent organisation on 09.05.1985 and granted temporary status as Mazdoor on 23.09.1989. Similarly placed temporary status Mazdoors were regularised by an order dt. 04.12.2004 while the applicant was not regularised. She had been representing for regularisation from time to time but the same was not considered. The applicant retired on attaining the age of superannuation in April 2017. She is accordingly seeking retrospective regularisation so as to receive pension under CCS (Pension) Rules, 1972 and other terminal benefits.

3. The respondents have filed reply contesting the claim of the applicant. It is stated that the applicant's appointment was never against a sanctioned post or in accordance with procedure for appointment of casual labourer. The grant of temporary status to her was a mistake and no claim could arise on the basis of orders passed inadvertently without taking into account the facts of the case. The applicant has alleged to be similarly placed as some other temporary status

casual labour (TSCL) Mazdoors who were regularised without even stating who those TSCL persons were and as such, it was not possible to examine the claim of the applicant on the lines sought by her.

4. Learned counsel for the applicant produces a copy of the order of the Hon'ble Madras High Court in WP 28647/2017 dt. 19.11.2018 upholding the order of the Tribunal in an allegedly similar case in OA 895/2015 dt. 26.10.2015 and submits that the applicant would be satisfied if the respondents are directed to consider her claim in terms of the ratio of the order of the Tribunal/Hon'ble Madras High Court and pass appropriate orders.

5. Learned counsel for the respondents would, however, state that the order passed by this Tribunal in the aforesaid case as also that of the Hon'ble Madras High Court would not be applicable to the case of the applicant as she was not similarly placed.

6. Since it is not clear at this stage if the applicant was similarly placed or not, we are of the view that this OA could be disposed of with a direction to the respondents to reconsider the claim of the applicant in terms of the relief granted to the applicant in OA 895/2015 as upheld by the Hon'ble Madras High Court in the aforesaid WP by their order dt. 19.11.2018, if the applicant is similarly placed and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. If the applicant is not similarly placed, the order shall clearly bring out the dissimilarities between the case of

the applicant and that of the applicant in the said OA and how such dissimilarity materially affected the claim of the applicant.

7. OA is disposed of as above. No costs.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

27.03.2019

SKSI