

14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No 298/2002
T.A.No. (with connected
cases)

Date of Decision: 6.8.2002

Umakanta Bhattacharjee--
and Ors.

Petitioner

(see Memo of parties)---

Advocate for the Petitioner(s)

VERSUS

Union of India & Ors.

Respondent

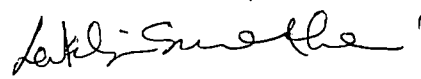
(see Memo of parties)---

Advocate for the Respondents

Coram:-

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

1. To be referred to the Reporter or not ? Yes
2. Whether it needs to be circulated to other
Benches of the Tribunal? No


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.298 of 2002
M.A.No.475/2002
with

OA 848/2002, OA 849/2002, OA 850/2002,
OA 851/2002, OA 853/2002, OA 854/2002,
OA 856/2002, OA 857/2002, OA 858/2002 to
OA 867/2002, OA 868/2002 to OA 887/2002,
OA 888/2002, OA 889/2002, OA 1429/2002 and
1430/2002

New Delhi this the 6th day of August, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

OA 298/2002

Umakanta Bhattacharjee,
S/o Late Sh.Mahesh Chandra Bhattacharjee,
Asstt.Director (PHT-ST),
Bharat Sanchar Nigam,
R/o., 91A, Laxmi Market, Munirka,
New Delhi-110067.

.. Applicant

VERSUS

1. Union of India, Through
The Secretary,
Department of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi.
2. Bharat Sanchar Nigam Limited, Through
its Chairman-cum-Managing Director,
Statesman House, Connaught Place,
New Delhi.
3. Telecommunication Engineering Service
Association (India) TESA through its
General Secretary, Shri Santimay Basu,
S/O Late Shri P.B.Basu, 160 Sector 3,
R.K.Puram, New Delhi-110022

.. Respondents

OA 848/2002

1. P.D.Singh
S/O Shri Virendra Singh, SDE,
(P/P and Bldg.)
Alambagh Telecom Exchange,
Lucknow.
 2. R.C.Tripathi
S/O Sh.N.R.Tripathi, SDE
Kanpur Telecom
Distt.Kanpur
- B.

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3. P.K.Shukla
S/O Shri D.P.Shukla, SDE(Comp.);
Kanpur Telecom, District Kanpur.
4. Deepesh Chand Shukla
S/O Shri R.C.Shukla, J.T.O.
O/O the Chief General Manager
Telecom, U.P.(E) Hazratganj, Lucknow
5. Rajesh Kumar
S/O Shri Gore Lal, JTO (Plg.),
Office of the Chief General Manager,
Telecom U.P.(E) Circle, Hazratganj, Lucknow
6. Rajiv Batra,
S/O Shri R.C.Batra, IDT(MM) Office of the
Chief General Manager Telecom,
Hazratganj, Lucknow.

..Applicants

VERSUS

1. The Union of India, through its
Secretary, Department of Tele-
communication, Sanchar Bhawan,
New Delhi.
2. Dy.Director General (S/R), Bharat
Sanchar Nigam Ltd., Head Quarter
213, Indra Prastha Hotel, Ashok Marg,
New Delhi.

.. Respondents

OA 849/2002

1. P.M.Balakrishnan
S/O the late OC Kunjikannan
Nambiar working as Sub Divnl.
Engineer, Telecom (Phones), Koothuparamba
Sub Division, Koothuparamba PO
residing at 'Chandrakantham'
Mananthery PO, Via Koothuparamba, Kannur
District, PIN 670643.
2. M.Saseendran
S/O the late Mavila Krishnan Nambiar
working as Sub Divnl.Engineer, Telecom
(Internal-III) Telephone Exchange,
Taliparamba, residing at 'Manjeri'
Kaithapram PO, Sreekantapuram, Kannur
District, PIN 670631
3. A.Ravindran
S/O the Late P.Urootty,
working as Sub Divnl.Engineer,
Telecom (Trans.I & M), Kannur,
residing at 'Aramban House'
Muttammal PO Kannur District,
PIN 670331.

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4. Monica Esmy Duram
W/O Sri Remy Duram
Sub Divisional Engineer (Internal I)
Telephone Exchange Kochi-682002
residing at House No.15/1086-A,
'Nazareth' Kochi-682002
5. Tessy T.G
W/O Sri P.K.Paul, Sub.Divnl.Engineer
(Tech.) O/O the Area Manager (VAS),
Ernakulam-16, Residing at House No.
57/1249, 'Padikkala House', Chittoor Road,
Kochi-16
6. N.D.Rajappan
S/O the late N.K.Govindan, JTO
Telephone Exchange, Thrikkakara,
Kochi-30 residing at Naduthottathil
House, Thiruvaniyoor PO Ernakulam-682308.

...Applicants

VERSUS

1. Bharat Sanchar Nigam Limited,
Represented by its Chairman and
Managing Director 213, Indraprastha
Hotel, Ashok Road, New Delhi
2. Union of India,
represented by its Secretary, Department
of Telecommunications, Ministry of
Communications, New Delhi.

..Respondents

OA 850/2002

1. Bipinchandra G.Patel
2. Aftab Ahmed Khan
3. P.V.Rao
4. Ranalal K.Madalia
5. Chandubhai K.Patil
6. Jagdish K.Thaker
7. Jadeja Sahadevsinh F.
8. Chitroda Bhupendra C
9. Dabhi Lalit Kumar M
10. R.Parthiban
11. M.I.Patel
12. B.V.Shiyani
13. S.P.Maurya
14. N.T.Mehta
15. S. Kumar,
16. N.G. Mistry,
17. J.A. Parmar,
18. P.H. Chauhan,
19. M.M. Bhavani,
20. A.N. Patel,
21. B.C. Patel,
22. K.C. Patel.

