

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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Filed by Mr. K. K. Das Adv.

Ben
10/07/2015
SECTION OFFICER (JUDL.)

✓
8.7.2015

FORM NO. 4
[see Rule II (b)]
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

1. Original Application No. 56 / 2009
2. Miscellaneous Petition No. _____ /
3. Contempt Petition No. _____ /
4. Review Application No. _____ /

Applicant(S) Sp. A Lok Kar & ors.

-VS-

Respondant(S) U. O. I. & ors.

Advocate for the applicant(S) Mr. N. Dhar, Mr. B. Chakraborty,
Mr. B. Malakar & Miss R. Kakati

Advocate for the respondent(S) Standing Counsel, BSNL.

Notes of the Registry	Date	Order of the Tribunal
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31.03.2009

Heard Mr N. Dhar, learned counsel appearing for the Applicant, - Mr G. Baishya, learned Sr. Standing counsel for Govt. of India (to whom a copy of this Original Application has already been supplied) and Mr B.C. Pathak, learned counsel representing BSNL (on whom a copy of this Original Application has already been served) and perused the materials placed on record.

For the reasons recorded separately, this Original Application stands disposed of with observation and directions.

(M.R. Mohanty)
Vice-Chairman

This application is in form is filed/C. F. for Rs. 20/- deposited vide IPC/BD No. 396/404391 Dated 23.3.09

SD/-
Dy. Registrar

25.3.2009

6 copies of Application with envelope received for issue notice to the Respondents. Extra charge for excess Respondents No. 6 deposited vide Receipt No. 57.

A copy of the Application served upon the Standing Counsel for BSNL.

pg

5.5/09

Received copy of order dt. 31.3.09.
Shankar Chakraborty
Advocate
21/4/09
Bina
21/4/09

2

24/4/05

24/4/05
Received copy
for Mr. G. Baishya
Sr. GSC
apoorva

8. G. Baishya
Sr GSC
Uthapoorina Bhavadwaj.
29-4-09

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Mr. B. Malinin & Mrs. K. Karkov
Mrs. M. Dvor

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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No.56/2009

MP No.28/2009

31th day of March 2009

Shri Alok Kar & others

Applicants

By Advocate Mr. N.Dhar

Versus

The UOI & others

Respondents

By Advocates Mr. G.Baishya, Senior & G.S.C.
Mr. B.C.Pathak for BSNL

CORAM: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman

1. Whether reporters of local newspapers may be allowed to see the Judgment?
2. Whether to be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?

~~Yes~~/No ✓

~~Yes~~/No ✓

~~Yes~~/No ✓


Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A.No. 56/2009
M.P.No.28/2009

31st day of March 2009

Present: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman

1. Shri Alok Kar,
Son of late Atul Chandra Kar,
House No.15 A1, Shankar Nagar,
Adagudam, PO Guwahati-34,
District Kamrup, Assam
2. Shri Mohon Chandra Modak,
Son of late Sudarshan Modak,
Triveni Complex, Flat No.100/D,
Adabari Tinali, PO Guwahati-12,
District Kamrup, Assam
3. Shri Debobrata Das,
Son of late Debendra Kumar Das,
House No. 15 A1, Shankar Nagar,
Udayan Compex, Das Colony,
Post Office Silchar-5,
District Cachar, Assam
4. Shri Maheswar Bhuyan,
Son of late Bhugi Ram Bhuyan,
Barahalia, PO Tezpur
District Sonitpur, Assam.

By Advocate Mr. N. Dhar

Applicants

Versus

1. The Union of India,
represented by the Secretary to the Govt. of India,
Ministry of Communications,
New Delhi-1.
2. The Under Secretary to the Govt. of India,
Department of Telecommunications,
Ministry of Communications,
New Delhi-1.
3. Bharat Sanchar Nigam Limited,
represented by the Chairman-cum-
Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan,
Janpath, New Delhi-1.

4. The Director [HRD],
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi-1
5. The Assistant General Manager [DPC],
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi-1
6. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Assam Telecom Circle, Panbazar,
PO Guwahati-1,
District Kamrup, Assam.

Respondents

By Advocates Mr. G. Baishya, Senior C.G.S.C.
Mr. B.C. Pathak for BSNL

O.A.No.56/2009
M.P.No.28/2009
ORDER[ORAL]
31/03/009

Manoranjan Mohanty, Vice-Chairman:-

Heard Mr. N.Dhar, learned Counsel appearing for the Applicants; Mr.G.Bashya, learned Senior Standing Counsel for the Govt. of India [to whom a copy of this Original Application has been supplied] and Mr. B.C. Pathak, learned Counsel who has filed a Vakalatnama for BSNL [on whom a copy of this O.A. has also been served] and perused the materials placed on record.

2. Applicants, who are claiming to be members of Group-B of Telecom Engineering Service, being aggrieved by change of their position in the gradation/seniority list have represented to their authorities under Annexure-9 Series all dated 16.02.2009 and immediately thereafter approached the Hon'ble Guwahati High Court in W.P.[C] No.985 of 2009; which was closed on 09.03.2009 with liberty to them [Applicants] to approach this Tribunal. Thereafter [on 25.03.2009] they have approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985; wherein they have prayed as under;-

“[A] To pass an order directing the respondent authorities to revise the seniority of the applicants in the cadre post of the T.E.S.[Group-B] Officers on the basis of the year of their passing in the qualifying departmental examination held in

the year 1985 for appointment/promotion to the said post; and/or,

[B] To pass an order directing the respondent authorities to provide for promotion of the applicants to the post of the S.T.S.[D.E.] in the department on the basis of the revised seniority of the applicants in the cadre post of the T.E.S. [Group-B] Officers and with retrospective effect from the date when their juniors were promoted in the post of the S.T.S.[D.E.] in the department and with all other service benefits available to the applicants in accordance with the law; and/or,

[C] To pass such further and other orders as your Lordships may deem fit and proper under the facts and circumstances of the case in the interest of justice.

AND

Pending disposal of the instant application the respondent authorities may kindly be directed not to give any promotion to the posts of the S.T.S.[D.E.] Officers in pursuance to the letter dated 6.2.2009 [Annexure-7A], since modified vide letter dated [Annexure-7B], till the seniority of the petitioners in the cadre post of the T.E.S.[Group] Officers in the department are revised."

3. At the outset it is noted that this Original Application has not been filed in proper form prescribed under the Central Administrative Tribunal [Procedure] Rules, 1987. The Applicants, however, have filed a petition [Regd. as M.P.No.28/2009] seeking permission [under Rule 4[5][a] of the C.A.T.[Procedure] Rules, 1987] to prosecute this case jointly.

4. It is stated by the learned Counsel appearing for the Applicants [a] that under the Guidelines dated 27.05.1994 of govt. of India, the Applicants, on passing in the Departmental Examination, were to be considered for promotion; [b] that all the Applicants passed in the Departmental Examination held in the year 1985; [c] that a seniority list, on the basis of the year of passing in the Departmental Examination, was drawn on 15.11.2004; [d] that by a communication dated 30.03.2007, the Govt. of India intimated [the authorities of BSNL & MTNL] that the effect of the order dated 28.09.2006 of the Hon'ble

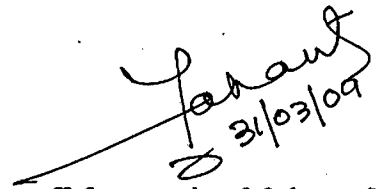
Supreme Court of India rendered in I.A.No.16 in C.A. No.4339 of 1995 would only be admissible to those who were parties before the Apex Court; [e] that the seniority list was revised on 19.05.2008 and, again, on 21.05.2008; [f] that Applicant No.2 submitted a representation on 10.09.2008; [g] that on the basis of the revised seniority list, the case of the juniors [who passed in the Departmental Examination, only in the year 1988] of the Applicants have been taken up for consideration for promotion to S.T.S.[D.E.] cadre/posts vide a communication dated 06.02.2009/10.02.2009; [h] that, in the said premises, the Applicants, individually, represented to their authorities [in BSNL] on 16.02.2009 and [i] that, in order to protect their own interests, the Applicants approached [initially the Hon'ble Guwahati High Court] this Tribunal without any waste of time.

5. Learned Counsel, appearing for the Applicants, proceeded to point out that the names of the present Applicants were placed at Sl.Nos. 14474, 14676, 14695 & 14738 respectively, in the pre-revised seniority list and that [without revising their Sl. Nos.] in the revised seniority list, the names of their juniors [whose names were placed below the names of the Applicants in the pre-revised seniority list] have been placed above the names of the Applicants in the revised gradation list and it has been pointedly stated by the learned Counsel appearing for the Applicants that even no opportunities were given to the Applicants [to have their say in the matter] before changing the position of their juniors [in the revised seniority list] to their [Applicants] prejudice and that, thus, there were gross violation of the principles of natural justice in drawal of the revised seniority list.

6. Since it is the positive case of the Applicants that their positions in the revised gradation list has been changed [to their prejudice] in gross violation of the principles of natural justice and that their representations [dated 16.02.2009] are still pending with the authorities and since it is also the case of the Applicants that the process of giving consideration in the matter of promotion to S.T.S.[D.E.] has not yet reached its finality, this matter is hereby remitted to the authorities/Respondents, without any waste of time, with direction [to the Respondents] [1] to consider the representations dated 16.02.2009 of the Applicants and pass orders thereon as expeditiously as possible and pass orders under intimation to the Applicants and [2], at the same time, they ^{should} consider the case of the Applicants for promotion to S.T.S.[D.E.] cadre/posts [if it is a fact that they have passed the Departmental Examinations during 1985] and the entire

result of the said consideration be kept in sealed cover till disposal of their representations by the competent authorities/Respondents.

7. With the above observations and directions, this case is disposed of.
8. Send copies of this order to the Applicants and the Respondents [along with copies of this O.A.] and free copies of this order be also supplied to the Counsel for both parties.

