

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 332/00108/2018

This the 13th day of December, 2019

Hon'ble Ms. Jasmine Ahmed, Member - I

Shobh Nath Mishra, aged about 62 years, son of Late Shri Badri Prasad Mishra, Resident of – Village- Purey Darshan Parsan (Malikpur), Post-Dwarikaganj, PS- Gosainganj, Sultanpur.

..... Applicant

By Advocate: Sri Praveen Kumar

VERSUS

1. UNION OF INDIA, through the Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi.
2. The Chief Managing Director, Bharat Sanchar Nigam Ltd. Statesman House, Barah Khamba Road, New Delhi.
3. The Chief General Manager, UP (East) Telecom Circle, Bharat Sanchar Nigam Ltd. Lucknow.
4. The General Manager (Administration), Bharat Sanchar Nigam Ltd. Office of Chief General Manager, Telecom (East) UP Circle, Lucknow.
5. The Assistant General Manager (Administration), Bharat Sanchar Nigam Ltd. Office of Chief General Manager, Telecom (East) UP Circle, Lucknow.
6. The Divisional Engineer (Administration), Office of Telecom District Manager, Sultanpur.

..... Respondents

By Advocate: Sri G.S Sikarwar / Sri S.L. Mishra

ORDER (ORAL)

Learned counsel for the applicant drew my attention to the judgement passed by the Hon'ble High Court of Kerala at Ernakulam decided on 13.11.2019. Applicant's counsel states that the applicant herein is exactly /similarly situated in regard to facts, circumstances and rule provisions, judgement passed by the Hon'ble High Court of Kerala at Ernakulam. He states that accordingly an order may be

passed by this Tribunal to extend the same benefits to the applicant herein if the facts are not found otherwise.

2. Counsel for the respondents does not dispute the facts of the case herein but states that as Civil Appeal No. 51/2016 is pending before the Hon'ble Apex Court against the judgement of 27.07.2015 of the Rajasthan High Court in W.P No. 3941/2015 in the matter of BSNL Vs Bharat Kumar Kumawat a direction may be given that relief to be granted to the applicant shall be subject to the outcome of the Civil Appeal No. 51/2016 pending before the Hon'ble Apex Court.

3. Accordingly, respondents are directed to decide/consider the claim of the applicant in the light of the judgement of Hon'ble High Court of Kerala at Ernakulam in the matter of Abdul Rasheed A.A and Others subject to the outcome of the SLP pending before the Hon'ble Apex Court.

4. Hence, the impugned order dated 23.01.2018 is quashed and set aside. Relief so granted shall be subject to the outcome of the SLP pending before the Hon'ble Apex Court.

5. With the above direction, O.A stands disposed of. There shall be no order as to costs.

(Jasmine Ahmed)
Member (J)

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