

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.438/2002.

Friday this the 20th day of August 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.P.Ramanandan,
Superintending Engineer,(Electrical)
Bharath Sanchar Nigam Limited (BSNL)
(Telecom Electrical Circle),
Thiruvananthapuram. Applicant

(By Advocate Shri P.V.Mohanan)

Vs.

1. Union of India represented by its
Secretary, Ministry of Communications,
Department of Telecommunication,
10th Floor, Chanderlok Building,
36 Janapath, New Delhi.
2. The Assistant Director General,
(Senior Deputy Director General),
Department of Telecommunications,
Sanchar Bhavan, New Delhi;.
3. A.K.Gupta I, Chief Engineer,
Bharath Sanchar Nigam Limited,
Bhopal.
4. U.N.Rai, Chief Engineer,
4-A Habibullah Estate,
Hazat Gunj, Lucknow - 226 001.
5. A.K.Gupta II, Chief Engineer,
Bharath Sanchar Nigam Limited,
G.S.Road, Ulubari,
Guwahati-781 007.
6. S.N.Pandey,
Superintending Engineer (Electrical),
Bharath Sanchar Nigal Limited,
Telecommunication Wing, 6th Floor,
Dr.Abdul Haq Commercial Complex, Patna.
7. P.K.Panigrahi,
Deputy Director General,
Bharath Sanchar Nigam Limited,
Janapath, New Delhi.
8. S.N.Mishra, Chief Engineer,
Bharath Sanchar Nigam Limited,
Dr.Addul Haq Commercial Complex,
Exhibition Road, Patna.

9. A.K.Jain, Chief Engineer,
Bharath Sanchar Nigam Limited,
C-137, Dayananda Marg,
Jaipur-302 004.
10. K.A.Ekambaram,
Superintending Surveyor of Works,
Office of Chief Engineer (Electrical),
Bharath Sanchar Nigam Limited,
Bangalore Zone, Bangalore.
11. S.K.Bhucher,
Superintending Engineer (Electrical)
Telecom Electrical Circle, Ambala.
12. S.N.Paracr,
Superintending Engineer (Electrical),
8-A Brngali, Mohulla Log,
Dharadun.
13. A.K.Thyagi,
Joint Deputy Director General,
10th Flor, Chandralok Building,
Janapath, New Delhi.
14. P.Varshney,
Superintending Engineer (Electrical),
Telecom Circle, New Delhi.
15. Pradeep Nettoor,
Superintending Engineer (Electrical),
Telecom Electrical Circle,
Bangalore.
16. R.P.Rajabansi,
Superintending Engineer (Electrical),
DGMP ACTTCI,
Government of India Enclave,
Gaziabad- 201 002.
17. P.S.R.Patruda,
Superintending Engineer (Electrical),
Telecom Electrical Circle,
Vijayawada.
18. U.Jayapaul,
Superintending Engineer (Electrical),
Telecom Electrical Circle II,
62, Jennis Road,
Sayedpet, Chennai - 600 015.
19. R.Ramesh Babu,
Superintending Engineer (Electrical)
Telecom Electrical Circle, Humbli.
20. R.K.Mishra,
Superintending Engineer (Electrical),
Telecom Electrical Circle,
2nd Floor, Yogayoga Bhavan,
P-36, CR Avenue, Kolkotha -700 012.

21. S.C.Verma,
Superintending Engineer (Electrical),
Telecom Electrical Circle, Bhopal.
22. M.C.Verma,
Superintending Engineer (Electrical),
Telecom Electrical Circle, Bhopal.
23. Dayanand Choudhary,
Superintending Engineer (Electrical),
Telecom Electrical Circle,
C-137, Dayananda Manzil, Jaipur.
24. S.K.Veeramani,
Superintending Engineer (Electrical),
Telecom Electrical Circle, Mumbai.
25. S.S.Dhumbere,
Superintending Engineer (Electrical),
Telecom Electrical Circle,
Plot No.79, 2nd Floor,
Mayapokhar, Shivaji Nagar,
Nagpur.

