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**O.A. No. 318 of 2011**

Kishore Kr. Behera.....Applicant

Vs

Union of India & Ors.....Respondents

**Order dated: 18.05.2011**

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)

&

Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. G. Rath, Ld. Sr. Counsel for the applicant and Mr. S. B. Jena, Ld. Counsel appearing for the Respondents-B.S.N.L., on whom a copy of this O.A. has already been served.

2. The contention of the applicant is that though he is supposed to be senior in terms of date of appointment as J.T.O.(Civil) from 08.05.1989 and confirmed in the same post w.e.f. 24.05.1991, his name does not find place at Annexure-A/6 i.e. letter of BSNL No. 2-2/2011/Dy.M(BW-II) dated 06.04.2011, in which the corporate office has sent a letter to all the CGMT, BSNL seeking vigilance clearance of 98 eligible persons. The applicant claims that some of his juniors for whom vigilance clearance has been sought for promotion to the Grade of SDE(C), are also going to be considered in the DPC.

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3. The Ld. Sr. Counsel for the applicant fairly submits that the applicant has not made any representation or application to the competent authority consequent to the letter of the corporate office dated 6.4.2011 wherein the name of the applicant has been excluded from being considered in the forthcoming DPC. He further submits that he is going to file a representation before the competent authority within a week's time and his prayer is that since the DPC is going to take place very soon the decision on the representation, to be so filed, should be taken by the competent authority expeditiously.

4. Hence, as agreed to by the Ld. Counsel for the parties and without going into the merit of the case, we direct Respondent No.2 to consider the representation, if made, and give its decision regarding the seniority position of the applicant within a period of 30 days from the date of receipt of the representation.

5. Meanwhile, we do not want to interfere in the process of selection/DPC. If the seniority position of the applicant after representation undergoes change then he may be considered in the DPC subject to fulfillment of other conditions.

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6. With the above observation and direction, the O.A. is disposed of.

7. Send copies of this order, along with copy of the O.A. to Respondent No.2 for compliance at the cost of the applicant. Ld. Sr. Counsel for the applicant undertakes to deposit the postal requisites for sending copy of this order, along with copy of the O.A., to Respondent No.2 by tomorrow.

*lde*  
MEMBER (Judl.)

*[Signature]*  
~~MEMBER (Admn.)~~

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