

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH .

OA No.332/2003.

Jaipur, this the 19th Day of January 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Member (J).  
Hon'ble Mr. A. K. Bhandari, Member (A).

H. R. Choudhary,  
s/o Shri Kana Ram Choudhary,  
R/o D-40, Chomu House,  
Sardar Patel Marg,  
Jaipur.

... Applicant.

By Advocate : Shri Mahendra Shah.

Vs.

1. Union of India  
through its Secretary,  
Ministry of Telecommunication,  
Sanchar Bhawan,  
New Delhi.
2. The Chief General Manager,  
Telecommunication,  
Rajasthan Telecom Circle,  
Jaipur.
3. Shri R. S. Rajput  
ITS Officer Group-A  
Udaipur TD.

... Respondents.

By Advocate : Shri Rajeev Bhati proxy counsel for  
Shri Neeraj Batra.

: O R D E R :

By M. L. Chauhan, Judicial Member.

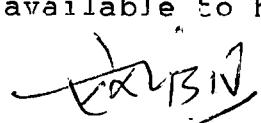
Initially this OA was filed by the seven applicants. Subsequently applicant No.1,3,4,5,6,&7 moved an MA before this Tribunal thereby stating that since they have sought absorption in the BSNL, as such, they are not pressing the OA. Accordingly, the OA was confined to applicant No.2, namely Shri H. R. Choudhary. In this OA the applicant has prayed for the following reliefs :-

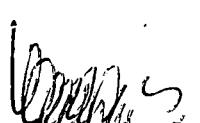
"In these circumstances, it is, therefore, prayed that this Hon'ble Tribunal will be pleased to accept this Original Application and the impugned order dated 24.4.2003 may kindly be declared illegal and the respondents action in not treating the applicant senior than the persons referred in the impugned order dated 24.4.2003 be also declared illegal and the respondents be directed to assign the seniority on the basis of year of recruitment ignoring the year of passing of departmental competitive examination for the purpose of eligibility list for promotion to the post of TES Gr.B under 75% promotion quota for which criteria is seniority cum fitness."

2. We have perused the impugned order Annexure A/1. This order has been passed by the BSNL authorities. In the reply, the respondents have categorically stated that the so called seniority list dated 24.4.203 is not a seniority list but it is a local officiating promotions from TESB officers to STS of ITS 'A' for a period of not more than 180 days. These local officiating arrangements have been made within the delegated powers given to Chief General Manager from the seniority list No.1 to 5.

3. At this stage, learned counsel for the applicant submits that he wants to withdraw this OA with a liberty reserved to him to file substantive OA thereby challenging the impugned seniority list and further promotion made on the basis of that seniority list.

4. In view of the submission made by the learned counsel for the applicant, the OA is dismissed as withdrawn with a liberty reserved to the applicant to file substantive OA. Needless to add, that it will be permissible for the applicant to file all the pleas available to him in accordance with law.

  
(A. K. BHANDARI)  
MEMBER (A)

  
(M. L. CHAUHAN)  
MEMBER (J)