

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 411 of 2009

Monday, this the 22nd day of June, 2009

CORAM:

**Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member**

1. BSNL Personal Staff Association, Represented by its Ernakulam Area Secretary, Shri C.N. Udayakumar, Aged 49 years, S/o. late C.P. Narayanan Nair, working as Steno to Assistant General Manager (Administration), O/o. Principal General Manager Telecom, BSNL, Kalathiparambu Road, Ernakulam, Kochi-16. Now residing at Anoop Bhavan, Vadayar P.O., Thalayolaparambu, Kottayam.
2. Shri K. Ramachandran, Aged 45 years, S/o. Late U. Radhakrishnan, Steno to Divisional Engineer Phones Kochi, Telephone Exchange, Mattancherry, Kochi-2, Now residing at C3 Telephone Exchange, Mattancherry.
3. Smt. Vijayalakshmi D Pai, Aged 45 years, W/o. Sri. Divakara Pai. D, Steno to CAO (FC), O/o Principal General Manager Telecom, BSNL, Ernakulam, Kochi-682 016. Now residing at Thycoottathil house, Mundakkal lane, Tripunithura.
4. Shri S. Venkitesan, Aged 33 years, S/o. late S. Subba Rao, Steno to Divisional General Manager (Vigilance), O/o. Chief General Manager Telecom, BSNL, Trivandrum-695 033. Now residing at T.C.28/1245, Sree Chithra Gardens, Sreekanteswaram, Fort, Trivandrum.
5. Shri M. Venugopalan, Aged 40 years, S/o. Sri. M. Govindankutty Nambiar, Steno to Divisional Engineer Transmission Project, BSNL, M/W Building, Telephone Bhavan Compound, Vellayil, Calicut - 673 032, now residing at D-1, 1/4166, Officers Telecom Quarters, East Hill, Calicut.
6. Smt. Daisy Thomas, Aged 39 years, W/o. K.K. Thomas, Steno to Divisional Engineer (Vigilance), O/o. Principal General Manager Telecom, BSNL, Kottayam-686001. Now residing at Kurizinkal Vadakethil, Amayannoor P.O., Kottayam.
7. Shri K. Ramdas, Aged 40 years, S/o. Sri C. Balakrishnan Nair, Steno to Assistant General Manager (Mobile Services), O/o. Principal

General Manager Telecom, BSNL, Trichur. Now residing at Kelangath House, Arattupuzha P.O., Trichur-680 562.

8. Shri K. Anilkumar, Aged 40 years, S/o. late V. Krishnakutty Nair, Steno to Assistant General Manager (Admn.), O/o. General Manager Telecom, BSNL, Malappuram. Now residing at Kazhumgodath House, Anthimanakalankavu, Chelakkara P.O., Trichur Dist.

Applicants

(By Advocate – Mr. G.D. Panicker)

V e r s u s

1. Bharat Sanchar Nigam Limited, Corporate Office, Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi-110 001. Rep. by the Chairman & Managing Director, Bharat Sanchar Nigam Limited, Corporate Office, Sanchar Bhavan, Harish Chandra Mathur Lane, Janpath, New Delhi-110 001.

2. The Chief General Manager Telecom, Bharat Sanchar Nigam Limited, Kerala Telecom Circle, PMG Junction, Kerala Circle, Trivandrum-695 033.

Respondents

(By Advocate – Mr. George Kurivilla)

The application having been heard on 22.6.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. George Paracken, Judicial Member -

The applicants have filed this OA seeking the following relief:

"i. Set aside the stipulation in Annexure A13 that as per the standards fixed by the Govt. of India in conducting the special test for job in short hand the candidate who commit 5% or less errors will be deemed as qualified as the stipulation is against the instructions contained in the scheme and syllabus of LICE in Annexure A6 and clarified in Annexure A10.

ii. Direct the respondents to review the result declared strictly in accordance with the instructions contained in the Scheme & Syllabus of LICE in Annexure A6 and Clarification issued by BSNL Corporate Office in Annexure A10.

iii. Direct the respondents to treat the LICE as a Competitive Examination only as clarified by the BSNL Corporate Office instead of Special Test for job.



iv. Declare that the stipulation that "No relaxation in the standard for the Skill Test shall be made in favour of any category of candidates", appearing in Annexure A6 is not applicable in the case of the applicants.

v. Direct the respondents to declare that the petitioners are qualified for promotion to the cadre of PA with effect from the date of publication of the original result in which only one candidate was declared as qualified and promote the petitioners to the post of PA with all consequential benefits from the date on which Sri Madhusoodanan Nair was promoted.

vi. To pass any such order or direction which are deemed fit and fair in the circumstances of the case."

2. Before they had approached this Tribunal they have made number of representations seeking the redressal of the aforesaid grievances from the respondents' department. Annexure A-20 appeal dated 15.1.2009 filed by applicant No. 1 is still pending. He has requested the appellate authority to take necessary action to issue necessary orders to BSNL, Kerala Circle to declare all the top ten candidates as passed in the LICE of Stenos for promotion to the cadre of PA conducted by Kerala Circle as per the Scheme and Syllabus and clarifications of the LICE of Stenos for promotion issued from BSNL Corporate Office and also done in Corporate Office and Gujarat Circle and promote them to the post of PA without further delay.

3. We have heard Shri G.D. Panicker for the applicant and Shri George Kurivalla for the respondents. It is seen that the Annexure A-20 appeal has been pending with the authorities concerned for the last nearly six months. Before going into the merits of the case, in our considered view, this OA can be disposed of by directing the 1st respondent to dispose of the aforesaid Annexure A-20 appeal dated 15.1.2009 by a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. We order accordingly. A copy of this OA may also be considered by the said authority before passing the order. The Registry may sent a copy of the same along with the order to the appellate authority.



4. With the aforesaid direction this OA is disposed of. There shall be no order as to costs.



(K. NOORJEHAN)
ADMINISTRATIVE MEMBER



(GEORGE PARACKEN)
JUDICIAL MEMBER

"SA"