18.

23.B.K.Rafalia,

24.J.D.Parmar,

25.J.B.Patel,

26.S.H.Shah,

27.D.B.Chauhan,

All C/o Applicant No.2--

Aftab Ahmed Khan,

F-17, P & T Colony,

Shah-Alam,

Ahmedabad-380 028

- II. RESPONDENTS:
1. Union of India,
Notice to be served through
The Secretary,
Department of Telecommuni-
cation Services,
Sanchar Bhuvan,
20, Ashoka Road,
New Delhi 110 001.
 2. Bharat Sanchar Nigam Ltd,
Through its
Director General,
213, Indraprastha Hotel,
Ashoka Road,
New Delhi-110 001.

OA 851/2002

1. O.D.Tyagi S/O R.C.Tyagi
working as General Manager,
Junagadh.
2. A.K.Bhargava,
son of J.P.Bhargava
working as General Manager,
Ahmedabad Telecom District.
3. H.B.Shah,
son of Bhailalbhai A.Shah,

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by caste Hindu,
working as DGM, Gujarat Circle,
Ahmedabad.

~~4. D.K.Rohatgi,
son of Late Sh.K.N.Rohatgi,
by caste Vaish,
working as General Manager, Bhuj.~~

4 D.R.Kamal,
son of Late Sh.Sujan Singh,
by caste Hindu,
working as General Manager Mice WTR,
Ahmedabad.

~~6. V.P.Kakkar,
son of Late S.L.Kakkar,
by caste Hindu,
working as General Manager,
Jamnagar,~~

5 B.K.Sinha,
son of Dineshwar Sinha,
by caste Hindu,
working as General Manager,
Mehsana.

6 G.R.Ravi,
son of G.L.Ramchandra,
by caste Hindu,
working as Deputy General Manager,
Gujarat Circle,
Ahmedabad.

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9. Kuldeep Goyal,
son of Ram Gopal Goyal,
by caste Hindu,
working as General Manager,
Gujarat Circle, Ahmedabad.
8. Vinod Prakash,
son of Rajkumar Katiyar,
by caste Katiyar,
working as General Manager,
Godhra.
7. Anil Agarwal,
son of Shanti Lal Arawal,
by caste Hindu,
Deputy General Manager,
Ahmedabad Telecom District.
12. Vivek Kumar Jain,
son of V.K.Jain,
by caste Jain,
DE, Ahmedabad Telecom District.
13. Bhuddhasen Yadav,
son of Hiralal Yadav,
by caste Yadav,
working as Deputy General Manager,
Ahmedabad Telecom District.
14. Vineet Bhatia,
son of Banwari Lal Bhatia,
by caste Hindu,

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working as Deputy General Manager,
Ahmedabad Telecom District.

13. Abhay Savargaonkar,
son of N.P.Savargaonkar,
by caste Hindu,
working as Deputy General Manager,
Gujarat Circle, Ahmedabad.

14. Haresh Motwani,
son of T.G.Motwani,
by caste Hindu,
Deputy General Manager,
Ahmedabad Telecom District,.

15. Sumnesh Joshi,
son of T.N.Joshi,
by caste Brahmin,
working as DE, Ahmedabad Telecom District.

16. P.C.Gupta,
son of Krishna Chand Gupta,
by caste Hindu,
Gujarat Circle, Ahmedabad,

AND

RESPONDENTS:

1. The Union of India,
Through the Ministry of Telecommunications,
20, Ashoka Road,
New Delhi.

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2. Secretary to the Government,
Department of Telecommunications,
Sanchar Bhavan, 20 Ashoka Road,
NEW DELHI.
3. The Chairman, Telecommunication
Communication, Sanchar Bhavan,
20 Ashoka Road, NEW DELHI.
4. The Union Public Service Commission
Through : Chairman, Dholpur House,
Shahjahan Road, NEW DELHI.
5. The Secretary to the Government of
India, Department of Personnel and
Training, Central Secretariat,
North Block, NEW DELHI.

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OA 853/2002

1. S. Manoharan
S/o. Subbaiah, Hindu
Aged 46 years, Working as
S.D.E (EI) CPT SSA
No.33, Ethiraj Salai
Chennai – 600 008, and residing
At No.1, Perumal Koil Garden Street
Arumbakkam, Chennai – 600 106
2. P.Manivannan
S/o. M.Parasuraman, Hindu
Aged 41 years, working as
J.T.O. (OD), CPT SSA, Telephone Exchange
Ponneri – 601 204 and residing
At No. B-1, Wireless Qtrs, Thiruvottriyur
Chennai – 600 005
3. R.Subbarao
S/o. K.Ramarao, Hindu
Aged 51 years Working as
J.T.O Southern Telecom Project
No.3, Ethiraj Salai, Chennai – 600 008
Residing at 23 (Old No.10)
Arimuthu Maistry Street, Near Ice House
Triplicane, Chennai – 600 005
4. C.Kannan
S/o. N. Chinnathamby, Hindu
Aged 33 years, Working as
SDE, Adayar Telephone Exchange
Chennai Telephones, Chennai
Residing at No.50, Apparswamy Koil Street
Mylapore, Chennai – 600 005
5. C.Janakiraman
S/o. S.Chinnaswamy, Hindu
Aged 55 years, Working as
J.T.O. (Phones), Chennai Telephones
Greems Road Telephone Exchange, Chennai
Residing at Plot No. 56, Swamy Nagar Main
Ullagaram, Chennai – 600 091
6. A.Shanmuga Sundrarajan

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S/o. Arumugam, Hindu
Aged 32 years, Working as
S.D.E. (Computer), Chennai Telephones
No.146, Greams Road, Chennai – 600 006
Residing at No.18/3, Corporation Colony
Kodambakkam, Chennai – 600 024

7. P.Jayakumar

S/o. Parasuraman, Hindu
Aged 48 years, Working as
J.T.O. (I/D), Chennai Telephones
Haddows Road, I Internal, 20, Chennai – 600 006
Residing at Flat No. G-2, Srivari Apartments
8/6, West Street, Officers Colony
Adambakkam, Chennai – 600 088

.. Applicants

Vs.

