

Central Administrative Tribunal Principal Bench, New Delhi

PT No.85/2021 in OA 857/2021 PT No. 86/2021 in OA 875/2017 PT No.87/2021 in OA 89/2019 PT No.88/2021 in OA 1546/2018 PT No.89/2021 in OA 144/2019 PT No.90/2021 in OA 318/2019 PT No.91/2021 in OA 214/2019 PT No. 92/2021 in OA 87/2019 PT No.93/2021 in OA 282/2019 PT No.95/2021 in OA 62/2019

> Order Reserved on: 09.07.2021 Order Pronounced on: 13.07.2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

PT No. 85/2021

- Union of India
 Through Secretary,
 Department of Telecommunications,
 2 Ashoka Road, New Delhi
- Bharat Sanchar Nigam Limited,
 Through its Chairman-cum-Managing Director,
 BSNL Corporate Office,
 Barakumba Road, Statesman House,
 New Delhi-110001
- 3. The Director (HR), BSNL Board, BSNL Corporate Office, Hairs Chander Mathur Lane, Janpath, New Delhi
- 4. The General Manager (Recruitment), BSNL Corporate Office, Harish Chander Lane, Janpath, New Delhi-110001
- 5. The Principal General Manager (Pers.) BSNL Corporate Office, Haris Chander Amthur Lane, Janpath, New Delhi

6. The Chief General Manager,
Telegana Telecom Circle,
(BSNL), Door Sanchar Bhawan,
Nampally, Station Road, Abids,
Hyderabad-500001



7. The Chief General Manager,
 Information Technology Project Circle,
 MIDC, Chinchwad, Pune-411019 - Applicants

Versus

- The SC/ST Employees Welfare Association, of BSNL, Rep. by its Circle Secretary, Telengana Telecom Circle, BSNL, S. Rajaram, S/o Rajaram, aged about 44 years, Occ: Sub Divisional Engineer (I&B) 8th Floor, BSNL, Bhawan, Adarshnagar, Hyderabad-63
- 2. R. Karunakar, S/o R. Rajaiah, aged 41 years, Occ: Sub Divisional Engineer (Cellone, O&M) Warrangal, O/o PGMTD, Warangal District

Respondents

PT No. 86/2021

- 1. Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi-110001
- 2. Director (HRD), Bharat Sanchar Nigam Ltd., Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi-110001
- 3. Deputy Manager (Pers-I Section), Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi-110001

- Applicants

Versus

1. Chander Singh, Aged 38 years, S/o Sh. Thakur Singh, HRMS No.200302497, Sub Divisional Engineer (Accepting/Testing), Bharat Sanchar Nigam Limited. Shimla (HP), r/o Block No.10, Set No.III, Phase-III, Sector-6, New Shimla-171009 "Group-B"



2. Ajit Kumar, age 44 years,
S/o late Sh. Ramji Lal,
HRMS No.200202316,
Sub Divisional Engineer (P-infra)
Office of General Manager (NOW-CM)
CMTS, MI Road, Jaipur,
r/o Quarter No.D-1/II, Sanchar Path,
C-Scheme, behind CGMT Office,
Bhagat Singh Marg, Jaipur-302001
Group - Respondents

PT 87/2021

- Bharat Sanchar Nigam Ltd.
 Represented by Chairman & Managing Director,
 BSNL Corporate Office, Sanchar Bhawan,
 New Delhi-110001,
- 2. The Director, Human Resource Development, Bharat Sanchar Nigam Ltd., BSNL, Corporate Office, Sanchar Bhawan, New Delhi-110001
- 3. General Manaqger (Personnel), Bharat Sanchar Nigam Limited, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 4. The Deputy General Manager Personnel, Bharat Sanchar Nigam Ltd. BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001

- 5. The Deputy General Manager Recruitment, Bharat Sanchar Nigam Limited, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 6. The Chief General Manager, Bharat Sanchar Nigam Ltd. Kerala Circle, Thiruvananthapuram-695033