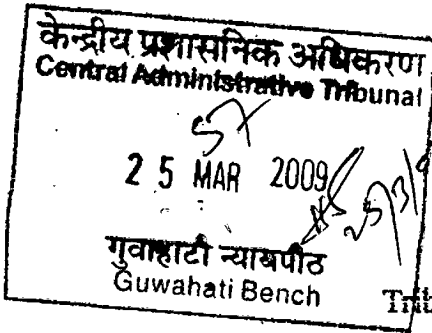

[Manoranjan Mohanty]
Vice-Chairman

cm

District:- Kamrup

1. Alok Karz
2. Monchandra Modak
3. Debendra Das
4. Maheswar Bhuyan

Filed by the applicant -
Sakhar Chakraborty
Advocate
24/3/09



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

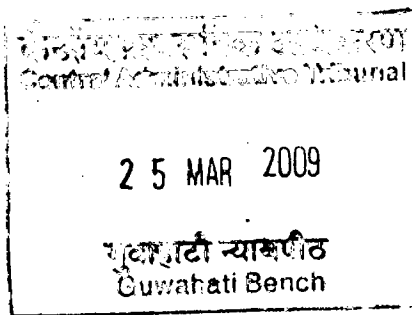
An application Under Section 19 of the Central administrative
Tribunal Act, 1985

Original Application No. of 2009

SYNOPSIS

In the instant case the respondent authorities vide order dated 21.5.2008 (Annexure-6) have revised the seniority of the T.E.S. (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination in pursuance of the principles laid down in the judgment and order dated 28.9.2006 (Annexure-3) passed by the Hon'ble Supreme Court of India and by letter dated 6.2.2009 (Annexure-8) called for the A.C.R. of the T.E.S (Group-B) Officers who passed in the qualifying departmental examination during the year 1988 for appointment of the said cadre post of the T.E.S (Group-B) Officers for consideration of promotion in the higher posts in the department, but without revising the seniority and considering the case promotion of the applicants working in the Cadre post the T.E.S (Group-B) Officers in the department on the same principles although the applicants had passed in the departmental qualifying examination earlier during the year 1985 for appointment to the cadre post of the T.E.S (Group-B) Officers in the department as mentioned in the seniority list of the T.E.S (Group-B) Officers dated 15.11.2004 (Annexure-2), which is resulting in denial of justice to the applicants.

Sakhar Chakraborty
(Sakhar Chakraborty)
Advocate.



1. Alak Karz

2. Mohan chandra Nibok

3. Debobrata Das

4. Maheswar Bhuyan

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LIST OF DATES

27.5.1994:- The Director (Staff-II), Department of Telecommunications, Govt. of India, promoted the applicants to the cadre posts of the T.E.S) (Group-B) officers on their qualifying in the departmental examination in the year 1985 for promotion to the said cadre post. (Annexure-1, Page 15)

15.11.2004:-The Deputy Director General (Establishment), Department of Telecommunications, Govt. of India, published the seniority list of the applicants on the basis of the year of their passing in the qualifying departmental examination for promotion to the said cadre post of the T.E.S (Group-B) Officers vis-à-vis their initial recruitment year in feeder post in the department. (Annexure-2, Page 20)

28.9.2006:- The Hon'ble Supreme Court of India passed judgment and order in L.A. No. 16 in Civil Appeal No. 4339 of 1995 (Union of India -Versus- Madras SC and ST Social Welfare Association) was pleased to hold that those who qualified in the departmental examination earlier were entitled to be promoted to the higher posts prior to those qualified later irrespective the year of their initial recruitment in the department. (Annexure- 3, Page 29)

28.9.2000:- The Under Secretary to the Govt. of India, Department of Telecommunications, issued a letter stating that the benefits of the aforesaid judgment and order dated 28.9.2006 passed by the Hon'ble Supreme court of India would be admissible to the applicants who were party in aforesaid appeal before the Hon'ble Supreme Court. (Annexure- 4, Page 41)

19.5.2008:- The Under Secretary to the Govt. of India, Department of Telecommunications, revised seniority of T.E.S.(Group-B) Officers in pursuance of the aforesaid judgment and order dated 28.9.2006 passed by the Hon'ble Supreme Court although they were not parties in the aforesaid appeal before the Hon'ble Supreme Court of India. (Annexure- 5, Page 42)

25 MAR 2008

गुवाहाटी न्यायाधीश
Guwahati Bench

-page 2.-

1. Alok Katar
2. Mahan Chandra Modak
3. Debabrata Das
4. Mahabir Bhuyan

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21.5.2008:- The Under Secretary to the Govt. of India, Department of Telecommunications, also revised the seniority of the T.E.S. (Group-B) Officers on the basis of their qualifying year in the departmental examination for promotion to the said posts in accordance with the principles laid down in the aforesaid judgment and order dated 28.9.2006 passed by the Hon'ble Supreme Court. (Annexure- 6, Page 46)

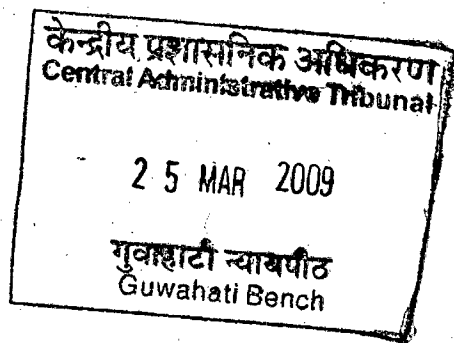
10.9.2008 :- The Applicant No. 2 submitted a representation before the Secretary to the Govt. of India, Telecommunications Department, praying, inter alia, to revise his seniority in the posts of the T.E.S (Group-B) Officers on the basis of the year of his passing in the qualifying departmental examination in accordance with the law, but it was without any result till to date. (Annexure- 7, Page 48)

6.2.2009 :- The Assistant General Manager (DPC), Bharat Sanchar Nigam Limited, revised the seniority of the T.E.S Service (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination who are below the petitioners in the seniority list and passed the departmental examination later on and called for their A.C.R. for consideration of their promotion to the posts of the STS (D.E.) in pursuance of the judgment and order passed by the Hon'ble Supreme Court. (Annexure- 8, Page 50)

16.2.2009:- The Applicants submitted their representations dated 16.2.2009 before the Director (H.R.D), Bharat Sanchar Nigam Limited, to revise their seniority in the cadre posts of T.E.S (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination for promotion to the said cadre post, but it was also without any result till to date. (Annexure- 9, Page 56)

Sekhar Chakraborty

(Sekhar Chakraborty)
Advocate.



1. Alok Kar
2. Mohan Chandra Modak
3. Debendra Das
4. Mahendrar Bhuyan.

District: - Kamrup

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

An application Under Section 19 of the Central administrative
Tribunal Act, 1985

Original Application No. 56 of 2009

Shri Alok Kar and others

Applicants

-Versus-

Union of India and others

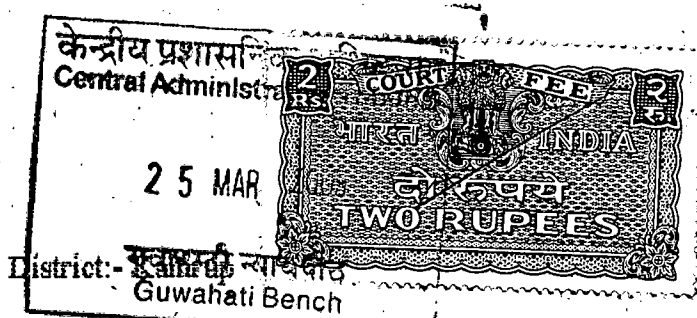
Respondents.

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Filed by

Sekhar Chakraborty
(Sekhar Chakraborty)



1. Alok Kar
2. Mohan Chandra Modak
3. Debabrata Das
4. Maheswar Bhuyan
Filed by the applicant - Amul
Se. R. Chakraborty
24/3/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

(An application Under Section 19 of the Central administrative
Tribunal Act, 1985)

Original Application No. 56 of 2009

1. Particulars of the applicants:- 1. Shri Alok Kar,

Son of late Atul Chandra Kar,
House No. 15 A1, Shankar Nagar,
Adagudam, P.O. Guwahati- 34,
District Kamrup, Assam.

2. Shri Mohon Chandra Modak,

Son of late Sudarshan Modak,
Triveni Complex, Flat No. 100/D,
Adabari Tinali, P.O. Guwahati-12,
District Kamrup, Assam.

3. Shri Debabrata Das,

Son of late Debendra Kumar Das,
House No. 15 A1, Shankar Nagar,
Udayan Complex, Das Colony,
Post Office Silchar-5,
District Cachar, Assam.

4. Shri Maheswar Bhuyan,

Son of late Bhugi Ram Bhuyan,
Barahalia, P.O. Tezpur, NH - 3,
District Sonitpur, Assam.

APPLICANTS.

2. Particulars of the:- 1 Union of India,

Respondents

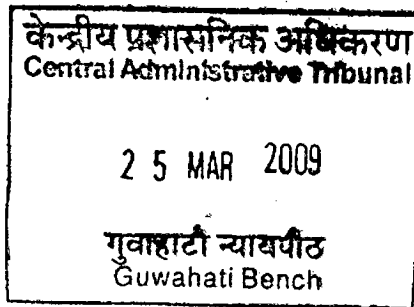
(Represented by the Secretary to the Govt. of India,
Ministry of Communications, New Delhi-1) ✓

2. The Under Secretary to the Govt. of India,

Department of Telecommunications,

Ministry of Communications, New Delhi-1. ✓

3. Hhharat -



1. Alo K. Khar
2. Nidhan Chandra Medak
3. Debabrata Das
4. Maheswar Bhuyan

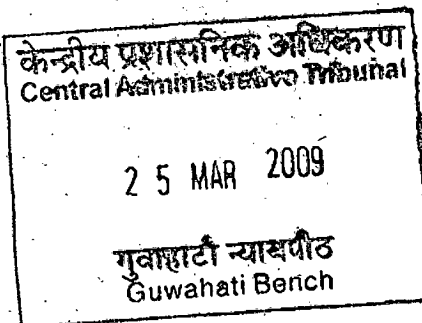
3. Bharat Sanchar Nigam Limited,
(Represented by the Chairman-Cum-Managing
Director, Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi-1 ✓
4. The Director (HRD),
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi-1 ✓
5. The Assistant General Manager (DPC),
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi-1. ✓
6. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Assam Telecom Circle, Panbazar,
P.O. Guwahati-1, District Kamrup, Assam. ✓

----- RESPONDENTS.

3. Particulars of the order against which this application is made

This application is made against the order issued vide letter 6.2.2009 (Annexure-7A) modified by letter dated 10.2.2009 (Annexure-7B) issued by the respondent authority calling for the A.C.R of the T.E.S (Group-B) Officers for considering of their promotion without revising the seniority and considering promotion of the petitioners who are seniors in service in the cadre post of the T.E.S (Group-B) Officers in the department as per the principles laid down by the Hon'ble Supreme Court of India.

4. Limitation -



1. Alok Kar
2. Mahan Chandra Modak
3. Debojyoti Das
4. Maheswar Bhuyan

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-page 4.-

4. Limitation:-

The applicant declares that the application is made within the prescribed period of limitation.

5. Jurisdiction:-

The applicant further declares that the cause of action for the present application arose within the jurisdiction of this Hon'ble Tribunal and in view of the order dated 9.3.2009 passed by the Hon'ble Gauhati High Court in Writ Petition (C) No. 985 of 2009 (Alok Kar and others-Versus-Union of India and others)

6. FACTS OF THE CASE :-

6.1 That the Director (Staff-II), Department of Telecommunications, Govt. of India vide order dated 27.5.1994 promoted the applicants to the posts of the Telecommunication Engineering Service (in short T.E.S) (Group-B) Officers on their passing in the qualifying departmental examination in the year 1985 for promotion to the said cadre post from the feeder post of the Junior Telecommunication Officers in the department.