1. The Union of India

Rep. by the Secretary to the Government of India
Department of Telecommunications
Sanchar Bhawan
Ashoka Road, New Delhi-1

2. The Chairman

Telecom Commission
Sanchar Bhawan
Ashoka Road, New Delhi-1

3. Bharat Sanchar Nigam Limited, *repn by the Chairman and Managing Director,*
213, Indraprastha Hotel
Ashoka Road, New Delhi-1

4. The Deputy Director General(SR)
Bharat Sanchar Nigam Limited HQ
213, Indraprastha Hotel
Ashoka Road, New Delhi-1

..Respondents

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OA 854/2002

1. G.K. Saravanan,
S/o. G. Kuppuswamy, Hindu
Aged 35 years, working as
SDE, RRC, O/o DGM, RCES,
Harbour Telecom Building
Chennai – 600 001, and residing
At No. 155/17, Golden Jubilee Flats,
Anna Nagar West,
Chennai – 600 040.
2. M.R. Thippeswamy
S/o. M. Rangappa, Hindu,
Aged 46 years, working as
SDE, RRC, O/o DGM, RCES,
Harbour Telecom Building
Chennai – 600 001 and residing
At No. 239, Room No. 27, Riz Complex,
Choolaimedu High Road,
Chennai – 600 094.
3. I. Krishnakumar
S/o. P. Iswaran, Hindu
Aged 43 years, working as
SDE (TT) O/o G.M. Telecom,
Vellore 635 001 and residing
At No. 352, TVS Avenue,
37th Street, Anna Nagar West Extn.,
Chennai – 600 101.
4. V. Krishnaswamy,
S/o. K. Venkatachary, Hindu,
Aged 56 years, working as
SDE, SFMSS, CTO,
Chennai – 600 001 and residing
At No. 4/3, Sambangi Street,
West Mambalam,
Chennai 600 033

.. Applicants

Vs.

1. The Union of India
Rep. by the Secretary to the
Govt. of India, Deptt. of Telecommunications,
Sanchar Bhawan, Ashoka Road, N/Delhi.

2. The Chairman,
Telecom Commission
Sanchar Bhawan, Ashoka Road,
New Delhi-1

OA 856/2002

Mr. Satyanarain Ramkunvar Yadav)
having his address as at Bk. No.400)
Room No.1, O.T. Section, Ulhasnagar,)
Maharashtra - 421 001.)..Applicant

V/s.

1. Union of India,)
the Central Govt. Advocate)
Department of Law & Judiciary,)
Aaykar Bhavan, Mumbai.)
2. Department of Tele-Communication)
Govt. of India, Sanchar Bhavan,)
New Delhi, through the Central Govt)
Advocate, New Delhi.)
3. Assistant Director General)
(STG-III), Government of India)
Department of Tele-Communication)
Sanchar Bhavan, Mumbai through the)
Central Govt. Advocate.)
4. Chairman, Tele- Com. Commission,)
Sanchar Bhavan, New Delhi.)
5. Chairman & Managing Director,)
M.T.N.L., Jeevan Bharati,)
Carot Place, New Delhi, through)
the Central Govt. Advocate, Mumbai.

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6. Mahanagar Telephone Nigam Ltd.
Mumbai having its address at
Prabhadevi, 2nd floor, V.S.Marg,
Dadar, Mumbai-400028

OA 857/2002

1. M.T.N.L.Executives' Association, Mumbai
Through its General Secretary
Shri P.H. Naikar, working in M.T.N.L.
and residing at 301, Ram Darshan,
Near Shivaji Chowk,
Badlapur
2. Shri V.P.Prajapati, SDE, M.T.N.L.
and residing at B-602 Windsor,
Deshmukh Residency, Ashokvan,
Borivali (E)
3. Shri Y.B. Bhole, SDE, M.T.N.L.,
and residing at A – Sai Sadan,
Near Sampada Hospital,
Thangevadi, Kalyan (W)
4. Shri A.P. Tiwari, SDE, M.T.N.L.,
and residing at 303, Kailash,
Shiv Ganga Nagar, Ambernath (E)
5. Shri M.B. Pal, SDE, M.T.N.L.,
and residing at Room No.C-3,
Vashi MTNL Quarters, Bldg.No.33-34,
Vashi, New Mumbai.

.... Applicants

V/s

1. Union of India,
Through the Secretary,
Department of Telecommunications,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi – 110 001
2. The Deputy Director General (SR),
Bharat Sanchar Nigam Ltd.,
213, Indraprastha Hotel,
Ashoka Road,
New Delhi – 110 001

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3. The Chief General Manager,
Mahanagar Telephone Nigam Ltd.
Telephone House, 9th Floor,
Veer Savarkar Marg, Dadar (West),
Mumbai-400028