- Applicants



Versus

- Sajith V. S/o Balakrishnan, aged 42 years, Working as Sub Divisional Engineer, Telephone Bhawan, BSNL Payyanur, Kannur, residing at Pulari, Palakkunnu, Karivellur, Kannur-670521, Group B
- 2. Surendran P.P. S/o PP Kunhiraman,
 Aged 44 years, working as
 Sub Divisional Engineer,
 Telephone Exchange, BSNL,
 Kanhangad, Kasaragod-671315,
 Residing at Thejus, Pallikkara, Nileshwar,
 Kasaragod-671315
- 3. Azeez KA, S/o Abdul Khader,
 Aged 42 years, working as
 Sub Divisional Engineer,
 Telephone Exchange,
 Njarakka, Ernakulam,
 Residing at Kakkattu House,
 Edacanakad PO Ernakulam-682502 Respondents

PT No. 88/2021

- Bharat Sanchar Nigam Ltd.
 Bharat Sanchar Bhawan,
 Harish Chander Mathur Lane,
 Janpath, New Delhi-110001
 Through its Chairman-cum-Managing Director
- 2. Director (HRD), Bharat Sanchar Nigam Ltd., Bharat Sanchar Bhawan,

Harish Chander Mathur Lane, Janpath, New Delhi-110001

3. General Manager (Recruitment Branch)
Bharat Sanchar Nigam Ltd.
Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110001

- Applicants



Versus

- All India Graduate Telecom Officers Association, Having its registered office at Flat No.A-302, Lifestyle residency, GH Plot No.41-42, Sector-65, Faridabad (Haryana)-121006 through Sh. Ravi Shil Verma, General Secretary
- 2. Chander Singh,
 HRMS No.200302497,
 Sub Divisional Engineer
 (Accepting/Testing),
 Bharat Sanchar Nigam Limited.
 Shimla (HP), r/o Block No.10,
 Set No.III, Phase-III, Sector-6,
 New Shimla-171009

- Respondents

PT No.89/2021

- 1. Union of India through Secretary, Ministry of Telecommunication, Sanchar Bhawan, New Delhi-110001
- 2. The Chairman, Department of Telecommunication, Sanchar Bhawan, Harish Chander Mathur Lane, New Delhi-110001
- 3. The Chairman-cum-Managing Director, Bharat Sanchar Bhawan, Harish Chander Mathur Lane, New Delhi
- 4. The Director (HR)
 BSNL Bharat Sanchar Bhawan,
 Harish Chander Mathur Lane,
 New Delhi-110001
- 5. The General Manager (Personnel)

BSNL Bharat Sanchar Bhawan, Harish Chander Mathur Lane, New Delhi-110001

6. The General Manager (Recruitment) BSNL Bharat Sanchar Bhawan, Harish Chander Mathur Lane, New Delhi-110001



7. The Dy. General Manager (Recruitment)
 BSNL Bharat Sanchar Bhawan,
 Harish Chander Mathur Lane,
 New Delhi-110001 - Applicants

VERSUS

- 1. Dinesh Roy, S/o Sh. Gopal Roy, Resident of Qtr. No.4, Plot No.11, Road No.1A, Gardanibagh, Patna-8000001
- 2. Md. Wasi Ahmad, S/o late Md. Zaki Siddique, Resident of Imam Plaza Apartment, Ali Nagar Colony, Anisabad, Patna-800002
- 3. Sudhansu Shekhar, S/o Sh. Madan Mohan Prasad, Resident of Aryan Residency-II, SK Puram, Lane No.1, RPS Mor, Danapu, Patna-801503
- 4. Mukesh Kumar, S/o late Bangali Prasad Sinha, Resident of 201, Block –B, Agrani Height Apartment, RK Nagar, Patna-800027
- Shailendra Prasad, S/o Sh. Mahatma Prasad, Resident of Agrani Height Apartment, Ram Krishna Nagar, Patna-27
- 6. Awadesh Kumar Bharti, S/o late Shamsher Bharti, Resident of near Prem Niketan Shivpuri (West) Anisabad, Patna-2
- Binay Kumar S/o Sh. B. Choudary, Resident of Gola Road, Bishnu Bihar Colony, Danapur,

Patna-801503

- Respondents

PT No. 90/2021

 Chairman & Managing Director, Bharat Sanchar Nigam Limited, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi



- 2. The Director (HR), BSNL, Bharat Sanchar Bhawan, Harish Chander Mathur Lane, New Delhi-110001
- 3. Chief General Manager, Telecommunication, Tamil Nadu Circle No.80, Anna Salai, Chennai-600002
- 4. The Assistant General Manager
 (Recruitment & Establishment/Staffs)
 O/o CGM, BSNL, Tamil Nadu Circle,
 Chennai Applicants

Versus

- G. Nowshatkhan, aged 40 years, S/o M. Gulam Ghouse, Junior Telecom Officer, O/o Principal RGM TTC, Meenambakka, Chennai 600016 Tamil Nadu
- K. Vijay Kumar, aged 43 years,
 S/o P. Krishnan,
 Junior Telecom Officer (G),
 O/o Sub Divisional Engineer,
 Chinnalapatty, Madurai, SSA Tamil Nadu
- 3. V. Sumithra, Aged 40 years, D/o Veluchamy, Junior Telecom Officer (Admin) O/o Assistant General Manager (Hr.) Pgm Office/Madurai, SSA-625002, Tamil Nadu
- E. Pandimmena, aged 41 years,
 D/o Essakki,
 Junior Telecom Officer,

O/o Assistant General Manager, (MLLN&FTTH), Tallakulam, Madurai-625002

- KA Sridevi, aged 42 years,
 D/o KK Amarlal,
 Junior Telecom Officer (EXTL)
 O/o Sub Divisional Engineer (EXTL-I)
 East Masi Main Exchange,
 Madurai-625002, Tamil Nadu
- 6. S. Thirunavukarasu, aged 41 years, S/o M. Shanmugam, Junior Telecom Officer (Transmission Maintenance, External) S/o Sub Divisional Engineer (TM External) Tallakulam, Madurai-625002 Tamil Nadu
- D. Sangeetha, aged 41 years,
 D/o Sh. Dhanuskodi, Junior Telecom Officer,
 (Transmission), O/o Sub Divisional Engineer\
 (TM-CM) Ellis Nagar, Madurai-625010
 Tamil Nadu
- 8. P. Alagupandiaraja, aged 38 years, S/o V. Ponnaiah, Junior Telecom Officer (OFC Construction) O/o Assistant General Manager (NWP-CM), Tallakulam, Madurai-625002, Tamil Nadu
- R. Muniyadi, aged 48 years,
 S/o M. Ramasamy, Junior Telecom Officer,
 (Outdoor), O/o Sub Divisional Engineer,
 (Outdoor), Theni, Madurari SSA,
 Tamil Nadu
- 10. Brelin Issac Balasingh, aged 39 years, S/o Balasingh, Junior Telecom Officer, (OCB/NGN), O/o GM, BSNL, Pudicherry, Puducherry, SSA, 605001
- 11. R. Kusalewari, aged 38 years,S/o S. Ramanathan, Junior Telecom Officer,(NGN), O/o Assistant General Manager (NGN & IP TAX), Tallakulam, Madurai SSA,



625002, Tamil Nadu

12.S. Kanagaraj Kumar, aged 39 years, S/o Subramanian, Junior Telecom Officer (Broadband) O/o Sub Divisional Engineer (MBM) Pudukottai, Tirchy SSA, 622001, Tamil Nadu



- 13. A. Maheshwari, aged 41 years,
 D/o A. Anbalagan ,
 Junior Telecom Officer (Broadband)
 O/o Sub Divisional Engineer (MBM)
 Pudukottai, Tirchi SSA 622001,
 Tamil Nadu
- 14.P. Arumugam, aged 45 years, S/o Pazhani Achari, Junior Telecom Officer (Outdoor) Vadasery, Nagarcoil, Nagarcoil SA 629001, Tamil Nadu
- 15.D. Anbudevan, aged 39 years, S/o R. Dinakaran, Junior Telecom Officer (BSS NTS) Telephone Exchange, Neyvell, Cuddalore SSA 607801, Tamil Nadu
- 16.R. Venkatesan, aged 38 years., S/o T. Ramakrishnan, Junior Telecom Officer (EB) O/o General Manager (EB), CGM Office Chennai 600006, Tamil Nadu
- 17.R. Manikavasagam, aged 39 years, S/o Rathinasabpathi, Junior Telecom Officer (EB) O/o General Manager (EB), CGM Office Chennai 600006, Tamil Nadu
- 18. D. Sivasamkar, aged 40 years, S/o Duraisamy, Junior Telecom Officer (NIB) O/o Sub Divisional Engineer (NIB) Cuddalore, Caddalore SSA 607001, Tamil Nadu

19.V. Pazhanivel, aged 40 years, S/o Veerasamy, Junior Telecom Officer (Ext) Telephone Exchange, Neveli, Cuddallore, SSA 607801, Tamil Nadu



- 20. D. Selvaganesan, aged 58 years,S/o R. Duraisamy,Junior Telecom OfficerO/o Principal RGM TTC, Meenamakkam,Chennai, Tamil Nadu
- 21.R. Sumathy, aged 40 years,
 D/o VC Rasappan,
 Junior Telecom Officer,
 O/o Principal RGM TTC, Meenamabakkam,
 Chennai-600016
- 22. KH Krishnasamy, aged 42 years, S/o Hariharan, Junior Telecom Officer (Transmission) O/o Assistant General Manager (Transmission) Karaikudi, Karaikudi, SSA, Tamil Nadu

PT No. 91/2021

- Union of India through
 Secretary of Government of India,
 Ministry of Communication,
 Department of Telecommunication,
 Sanchar Bhawan, New Delhi
- 2. Secretary to the Government of India, Ministry of Personnel, Public Grievances And Pensions, Department of Personnel and Training, North Block, New Delhi-11001
- 3. Bharat Sanchar Nigam Limited.
 Corporate Office, 4th Floor,
 Bharat Sanchar Bhawan,
 Harish Chander Mathur Lane,
 Janpath, New Delhi-110001,
 Through its Chairman-cum-Managing Director
- 4. General Manager (Personnel),

Bharat Sanchar Nigam Limited, Room No.210, CTO Building, Eastern Court, Janpath, New Delhi-110001 Corporate Office, 7th Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001



- 5. Director (HR), Bharat Sanchar Nigam Ltd., Room No.210, CTO Building, Eastern Court, Janpath, New Delhi-110001
- Deputy General Manager (Rectt.)
 Corporate Office, Bharat Sanchar Bhawan,
 Harish Chander Lane, Janpath,
 New Delhi-110001 Applicants

VERSUS

- 1. Narinder Kumar, HRMS No.200305678 Aged 40 years, S/o Sh. Sube Singh, working as SDE, O/o PGMT (Nodal Centre), Chandigarh, R/o House No.1099, Sector-13, Hisar-125001, Group B
- 2. Ajit Singh, HRMS No. 200300153, Aged 42 years, S/o Sh. Amar Singh, Working as SDE, O/o PGMT (Nodal Centre), Chandigarh, R/o Flat No.K-801, Maya Garden, Phase-III, Zirakpur
- 3. BSNL Executives' Service Association,
 (Registration No.DELHI/ROS/NORTH/
 SDM/NARELA/157/2018)
 Having its branch office at No.951-B,
 Sector-9, Karnal, Haryana-132001
 Through its General Secretary,
 Mr. Surinder Mahar (HRMS-200401316)
 Working as Accounts Officer,
 BSNL, Kaithal (Haryana)
- 4. Rajeev Kumar, HRMS No.200700374, Aged 36 years,

