

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 425 of 2013

Thursday this the 10th day of December, 2015

CORAM

Hon'ble Mr. Justice N.K.Balakrishnan, Judicial Member
Hon'ble Mrs. P. Gopinath, Administrative Member

1. M.Prasannakuamri Amma, aged 51,
W/o Vijayaraghavadevan
Assistant Director (OL) (Rajabasha Adhikari)
Office of General Manager, Telecom District,
BSNL Bhawan, Kollam, residing at Muthiravila,
Kongal, S.Paravur, Kollam.

2. M.P.Sreekumar, aged 48
S/o Parameswara Marar,
Assistant Director (OL) (Rajabasha Adhikari)
O/o PGMT, BSNL, Kottayam
residing at Sivadha, Parippu Po, Kottayam-686014.

...Applicants

[By Advocate Mr. P.V.Mohanan)

Versus

- 1 Bharat Sanchar Nigam Limited, represented by its Chairman & Managing Director, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi-110 001.
- 2 Chief General Manager, Telecommunications, Office of the Chief General Manager, Doorasanchar Bhavan, PMG Junction, Bharat Snachar Nigam Limited, Kerala Circle, Thiruvananthapuram.33.
- 3 General Manager, Office of General Manager, Telecom District, BSNL Bhawan, Kollam.691012.
- 4 General Manager, Office of General Manager, Telecom District, BSNL Bhawan, Kottayam.1
- 5 Union of India, represented by its Secretary, Ministry of Communications & Information Technology, Department of Telecommunications, 421 Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001.

...Respondents

(By Advocate Mr. Pradeep Krishna ACGSC for R 1 to 4
Advocate Mr. Thomas Mathew Nellimootil for R5)

This application having been finally heard on 10.12.2015, the Tribunal on the same day delivered the following:

ORDER

Per: Justice N.K.Balakrishnan, Judicial Member

This OA is identical to OA 385/2013. An interim order was passed by this Tribunal on 14.5. 2013 which reads thus:

"This case is stated to be identical to the matter in OA No.385 of 2013 in which the following order has been passed:-

"The applicants are aggrieved by the reversion order issued vide Annexure A.11 impugned order. The applicants are officiating as Assistant Director (OL) with effect from 4.7.2001 and 7.2.2001 respectively. They filed TA No.47/2008 when there was a change in Recruitment Rules in 2005 and the threat of possible reversion. The respondents were directed to fill up the vacancies prior to 2005 on the basis of the ADOL Recruitment Rules 2002 dated 24.12.2002. The Hon'ble High Court upheld the order of the Tribunal in its judgment dated 4.11.2011. The respondents have filed SLP. No stay was granted by the Hon'ble Supreme Court. The respondents have now ordered the reversion of the applicants stating that no further officiating promotion can be ordered since the SLP is pending. Since the applicants had been officiating as ADOL/Rajabhasha Adhikari from 2001 onwards and a clear cut direction was given to the respondents to fill up the vacant posts regularly on the basis of 2002 Recruitment Rules, there was apparently no reason to resort to officiating arrangement on a long term basis. In the facts and circumstances of the case and in the interest of natural justice, the applicants are to be allowed to continue as Rajabhasha Adikari subject to the outcome of SLP No.8665/12."

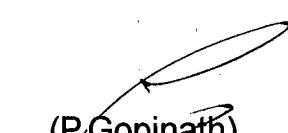
Counsel for the applicants submits that an identical order

with regard to the interim relief may be passed in this case as well.

The very fact that the case is stated to be identical, the above order shall apply to the present case as well."

2. We have disposed of OA 385/13 and 398/13 which are identical matters, making the interim order absolute. The fact that the applicants were allowed to continue as Rajabhasha Adhikari and that they are officiating as such is not in dispute and so they are entitled to continue subject to the outcome of SLP pending before the Hon'ble Supreme Court. The applicants will execute a bond before the respondents undertaking refund of the amount that may be paid to them pursuant to this order and that they will not raise any objection against recovery of the amount so paid, if ultimately the decision of Hon'ble Supreme Court goes against them.

3. O.A is disposed of accordingly. No order as to costs.


(P. Gopinath)
Administrative Member


(N.K. Balakrishnan)
Judicial Member

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