Respondents

(By Advocate Mr.C.Rajendran, SCGSC(R-1&2)

(By Advocate Mr.G.Sasidharan Chempazhanthiyil
(R-14,15,17,18,

(By Advocate Mr. Prakash M.P.(R.13 & 20)

The application having been heard on 20.8.2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Superintending Engineer (Electrical) Bharat Sanchar Nigam Ltd.(BSNL for short), Trivandrum has filed this application aggrieved by the lower position assigned to him in the seniority list of Superintending Engineers (Electrical) in the P&T Building Works, Group-'A' Service as on 1.7.2001 (A-21) and also by order dated 11.3.2002(A-2) by which persons alleged to be juniors to the applicant have been promoted as Chief Engineer (Electrical) overlooking his entitlement. In view of the course that we are going to adopt in this case, it is not necessary to deal with the entire facts of the case suffice to state, that the applicant who was recruited as Assistant Engineer in the year 1977 was for some reasons not appointed along with his batchmates, that he was appointed only in the year 1981.

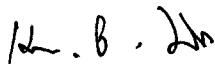
that on his claim being allowed by the Tribunal in O.A.770/87 he was given promotion as Executive Engineer (Electrical) with effect from 1.6.84 against roster point reckoning his seniority in 1977 batch and that in the seniority list of Executive Engineers, the applicant claims that he has not been given the due placement. While according to the applicant he should have been placed immediately between Shri G.R.Pandey and Shri A.K.Gupta (3rd respondent), he has been placed below the private respondents. Aggrieved by that the applicant filed O.A.140/98. That O.A. was heard and dismissed by judgement dated 21.8.2001 by the Division Bench of this Tribunal rejecting the claim of the applicant. We have been told that the applicant has carried the matter before the Hon'ble High Court of Kerala in O.P.5781/2002, that initially there was an interim order of staying all further promotions to the category of Chief Engineer (Electrical) before promoting the Petitioner as Chief Engineer (Electrical) and that finding that the latest seniority list of Superintending Engineers was not challenged by the Petitioner, the interim order passed on 26.3.2002 was vacated and it was observed that the promotions made to the post of Chief Engineer (Electrical) during the pendency of the O.P. would be provisional and subject to the final decision in the O.P. This O.A. is being contested by the official respondents as also by the private respondents and various contentions have been raised.

2. The matter has come up for final hearing today. We notice that the Seniority List of Executive Engineers has a direct bearing on the seniority in the grade of Superintending Engineer. It is on the basis of the claim made by the applicant for higher

seniority in O.A.140/98 that the applicant claims that A-21 seniority list has not been properly drawn up. The question whether the seniority in the grade of Executive Engineer has been correctly fixed or not is now at large before the Hon'ble High Court of Kerala in O.P.5781/02. Therefore, we are of the considered view that, with a view to avoid conflict of decisions, it would be appropriate if the parties are directed to abide by the decision of the Hon'ble High Court of Kerala regarding seniority in the grade of Executive Engineer which is in dispute in O.P.No.5781/2002. We notice that respondents 10 to 25 were not parties in O.A.140/98 nor are they parties before the Hon'ble High Court of Kerala in O.P.5781/02. Learned counsel of the applicant states that he would move the Hon'ble High Court of Kerala and implead these respondents, so that the question of seniority can be adjudicated by the Hon'ble High Court of Kerala with all persons who are in the array of parties. We are of the considered view that in the interests of justice and to avoid conflicting decisions, it would be appropriate to dispose of this application permitting the applicant to move the Hon'ble High Court to implead the respondents 10 to 25 in this O.A. as additional respondents in O.P.5781/02 and making it clear that the parties would abide by the ultimate decision of the Hon'ble High Court regarding seniority in the grade of Executive Engineer for the purpose of seniority in the grade of Superintending Engineer.

3. The O.A. is disposed of with the above observations without any order as to costs.

Dated the 20th August 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN