

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/900/2017

**Reserved on: 13.06.2019
Pronounced on: 14.06.2019**

Between:

1. M. Laxmipathi, S/o. Kanakaiah,
Aged about 51 years, Casual Mazdoor,
O/o. The General Manager Telecom District,
Karimnagar, Karimnagar District.
2. K. Suresh, S/o. Laxmaiah,
Aged about 51 years, Casual Labour,
O/o. Sub Divisional Office – Phase-I, Karimnagar,
H. No.5-4-102, Kapuwada, Karimnagar – 1.
3. K. Satti Reddy, S/o. Narayana Reddy,
Aged about 50 years, Casual Labour,
O/o. Sub-Divisional Officers (Groups-I),
Telecom, Karimnagar,
H. No. 2-47, Anantanagar, Chine Kodur Mandal,
Siddipet District.

... Applicants

And

1. The Union of India, Rep. by its
Secretary, Department of Communications,
New Delhi.
2. The Bharat Sanchar Nigam Ltd,
Rep. by its Director General, New Delhi.
3. The Chief General Manager,
Bharat Sanchar Nigam Ltd,
Hyderabad – 500 001.
4. The General Manager,
Bharat Sanchar Nigam Ltd, Karimnagar,
Karimnagar District.

... Respondents

Counsel for the Applicants ... Ms. Kavitha, Advocate for
Mr. N. Ramesh

Counsel for the Respondents ... Mrs. K. Rajitha, Sr.CGSC
Mr. M.C. Jacob, SC for BSNL

CORAM:***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)******ORDER******{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }***

2. The OA has been filed by the applicants for not regularising their services as casual labourers.

3. Applicants were engaged as casual labourers in 1982,1983 and 1984 by the respondents. For having submitted fake experience certificates, applicants services were terminated by the respondents. Aggrieved, applicants carried the matter to the Hon'ble High Court in WP No.23456/1998 & batch, wherein it was directed to re-engage the applicants afresh from 18.12.1999, 17.12.1999 & 11.2.2000. First applicant moved the Hon'ble High Court in W.P. No.8495/2004 seeking a direction for regularization of his services, and the said writ petition was disposed of with a direction to consider his case for temporary status and regularization. Aggrieved by the same, the respondents filed W.A. No.841/2009, wherein an undertaken was given before the Hon'ble court to reconsider the case of the applicant afresh for grant of temporary status and regularization. Despite the above orders that his case be considered as per the scheme of grant of temporary status and regularisation of casual labour dated 7.11.1989, he was not granted the benefit. Similarly situated persons were granted temporary status on the direction of the Hon'ble High Court in W.P. No. 9250/2005, W.A. No. 2560/2005 and to Sri M. Nagasayana Babu vide order dated 24.6.2014. Even the AGM has recommended the applicants to be covered under social security schemes to the competent authority. Further, after the advent of the 7th CPC, the

wages of the applicants were not revised despite representing on 5.6.2017. Aggrieved for not granting temporary status/regularisation, the present OA has been filed.

4. The spinal contention of the applicants is that they are similarly placed like those who have been granted temporary status/regularisation based on High Court orders in different cases. Applicants have been discriminated though they belong to the same class as those who have been granted temporary status. Applicants cited the Hon'ble Apex Court judgment in the State of Punjab & ors Vs. Jagjit Singh & others reported in 2017 (1) SCC 148, to claim that they should be paid equal pay for equal work.

5. Respondents resist the contentions of the applicants by contending that the Hon'High Court while disposing WP No.25953, 28321 & 25892 of 1999 has ordered to re-engage them and consider their regularisation based on future exigency and any new scheme, if launched by the respondents (*Writ Petition Numbers are wrongly mentioned by the respondents instead of WP Nos. 23456/1998 & batch*). Respondents contend that, complying with the orders of the Hon'ble High Court, applicants were engaged afresh as causal labourers and the matter attained finality since there was no appeal against the said order. Besides, as per the directions of the Hon'ble High court, the applicants would be regularised whenever a new scheme were to be launched for considering temporary status/regularisation.

6. Heard both the counsel and perused the documents placed on record.

7. I) The issue hinges on the common order dated 22.11.2000 issued while disposing WP No.23456 of 1998 & batch of the Hon'ble High Court wherein, it was observed as under:

“Taking into consideration the fact that these petitioners have worked as casual labourers (mazdoor) under the respondent – management for such a long period ranging from 1985-86 till date, though pursuant to the interim direction granted by this court, and many of them might have already crossed the age of eligibility and without taking into consideration the genuineness or otherwise of the certificates produced by them , it is now ordered that the respondent management shall engage these petitioners afresh as casual labourers from this day and pay them the wages and other emoluments payable to the casual labourers from this day. Regarding regularisation of these petitioners, it shall depend upon the future exigency, any scheme launched by the management, the suitability of the workmen, etc.”

The key observation is that the regularisation of the petitioners shall depend on future exigency and based on any new scheme launched by the management, the suitability of the workmen, etc. Respondents have not introduced any new scheme to consider the relief of temporary status and regularisation of services of the applicants.

II) Further, it is seen that when the first applicant filed WP No.8495 of 2004 to grant temporary status as per orders contained in WP No. 24783 of 2004, it was challenged by the respondents in WA 841 of 2009 and based on the order in WA No.1805 of 2008 filed against the order in WP 24783 of 2004, respondents reconsidered the case of the applicant and rejected stating that the applicant is engaged as causal labour afresh with effect from 22.11.2000, as directed in WP No.23456/1998 & batch filed by the applicants and other similar persons, and his regularisation

would be based on any scheme to be formulated by the BSNL in future and that the earlier scheme of 1989 has no application to his case.

III) The claim of the applicants stating that they are similarly situated in regard to others does not stand since grant of temporary status/regularisation is governed by the common order of the Hon'ble High Court dated 22.11.2000, wherein it was clearly spelt out that their regularisation would be based on any new scheme launched by the management in future and based on future contingency. Till date, respondents have not launched any such scheme. The common order of the Hon'ble of the High Court has attained finality and therefore, it has to be adhered to. Until the respondents come up with a new scheme, the plea of the applicants has no scope to be entertained.

IV) In regard to the citation submitted by the applicants of the Hon'ble Apex Court in State of Punjab and ors v Jagjit Singh and ors reported in 2017 (1) SCC 148, it was submitted by the learned counsel for the respondents that the applicants have not been discriminated on this ground. They are being paid as per work on par with those who are doing similar work. Other contentions made were also examined and they do not come to the rescue of the applicants.

V) Therefore, based on aforesaid facts, there is no merit in the case and hence the OA is dismissed with no order to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

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