OA 858/2002 to OA 867/2002

1. Sri.S.R.Yakub,
Aged about 57 years,
S/o Chinnappa Rawthar,
No.28/29, 1st A Cross,
Ex-Serviceman Colony,
R.T.Nagar, Bangalore-560 032.
2. Sri.Lokesh,
Aged about 42 years,
S/o Late Parasha Bhovi,
No.99, III Cross, Telecom Colony,
Mysore Road Circle, Bangalore-560 026.
3. Sri.A.G.Kudagi,
Aged about 42 years,
S/o Gurupadappa,
No.70/2, Tank Road,
B.Narayanapura, Bangalore-560 016.
4. Sri.Vittal Rao,
Aged about 51 years,
S/o Bheemasena Rao,
Qrs No.4, Shankarapuram Telephone Exchange,
B.T .Road, Bangalore-560 019.
5. Sri.Raghunandan,
Aged about 42 years,
S/o Srinivasmurthy,
No.2, Type-3 Qrs,
Nandini Layout Telephone Exchange,
Bangalore-560 096.
6. Sri.J.P. Javali,
Aged about 30 years,
S/o J.Panchaksharappa,
No.207, 25th Cross, 6th Block,
Jayanagar, Bangalore-560 070.
7. Sri.M.H. Gombi,
Aged about 45 years,
S/o Hanumantharao M Gombi,
WMS Qtrs, 47th Cross, 9th Main,
Jayanagar, Bangalore 560 041.

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8. Sri.Govinda,
Aged about 32 years,
S/o B.S.Gudi,
No.370, 7th Cross,
2nd Main, Srinivasa Nagar,
Bangalore.560 050.
9. Sri. K.S.Govindaraj,
Aged about 36 years,
S/o Sri.K.V.Srinivasa Setty,
No.188, C.T. Bed, 3rd Cross,
T.R.Nagar,
Bangalore 560 028.
10. Sri.V.Kumar,
Aged about 42 years,
S/o M.Veera Swamy,
No.73(315), 4th Main,
3rd Phase, Manjunathnagar,
Bangalore 560 010

Applicants

AND

1. Union of India,
by its secretary,
Department of Telecommunications,
Sanchar Bhavan,
No.20, Ashoka Road,
New Delhi-110 001.
2. The Assisant Director General STG(III)
Department of Telecommunications,
Sanchar Bhavan,
No.20, Ashoka Road,
New Delhi-110 001.
3. M/s Bharath Sanchar Nigam Ltd,
by its Chairman cum Managing Director,
No.213, Indraprasta Hotel,
Ashoka Road,
New Delhi-110 001.
4. The Deputy Director General (SR),
Bharath Sanchar Nigam Ltd,
Head Quarters,
No.213, Indraprasta Hotel,
Ashoka Road,
New Delhi-110 001.

Respondents

OA 868/2002 to 887/2002

1. Sri.T.N.Vajranabhalah,
Aged about 57 years,
S/o Late T.A. Nagakumaraiah,
J.T.O, O/O SDE(Central) City O/D,
Lalbagh Road ,
Bangalore-560 027
2. Sri.K.S.Premakumar,
Aged about 40 Years,
S/o K.L.Sanjeewaiah,
No.1734, 'C' Block,
Sahakaranagar,
Bangalore-560092.
3. Sri.S.M. Mahesh,
Aged about 41 years,
S/o S.Mukund Rao,
No.311, 3rd Block,
59th Cross, Rajajinagar,
Bangalore-560010.
4. Sri.B.Shivabeeraiah,
S/o Beeraheggade,
Aged about 49 years,
No.17, 2nd Cross, 1st Main,
Ragavendra Layout,
Kothnoor Cross,
Bannerghatta Road,
Bangalore-560076.
5. Sri.Prakash Ganapathi Yaji,
Aged about 44 years,
S/o Ganapathi Parameshwar Yaji,
No.C-4, Telephone Staff Quarters,
1st Floor, 6th Block, Koramangala,
Bangalore-560095.
6. Sri.B.R. Prakash,
Aged about 50 years,
S/o Late B.R.Rangaswamy,
J.T.O, O/o S.D.E(South), City O/D,
Lalbagh Road,
Bangalore 560027.

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7. Sri.C.Nagesha,
Aged about 32 years,
S/o Chikkalingappa,
J.T.O, O/O SDE, 7th Floor, NTB,
BGTE,
Bangalore - 560001
8. Sri. K.Karagappa,
Aged about 38 years,
S/o Late Kakappa,
SDE (Cable Maintenance),
Mysore Road Telephone Exchange,
Mysore Road,
Bangalore - 560026.
9. Sri.C.H.Someshwara Rao,
Aged about 51 years,
S/o Late Satyanarayana Murthy,
O/O SDE, SHA O/D (EAST),
193, Shankarmutt Road,
Bangalore - 560018.
10. Sri. N.K.Subramaniyam
Aged about 42 years,
S/o N.R. Krishnamurthy,
O/O CGM Telecom,
Karnataka Circle, Ulsoor,
Bangalore - 560008.
11. Sri. C.Shivakumar,
Aged about 39 years,
S/o Chikkalingaiah,
Junior Telecom Officer,
Fort Exchange Outdoor,
Shankarapuram O/D North,
A.V.Road, Bangalore - 560002.
12. Sri.Madhukar.V.Ichalkaranji,
Aged about 40 years,
S/o Virupaxappa,
SDE, Shankarapuram,
Bangalore - 560019.