A copy of the aforesaid order dated 27.5.1994 is annexed hereto as Annexure-1 of this application

6.2 That --

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

1. Alok Kar
2. Mohan Chandra Medak
3. Debojyoti Das
4. Maheswar Bhuyan
-page 5.-

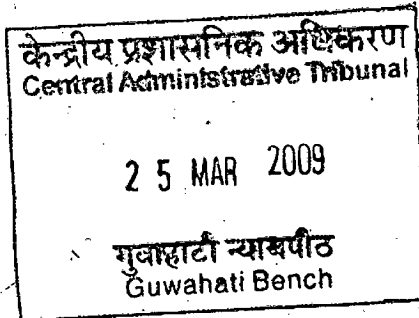
6.2 That the Deputy Director General (Establishment), Department of Telecommunications, Govt. of India, thereafter, vide letter dated 15.11.2004 published the seniority list of the T.E.S (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination for promotion to the said cadre post of the T.E.S (Group-B) Officers vis-à-vis their initial recruitment year in the feeder post of the Junior Telecommunication Officers in the department.

A copy of the aforesaid letter dated 15.11.2004 is annexed hereto as Annexure-2 of this application

6.3 That the Hon'ble Supreme Court of India, thereafter, by judgment and order dated 28.9.2006 passed by the in LA. No. 16 in Civil Appeal No. 4339 of 1995 (Union of India -Versus- Madras SC and ST Social Welfare Association) was pleased to hold that the principles laid down in the Allahabad High Court judgment in Paramand Lal's case holding that those who qualified in the departmental examination earlier were entitled to be promoted to the higher posts prior to those qualified later irrespective the year of their initial recruitment in the department and seniority fixed on that basis cannot be altered has attained finality and accordingly subsequent judgment of any other court taking a contrary view will not adversely affect the those in whose case the orders have attained finality.

A copy of the aforesaid judgment and order dated 28.9.2006 is annexed hereto as Annexure- 3 of this application.

6.4. That --



1. Alok Kaul
2. Mohan chandra Modak
3. Debojyoti Das
4. Maheswar Bhuyan

-page 6.-

6.4 That the Under Secretary to the Govt. of India, Department of Telecommunications, thereafter, vide letter dated 30.3.2007 arbitrarily stated that the benefits of the aforesaid judgment and order dated 28.9.2000 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 4339 of 1995 would be admissible to the applicants who were party in aforesaid Civil Appeal No. 4339 of 1995 before the Supreme Court.

A copy of the aforesaid letter dated 30.3.2007 is annexed hereto as Annexure- 4 of this application.

6.5 That the Under Secretary to the Govt. of India, Department of Telecommunications, thereafter, vide order dated 19.5.2008 revised the seniority of the T.E.S.(Group-B) Officers in pursuance of the aforesaid judgment and order dated 28.9.2006 (Annexure-3) passed by the Hon'ble Supreme Court of India in I.A. No. 16 in Civil Appeal No. 4339 of 1995. It is pertinent to mention here that the T.E.S.(Group-B) Officers whose seniority were revised as per the aforesaid order dated 19.5.2008 passed by the authority concerned were not parties in the aforesaid I.A. No. 16 in Civil Appeal No. 4339 of 1995 (Union of India -Versus- Madras SC and ST Social Welfare Association) before the Hon'ble Supreme Court of India.

A copy of the aforesaid order dated 19.5.2008 is annexed hereto as Annexure- 5 of this application.

6.6 That -

1. Alok Kabi

2. Mcham chandea Modak

3. Debobrata Das

4. Maheswar Bhuyan

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6.6 That the Under Secretary to the Govt. of India, Department of Telecommunications, thereafter, vide order dated 21.5.2008 also revised the seniority of the T.E.S.(Group-B) Officers on the basis of their qualifying year in the departmental examination for promotion to the said posts in accordance with the principles laid down in the aforesaid judgment and order dated 28.9.2006 (Annexure-3) passed by the Hon'ble Supreme Court of India in LA. No. 16 in Civil Appeal No. 4339 of 1995 (Union of India -Versus- Madras SC and ST Social Welfare Association).

A copy of the aforesaid order dated 21.5.2008 is annexed hereto as Annexure- 6 of this application.

6.7 That the applicant No. 2, thereafter, submitted a representation dated 10.9.2008 before the Secretary to the Govt. of India, Telecommunications Department, praying, inter alia, to revise his seniority in the cadre post of the T.E.S (Group-B) Officers in the department on the basis of the year of his passing in the qualifying departmental examination for promotion to the said cadre post of T.E.S (Group-B) Officers in pursuance to the aforesaid judgment and order dated 28.9.2006 (Annexure-3) passed by the Apex Court, but the aforesaid representation dated 10.9.2008 submitted by the applicant No. 2 was not responded by the respondent authority concerned till to date.

A copy of the aforesaid representation dated 10.9.2008 is annexed hereto as Annexure- 7 of this application.

6.8 That --

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2. Mahan Chandra Medak
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6.8. That Assistant General Manager (DPC), Bharat Sanchar Nigam Limited, thereafter, vide letter dated 6.2.2009 (since modified by letter dated 10.2.2009), called for the A.C.R. of the T.E.S Service (Group-B) Officers, who passed in the qualifying departmental examination later during the year 1988 for appointment to the post of the T.E.S Service (Group-B) Officers, on the basis of their revised seniority in the post of the T.E.S Service (Group-B) Officers for consideration of their promotion to the higher post of the STS (D.E.) in terms of the judgment and order dated 28.9.2006 (Annexure-3) passed by the Hon'ble Supreme Court of India, but without revising the seniority and considering promotion of the applicants who had passed the qualifying departmental examination earlier during the year 1985 as mentioned in the seniority list dated 15.11.2004 (Annexure-2) of T.E.S Service (Group-B) Officers in the department

A copy of the aforesaid letters dated 6.2.2009/10.2.2009 are annexed hereto as Annexure- 8 (series) of this application.

6.9. That the applicants, thereafter, also submitted their representations dated 16.2.2009 before the Director (H.R.D), Bharat Sanchar Nigam Limited, requesting the authority to revise their seniority in the post of T.E.S (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination for appointment to the post of the T.E.S (Group-B) Officers in pursuance to the judgment and order dated 28.9.2006 (Annexure-3) passed by the Apex Court, but it without any result till to date which is resulting in denial of justice to the applicants.

A copy of the aforesaid representations dated 16.2.2009 are annexed hereto as Annexure- 9 (series) of this petition.

6.10 That --

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2. Mohan Chandra Modak
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page 2.-

6.8 That the applicants under the aforesaid circumstances had filed the Writ Petition (C) No. 985 of 2009 in the Hon'ble Gauhati High Court against the aforesaid orders communicated vide letter dated 6.2.2009 (since modified by letter dated 10.2.2009) issued by the respondent authority concerned. However, the Hon'ble Gauhati High Court as per order dated 9.3.2009 passed in aforesaid Writ Petition (C) No. 985 of 2009 was pleased to direct the applicants to approach the appropriate forum for appropriate reliefs. Hence, the present application is being filed by the applicants before this Hon'ble Tribunal.

A copy of the aforesaid order dated 9.3.2009 is annexed hereto as Annexure- 10 of this application.

7. Reliefs sought for in the application:-

Under the facts and circumstances stated above the applicants pray for the following reliefs:-

A) To pass an order directing the respondent authorities to revise the seniority of the applicants in the cadre post of the T.E.S. (Group-B) Officers on the basis of the year of their passing in the qualifying departmental examination held in the year 1985 for appointment/ promotion to the said post; and/or,

B) To -

B) To pass an order directing the respondent authorities to provide for promotion of the applicants to the post of the S.T.S (D.E.) in the department on the basis of the revised seniority of the applicants in the cadre post of the T.E.S. (Group-B) Officers and with retrospective effect from the date when their juniors were promoted to the post of the S.T.S (D.E.) in the department and with all other service benefits available to the applicants in accordance with the law, and/or,

C) To pass such further and other orders as your Lordships may deem fit and proper under the facts and circumstances of the case in the interest of justice.

AND

Pending disposal of the instant application the respondent authorities may kindly be directed not to give any promotion to the posts of the S.T.S.(D.E.) Officers in pursuance to the letter dated 6.2.2009 (Annexure-7A), since modified vide letter dated (Annexure-7B), till the seniority of the petitioners in the cadre post of the T.E.S (Group) Officers in the department are revised.

And for this act of kindness your applicants, as in duty bound, shall ever pray.

1. Alok Khar
2. Mahanandana Modak
3. Debarati Das
4. Maheswar Bhuyan

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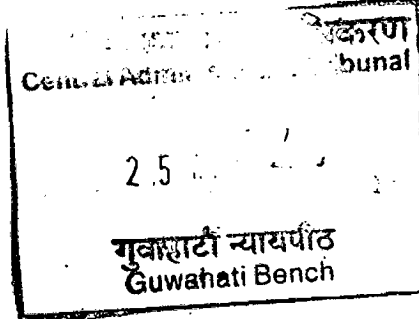
8. The above reliefs are prayed on the following grounds:-

GROUND

A) For that in the instant case the seniority list dated 15.11.2004 (Annexure-2) of the T.E.S. (Group-B) Officers with the petitioner No. 1 at Serial No. 232 (Seniority No. 14474), the petitioner No. 2 at Serial No. 434 (Seniority No. 14676), the petitioner No. 3 at Serial No. 453 (Seniority No. 14695) and the Petitioner No. 4 at Serial No. 496 (Seniority No. 14738) was prepared on the basis of the year of their passing in the qualifying departmental examination for appointment/promotion to the post of the T.E.S. (Group-B) Officers vis-a-vis the year of their initial recruitment year in the feeder post of the Junior Telecommunication Officers in the department.

B) For that the letter dated 30.3.2004 (Annexure-4) issued by the authority concerned stating that the benefits of the judgment and order dated 28.9.2006 (Annexure-3) for would be admissible to the persons who were party in the case before the Hon'ble Supreme Court of India and on the other hand revising the seniority of the T.E.S. (Group-B) officers only on the basis of the year of passing in the qualifying departmental examination as per order dated 19.5.2008 (Annexure-5), order dated 21.5.2008 (Annexure-6), letter 6.2.2009 (Annexure-7A) and letter dated 10.2.2009 (Annexure-7B) passed by the authority concerned, in pursuance of the aforesaid judgment and order dated 28.9.2006 (Annexure-3) passed by the Hon'ble Supreme Court of India, are contradictory in nature.

C) For -



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1. Alok Kishor
2. Mohan Chandra Modak
3. Debobrata Das
4. Maheswar Bhuyan

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C) For that the letter dated 6.2.2009 (Annexure-7B), since modified by letter dated 10.2.2009 (Annexure-7A), calling for the A.C.R. of the officers in the seniority list dated 15.11.2004 (Annexure-2) of the T.E.S (Group-B) Officers, at Serial No. 1040 (Seniority No. 15282), Serial No. 1066 (Seniority No. 15308), Serial No. 2019 (Seniority No. 16261), Serial No. 3004 (Seniority No. 17246) for consideration of their promotion to the higher post, who passed later on during the year 1988 in the qualifying departmental examination for appointment to the post of the T.E.S. (Group-B) officers, and on the other hand declining to revise the seniority of the applicants for consideration of their promotion to the higher post who had passed earlier during the year 1985 in the qualifying departmental examination for appointment to the post of the T.E.S.(Group-B) officers, are unsustainable in law.

