

(2021) 07 CAT CK 0025

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00350 Of 2021

A P Balan

APPELLANT

Vs

Bharat Sanchar Nigam Limited & Others

RESPONDENT

Date of Decision : 29-07-2021

Acts Referred:

Citation : (2021) 07 CAT CK 0025

Hon'ble Judges : P. Madhavan, Member (J); K.V .Eapen, Member (A)

Bench : Division Bench

Advocate : T.A. Rajan, V. Santharam

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. This Original Application has been filed by the applicants seeking the following reliefs:

i) Declare that the applicant is entitled to get temporary status and regularization in service from the dates they were given to his junior

Sri.M.K.Jagadeesh.

ii) Declare the denial of pension and pensionary benefits to the applicant as illegal.

iii) Direct the respondents to grant pension to the applicant with effect from 1.3.2012 and also to grant the pensionary benefits, with 12% interest from 01.03.2012 to the date of payment.

2. The brief facts of the case are as follows:

The applicant was initially engaged as Casual Mazoor on 06.10.1978 and continued in service till 30.12.1986. Thereafter he was re-engaged on

5.8.1990 and continued in service without any break till 14.12.1994. Thereafter, he was denied employment, which was declared unjustified by the Labour Court, Kozhikode in Annexure A1 award and the Labour Court Kozhikode directed the management to reinstate the applicant in service with continuity of service. The said award was confirmed by the Hon'ble High Court of Kerala and the Hon'ble Supreme Court of India. Pursuant to the award, the applicant was reinstated in service on 10.7.2010, but the wages due to the applicant for the period from 26.1.1998 to 10.7.2010 was not given him. Later on the basis of the order in C.P 1/2016, he was given the wages for the above period. But he was not given temporary status and regularization in service though his juniors were given the said benefits. He was also not given the pension and pensionary benefits. Hence the applicant submitted a representation to the third respondent which was also not considered by the third respondent. Hence the applicant has approached this Tribunal praying for the aforementioned reliefs.

3. When the matter came up for consideration, it appears that the detailed representation filed by the applicant at Annexure A-12 is still pending with the Competent Authority. Counsel for the applicant submits that the applicant will be satisfied if the said representation is properly considered and disposed of by the Competent Authority within a time frame on the basis of rules and regulations on the subject.

4. Adv.Ms.A.K.Revathy representing Adv. Mr. V.Santharam takes notice on behalf of the respondents.

5. In view of the above, we direct the Competent Authority among the respondents to consider the representation of the applicant at Annexure A-12 and pass a reasoned and speaking order on the basis of relevant rules, regulations and facts of the case within a period of three months from the date of receipt of a copy of this order.

6. Without going into the merits of the matter , the Original Application is disposed of as above at the admission stage itself. No costs.