

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1283/2017

BHARATIYA TELECOM EMPLOYEES UNION (BSNL)
& ANR

..... Petitioner

Through: Mr. Barun Kumar Sinha with Ms.
Pratibha Sinha, Advocate

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Vinod Diwakar, CGSC

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

02.08.2017

The petitioner's have preferred the present petition assailing the order dated 8th November, 2016 passed by the Tribunal in Original Application (OA) no. 772/2013. The Tribunal has dismissed the said Original Application by the impugned order. On perusal of the same, we find that on the date of hearing, none represented the petitioner-applicant's, even respondent no.2 apparently was not represented on the said date. The Tribunal has dismissed the Original Application by a short order on the premise that respondent no.2 had re-considered the matter afresh after the decision of the Supreme Court in the matter of *Secretary, State of Karnataka Vs. Umadevi & Others, (2006) 4 SCC 1*, with regard to the regularisation of the proposals of the petitioner-Union.

What is pointed out by the counsel for the petitioner is that

under the scheme framed in 1989, the members of the Petitioner Association already stood regularised and the issue before the Tribunal was not of regularisation but of retiral benefits and pension by counting of past service of casual mazdoors. He further points out that the petitioner had sought to enforce the agreement reached between the petitioner-Union and the management on 6th September, 2000. All these aspects have not been dealt with by the Tribunal while passing the impugned order, presumably because the petitioner was not represented.

In these circumstances, in the interest of justice, we set aside the impugned order and remand the matter back to the Tribunal for hearing the parties. The petitioners will ensure that on the date fixed before the Tribunal, the petitioners are duly represented. The parties shall appear before the Tribunal on 28th August, 2017.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 02, 2017/P