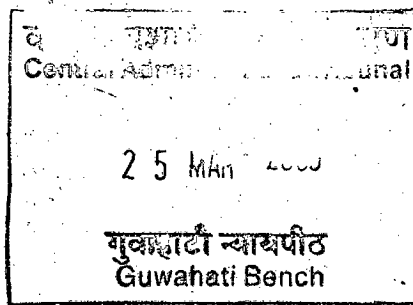
9. Details of the remedy exhausted:-

The remedy exhausted in the case has been detailed above and there is no other remedy left other the instant application before this Hon'ble Tribunal.

10. Matter not pending in any other court/ tribunal:-

The applicants declare that the matter is not pending in any other court or tribunal at present.

11. Details -



1. Alok Kax
2. Mohan Chandra Nodak
3. Debabrata Das
4. Haren Das Bhupin

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11. Details of Postal orders:-

Postal Order No. :- 396 404391

Date of Issue:- 23.3.09

Issued from:- G.P.O. Guwahati

Payable at:-

12. Details of Index:-

An index showing the particulars of documents is enclosed.

13. List of Enclosures:-

As per index.

Verification ----

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VERIFICATION

I, Shri Mohan Chandra Modak, son of late Sudarshan Madak, resident of Triveni Complex, Flat No. 100/D, Adabari Tinali, P.O Guwahati-12 district Kamrup, Assam. I am the Applicant No. 2 in the above case and as such, I am acquainted with the facts and circumstances of the case. I was authorized by the other applicants in this case to verify the statements made in the above application. I do hereby verify that statements made in paragraphs 1, 2, 3, 4, 5, 6.1, 6.2, 6.4, 6.5, 6.6, 6.7, 6.8, and 6.9 of the above application are true to my knowledge and those made in paragraphs 6.3 and 6.10 are true to my information based on records which I also believe to be true and I have not suppressed any material facts of the case.

And I sign this verification this ^{24/3} day of March, 2009 in Guwahati.

Mohan Chandra Modak

Signature

25 MAR 2009

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Guwahati Bench

No. 2-41/94-STG.II

Government of India,
Ministry of Communications,
Department of Telecommunications,
xxx

ANNEXURE-1

7382

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New Delhi, dated the 27th May, 1994.

ORDER

Subject: Promotion and posting of Junior Telecom Officers to TES Group B.

Member - Telecommunications Commission, is pleased to appoint the Junior Telecom. Officers as per the list enclosed to Telecommunications Engineering Service, Group B from the date they take over the charge of the post and untill further orders and to post them in the Circles/Districts/Units etc as indicated against their names.

2. The heads of Circle concerned shall decide the station of posting of officers allotted to him within 20 days from the date of receipt of this order. All the officers concerned shall be required to join the new assignments within 40 days from the date of issue of posting orders failing which the orders of promotion in respect of such officers shall be cancelled without any further notice.

3. In case any disciplinary/vigilance case is pending against any of the official mentioned in the list or where in respect of any of these officials any punishment like stoppage of increment/promotion etc is current, the fact should be reported to this office immediately and the concerned officer should not be promoted or relieved for posting without specific orders from this office.

4. The Heads of Circle concerned shall ensure that no leave is granted to any one of the officials promoted till they join their new station of posting/circle/districts. Relief of the officers shall also not be withheld on the grounds that the officials has submitted a representation for change of posting.

5. The Heads of Circle concerned shall furnish consolidated list of officers indicating their date of release/joining and date of issue of posting orders immediately on expiry of period mentioned in para 2 above. Charge reports need not be endorsed to this office.

6. Proforma promotion orders of following officers who are out of cadre will be issued separately and posting orders will be given on their repatriation to parent Department.

Scanned to be true copy
S. Chatterjee
24/2/09

Not legible
11. Submit one type copy
Q. No.

No. 2-42/94-STG.II
GOVERNMENT OF INDIA
Ministry of Communications,
Department of Telecommunications.

New Delhi, dated the 27th May 1994

ORDER

Subject:- Promotion and posting of Junior Telecom Officers to TES Group-B.

1. Member Telecommunication Commission is pleased to appoint the Junior Telecom. Officers as per the list enclosed to Telecommunications Engineering Services, Group B from the date they take over the charge of the post and until further orders and to post them in the Circles/ Districts/ Units etc. as indicated against their names.
2. The heads of the Circle concerned shall decide the station of posting of officers allotted to him within 20 days from the date of receipts of this order. All the officers concerned shall be required to join the new assignments within 40 days from the date of issue of posting orders failing which the orders of promotion in respect of such officers shall be cancelled without any further notice.
3. In case any disciplinary/ vigilance case is pending against any of the officers, mentioned in the list or where in respect of these officials any punishment like stoppage of increment/ promotion etc. is current, the fact should be reported to this office immediately and the concerned officer should not be promoted or relieved for posting without specified orders from this office.
4. The Heads of Circle concerned shall ensure that no leave is granted to any one of the officials promoted till they join their new station of posting/ circle/ district. Relief of the officers shall also not be withheld on the grounds that the officials has submitted a representation for change of posting.
5. The heads of circle concerned shall furnish consolidated list of officers indicating their date of release/ joining and date of issue of promotion orders immediately on expiry of period mentioned in para 2 above. Charge reports need not be endorsed to this office.
6. Proforma promotion orders of following officers who are out of cadre will be issued separately and posting orders will be given on their repatriation to parent Department.

-page 2-

S. No.	El. No.	Name	Unit
1.	12463	SUNDARARAMAN P.S.	MTD.
2.	12552.0	GUNASEKARAN. V.	MTD.
3.	16599.0	P. EERABHADRAM	AP.

6. The seniority of the officials promoted in this order shall be determined in accordance with the Rules in force and will be issued separately.

(Sd./- V.K. Mahandra)

Director (Staff II)

Copy to :-

1. All Chief General Managers Telephones of Circles/ Metro Telephone Circle/ Maintenance Circle/ TTC, Jabalpur/ Telecom. Stores, Cal/ NETF/ QA/ MTNL, Delhi and Bombay/ Railway Electrifications/ DNW.
2. All Chief Account Officers of Circles/ Districts/ units concerned.
3. Pay and Accounts Officers (HQ), DOT, New Delhi.
4. Sr. OA to Advisor, (HRD).
5. Pay Bill Section, DOT.
6. DDB ()/ Dio (ST.I)/ (ST.II)/ ADG(SGT)
7. SO (STG. I) NCG Section/ ALL Assistants in STG. II Section.
8. Guard File/ Order Bundle.
9. General Secretary, JTO Association.
10. General Secretary, TSEA.

Sd./- Vincent Barla.
Section Officer. (STG. II)

Contd./- page 3-

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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Guwahati Bench

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S.No.	El. No.	Name	Unit
1.	12463	SUNDARARAMAN.P.S.	MTD
2.	12552.0	SUNASEKARAN.V.	MTD
3.	13599.0	P.EERABHADRAM	AP

5. The seniority of the officials promoted in this order shall be determined in accordance with the Rules in force and will be issued separately.

(V.K.Mahendra)
Director (Staff.II)

Copy to:

1. All Chief General Managers Telephones of Circles/Metro Telephone Circles/Maintenance Circles/Project Circles/ACTIC T&D Circle/ITC, Jabalpur/Telecom Stores, Cal/NETF/QA/MINL Delhi and Bombay/Railway Electrifications/DNW/.
2. All Chief Account Officers of Circles/Districts/Units concerned.
3. Pay and Accounts Officer(HQ), DOT, New Delhi.
4. Sr. CA to Advisor(PRD).
5. Pay Bill Section, DOT
6. DDB(Comp)/Dir(ST.I)/ST.II/ADG(SGT)
7. SO(STG.I)/NOG Section/All Assistants in STG.II Section.
8. Guard File/Order Bundle
9. General Secretary, JTO Association.
10. General Secretary, TESA

(Vincent Barla)
Section Officer(STG.II)

गुवाहाटी न्यायपीठ
Guwahati Bench

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ST NAME OF THE OFFICER		REC.	PRESENT	POSTING ON
NO	NO	UNIT	POSTING	POSITION
301	17531	K.K.ABOOBACKER	CRMM,MS	CRMM,MS
302	17532	RAJENDRA PRASAD	UP	UP
303	17533	BALMUKUND GUPTA	MP	MP
304	17534	BALARISHYAN NAIR.B	CRMM,MS	CRMM,MS
305	17535	KRISHNAMOORTHY SAMALADEVI	CRMM,MS	CRMM,MS
306	17536	P. AYYASAMY	TN	TN
307	17537	C. APPA RAO	CRMM,MS	CRMM,MS
308	17538	ALOK KAR	AS	AS
309	17539	R.SUBBIAH	TN	TN
310	17540	VENUGOPALAN.T.P	CRMM,MS	CRMM,MS
311	17541	SUNDARAMURTHY.P	MTD	MTD
312	17542	AVNASH KUMAR	PS	PS
313	17543	P.VIJAYALAKSHMI	CRMM,MS	CRMM,MS
314	17544	S.VARADARAJAN	CRMM,MS	CRMM,MS
315	17545	SURESHCHAND SHARMA	MTNL,ND	MTNL,ND
316	17546	FRANCIS DEVAIRAKKAM.D	MTD	MTD
317	17547	BALAJI S.	CGMP,MS	CGMP,MS
318	17548	ABDUL MAJEED KHAN	KTK	KTK
319	17549	K. VIJAYACHANDRA	AP	AP
320	17550	GANAPATHY.M.BHAT	KTK	KTK
321	17551	RAVEENDRAN.E.K	CR	CRMM,MS
322	17552	ACHHE LAL SINGH	UP	UP
323	17553	T.S.PRASADA SASTRY	AP	AP
324	17554	MITHILESH KUMAR SINHA	BR	BR
325	17555	M.DUPAIRAJ	TN	TN
326	17556	S.L.BORAKHADIKAR	MM	MM
327	17557	B.D. YADAV	UP	UP
328	17558	G.KRISHNAMURTHY	CRMM,MS	CRMM,MS
329	17559	G. BANGARA RAO	AP	AP
330	17560	S.GOPINATHAN	KTK	KTK
331	17561	A.V.SRIKANTAN	KTK	KTK
332	17562	S D JOSHI	MTNL BY	MTNL BY
333	17563	K. VEERARAJ	AP	AP
334	17564	M.R.SURESH	KTK	KTK
335	17565	VISWANATHAN.K.	CGMP,MS	CGMP,MS
336	17566	B.BALAJIAH	KTK	KTK
337	17567	S.SWAMIPIILLAI	TN	TN
338	17568	K.OYYARI	CRMM,MS	CRMM,MS
339	17569	P.B.V.R.KRISHNAVATARAM	AP	AP
340	17570	T.M.SRINIVASAN	CRMM,MS	CRMM,MS
341	17571	MADHIRAJU.LAKSHMAN RAJU(EX SM)	AP	AP
342	17572	K.SUBRAMANI	CRMM,MS	CRMM,MS
343	17573	D G KARALE	MTNL BY	MTNL BY
344	17574	K. PRASADA RAO	AP	AP
345	17575	R.UMA	TN	TN
346	17576	M.NAGARAJA	KTK	KTK
347	17577	B.G.ANGOLKAR	MM	MM
348	17578	K. RANGANATHAN	TN	TN
349	17579	YASHVIR SINGH	MTNL,ND	MTNL,ND
350	17580	S. PANDIYAN	TN	TN