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13. Sri.M.S.Ramachandra Rao,
Aged about 51 years,
S/o Late M.Subrahmanya Sastry,
J.T.O City Exchange (Out Door),
No.110/8, Krishna Complex,
L.B.Road,
Bangalore - 560027.
14. Sri. Mahabaleshwara,
Aged about 43 years,
S/o Late P.Anantha Aithal,
J.T.O Shankarapuram Internal,
B.T.Road,
Bangalore - 560019.
15. Sri. R. Ramachandra,
Aged about 42 years,
S/o B.R. Rangaswamappa,
J.T.O, O/O SDE, City PCM,
S.R.Nagar,
Bangalore - 560027.
16. Sri.M.S.Guru Prasad,
Aged about 39 years,
S/o M.K.Seetharama Rao,
Sub-divisional Engineer(Software),
O/O CGM Telecom, Karnataka circle,
Bangalore - 560008.
17. Sri.V.Deshpande,
Aged about 44 years,
S/o Late S.B.Deshpande,
J.T.O PCM & OFC (EQ) installation,
CMX Building,
Bangalore - 560001.
18. Sri.G.S.Ramashesu,
Aged about 52 years,
S/o Late G.S. Suryanarayana Rao,
No.562, New Extension,
K.R.Puram,
Bangalore - 560036.
19. Sri.M.K. Ramesh,
Aged about 38 years,
S/o Kempaiah.D,
No.28, 4th D Cross,
Vinayakanagar,
Kamakshapalya,
Bangalore - 560079

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20. Sri. Sunil. A. Bagalwadi,
Aged about 34 years,
S/o Aravind. B. Bagalwadi,
SFLF 60/10, Model House,
Nandini Layout,
Bangalore - 560096.

Applicants

AND

1. Union of India,
by its secretary,
Department of Telecommunications,
Sanchar Bhavan,
No. 20, Ashoka Road,
New Delhi-110 001.
2. The Assistant Director General STG(III)
Department of Telecommunications,
Sanchar Bhavan,
No. 20, Ashoka Road,
New Delhi-110 001.
3. M/s Bharath Sanchar Nigam Ltd,
by its Chairman cum Managing Director,
No. 213, Indraprasta Hotel,
Ashoka Road,
New Delhi-110 001.
4. The Deputy Director General (SR),
Bharath Sanchar Nigam Ltd,
Head Quarters,
No. 213, Indraprasta Hotel,
Ashoka Road,
New Delhi-110 001.

Respondents

OA 888/2002

U. Kanakaiah, S/o Mallikarjuna Rao
Sub Divnl. Engineer O/o the Chief
General Manager, Telecom, Bharat Sanchar
Nigam Limited, Hyderabad.

Applicant

AND

1. The Union of India Rep. by its Secretary to
Deptt. of Telecommunications, Sanchar Bhavan,
20 Ashoka Road, New Delhi.
2. Bharat Sanchar Nigam Limited, Rep. by its
Director General, 213, Indraprastha Hotel
Ashoka Road, New Delhi.
3. The Dy. Director General (SR),
Bharat Sanchar Nigam Limited, HQRS
213, Indraprastha Hotel, Ashok Road,
New Delhi

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OA 889/2002

- 1 KV SUBBA REDDY, S/o K Laxma reddy, aged about 38 years, Occ SDE, Telephone Exchange, Chandrayanagutta, R/o Hyderabad
- 2 P SRINIVASA PRASAD, S/o Pulleswara Rao, aged about 33 years, Occ SDE, Telephone Exchange, Thumalagiri, R/o Hyderabad
- 3 Ch Bhagavantarai, S/o Chatraiah, aged about 38 years, Occ: SDE, Office of Area Manager, Ameerpet Telecom, R/o/Hyderabad
- 4 G Jagannadha Rao, S/o Srinivasa Rao, aged about 38 years, Occ: SDE, Hyderabad
- 5 D Prakash, S/o Vittal Rao, aged about 49 years, Occ JTO, Circle Telecom Store depot, Padmaranagar, R/o Hyderabad
- 6 S Laxminarayana, S/o Nagisetty, aged about 46 years, Occ: JTO, Office of CGMT, Hyderabad
- 7 Y V B Suryaprakasa Rao, s/o Suryanarayana, aged about 49 years, Occ: JTO, office of DE (External), Ameerpet, R/o Hyderabad
- 8 V Perayya Pantulu, S/o Sankara Rao, aged about 55 years, Occ: JTO, Telephone Bhavan, Saifabad, Hyderabad
- 9 S S Gopal, S/o Balaswamy, aged about 50 years, Occ JTO, STR, Telephone Bhavan, Saifabad, Hyderabad
- 10 G Subhash, S/o Venkati, aged about 30 years, Occ JTO, Telephone Exchange, Gowliguda, Hyderabad
- 11 Y Papi Reddy, S/o Raji Reddy, aged about 42 years, Occ SDE, Telephone Exchange, Ram Koti, Hyderabad
- 12 K Srinamulu, S/o Raja Ram, aged about 49 years, Occ JTO, Office of SDOP I, Charminar, Hyderabad
- 13 K L N. manohar, S/o Sri K.K Rama Rao, aged about 39 years, Occ: SDE, Telephone Bhavan, Saifabad, Hyderabad
- 14 K Raju, S/o K Bala Swamy, aged about 35 years, Occ: SDE, RTTC, Gachibowli, Hyderabad
- 15 K S C Bose, S/o Gopalan, aged about 52 years, Occ: SDE, Telephone Bhavan, Saifabad, Hyderabad
- 16 S Narasimha Rao, S/o Narayana Sarma, aged about 47 years, Occ JTO, SDOP, Amberpet, Hyderabad
- 17 S R Chandra Sekhar, S/o Gani Raju, aged about 35 years, Occ: SDE, Telephone Bhavan, Saifabad, Hyderabad

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18. T Daniel Vara Prasad, S/o Prabhakara Rao, aged about 57 years,
Occ JTO, Sainikpuri Telephone Exchange, Sainikpuri, Secunderabad

APPLICANTS

The address for service of notices etc. on the applicant is that of their
Counsel MR V VENKATESWAR RAO, Advocate, 1-8-430, 1st Floor,
Uma Gardens, Chikkadapally, Hyderabad - 500 020

AND

- 1 The Union of India, Rep. by its Secretary to Department of
Telecommunications, Sachar Bhavan, 20 Ashoka Road,
NEW DELHI - 110 001
- 2 Bharat Sanchar Nigam Limited, Rep. by its Director General
213, Indraprastha Hotel, Ashoka Road, New Delhi - 110 001
- 3 The Dy Director General (SR), Bharat Sanchar Nigam Limited
Headquarters, 213, Indraprastha Hotel, Ashok Road,
New Delhi 110 001

RESPONDENTS

Contd.

