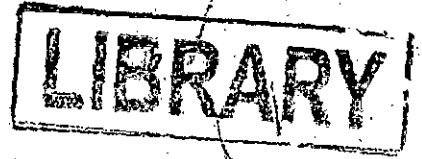


5.1

M.A. 350/424/2020
M.A. 350/254/2020
MA 350/255/2020
MA. 350/300/2020
MA. 350/441/2020



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH,

NIZAM PALACE, KOLKATA

AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

O. A. No. 1496 of 2019

1. Prabir Kumar Das, Son of Late Sataya
Ranjan Das, residing at "Aashirbad", 23, K.C.
Banerjee Road, P.O.- Harinavi, South 24 Parganas,
Kolkata- 700148.

4. Samit Bagchi, son of late Satyendra Nath
Bagchi, residing at - BC - 41, Samarpally, P.O. -
Krishnapur, Kolkata - 700102.

.....Applicants

-Versus-

1. The Union of India, service through the Principal
Secretary, Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road, New Delhi -
110001.
2. The Secretary,
Department of Personnel & Training,
North Block, New Delhi - 110001.
3. The Joint Secretary (Admn.),
Department of Telecommunications, Sanchar
Bhawan, 20, Ashoka Road, New Delhi - 110001.
4. The Director (WM),
Monitoring Organization HQs.,
Ministry of Communication & IT,
E - Wing, 3rd Floor, Pushpa Bhawan,
Madangir Road, New Delhi - 110062.

..... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O.A.350/1496/2019
M.A.350/424/2020
M.A.350/254/2020
M.A.350/255/2020
M.A.350/300/2020
M.A.350/441/2020

Date of order : 5.1.2021

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. PRABIR KUMAR DAS
2. SAMIT BAGCHI

VS.

UNION OF INDIA & OTHERS
(TELECOMMUNICATIONS)



For the applicant : Mr. S.N Roy, counsel
Ms. A. Kunda, counsel

For the Respondents : Ms. D. Nag, counsel

ORDER

Bidisha Banerjee, Judicial Member

In this O.A. the applicant has sought for the following reliefs:-

- "a) An order do issue directing the concerned respondent authorities to forthwith refix the seniority of the applicants in the seniority list of Junior Wireless Officer and their pay and allowances in conformity with the same as per the existing recruitment rule i.e. in the ratio of 4:1 from the date when the applicants joined the post of Junior Wireless Officer herein within a stipulated time period after directing the respondent authorities to quash/set aside/rescind/withdraw the speaking order by the Under Secretary dated 03.10.2019;*
- b) An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble Tribunal in ends of justice;*
- c) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicants;*
- d) Leave be granted to file this application jointly by the applicants herein having regard to their common prayer and cause of action."*

2. M.A.350/875/2019 that was preferred for joint prosecution was allowed on 24.12.2019 when the following interim order was passed:-

"As urged by ld. counsel for applicant, the respondents are directed not to take any action, till disposal of this OA, which would have a prejudicial effect on the applicants."

M.A.350/424/2020 has been preferred to add Narendra Prasad Sati and Rakesh Kumar as private respondents in the O.A. on the ground that in the event the application is allowed the said two persons would be prejudiced.

M.A.350/300/2020 and O.A.350/441/2020 that have been by the official respondents for early hearing of O.A.No.350/254/2020.

M.A.350/254/2020 has been preferred by the official respondents ^{hearing} to vacate, cancel or modify the interim order dated 24.12.2019.

3. At hearing, ld. counsel for the applicants would submit that the applicants who were recruited in the year 1992 in the grade of Technician Gr.I were left out of merging of the post of Junior Engineer(W) with that of Junior Wireless Officer and placed in the same pay scale of Rs.9300-34800/- with Grade Pay of Rs.4200/- as a result of which all Junior Engineers(W) became Junior Wireless Officers. The authorities failed to protect the interests and seniority of Technicians Gr.I when the Junior Wireless Officers were recruited from the posts of Junior Engineer(W) through SSC. Ld. counsel would also point out that almost all the Technicians Grade-I, except a very few(10 in number) got promoted to the grade of JWO before issue of merger order dated 17.01.2014. Later, the remaining 10 Technicians Grade-I including the



applicants in this O.A. were also promoted to JWO grade vide order No.32014/01/2015-Admn.II dated 18.12.2015. The seniority of these officers were fixed in accordance with the DOP&T O.M. dated 13.09.2012. Ld. counsel would further submit that the same is discriminatory as rightful claims of the applicants have been rejected on fictitious and unjustified grounds.

4. The applicants in M.A.350/424/2020 who pray for addition as party respondents also alleged that their seniority would be affected.

5. Therefore, with the consent of all the parties the present O.A. is disposed of with a direction upon the respondents to grant personal hearing to the applicants in the present O.A. and M.A.350/424/2020, consider their grievances in accordance with law, assign appropriate seniority as admissible to them and prepare seniority list accordingly, and grant them appropriate benefits as they would be entitled to as per law. The entire exercise be completed within a period of 4 months from the date of communication of this order.

6. The O.A. stands disposed of. Consequently all the M.As stand disposed of.




(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member