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SL ST NAME OF THE OFFICER
NO NO S/SHRI

REG. PRESENT POSTING
UNIT POSTING FROM

451 17681 N.SANKARAN
452 17682 V.RAJENDRAN
453 17683 RAM KUMAR
454 17684 R.RAMACHANDRAN
455 17685 GOBINDA CHANDRA BASAK
456 17686 JAGTAR SINGH
457 17687 A.SANKARAN
458 17688 ONKAR NATH
459 17689 BHASKAR BASU
460 17690 SARMA CH.V.R
461 17691 S.MARIAJOYTHIRAJ
462 17692 N.RAMAKRISHNAN
463 17693 G.R.PATILKULKARNI
464 17694 R. SOWRIRAJAN
465 17695 RIVEN KUMAR SEN SHARMA
466 17696 PARMANAND JHA
467 17697 A.V.JAKATI
468 17698 LAXMAN BALANI
469 17699 J.N. NETANKAR
470 17700 NASEER AHMAD
471 17701 S. VENKATARAMANI
472 17702 M. RASHURAMIAH
473 17703 SHEETAL PRASAD GUPTA
474 17704 NANDA KR BANDYOPADHYAY
475 17705 ASHIM SARMA
476 17706 R.VARADHAN
477 17707 SANKAR MUKHOPADHYAY
478 17708 ANUPAM KUL
479 17709 SIB NARAYAN PAL
480 17710 R.N.GAUR
481 17711 K.PARANASIVAM
482 17712 ASHOK KUMAR SHARMA
483 17713 LAXMAN DAS AGARWAL
484 17714 PRITAM SINGH
485 17715 SADANANDAN CHETTIYAR P.C
486 17716 S.A. WAHAB
487 17717 B.S. KUSHWAHA
488 17718 ASHIT KUMAR GOSH
489 17719 JAGDISH SINGH
490 17720 MAHENDRA SINGH
491 17721 TAPASH CHANDRA BOSH
492 17722 D.R.KADAM
493 17723 V.G.JOSHI
494 17724 APURBA BANERJEE
495 17725 R APPADORAI
496 17726 RAMESH KUMAR TIWARI
497 17727 MOHAN CH. MODAK
498 17728 D.N. SAXENA
499 17729 KANHAIYA LAL SRIVASTAVA
500 17730 SATHI SURENDRAN.M

TN	TN	TN
TN	TN	TN
UP	UP	UP
TN	CGMM, MS	CGMM, MS
CTD	CTD	CTD
PB	PB	PB
TN	CGMP, MS	CGMP, MS
UP	UP	UP
CTD	CTD	CTD
AP	CGMP, MS	CGMP, MS
TN	CGMM, MS	CGMM, MS
TN	TN	TN
KTK	KTK	KTK
TN	TN	TN
CTD	CTD	CTD
BR	BR	BR
KTK	KTK	KTK
RJ	RJ	RJ
MH	CGMM, BY	MH
UP	UP	UP
AP	AP	AP
AP	AP	AP
UP	CGMM, ND	CGMM, ND
CTD	CTD	CTD
NE	CGMM, CAL	CGMM, CAL
TN	CGMM, MS	CGMM, MS
CTD	CTD	CTD
J&K	CGMM, ND	CGMM, ND
CTD	CTD	CTD
UP	UP	UP
TN	CGMM, MS	CGMM, MS
UP	UP	UP
UP	UP	UP
PB	CGMP, ND	CGMP, ND
KR	CGMM, MS	CGMM, MS
AP	AP	AP
MP	MP	MP
CTD	CTD	CTD
HP	HP	HP
UP	UP	UP
UP	CGMM, ND	CGMM, ND
MH	MH	MH
MH	MH	MH
CTD	CTD	CTD
MTNL BY	MTNL BY	MTNL BY
UP	UP	UP
AS	AS	AS
MP	CGMP, DY	CGMP, DY
UP	UP	UP
KR	CGMM, MS	CGMM, MS

Page No. 2

Handwritten signature

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ST NO	NAME OF THE OFFICER S/SHRI	REC. UNIT	PRESENT POSITION	POSTING OR PRO VISION
-------	----------------------------	-----------	------------------	-----------------------

501	17731 M.HAJA NAJIMUDDIN	TN	CGMM, MS	CGMM, MS
502	17732 MUNNA LAL	UP	UP	UP
503	17733 V.B.BAND	KH	MH	MH
504	17734 M.PRAGALATHAN	TN	CGMP, MS	CGMP, MS
505	17735 PRABASH CH. SUR	AS	AS	AS
506	17736 DINESH KUMAR KEWADA	CGMM, BY	CGMM, BY	CGMM, BY
507	17737 V. RAMANATHAN IYER	CGMM, BY	CGMM, BY	CGMM, BY
508	17738 R.R.TIKANDAR	KTK	KTK	KTK
509	17739 C.L. RATHORE	MP	CGMM BY	MP
510	17740 A. SINGAIAH	AP	AP	AP
511	17741 R.M. VAGHELA	GJ	GJ	GJ
512	17742 DEBAERATA DAS ✓ Petition no. 2	AS	AS	AS
513	17743 M.L. AGRAWAL	RJ	RJ	RJ
514	17744 KANHAIYA RAM	UP	UP	UP
515	17745 K.A. BHATT	GJ	GJ	GJ
516	17746 MONDRANJAN PAUL	NE	NE	NE
517	17747 RAJ CHANDRA JHA	BR	BR	BR
518	17748 T. RASHURAM REDDY	AP	AP	AP
519	17749 BABURAO HARAYAN TORASKAR	MTNL BY	MTNL BY	MTNL BY
520	17750 K.V.SARASWATHI	KTK	KTK	KTK
521	17751 TARLOCHAN SINGH	PB	PB	PB
522	17752 R.RAGHAMAN	TN	TN	TN
523	17753 SAYUDUAL ZAFAR KHAN	UP	CGMM, ND	CGMM, ND
524	17754 G.N.JOSHI	MH	MH	MH
525	17755 P.V.S.C.REDDY	AP	RE PROJ	RE PROJ
526	17756 GEORGE.P.G	KR	CGMM, MS	CGMM, MS
527	17757 RAMACHANDRAN.G	KR	KR	CGMM, MS
528	17758 G.S.RAMACHANDRA RAO	KTK	KTK	KTK
529	17759 R.K. CHOURASTIA	MP	MP	MP
530	17760 A.S. RATHORE	RJ	RJ	RJ
531	17761 R.PONNAMBALAM	TN	TN	TN
532	17762 MOLOY DAS GUPTA	NE	NE	NE
533	17763 R.KUMARESAN	TN	TN	TN
534	17764 RAJESHVAR PRASAD SINGH	UP	UP	UP
535	17765 R.R.SHANKRUSAMANI	TN	CGMM, MS	CGMM, MS
536	17766 K.K.PATIL	MH	MH	MH
537	17767 J.L. GADHWAL	RJ	CGMM, ND	CGMM, ND
538	17768 J.R. YADAV	UP	GA	GA
539	17769 NEELAKANTAN NAIR.A.K	KR	CGMM, MS	CGMM, MS
540	17770 AMAR KR. MONDAL	WB	WB	WB
541	17771 SUSANTA KUMAR ROY	CTD	CTD	CTD
542	17772 S.AEKANTHALINGAN	TN	CGMM, MS	CGMM, MS
543	17773 SATISH CHAND RAI	UP	UP	UP
544	17774 RAM CHANDRA PRASAD SINGH	BR	BR	BR
545	17775 JAI NARAYAN SINGH	UP	GA	GA
546	17776 P.SUBBURAJ	TN	TN	TN
547	17777 S.GOPALASUBRAMANIAM	TN	CGMP, MS	CGMP, MS
548	17778 MAHESWAR BHUYAN ✓ Petition no. 1	AS	AS	AS
549	17779 JAI PRAKASH SINGH	UP	UP	UP
550	17780 GOVIND SINGH BISHT	UP	UP	UP

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

No. 16-1/2004-STG.II

Government of India

Ministry of Communications & Information Technology
Department of Telecommunications

ANNEXURE-2

421, Sanchar Bhavan,
20-Ashoka Road,
New Delhi-110 001.

Dated the 15th November, 2004.

To

- ✓ 1. CMD, BSNL, New Delhi.
2. CMD, MTNL, New Delhi.

Subject : Circulation of seniority list of TES Group 'B' officers.

Sir,

I am directed to send herewith the following seniority lists of TES Group 'B' officers for circulation among all concerned :-

- (i) Revised Seniority List No. 3
- (ii) Revised Seniority List No. 4
- ✓ (iii) Revised Seniority List No. 5
- (iv) Seniority List No. 6
- (v) Provisional Seniority List No. 7

2. All the objections/errors/omissions etc., received against provisional seniority list No. 7 may be forwarded to DoT, latest by 15.12.2004 after verifying the service particulars of the concerned officers.

3. This seniority lists are issued subject to final outcome of CMP No. 35256/2001 in OP No. 21656/2001 and CMP No. 60734/2001 in OP No. 37134/2001 pending before Hon'ble High Court of Kerala at Ernakulam.

Yours faithfully,



[Satish Tondan]
DDG (Estt.)

Tele No. 23036361

Encl : As above

Copy to : CGM, BSNL, Karnataka Circle, Bangalore. The enclosed seniority lists mentioned above may be filed before the Hon'ble CAT, Bangalore Bench in compliance of their order dated 21.07.2003 in OA Nos 1031/2001 & 849/2002.

