



BSNL EMPLOYEES UNION

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BSNLEU/305 (BHR)

25.04.2025

To,

Dr. Kalyan Sagar Nippani,
Director (HR), BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane,
Janpath, New Delhi – 110 001

Sub: - **Implementation of the order delivered by the Hon'ble CAT, Patna Bench on 20.03.2025 in OA /050/00413/2018 with 16 other OAs – req.**

Sir,

We are submitting the following for favour of your kind consideration.

Almost for the past 4 years, BSNLEU is continuously taking up the case of issuing Presidential Orders to 140 RMs of Darbhanga and other OAs of Bihar circle.

The case relates to 191 Mazdoors of Darbhanga, who were granted Temporary Status by the General Manager, Darbhanga, vide letter no.GMTD/DBN/DRM/2000-2001 dated at DBN the 01.05.2001. The General Manager, Darbhanga, has issued the Temporary Status, in compliance with the judgement delivered by the Hon'ble CAT, Patna on 18th February, 1999 in the OA-599 of 1996 with MA-147/98. The above mentioned order of the Hon'ble CAT, Patna Bench, reads as follows:-

- (iv) The Respondents shall draw up a seniority list of the DRMs / Casual Labourers and assign them proper seniority with reference their initial dates of engagement, as well as length of service.**
- (v) The Respondents shall examine the question of conferment of Temporary Status and regularisation of their services as per the relevant Rules. The exercises relating to (iv) & (v) shall be completed within 4 months from the receipt of a copy of this order.**

Again, in compliance with the above judgement, the General Manager, Darbhanga, appointed 140 TSMs as Regular Mazdoors, vide letter no. GMTD/Rectt./TSM-RM/49 dated 18.07.2002. However, in this letter, it is mentioned that, **the grant of RM status to the 140 TSMs is purely on adhoc basis, if at any stage the work diary/Labour card of any candidate is found to be false/forged, the RM/TSM status shall be withdrawn and shall be liable for removal from job after observing necessary formalities.**

It is also important to mention here that, charge sheets were issued to all these officials and subsequently all the charge sheets have been withdrawn based on BSNL Corporate Office letter no.8-1/2018-LG dated 11.10.2018. Based on this, the GMTD, Darbhanga, vide Memo no.GMTD/DBN/Provisional/RM/2018/13 dated 01.12.2018, has withdrawn the charge sheets issued to all the 140 Provisional RMs.

Since they are not issued with Presidential Orders, the aggrieved officials approached the Hon'ble CAT, Patna Bench. In it's order cited under reference, the Hon'ble CAT, has come to the following conclusions:-

- (i) The matter has already been adjudicated even upto the level of Hon'ble High Court.**
- (ii) The punishment imposed has already been served.**
- (iii) Some of the applicants have been terminated wrongly only on the basis of Vigilance advice.**

- (iv) Since in OA No. 46/2020, the enquiry report dated 04.01.2017 mentions that one of the members of the High Power Committee has stated that his signature is not there on the HPC report, we have every reason to believe that the HPC report is tainted. Moreover, the inquiry report has not held the applicant guilty. (Annexure A-3 of OA 46/2020).
- (v) The High Power Committee report has not been placed before this tribunal by the respondents and it is not clear as to what is the basis of holding the labour card to be forged. Who has enquired and what is the basis of arriving at this conclusion?
- (vi) We are aware of the settled law that the courts/tribunals should not normally interfere with the charge memo. But since the very fact that the charge memo is itself relying on tainted documents there is scope of interference by the Tribunal. Additionally some of the applicants in the OA have been terminated so the apprehension of other applicants regarding meeting the same fate cannot be held to be without any sound reason when the respondents are working with predetermined mind set. Another issue that some of them have already undergone punishment for the same charge also makes it a fit case for interference in the instant charge memo.

The Hon'ble CAT has further issued the following directions to the respondents:-

“ Under the peculiar facts and circumstances of the case, the consequential benefits in favour of applicants within a period above OAs are allowed. The impugned orders in all the OAs are hereby quashed and set aside. The respondents are accordingly directed to consider the case of the applicants for grant of all consequential benefits in favour of applicants within a period of three months from the date of receipt of this order. Pending MAs, if any, in the above OAs are also disposed of accordingly. No order as to costs. ”

In the backdrop of the clear-cut order delivered by the Hon'ble CAT, Patna Bench, we fervently appeal to you to kindly implement the directions of the Hon'ble CAT. The officials connected in this case have suffered for nearly 3 decades. They have been denied of their due promotions. All these officials are left with only 1 or 2 years of service. The uncertainties and financial loss being suffered by these officials have to come to an end. Hence, we fervently appeal to you sir, to kindly consider the sufferings of the affected officials and to give them relief by implementing the directions of the Hon'ble CAT at the earliest.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Encl: Copy of the judgement delivered by the Hon'ble CAT, Patna Bench on 20.03.2025 in the OA /050/00413/2018 with 16 other OAs.

Copy to: Shri S.P. Singh, PGM (Estt.), BSNL CO., Bharat Sanchar Bhawan, Janpath, New Delhi - 110001