(36)

OA 1429/2002

1) Lutfar Rahaman Khan

S/o Late Yasin Ali Khan working as Sub-Divisional Engineer/A.N. Under the Dept. of Telecommunications, Kolkata and a resident of 42/1B, Samshul Huda Road, Kolkata 700 017.

2) Sri Dhiraj Dutta

S/o Late Dinesh Chandra Dutta working as Junior Telecommunication Officer, M/W II under the Dept. of Telecommunication, Kolkata and a resident of Cossipore P&T Complex, Kolkata - 700 002.
Ar. No C/I

3) Sri Sachin Kumar Dey

S/o Late Lakshikanta Dey working as Sub-Divisional Engineer, in Transport Maintenance Dept., Dept of Telecommunication, Kolkata and a resident of 20, Rabindra Pally 1st Lane, Kolkata - 700 065.

4) Sri Tapan Kumar Das Bagis

S/o Late Bhupati Das Bagis working as Sub-Divisional Engineer, OFC(M), Department of Telecommunication, resident of Dulta para, P.O. Baruipore, 24. paraganas (South) PIN no. 743302.
Contd....2.

B

- 5) Sri Harekrishna Das,
S/o Anil Krishna Das, working as
Sub-Divisional Engineer, Trans
Micro Division, Dept. of
Telecommunication, Kolkata and a
resident of 7, Ambagan, Netaji
Colony, Kolkata - 700 050.

..... Applicants

A N D

- 1) Union of India through the
Secretary, M/o communication Dept. of
Telecommunications, Sanchar Bhawan,
20, Ashoka Road, New Delhi 110 001.
- 2) The Chairman, Telecom Commission,
Ministry of Communication, Sanchar
Bhawan, 20, Ashoka Road, New Delhi
- 110 001.
- 3) The Chairman Cum Managing Director,
Bharat Sanchar Nigam Ltd., Sanchar
Bhawan, 20, Ashoka Road, New Delhi
- 110 001.
- 4) The Dy. Director General (SR),
Bharat Sanchar Nigam Ltd., HQRS,
213, Indraprastha Hotel, Ashoka
Road, New Delhi - 110 001.
- 5) The Chief General Manager, Calcutta
Telephones, 34, B.B.D. Bag (2nd Floor)
Kolkata-700001
- 6) The Chief General Manager, Eastern
Telecom Region, 34, B.B.D. Bag, (6th
floor), Kolkata-700001

OA 1430/2002

1. Sri Bibekananda Saha @ B. Saha
son of Late Ramkrishna Saha working
for gain as Executive Engineer(Adhoc)
in the Office of Superintending
Engineer(P & D) BSNL, Civil Planning
Circle, Kolkata, residing at 173, Bidhan
Park, Baranagar, Calcutta-90.
2. Sri Arun Kumar Chakraborty
son of Late Jamini Kanta Chakraborty
working for gain as Executive Engineer
(Adhoc). Postal Civil Division-I,
Kolkata, residing at 8/7, Bijaygarh,
Kolkata-32.
3. Sri Joydeb Roy @ J. Roy son of
Late Khired Kr. Roy working for gain
as Executive Engineer, BSNL West Bengal
Circle, Civil Division Kharagpur,
residing at P.S. Susama Pally,
Kharagpur, P.O. Nimpura, Dist-Midnapore,
Pin-721304.
4. Sri Payes Kanti Bhadra @ P.K. Bhadra
son of Kali Kumar Bhadra working for
gain as Executive Engineer(Civil)

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BSNL Civil Divn., Malda residing at
Ram Krishnapally, Dist. Malda.

5. Sri Samarendra Kr. Basu @ S. K. Basu
son of Late Sachindra Nath Basu
working for gain as Executive Engineer
(Civil), BSNL Civil Divn., Gangtok,
residing at Gangtok, East Sikkim.

6. Sri Asis Kr. Sen @ A. K. Sen
son of Late Sudhanshu Sekhar Sen
working for gain as Executive Engineer
(Civil), Postal Civil Division- II,
Yogayog Bhawan, Kolkata-12, residing
at Flat No. A2 Priyatama Apartment.
1/2, Chittaranjan Park (2nd Floor),
Jadavpur, Kolkata- 32.

7. Sri Kirti Lal Dutta @ K. L. Dutta
son of Late Tarak Ch. Dutta working
for gain as Executive Engineer (P & D),
BSNL Civil Circle-I, Kolkata, residing
at 77/F, J. N. Lahiri Road, Serampore,
Dist- Hooghly.

8. Sri Durgadas Mistri
son of Late Santosh Kr. Mistri working

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for gain as Executive Engineer,
BSNL Civil Divn.-III, Kolkata, residing
at Rishi Bankim Nagar, P.O.-
Baruipur, Dist-South 24-pgs.

9. Sri Pradip Kanti Saha @ P.K.Saha
son of Late Pramod Ranjan Saha
working for gain as Executive
Engineer (P & D), BSNL Civil Circle-
II, Alipore, Kolkata- 27, residing at
EA/28, Deshbandhu Nagar, Bagmati,
Kolkata- 59.

10. Sri Dilip Kr.Mukherjee @ D.K.
Mukherjee son of Late Narayan Chandra
Mukherjee working for gain as
Executive Engineer (Civil), BSNL Civil
Divn. No-I Kolkata-1, residing at
52/A, Banerjee Para Road, Kolkata-41.