*Certified to be
true copy
Shankar Chakraborty
Advocate*

25 MAR 2009

NO	STNO	NAME	CAT	DOB	OLFEXM	RECYR	REM.
14423	15008	G. JAYARAJ गुवाहाटी न्यायपीठ	SC	07/02/45	12	85	79
14424	17491	S. NAGOOR NAIR गुवाहाटी न्यायपीठ	OC	03/07/55	12	85	79
14425	15009	N. D. THAPA	SC	05/02/52	12	85	79
14426	17493	K. KRISHNAN II	OC	02/01/46	12	85	79
14427	17494	L. CHANDRAMOHAN	OC	05/12/51	12	85	79
14428	33562	K NAGARAJAN	OC	09/19/47	12	85	79
14429	17496	M. A. JOY	OC	05/07/52	12	85	79
14430	17497	SARASWATHY GUHAN	OC	04/03/52	12	85	79
14431	17498	RANJIT KUMAR PAL X	OC	11/04/45	12	85	79
14432	17499	S. RAJU	OC	09/04/55	12	85	79
14433	17500	LAXMICHAND TINDWANI	OC	01/01/58	12	85	79
14434	17501	K. P. BALASUBRAMANYAM	OC	04/10/48	12	85	79
14435	17502	SANTANU GHOSH	OC	03/08/58	12	85	79
14436	17503	GIRDHARI LAL	OC	02/18/55	12	85	79
14437	17504	T. SAMBAMURTHY	OC	01/15/53	12	85	79
14438	17505	SUJIT KR. NAG	OC	03/27/55	12	85	79
14439	17506	K. THANGAVEL	OC	06/01/47	12	85	79
14440	15010	R. DHANABAL	SC	07/09/53	12	85	79
14441	17507	R. VEMBU	OC	10/26/53	12	85	79
14442	15011	S. R. SHOLAPURAKAR	SC	11/20/54	12	85	79
14443	17508	P. H. PRASADARAO	OC	06/15/49	12	85	79
14444	17509	PURSHOTAM KUMAR	OC	10/07/55	12	85	79
14445	17510	D. JAMES XAVIER MICHAEL	OC	06/24/58	12	85	79
14446	17511	P. SURYA RAO	OC	07/01/51	12	85	79
14447	15012	AKHIL FOUZDAR	SC	08/01/57	12	85	79
14448	17512	G. J. NAWATI	OC	06/01/53	12	85	79
14449	17513	GOPAL E.	OC	04/07/53	12	85	79
14450	17514	SUBASH CHANDRA	OC	08/20/46	12	85	79
14451	17515	S. USHA	OC	05/16/58	12	85	79
14452	17516	R. CHANDRIKA	OC	05/15/58	12	85	79
14453	17517	P. R. ARSEKAR	OC	04/17/50	12	85	79
14454	17518	KALAVATHI SUBRAMANIAN	OC	11/27/56	12	85	79
14455	17519	THINAGARAJAN R.	OC	03/07/58	12	85	79
14456	17520	S. SUBBARAMAN	OC	05/05/45	12	85	79
14457	17521	V. V. L. RAMESHBABU	OC	06/09/57	12	85	79
14458	17522	U. V. GOPAL RAO	OC	06/09/57	12	85	79
14459	17523	R. SARADA	OC	04/20/52	12	85	79
14460	17524	AHINDRA KR. CHAKRABORTY	OC	06/04/60	12	85	79
14461	17525	RANA R. V.	OC	01/18/49	12	85	79
14462	17526	SYED MASEEUDDIN	OC	07/30/58	12	85	79
14463	17527	N. VENKATESWARLU	OC	06/01/55	12	85	79
14464	15013	G. RAMACHANDRAN	SC	01/01/52	12	85	79
14465	17528	A. S. L. PRASAD	OC	09/05/54	12	85	79
14466	17530	R. RAJENDRAN	OC	01/01/47	12	85	79
14467	17531	K. K. ABOOBACKER	OC	06/01/58	12	85	79
14468	17532	RAJENDRA PRASAD	OC	08/27/52	12	85	79
14469	17533	BALMUKUND GUPTA	OC	08/28/53	12	85	79
14470	17534	BALARISHNAN NAIR B.	OC	12/01/59	12	85	79
14471	17535	KRISHNAMOORTHY SAMALADEVI	OC	05/30/47	12	85	79
14472	17536	P. AVYASAMY	OC	08/16/54	12	85	79
14473	17537	C. APPA RAO	OC	08/29/40	12	85	79
14474	17538	ALOK KAR	OC	01/01/53	12	85	79
14475	17539	R. SUBBIAH	OC	02/01/59	12	85	79
14476	17540	VENUKGOPALAN T. P.	OC	06/15/56	12	85	79
14477	17541	SUNDARAMURTHY P.	OC	03/20/50	12	85	79
14478	17543	P. VIJAYALAKSHMI	OC	02/15/58	12	85	79
14479	17544	S. VARADARAJAN	OC	05/18/55	12	85	79
14480	17545	SURESH CHAND SHARMA	OC	12/16/46	12	85	79
14481	17546	FRANCIS DEVAIRAKKAM D.	OC	10/06/56	12	85	79
14482	15014	JEYAKUMAR B.	SC	02/15/51	12	85	79
				06/01/50	12	85	79

SRNO	STNO	NAME	CAT	DOB	QLFEXM	RECYR	I
421	14663	17716 S A WAHAB	OC	01/02/50	12	85	79
422	14664	17717 B. S. KUSHWAHA	OC	11/10/53	12	85	79
423	14665	17718 ASHIT KUMAR GOSWAMI	OC	02/14/46	12	85	79
424	14666	17719 JAGDISH SINGH	OC	04/02/46	12	85	79
425	14667	17720 MAHENDRA SINGH	OC	01/01/50	12	85	79
426	14668	15041 T JANARDHANA RAO	SC	05/14/51	12	85	79
427	14669	15042 SUNIL KUMAR BISWAS	SC	04/08/47	12	85	79
428	14670	17721 TAPASH CHANDRA BOSE	OC	01/01/45	12	85	79
429	14671	17722 D. R. KADAM	OC	11/01/52	12	85	79
430	14672	17723 V. G. JOSHI	OC	01/07/56	12	85	79
431	14673	17724 APURBA BANERJEE	OC	03/01/47	12	85	79
432	14674	17725 R. APPADORAI	OC	05/29/54	12	85	79
433	14675	17726 RAMESH KUMAR TIWARI	OC	08/19/51	12	85	79
434	14676	17727 MOHAN CH. MODAK	OC	01/20/56	12	85	79
435	14677	15043 P. PANDIYAN	SC	06/07/46	12	85	79
436	14678	17728 D. N. SAXENA	OC	10/29/51	12	85	79
437	14679	17729 KANHAIYA LAL SRIVASTAVA	OC	08/26/49	12	85	79
438	14680	17730 SATHI SURENDRAN M.	OC	06/02/37	12	85	79
439	14681	17731 M. HAJA NAJIMUDDIN	OC	06/05/51	12	85	79
440	14682	17732 MUNNA LAL	OC	01/01/52	12	85	79
441	14683	15044 K. PALANIVEL	SC	02/07/45	12	85	79
442	14684	17733 V. B. BAND	OC	08/24/49	12	85	79
443	14685	15045 T. M. RAJAVELU	SC	05/18/46	12	85	79
444	14686	17734 M. PRAGALATHAN	OC	02/05/55	12	85	79
445	14687	17735 PRABASH CH. SUR	OC	01/13/48	12	85	79
446	14688	17736 DINESH KUMAR KEWADA	OC	04/10/49	12	85	79
447	14689	17737 V. RAMANATHAN IYER	OC	07/24/52	12	85	79
448	14690	17738 R. R. TIKANDAR	OC	06/07/53	12	85	79
449	14691	15046 MANISH SAHA	SC	02/18/55	12	85	79
450	14692	17739 C. L. RATHORE	OC	01/01/49	12	85	79
451	14693	17740 A. SINGAIAH	OC	06/01/49	12	85	79
452	14694	17741 R. M. VAGHELA	OC	11/10/50	12	85	79
453	14695	17742 DEBABRATA DAS	OC	02/01/54	12	85	79
454	14696	15047 B. M. S. ARVIND	SC	11/12/49	12	85	79
455	14697	17743 M. L. AGRAWAL	OC	10/10/54	12	85	79
456	14698	17744 KANHAIYA RAM	OC		12	85	79
457	14699	17745 K. A. BHATT	OC	08/13/47	12	85	79
458	14700	17746 MONORANJAN PAUL	OC	10/28/45	12	85	79
459	14701	15048 JHARI LAL RAM	SC	01/13/50	12	85	79
460	14702	17747 RAJ CHANDRA JHA	OC	04/01/53	12	85	79
461	14703	17748 T. RAGHURAM REDDY	OC	06/10/51	12	85	79
462	14704	15049 SIVARAMAN T.	SC	10/25/52	12	85	79
463	14705	17749 BABURAO NARAYAN TORASKAR	OC	11/22/44	12	85	79
464	14706	17750 K. V. SARASWATHI	OC	04/12/47	12	85	79
465	14707	17751 TARLOCHAN SINGH	OC	10/05/53	12	85	79
466	14708	17752 R. RASHAVAN	OC	11/20/48	12	85	79
467	14709	17754 G. N. JOSHI	OC	07/01/47	12	85	79
468	14710	17755 P. V. S. C. REDDY	OC	06/01/47	12	85	79
469	14711	15089 RAM SINGHASAN SUKLASAIIDYA	SC	09/01/45	12	85	79
470	14712	17756 GEORGE P. S.	OC	02/10/53	12	85	79
471	14713	30027 N. B. BHOGI	OC	08/27/58	12	85	79
472	14714	13739 S. G. SONI	ST	08/24/49	12	85	79
473	14715	17757 RAMACHANDRAN G.	OC	01/26/45	12	85	79
474	14716	19134 D. N. PANDEY	OC	05/25/51	12	85	79
475	14717	17758 G. S. RAMACHANDRA RAO	OC	10/06/56	12	85	79
476	14718	17759 R. K. CHOURASIA	OC	10/20/47	12	85	79
477	14719	15050 S. GURUSAMY	SC	05/12/53	12	85	79
478	14720	17761 R. PONNAMBALAM	OC	10/24/50	12	85	7
479	14721	15051 K. KALIAPPAN	SC	11/15/45	12	85	7
480	14722	17762 MOLOY DAS GUPTA	OC	06/19/52	12	85	7