s/o Sh. Tara Chand, working as SDE, O/o DGM (CMO-II) MSC, Panipat-132103

- Respondents

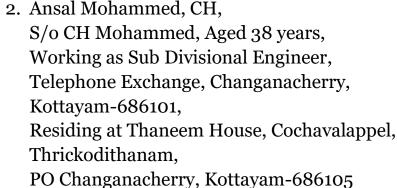
PT No. 92/2021

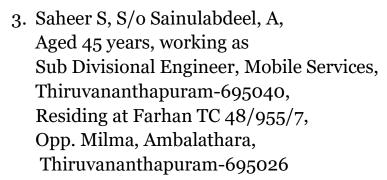


- Bharat Sanchar Nigam Ltd.
 Through its Chairman & Managing Director,
 BSNL Corporate Office, Sanchar Bhawan,
 New Delhi-110001,
- 2. The Director (HRD), BSNL Board, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 3. General Manaqger (Personnel), Bharat Sanchar Nigam Limited, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 4. The Deputy General Manager (Pers.), Bharat Sanchar Nigam Ltd. BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- The General Manager Recruitment, Bharat Sanchar Nigam Limited, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 6. The Deputy General Manager Recruitment, Bharat Sanchar Nigam Limited, BSNL Corporate Office, Sanchar Bhawan, New Delhi-110001
- 7. The Chief General Manager,Bharat Sanchar Nigam Ltd.Kerala Circle, Thiruvananthapuram-695033
- Applicants

Versus

 Sunil Kumar, S/o N. Sudhan, Aged 40 years, SDE (NQM) HRMS No.200202635, Office of Divisional Engineer, BSS, Microwave Station, BSNL, Alappuzha, residing at Manaparambil House, Aykyabharatham, South Aryad, Alappuzha-688006





4. Anil Kani, S/o Raman Kani, aged 42 years,
SDE(CP) HRMS No.200205477,
Office of the GMTD BSNL,
South Bazar, Kannur-670002,
Residing at Kani House, Maangattidom,
PO Kannur-6700643 - Respondents

PT No. 93/2021

- Union of India, Ministry of Communications, Rep. by its Secretary, Department of Telecommunications, 415, Sanchar Bhawan, 20-Ashok, New Delhi-110001
- 2. Chairman and Managing Director, BSNL, Janpath, New Delhi-110001
- 3. Deputy General Manager (Rectt.) BSNL Co., New Delhi-110001

VERSUS

Yedety Sanjeeva Rao,
 S/o late Akkaiah, Aged 49 years,
 (Group "B"), Occupation BSNL Employee,



R/o Flat No.308, Vishnu Residency, "C" Block, Gandhi Nagar, Hyderabad 5000501 - Respondents

PT No. 95/2021

Bharat Sanchar Nigam Ltd.
 Bharat Sanchar Bhawan,
 Harish Chander Mathur Lane,
 New Delhi-110001
 Through its Chairman-cum-Managing Director



Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi-110001

3. General Manager (Recruitment Branch)

Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chander Mathur Lane, Janpath, New Delhi-110001

... Applicants.

