

Alexander George Vs. the Chief General Manager

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Court : Kerala

Decided On : Nov-05-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Alexander George

Respondent : The Chief General Manager

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON TUESDAY, THE 5TH DAY OF NOVEMBER 2013 14TH KARTHIKA, 1935 WP(C).No. 20895 of 2012 (J)

----- PETITIONER : ----- ALEXANDER GEORGE, S/O. G.GEORGE PERMANENTLY RESIDING AT ELLUVILA HOUSE, ELAMPAL POST, PUNALUR, KOLLAM DISTRICT. BY ADV. SRI.P.KURUVILLA JACOB
RESPONDENTS : ----- 1. THE CHIEF GENERAL MANAGER BHARATH SANCHAR NIGAM LTD., KERALA CIRCLE THIRUVANANTHAPURAM-695 001.

2. THE ADDITIONAL GENERAL MANAGER (PLANNING) BHARATH SANCHAR NIGAM LTD., TELECOM DISTRICT KOLLAM-691 322.

3. THE GENERAL MANAGER BHARATH SANCHAR NIGAM LIMITED BHAVAN VELLAYITTAMBALAM, KOLLAM-691 322.

4. THE SUB DIVISIONAL ENGINEER BHARATH SANCHAR NIGAM LTD., KUNNICODE POST KOLLAM DISTRICT-691 322. ADDL.R5 IMPEADED :

5. THE SUB DIVISIONAL ENGINEER BHARAT SANCHAR NIGAM LTD.,
PATHANAPURAM KOLLAM DISTRICT.ADDL. R5 IS IMPEADED AS PER

ORDER

DATED 12/04/2013 IN IA136082012. ADDL. R6 IMPEADED :

6. THE ASSISTANT LABOUR COMMISSIONER (CENTRAL) KAKKANAD,
ERNAKULAM.ADDL. R6 IS IMPEADED AS PER

ORDER

DATED 12/04/2013 IN IA56532013. R1 TO R4 BY ADVS. SRI.SAJI
VARGHESE,SC,BSNL SRI.MATHEWS K.PHILIP,SC, BSNL THIS WRIT
PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/11-2013, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING: BP WP(C).No. 20895 of
2012 (J) APPENDIX PETITIONER(S) EXHIBITS EXT.P1 : TRUE COPY OF THE
EXPERIENCE CERTIFICATE DTD.25.11.99 OF 4TH RESPONDENT ISSUED TO
PETITIONER. EXT.P2 : TRUE COPY OF AGREEMENT DTD.13.6.12
EXECUTED BETWEEN BSNL AUTHORITIES AND THE OFFICE BEARERS OF
ALL INDIA BSNL CASUAL WORKER'S UNION (INTUC) HEAD OFFICE, PALA,
KOTTAYAM. EXT.P3 : TRUE COPY OF THE NOTICE DTD.4.7.12 PUBLISHED
BY THE GENERAL SECRETARY OF ALL INDIA BSNL CASUAL WORKER'S
UNION (INTUC) HEAD OFFICE, PALA, KOTTAYAM. EXT.P4 : TRUE COPY OF
THE LETTER DATED NIL OF THE SECRETARY OF THE KOLLAM DISTRICT
COMMITTEE OF ALL INDIA BSNL CASUAL WORKER'S UNION (INTUC)
COMMUNICATED TO 3D RESPONDENT. EXT.P5 : TRUE COPY OF
PETITIONER'S COMPLAINT DTD.20.6.12 SUBMITTED TO 2D RESPONDENT.
EXT.P6 : TRUE COPY OF PETITIONER'S REGISTERED COMPLAINT
DTD.26.6.12 FORWARDED TO RESPONDENTS 1 AND 2 EXT.P6A: TRUE COPY
OF THE POSTAL RECEIPTS DTD.2.7.12 OBTAINED WHILE SENDING EXT.P6
LETTER TO RESPONDENTS 1 AND 2 EXT.P7 : TRUE COPY OF THE

ORDER

DTD.20.12.94 IN OA NO.1477/1993 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM. EXT.P8 : TRUE COPY OF

ORDER

DTD.28.7.98 IN CIVIL APPEAL NOS.7033 TO541993 OF THE HON'BLE SUPREME COURT. EXT.P9: COPY OF PETITIONER'S REGISTERED COMPLAINT DT203/2013 FORWARDED TO ADDITIONAL 6TH RESPONDENT RESPONDENTS' EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE BP P.R. RAMACHANDRA MENON, J.

===== W.P.(C). No. 20895 of 2012
----- Dated this the 5th day of November, 2013

JUDGMENT

The petitioner has approached this Court with the following prayers: "i. To declare that respondents are legally obligated to implement the conditions and assurances recorded in Ext.P2 agreement in its letter and spirit and that petitioner is fully eligible to get engaged as petty contractor under 4th respondent for the available cable maintenance works of B.S.N.L at Kunnicode. ii. To issue a writ of mandamus or any other appropriate writ order or direction to respondents, directing them to engage petitioner as a petty contractor forthwith, to execute the available cable maintenance works of B.S.N.L at Kunnicode within the jurisdiction of 4th respondent, in compliance with the conditions and assurances recorded in Ext.P2 agreement." 2. A counter affidavit has been filed from the part of the respondents, rebutting the pleadings and prayers. During the pendency of the proceedings, the petitioner filed I.A. No. 5653 of 2013, producing a copy of the complaint preferred before the additional 6th respondent as Ext.P9. The learned counsel for the W.P.C. No.20895 of 2012 -2- petitioner submits that, the only relief now pressed before this Court is to cause the same to be considered and finalized within a reasonable time.

3. Heard the learned Standing Counsel for the respondents as well.

4. After hearing both the sides, the writ petition is disposed of, directing the additional 6th respondent to consider and pass appropriate orders on Ext.P9 in accordance with law after giving an opportunity of hearing to the parties concerned, which shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the additional 6th

respondent for further steps. P.R. RAMACHANDRA MENON, JUDGE. kp/-

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