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NO	NAME	CAT	DOB	OLFEXM	RECYR	REMARKS
17763	R. KUMARESAN	OC	09/14/49	12	85	79
17764	RAJESHWAR PRASAD SINGH	OC	02/06/51	12	85	79
17765	A. R. SHANMUGAMANI	OC	05/14/53	12	85	79
17766	R. K. PATIL	OC	03/26/53	12	85	79
17767	B. L. GADHWAL	OC	05/08/58	12	85	79
17768	J. R. YADAV	OC	07/01/53	12	85	79
17769	NEELAKANTAN NAIR A. K.	OC	04/20/51	12	85	79
17770	AMAR KR. MONDAL	OC	12/31/47	12	85	79
17771	SUSANTA KUMAR DOY	OC	10/24/52	12	85	79
17772	S. AEKANTHALINKGAM	OC	05/12/48	12	85	79
17773	SATISH CHAND RAI	OC	02/15/46	12	85	79
17774	RAM CHANDRA PRASAD SINGH	OC	02/08/45	12	85	79
17775	JAI NARAYAN SINGH	OC	10/01/48	12	85	79
17776	P. SUBBURAJ	OC	05/21/51	12	85	79
17777	S. GOPALASUBRAMANIAM	OC	03/02/56	12	85	79
17778	MAHESWAR BHUYAN <i>Pet. Tm-4</i>	OC	06/21/56	12	85	79
17779	JAI PRAKASH SINGH <i>m-2</i>	OC	10/01/58	12	85	79
17647	NITYA GOPAL CHAKRABARTI	OC		12	85	79
17780	GOVIND SINGH BISHT	OC	06/03/53	12	85	79
15054	KULDIP RAJ	SC	09/12/50	12	85	79
17781	P. R. SHUKLA	OC	07/10/44	12	85	79
17782	S. B. H. ZAIDI	OC	02/13/46	12	85	79
17783	G. SIDDULU	OC	08/10/51	12	85	79
15055	V. RANGASAMY	SC	10/05/49	12	85	79
15056	RAM SURAT PRASAD	SC	07/01/51	12	85	79
15057	FULCHAND RAVJI JAYAWALA	SC	03/26/38	12	85	79
33967	A.SIVARAMAN	OC	02/15/56	12	85	79
33572	*SMT. C. S. DESHPANDE	OC	10/03/57	12	85	79
15058	*VANSI DHAR	SC	03/31/45	12	85	79
17784	S. ELANGOVAN	OC	01/30/54	12	85	79
17785	*M. C. NAKRANI	OC		12	85	79
17581	D. K. SHENDE	OC	06/27/59	12	85	79
17786	S. B. BAHIR	OC	06/01/59	12	85	79
17577	B. G. ANGOLKAR	OC	06/20/51	12	85	79
17787	S. T. JADHAV	OC	06/01/57	12	85	79
17788	B. MURALI KRISHNA	OC	01/15/58	12	85	79
33599	R. C. CHAVAN	OC	01/30/59	12	85	79
15059	R. S. LAMANI	SC	01/08/55	12	85	79
17789	T. SRINIVASA CHARY	OC	08/23/58	12	85	79
17791	K. V. RAMANA MURTHY	OC	05/12/58	12	85	79
17792	M. V. M. SURYA NARAYANA	OC	04/05/58	12	85	79
15039	*MUNDRIKA RAM	SC		12	85	79
17710	*R. N. GAUR	OC		12	85	79
13872	RAM DAS	SC		12	85	79
13736	KANAJE SHARANAPPA	ST	01/02/56	12	85	79
13737	R. DURAISWAMY	ST	05/20/54	12	85	79
13738	K C KUSALAKUMARI	ST	08/28/55	12	85	79
32756	PRASANTA DASGUPTA	OC	04/17/47	12	85	79
19112	H M DEVKAR	ST		12	85	79
17574	K PRASADA RAO	OC	07/01/51	12	85	79
30460	K.L.BANSAL*	OC	07/21/46	5	87	79
30339	P.K.KADARAMANDALGI*	OC	07/13/57	5	87	79
30392	A.S.BARVE*	OC	01/18/58	5	87	79
37424	R K VERMA	SC	06/02/54	5	87	79
30420	R.P.GOYAL*	OC	06/10/56	5	87	79
30424	D.S.SHEKHAWAT*	OC	07/11/58	5	87	79
30439	V.B.MUNDHE*	OC	06/07/59	5	87	79
30467	S.K.LADDE*	OC	01/01/59	5	87	79
30486	DHULSHETTE*	OC	04/08/59	5	87	79
30530	U.G.NITURE*	OC	06/08/59	5	87	79

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

28 MARCH 2001

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attained finally.

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Guwahati Bench39
MARKS

SRNO	STNO	NAME						
15263	31863	KANHAIYA LAL	OC	03/03/54	4	88	79	
15264	31864	PRAHLAD RAI	OC	01/12/57	4	88	79	
15265	31865	A.K.TIWARI	OC	07/27/59	4	88	79	
15266	31866	V.S.SONAWANE	OC	01/06/54	4	88	79	
15267	31867	GUDIPATI SUBRAMANYAM	OC	04/15/55	4	88	79	
15268	31868	C.L.LIDOO	OC	08/18/42	4	88	79	
15269	31869	H.MARIYAPPA	OC	01/06/54	4	88	79	
15270	31870	HARISH CHANDRA PANDEY	OC	07/20/52	4	88	79	
15271	31871	D.S.MAPUSKAR	OC	07/21/54	4	88	79	
15272	31872	R.MUNUSWAMYRAJU	OC	01/07/57	4	88	79	
15273	13746	PADMANAV MARANDI	ST	05/28/44	4	88	79	
15274	18883	TALARI SUBBA RAO	SC	05/31/57	4	88	79	
15275	18884	KANANTHAM	SC	07/15/57	4	88	79	
15276	18885	P.SUNDARARAJU	SC	10/01/53	4	88	79	
15277	33593	MORE P.S	OC	05/30/57	4	88	79	
15278	37539	T.P.JANARDHANAN	OC	10/15/41	4	88	79	
15279	31873	CHAUDHARI P.H	OC	02/16/57	4	88	79	
15280	13748	HANUMANTH GOL VITTAL	ST	09/08/48	4	88	79	
15281	31874	V.NAGI REDDY	OC		4	88	79	
15282	18886	T.D. WANE	OC	10/17/52	4	88	79	
15283	31875	N.C. PATIL	OC	01/06/57	4	88	79	
15284	31883	B. VENKOBABAO	OC	01/07/54	4	88	79	
15285	31884	S.K. KHASIM SAHED	OC		4	88	79	
15286	30061	R.L. BAIRWA	SC	01/07/58	4	88	79	
15287	31885	MULLAR BS	OC	06/05/54	4	88	79	
15288	31886	SHAHABUDDIN KHAN	OC	01/01/50	4	88	79	
15289	31887	V.K. SRIVASTAVA	OC	02/01/59	4	88	79	
15290	13749	ASIT BARAN MURMU	ST	02/01/56	4	88	79	
15291	31888	BHARAT BHUSAN PAL	OC		4	88	79	
15292	31889	R.S. PANICKER	OC	11/25/57	4	88	79	
15293	31876	VEERAL LINGHTAH	OC	06/15/54	4	88	79	
15294	31890	GOPAL MOTTRAM PATIL	OC	01/06/54	4	88	79	
15295	31891	SOMPAPPA ERAPPA MAYALI	OC	06/13/57	4	88	79	
15296	31892	U.G. KATKAR	OC	01/06/58	4	88	79	
15297	31893	VISHWA NATH MISHRA	OC	01/01/52	4	88	79	
15298	31894	H.L. RAI	OC	09/09/57	4	88	79	
15299	31895	AJAY TANDON JMD. SDDIQUE	OC	04/12/58	4	88	79	
15300	31896	M.D. SIDDIQUE	OC	08/01/50	4	88	79	
15301	31897	DIGAMBER CHANGO PACHPANDE	OC	03/03/56	4	88	79	
15302	31898	Y.N. BAKSHI	OC	08/26/54	4	88	79	
15303	18887	GANTI SUNDRA RAO	SC	03/09/48	4	88	79	
15304	31877	SHYAM NANDAN PRASAD	OC	11/27/46	4	88	79	
15305	31899	K. BALA BRAHAMAJI RAO	SC	09/03/48	4	88	79	
15306	31900	A. RAMAKRISHNA RAO	OC	04/08/54	4	88	79	
15307	31901	N.A. KHAN	SC	09/20/55	4	88	79	
15308	18888	RAM DAYAL	OC	01/31/52	4	88	79	
15309	31903	AJAY KUMAR MOURYA	OC	10/10/57	4	88	79	
15310	31904	KHARE N.K.	SC	08/16/53	4	88	79	
15311	31905	M.M. PATIL	OC	11/10/51	4	88	79	
15312	18889	RAJENDRA PRASAD	OC	03/16/53	4	88	79	
15313	31878	SAMAR BAHADUR SINGH	OC	05/13/56	4	88	79	
15314	31906	A.K. ANAND	SC	05/08/56	4	88	79	
15315	31879	CHANNE S.N.	OC	01/06/57	4	88	79	
15316	31880	GULAM MOHAMMAD	OC	06/01/52	4	88	79	
15317	33742	M.SHIVA KUMAR	OC	03/20/59	4	88	79	
15318	31881	VARGHESE MATHEW.	OC	12/11/55	4	88	79	
15319	31882	MADHAB CH. DAS	SC	11/30/47	4	88	79	
15320	18890	P.KOTAIAH	SC	10/12/45	4	88	79	
15321	31908	G.MARUTHIRAO	OC	09/04/41	4	88	79	
15322	31909	A.P. MALANKAR	OC	05/12/52	4	88	79	

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Y LIST

STNO	NAME	CAT	DOB	QLFEXM	RECYR	REMAI	EMARKS
16223	32056 SOBARAN SINGH	OC	06/20/59	4	88	80	
16224	32057 J.R. PATEL	OC	04/26/54	4	88	80	
16225	32058 PUNJABI A.S.	OC	08/04/47	4	88	80	
16226	32060 A.V. KRISHNA RAO	OC	08/01/59	4	88	80	
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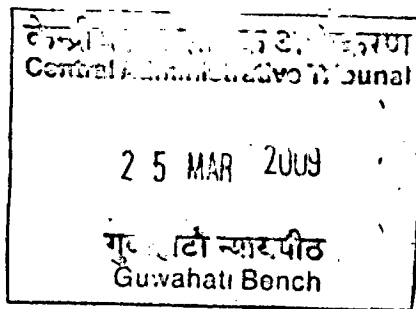
Page 34 of REVISED FINAL SENIORITY LIST

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25 MAR. 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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17301	32643	ANAND SHANKAR GAUR	OC	02/01/50	4	88	81
17302	32644	BALAI CH. BHOWMICK	OC	01/01/54	4	88	81



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ANNEXURE-3

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE SIDE)

Case No Appeal (Civil) 4339 of 1995

Petitioner :- Union of India,

Respondent :- Madras Telephone SC & ST Social Welfare
Association.

Date of Judgment:- 28.9.2006.

Bench :- B.P.Singh, S.B.Sinha and P.K. Balasubramanyan.

Judgment :- Judgment

Order in LA 16 in Civil Appeal No. 4339 of 1995

AND

IN THE MATTER OF:

Promotee Telecom Engineers Forum and Others ---- Applicants

-Versus-

Secretary, Department of Telecommunication and others --- Respondents

This application for clarification has been filed by the applicant, pursuant to the liberty granted to them by order of this Court dated July 18, 2003 in Petition for Special Leave to Appeal (Civil) No. 9189 of 2003 in Promotee Tele com Engineers Forum and others Vs. Secretary Department of Telecommunication and others. The applicants pray that this court may be pleased to clarify that the observations made by this court in its judgment and order reported in (2000) 9 SCC 71 (Union of India Vs madras Telephone SC and ST Social Welfare Association) dated April 26, 2000 to protect the seniority and consequent promotion of persons who had judgments in their favour from the Central Administrative Tribunal duly confirmed by this Court which have thus attained finally.