VERSUS

Mohinder Singh, Age 44 years,
 HRMS No. 200301521,
 Sub Divisional Engineer (Commercial)
 Office of Divisional Engineer
 (Network and Operations)
 Bharat Sanchar Nigam Limited,
 Main Telephone Exchange,
 Sector-13, Urban Estate,
 Kurukshetra, R/o VPO Mathana,
 Tehsil Thanesar, District Kurukshetra,
 Haryana-136131 (Group 'B') - Respondent

(Mr. Pradeep Mathur, counsel for applicants in all PTs) (Mr. Brijesh Mittal, Shri M. R. Hariraj, Mr. P. Ramchander Rao, Mr. Kartik Ranjan and Mr. Venkataraman R, Mr. R. K. Sharma counsel for respondents in their respective PTs)



ORDER

Justice L. Narasimha Reddy:

Bharat Sanchar Nigam Limited (BSNL) filed this batch of PTs with a prayer to transfer the OAs pending before the various benches of the Tribunal, to the Principal Bench.



- 2. It is stated that an order was passed on 23.01.2014, redistributing the posts of DE/AGM level (equivalent to Senior Time Scale) in the Telecom Operation as intermediate arrangement, and some OAs are filed, challenging the said notification. It is also stated that the notification was issued on 11.12.2018 for recruitment of Management Trainees (MT) through internal examination, and that was also challenged in OAs before different benches of the Tribunal. They contend that issues of similar nature, involving the same notification are raised before different benches, and there is every likelihood that conflicting views being expressed by different Benches. Stating to be a step to ensure uniformity and consistency, the BSNL filed this batch of PTs.
- 3. Notices were ordered and the respondents, who are the applicants in the respective OAS, entered appearance. Some of them have also filed the counter affidavits, opposing the PTs.
- 4. Today, we heard the arguments of Mr. Pradeep Kr. Mathur, learned counsel for the applicants, Dr. A. Raghu Kr. Brijesh

Mittal, Mr. P. Ramchander Rao, Mr. Kartik Ranjan and Mr. Venkat Raman, learned counsel for the respondents.

- 5. The effort of the applicants in filing the PTs is to ensure that the issues pertaining to the same notification are examined by a bench at one place so that the possibility of conflicting views being passed is avoided.
- 6. On behalf of the respondents, serious objection was raised as to the maintainability of the PTs as well as on merits.
- 7. It is argued that the very purpose of establishing benches at different parts of the country is to ensure that the employees will have access to justice and transferring of all the OAs to the Principal Bench would defeat the very objective. Reference is also made to the judgment of the Hon'ble Supreme Court in **S.P. Sampath Kumar vs. Union of India & Ors.**, 1987 AIR 386.
- 8. Another argument is that it is not essential that all the OAs may be decided by the Principal Bench, and the transfer of the OAs to the Principal Bench will lead to serious hardship to the respective applicants, in the OAs.
- 9. The third contention is that in the event of applicants in the OAs suffering any adverse order in the adjudication by the Principal Bench, their right to approach the respective High Courts would be defeated.



10. It is true that the very purpose of establishing the benches at various places is to ensure that the employees at the relevant places will have access to this Tribunal. However, if the notification issued at the highest level in an organization is challenged in different benches of the Tribunal, the possibility of conflicting orders being passed cannot be avoided. In such a case, the issue takes a different turn, and the administration also will not be in a position to take constructive steps. There does exist justification for adjudication of a larger issue having its impact across the country at a place, which, in this case, can be the Principal Bench.



- 11. Coming to the question of hardship, things would have been different, had it been a case where physical hearing is conducted and the parties or their advocates are required travel all the way to Delhi. As of now, the hearing is taking place through video conferencing, in the Tribunal for the past more than one year. Having regard to the importance of the matter, it can be taken up for hearing through video conferencing, once the records are received. Same advocates, who instituted the proceedings in different benches, can advance arguments.
- 12. So far as the third ground urged by the respondents, viz. the High Court before which, the proceedings need to be instituted in the event of an adverse order being passed, it can be

addressed, during the course of the OAs, and appropriate orders can be passed.

13. For the foregoing reasons, the PTs are allowed and the respective OAs shall stand transferred to the Principal Bench. Registry shall list all the matters within two weeks and ensure that the record is received in the meanwhile.



(Justice L. Narasimha Reddy) Chairman

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