11. Sri Mangal Krishna Basak
@ M.K.Basak son of Late Achyuta
Narayan Basak working for gain as
Executive Engineer(Civil), BSNL Civil
Divn-V, Kolkata, residing at RC/16/7/1,

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VERSUS

1. Union of India through the
Secretary to the Govt.of India,
Ministry of Communication, Deptt.
of Telecom Services, Sanchar Bhawan,
20, Ashoka Road, New Delhi-110001
2. Bharat Sachar Nigam Ltd.Service
through its Chairman and Managing
Director, Statesman Building, New
Delhi-1

... Respondents

Counsel present for the applicants.

S/Shri Sudershan Menon, Mukesh Kumar and Deb Kumar
counsel for the applicants in OA 298/2002

S/Shri Neeraj Kaul, Senior Advocate, Dayan Krishnan,
Trideep Pais, R.K.Shukla and Ms.Kamini Jaiswai, counsel
for the applicants in OA 849/2002, OA 850/2002,
OA 853/2002, OA 854/2002, OA 858/2002 to OA 867/2002
and OA 868/2002 to OA 887/2002.

S/Shri E.X.Joseph, Senior Advocate with Abhay N.Das
counsel for the applicants in OA 848/2002, OA 856/2002,
OA 857/2002, OA 888/2002 and OA 1429/2002.

Counsel present for the respondents.

S/ Shri K.N.Bhatt, Senior Advocate, Chetan Prabhakarm,
Aditya Tiwari, H.K.Gangwani, V.K.Rao and S.N.Khanna,
counsel for the respondents in their respective cases.

S/Shri R.K.Kapoor with Shri Sumit Kumar counsel for
respondent No.3 in OA 298/2002.

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O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J).

Learned counsel for the parties appearing in the aforesaid applications have taken up the cases together for hearing as they have submitted that the relevant facts and issues in these cases are the same. Accordingly, they are also being disposed of by a common order. For the sake of convenience, the facts in P.D.Singh's case (O.A.848/2002) have been referred to. Shri E.X. Joseph, learned senior counsel and Shri Neeraj Kaul, learned counsel have been heard at length for the applicants.

2. The applicants have challenged the Notification issued by Respondents 1 and 2 dated 14.1.2002 and the letter dated 28.12.2001 requiring the applicants to give their options for absorption in Bharat Sanchar Nigam Limited (BSNL)/MTNL or retention in Government/Department of Telecommunications (DOT). Learned counsel for the parties have referred to the order passed by the Tribunal in Indian Telecom Service Association and Anr. Vs. Union of India & Ors. (OA 1252/2000), decided on 12.10.2001. They have submitted that this order of the Tribunal has been upheld by the Hon'ble High Court vide its order dated 22.3.2002. The main contention of the learned counsel for the applicants is that the Hon'ble High Court has agreed with the decision of the Tribunal which has been referred to as taking a "legal, practical and holistic view of the matter" and, *13* therefore, there was no ground to

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interfere in the decision. In that case, the Hon'ble High Court while referring to the Tribunal's order observed as follows:

"....The Tribunal perhaps felt that since there were only two options available to the employees viz either to take permanent absorption in MTNL or remain in DTS (which automatically implied the remaining individuals ultimately standing transferred on deemed deputation to BSNL), therefore since there was need on the part of the official respondents to also clarify the terms and conditions applicable in the situation of not opting for MTNL. It is in this context that in para 23 the Tribunal issued three consequential directions. Firstly, the official respondents were asked to clarify the above said position. Secondly, it was directed that the last date of submission of options should be considered for suitable extension administratively, pending the clarifications referred to above. Thirdly, it was observed that for those who had already submitted their options in favour of permanent absorption in MTNL, the preparatory action should be initiated".

The High Court had further gone to hold that since the permanent absorption of Group A and B employees in MTNL or otherwise, has already been pending for quite sometime, it would be but appropriate that the official respondents act with due despatch and expediency in the matter.

3. The learned counsel for the applicants have stressed on the fact that the Tribunal's order had required the applicants to exercise an "informed choice" whether they want to be absorbed in MTNL or they would like to remain in the Department where they were at present. They have, therefore, urged that in compliance with the directions of the Tribunal and High Court, it was necessary for the respondents to give the particulars regarding their terms and conditions of absorption in BSNL also, at least to the extent that has been indicated in the case of the

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options to be exercised in respect of MTNL. According to them, in the annexures to the impugned letter dated 14.1.2002, for example, in paragraph 4, it has been stated that the IDA pay scale and fitment formula will be announced by BSNL separately. Similarly, in paragraph 7 with regard to promotions, it has been stated that BSNL will formulate the rules and regulations till which time the existing rules of the parent Department will continue. They have also referred to the order dated 28.12.2001 issued by the respondents in accordance with the Tribunal's order dated 12.10.2001 in OA 1252/2000. This order was by way of clarification and was applicable to both Group 'A' and Group 'B' officers with regard to those who were not opting for permanent absorption in MTNL. In paragraph 3 of this letter, it was also mentioned that with regard to officials who have not been absorbed in MTNL and are to be utilised in BSNL on deemed deputation, they will be asked to opt for permanent absorption if and when the appropriate Scheme is finalised. The learned senior counsel for applicants have pointed out that this Scheme has also not been finalised or announced by BSNL. They have stressed, compared and contrasted these vague and incomplete statements with respect to staff who are required to opt for absorption in BSNL with the terms and conditions which were announced in respect of ~~the~~ permanent absorption of Group 'A' and 'B' officers in the services of MTNL which were announced by the letter dated 8.5.2000. In this letter, the respondents have indicated the promotional avenues of the officers in Annexure 'B', paragraph 12 and

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the annexure also gives the pay scale and fitment of the concerned officers on absorption. The applicants in the present cases are Group 'B' employees. During the arguments, learned counsel had submitted that the terms and conditions of persons who belong to Groups 'C' and 'D' have already been finalised and, therefore, there would be no problem for the respondents to announce the details of the terms and conditions which will be applicable to the applicants before asking them to exercise their option to be absorbed in BSNL or not. Learned senior counsel has submitted that in the absence of these terms and conditions which are yet to be specified and announced by the respondents, the applicants are in a black tunnel and it is not possible for them to exercise their options in an "informed manner" which is a pre-requisite. He has submitted that the respondents should act in a fair and reasonable manner and cannot act arbitrarily. He relies on Indian Airport Authority Vs. Ramana Shetty (1979) 3 SCC 489.

