

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 684 OF 2013
CUTTACK, THIS THE 13th DAY OF November, 2013**

**CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**

.....

1. Bhuban Mohan Das, aged about 37 years,
Son of Bimalendu Kumar Das, At present working as a TTA (B/B),
O/O. SDE (Internal), Telephone Bhawan, P.O./Dist.-Balasore-756001,
At present residing At/P.O.-Hidigan, Via-Chandipur, Dist.-Balasore,
Odisha-756025.
2. Bimbadhar Pradhan, aged about 40 years,
Son of Late Madan Mohan Pradhan,
At present working as a TTA (O/D),
O/O. SDOP-II, BJB Nagar, Bhubaneswar-14,
Resident of Qr. No.07, Type-III, Block-4, Microwave Colony,
Bhubaneswar-12.
3. Dhaneswar Behera, aged about 41 years,
Son of Late Kubera Behera, at present working as a TTA (Tax),
Telephone Bhawan, Sambalpur,
At present residing at Qr. No.Type-III/13, Telecom Colony,
Chernapara, P.O-Modipara,
Dist-Sambalpur, Odisha-768002.
4. Naresh Kumar Mandal, aged about 40 years,
Son of Manmath Mandal, at present working as a TTA,
O/O. SDE (Group Exchange), Betanati, At/Po-Betanati, Dist-Mayurbhanj,
at present residing At-Sriram Chandrapur, Ward No.16,
P.O.-Baripada, Dist-Mayurbhanj, Odisha-757001.

.....Applicants

Advocate(s)-M/s- N.R. Routray, T.K. Choudhury, S.K. Mohanty, Mrs. J. Pradhan.

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Union of India represented through

1. The Secretary, Ministry of Communication,
Department of Tele Communication,
Sanchar Bhawan, New Delhi-110001.
2. Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited (Departmental Examination Branch),
Dak Bhawan, Sanchar Bhawan, New Delhi-110001.
3. Chief General Manager (Telecom),
Odisha Circle, Bhubaneswar-751001.

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4. General Manager (HR & Admn.),
Odisha Telecom Circle, Bhubaneswar-751001.
5. Deputy General Manager (HR & Admn.),
Odisha Telecom Circle, Bhubaneswar-751001.

..... Respondents
Advocate(s) :

O R D E R (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

A resolution has been made and communicated by the
C.A.T. Bar Association to the extent as under:

“As per the resolution dt. 13.11.2013 of C.A.T. Bar
Association, it is unanimously decided to abstain from
Court work till 15.11.2013 i.e. including 15.11.2013”.

In view of the above, Ld. Counsel for either side is not
present.

However, Mr. Bhuban Mohan Das, applicant No.1 is
present and has sincerely prayed for taking up of the matter today.

2. Heard the applicant no. 1 and perused the materials
placed on record.

3. In this O.A. four applicants, who are working as TTA
(B/B, Tax, O/D) under the Respondents have jointly filed this O.A.
praying as under:

“ a. To quash the order of rejection dtd.
12.09.2013 and 21.09.2013 under Annexure-A/12 and
Annexure-A/13;

b. And to direct the Respondents to conduct the
written examination afresh or provide relaxation in
qualifying marks as provided earlier occasions to fill
up the vacant post of JTO (T) of Odisha Telecom
Circle under 35% quota as per notification dtd.
14.02.2013.”

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4. On perusal of the record, it is seen that the order dated 12.09.2013, which the applicants have sought to quash in this O.A. is a letter addressed by the Assistant Director (R&E) Office of CGMT, Orissa Bhubaneswar to the General Manager (HR&A)-cum-CAPIO supplying certain documents under RTI Act, 2005. Copies of the documents supplied through the said letter have also not been filed along with the letter. Similarly, on perusal of the letter dated 21.09.2013, which the applicant in this O.A. sought to be quashed, it reveals that through this letter it was intimated to the applicant no. 1 as under:

“As per the CGMT, BSNL, Odisha Circle, Bhubaneswar Letter No.- RE/30-01/2009 (Part)/19 Dated 17.09.2013, it is to intimate you that the CGMT, BSNL, Odisha Circle, Bhubaneswar is not authorized to allow grace mark in respect of any departmental examination unless any specific instruction is received from Corporate Office, New Delhi. Further objection raised by you in regard to the provisional answer key has been examined by the Evaluation Committee and final answer key has been published.

Hence, your request for allowing grace mark cannot be entertained.”

In so far as quashing the letter dated 12.09.2013 is concerned, this Tribunal lacks jurisdiction to interfere with regard to non-supply of information/document under RTI Act for which separate forum is available to the applicants to be availed of. As regard quashing of the letter dated 21.09.2013 is concerned, I find that the AGM (HR & Admn), O/o the GMTD, BSNL, Balasore, has informed the applicant that he is not authorized to allow the grace

The C.G.M.T, BSNL Odisha Circle.

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mark in respect of any departmental examination in absence of any specific instruction from the corporate office, New Delhi. Therefore, in my considered opinion, the applicant should have approached the authority who is competent to do so instead of rushing to this Tribunal seeking quashing of the said order.

5. In view of the above, *prima facie* I am not satisfied this to be a fit case to entertain at this stage. On being pointed out the above fact, Mr. B.M.Das, applicant no.1, has fairly submitted that the applicants may be permitted to withdraw this O.A. so as to ventilate their grievance before the competent authority, i.e. Respondent No.2, by making representation. He has also prayed that Respondent No.2 may be directed to consider and dispose of the said representation within a stipulated period.

6. I also consider that if the above prayer of the applicants is allowed this will not cause prejudice to any of the parties. In view of the above, this O.A. is disposed of as withdrawn. Accordingly, M.A. 713/13 to prosecute this case jointly also stands disposed of. Applicants are at liberty to make representation to Respondent No.2 (enclosing thereto a copy of this order) pertaining to the present grievance within a period of 7 days and in case of representation is submitted by the applicants individually within 7 days then Respondent No.2 shall do well to consider and dispose of the same and communicate the result thereof to each of the applicants within a period of 45 days from the date of receipt of the representation. There shall be no order as to costs.

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7. Applicant is at liberty to produce copy of the order before the Respondent No. 2, who on receipt of the order, shall do well to comply with the order within the stipulated period as directed above. Copy of this order be also communicated to Respondent No.2 by the Registry by Speed Post in course of the day.


(A.K.PATNAIK)
MEMBER(Judl.)

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