4. We have seen the replies filed by the respondents and heard Shri K.N. Bhatt, learned senior counsel and Shri R.K. Kapoor, learned counsel for Respondent No.3. Respondent No.3 have^{also P²-} filed their written submissions. In the reply, the official respondents have submitted that the BSNL had discussions with Group 'B' officers, including representatives of the applicants even before the issuance of the impugned order dated 14.1.2002. The respondents have stated that whereas MTNL was formed in 1986 for operating Telecom services in metro cities of

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Delhi and Bombay, BSNL which came into being in 2000 is to operate in the rest of the country, including rural areas and, therefore, their terms and conditions cannot be the same in both these organisations. They have stated that it is expected that the final terms and conditions will be an improvement over the existing terms and conditions which was also mentioned during the hearing. In Para 4 of the general terms and conditions of the order dated 14.1.2002, reference has been made that after fixation of the pay of the absorbed employees in IDA Pay scales, they will be paid arrears which is also an indication to this effect. Learned senior counsel has submitted that as there will only be an improvement, there is sufficient clarity in the terms and conditions. To the objection taken by the learned senior counsel for the applicants that the impugned order has been issued by BSNL and not by the Department, he has submitted that the option to be exercised by the applicants is to be addressed to the Secretary to the Govt. of India. His further contention is that even this letter has been issued at the instance of Respondent No. 1. Learned senior counsel has also submitted that for those who are not desirous of opting, there is no compulsion to opt and they will then remain with the Department. According to the respondents, they have submitted that the documents, therefore, reveal that there is sufficient material to enable the applicants to know as to what they can get if they opt for permanent absorption in BSNL. In case any of the terms and conditions are altered to their disadvantage, the same could also be challenged in a proper

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forum. Learned counsel for Respondent 3 has submitted that they are not interested in being absorbed in BSNL on the present terms and conditions and the applicants are proving to be a hurdle for them.

5. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

6. We find force in the submissions made by Shri E.X. Joseph, learned senior counsel for the applicants and Shri Neeraj Kaul, learned counsel. In terms of the official respondents' own Notification dated 30.9.2000 and the aforesaid judgements of the Tribunal in O.A.1232/2000 and the Hon'ble Delhi High Court in CW No.7544/2001, it is necessary for the respondents to spell out in somewhat more detail and clearly the pay scales and fitment formula as well as promotional avenues pertaining to the applicants who have been given an option. In the impugned order issued by the respondents dated 14.1.2002, they have stated, inter alia, that the options exercised by the officers shall be final. In the facts and circumstances of the case, particularly also having regard to the fact that in furtherance to the Tribunal's order dated 12.10.2001, further clarifications have been issued by them by their letter dated 28.12.2001, para 4 of the annexure to that letter has to be clarified. The appropriate Scheme for absorption of employees in BSNL has also not been finalised. Therefore, at least in the two major points,

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namely, the pay-scale and fitment of Group 'B' officers as well as the promotional avenues, these should be clarified by the respondents. In the facts and circumstances of the cases, the contention of the learned counsel for the applicants that they can give an option whether to be absorbed in BSNL/MTNL or remain in the Department only when they are informed of the terms and conditions of their service on absorption, cannot be lightly brushed aside. They have also emphasised during the arguments that they would be satisfied if the terms and conditions of their service on absorption in BSNL are spelt out to the extent that was done by the respondents in the case of MTNL. We also see force in the argument that even though MTNL had been formed way back in 1986, their terms and conditions were spelt out only in May, 2000. In the present case, BSNL has been formed on 1.10.2000 but taking into account their earlier experience and the terms and conditions applicable to the earlier organisation, that is MTNL, the Department ought to have been in a better position to finalise the Scheme and relevant Rules and regulations for absorption of the DOT employees in BSNL by this time.

7. In the result, for the reasons given above, we dispose of the above cases with the following directions:

- (1) Respondents 1 and 2 should clarify the conditions on absorption of employees in BSNL if they exercise the option to do so. In particular the pay scales, fitment formula and promotional avenues of the officers like the applicants who

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belong to Group 'B' service should be given so as to enable them to take an informed decision whether they would prefer to opt for BSNL or remain where they are, that is as employees of the DOT;

(2) Respondents 1 and 2 shall issue the appropriate clarifications/instructions/rules with regard to the points mentioned above as early as possible and in any case within two months from the date of receipt of a copy of this order;

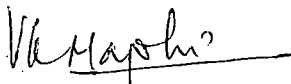
(3) In the circumstances, the date for submission of options in terms of the impugned letter dated 14.1.2002 shall also be extended suitably;

(4) Meanwhile, the respondents are at liberty to consider taking appropriate steps in respect of those who have already submitted their options as per the previous date specified for permanent absorption in BSNL, leaving the question of seniority open;

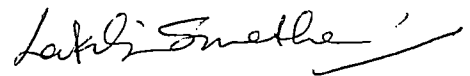
(5) In the circumstances, interim orders granted in any of the O.As referred to above, stand vacated.

No order as to costs.

8. Let a copy of this order be placed in each of the O.As mentioned above.



(V.K. Majotra)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

'SRD'