Certified to be
true copy
Sachin Kumar
24/2/09
Adv.

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25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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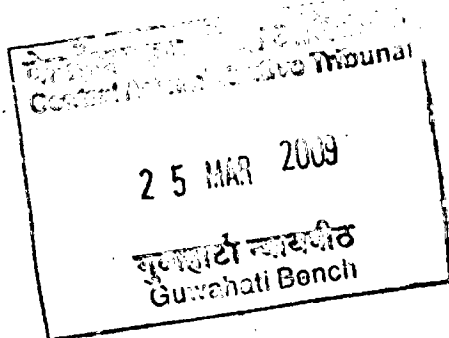
Their seniority and promotion, therefore, can not be disturbed in any manner whatsoever. The respondents who have revised the seniority list on 22nd, 26th and 28th March, 2001 respectively and purporting to give effect thereto issued the letter dated March 30, 2001, must recognize the finally of the judgments in favour of the applicants and restore them to their original seniority.

To appreciate the controversy it is necessary to refer to the background in which this question has arisen.

The applicants are/ were members of the Telegraph Engineering Service Class II. Before coming in to force of the Telegraph Engineering Service Class II Recruitment Rules, 1966, framed in exercise of powers conferred by the provision to Article 309 of the Constitution of India, the promotion from the post of erstwhile Engineering Supervisor (Telecom) (Re-designated as Junior Engineers) to the post of Assistant Engineer was made in accordance with the instructions contained in paragraph 206 of Post and Telegraph Manual, Vol IV. These instructions were executive instructions which governed the field in the absence of statutory rules. In accordance with the aforesaid executive instructions contained in the Manual, promotion to Class II was made according to the principle of seniority-cum-fitness. Those who passed the qualifying examination earlier-ranked senior as a group to those who passed the examination on subsequent occasions, i.e. officials, who passed the examination held in the year 1956 ranked en-block senior to those who passed in 1957. Their seniority inter-se, however, was determined according to their seniority in the cadre of Engineering Supervisors. However, with the

coming in to force of the Recruitment Rules, 1966 w.e.f. June 15, 1966, the method of determining seniority was changed. It was provided that the Engineering Supervisors must complete 5 years of service to be eligible for appearing at the departmental qualifying examination. The same requirement existed earlier as well as, but under paragraph (v) of Appendix 1 of Recruitment Rules, the eligibility of candidates for consideration of the Departmental Promotion Committee was to be prepared in accordance with the instructions as may be issued by the Government from time to time. Accordingly, the Government of India, Department of Communications issued instructions dated June 28, 1966 prescribing the procedure for the preparation of eligibility list of the officers for being placed before the Departmental Promotion Committee. The instructions required the preparation of a separate list for each year of recruitment. Paragraph (V) of the instructions provided that all officers of a particular year of recruitment/ appointment, who had qualified in the examination, would rank enblock senior to those officials of the same year of recruitment/appointment, who qualified in subsequent examination. It would thus appear that in the matter of promotion the emphasis shifted from the year of passing the examination to the year of recruitment/ appointment of the candidate concerned.

In the year 1981 one Shri Parmananda Lal (1966 batch) and Shri Brij Mohan (1965 batch), both of whom qualified in qualifying examination held in 1974, filed two writ petitions complaining of their placement in the eligibility list below the last man who passed the qualifying examination in 1975. The department contended that the eligibility list had been arranged the basis of seniority based on the year of



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recruitment and ignoring the year of passing the qualifying departmental examination, as required by the Recruitment Promotion Rules of 1966. The Lucknow Bench of Allahabad High Court considered the submissions urged before it in the light of the Recruitment Rules of 1966 as also the Rules of 1981 and paragraph 206 of the P & T Manual and concluded that those who qualified in the departmental examination earlier were entitled to be promoted prior to those who qualified later, irrespective of the year of their initial recruitment. It was held that paragraph 206 of the Manual was not in conflict either the Rules of 1966 or 1981, but was supplemental to those Rules. Relief was accordingly granted to the writ petitioners based on the interpretation of the Rules and paragraph 206 of the P & T Manual.

Petitions for Special Leave to Appeal were preferred by the Union of India challenging the aforesaid decision of the Allahabad High Court which were numbered as Special Leave Petition Nos. 3384/ 3386 of 1986. By order of April 8, 1986 this court dismissed the special leave petitions observing as follows:-

"Special leave Petition is dismissed on merits. In the facts and circumstances of the present case, we are not inclined to interfere with the judgment of the High Court except to a limited extent"

It is the case of the applicants that following the judgment of the Allahabad High Court several petitions were allowed by the Principal Bench, Central Administrative Tribunal seeking identical relief. The Principal bench by a detailed order of June 7, 1991 allowed the applications and issued directions for re-fixation of seniority, keeping in view of the relevant recruitment rules and paragraph 206 on the manual.

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The order of the Principal Bench of the Central Administrative Tribunal dated June, 7 1991 was challenged before this court both by the Union of India and Junior Telecommunication Officers Association (India) representing the of some of the aggrieved officers. The Special Leave Petition Nos. 19716/ 19722 of 1991 were dismissed on January 6, 1992.

While dismissing the special leave petitions this court observed:-

"These special petitions are directed against the judgment of the Central Administrative Tribunal, Principal Bench, Delhi, dated June 7, 1991. The Principal Bench has followed the judgment of the Allahabad High court in Writ Petition Nos. 3384-86 of 1986 decided on February 20, 1985. S.L.P.(C) Nos. 3384-86 of 1986 against the judgment of the Allah bad High Court have already have been dismissed by this court on April 1986. We see no grounds to interfere. Special Leave petitions are dismissed"

Subsequently, the same questions were again agitated before this court in 1993 Supp(4) SCC 693 (Junior Telecom Officers Forum and others-Vs- Union of India and others). This Court while dismissing the writ petition before it observed:-

"Though learned counsel for the parties have referred to some judgment on the questions of res-judicata, constructive re-judicata and the binding nature of a precedent, we do not think it is necessary to refer to any of those judgment as in the facts and circumstances of this case and from what we have noticed above we are satisfied that the issues which the petitioners now wish to raise had been agitated directly and substantially not only by JTOA, which was espousing their cause in the earlier litigation right up to this court, but also by the Union of India.

The order made by this court in S.L.P.(C) Nos. 3384-86 of 1986 interfering with the judgment of the Allahabad High Court to a limited extent is an order made on the merit of the case as is quite apparent from the expressions used in that order and is a binding precedent. The issues were again raised and agitated by the Union of India as well as JTOA in SLP(C) Nos. 19716-22 of 1991 against the judgment of Principal Bench of CAT dated June 7, 1991 unsuccessfully. Those judgments have settled the controversy and have become final and binding in respect of the questions debated therein and the issues settled thereby and as it was observed by a Constitution Bench of this Court in *Makhanlal Waza-Vs. - State of J & K, the Union of India* and its officers are bound to follow the same even if the members of the Forum or a majority of the Engineers were not individually parties in the case before the Allahabad High Court. Since the issues now raised have been agitated twice over, it is not permissible for the petitioners to once again reagitate the matter by coming now under the cloak of a Forum. The preliminary objection, therefore, must succeed and is upheld. The writ petition is accordingly held not maintainable and dismissed."

The applicants contend that following the judgment of the Allahabad High Court and the Supreme Court, the Benches of the Central Administrative Tribunal decided a large number of cases. In some of the cases appeals were preferred by the Union of India before this court which were rejected by this court. The applicants have referred to the judgment of this court in 1994 Supp (2) SCC 222 (*Telecommunication Engineering Service Association (India) and another Vs. Union of India and another*), wherein in substance the view of the Allahabad High Court was approved

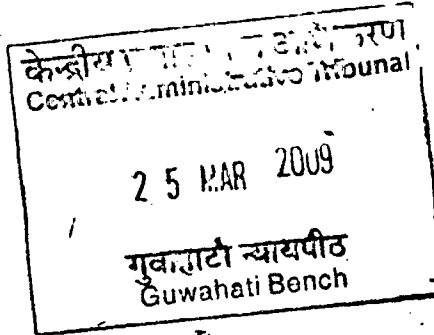
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by this court by dismissal of the special leave petitions. The Tribunal in that case had held that the decision of the Allahabad Bench in the case of Paramanada Lal and Brij Mohan and the judgments of the Tribunal following the said decision lay down good law and constitute good precedents to be followed in similar case. The Tribunal accordingly rejected the contentions of the appellants to the contrary and further held that having urged before the Supreme court their various contentions, and their S.L.P.s having been dismissed, they could not agitate the matter before the Tribunal. This court observed:-

"So, far as the first point is concerned, it appears that the interventionists filed parallel proceedings through Junior Telecom Officers' Forum -Vs.- Union of India and this court (J.S. Verma and Anand, J.J.) in an elaborate judgment took the same view as that of the Allahabad High Court noticed by the Principal Bench of the Tribunal in the aforesaid case of Paramanada Lal and Brij Mohan which has become final and has been upheld by this court on merit. It is thus not necessary to dwell on the first question decided by the Principal Bench any further."

It would thus appear that this court upheld the view of the Allahabad High Court in the case of Paramanada Lal and Brij Mohan. This view was upheld by this court dismissing the special leave petitions against the said judgment. The same view was reiterated by this court in 1993 Supp(4) SCC 693 (Junior Telecom Officers Forum -Vs.- Union and others and 1994 Supp (2) SCC 222 (Telecommunication Engineering Service Association(India) and another Vs Union of India and another.

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It appears that the Madras Telephone S.C. & S.T Social Welfare Association had filed a writ petition before the Madras High Court with prayer that the eligibility list must be prepared by determining the seniority on the basis of confirmation as Junior Engineer. That list should form the basis for promotion to Class II Service. The writ petition stood transferred to the Central Administrative Tribunal and the Tribunal by its judgment dated December 31, 1986 held that the year of recruitment for the purpose of seniority is extraneous and irrelevant and accordingly directed that the eligibility list be arranged according to the year of passing the qualifying examination. As amongst those who passed the examination in the same year, the list should be according to their merit as seen from the marks obtained in the examination. The judgment of the Tribunal was challenged before this Court in Civil Appeal No. 4339 of 1995 and the judgment of this Court is reported in (1997) 10 SCC 226 (Union of India Vs Madras Telephone S.C. & S.T. Social Welfare Association and another). This court held:-

"From the aforesaid clause read with instructions, it is clear that the eligibility lists have to be prepared according to the year of recruitment/ appointment. The respondent's case, before the Tribunal, however, was that the said lists should be prepared not with reference to the year of recruitment/ appointment but with reference to the year of confirmation. The Tribunal neither accepted their statement nor did it uphold the department's case, but directed that these lists should be prepared on the basis of the year of the passing of the departmental qualifying examination and not the basis of the year of recruitment/ appointment. In our opinion what the Tribunal has done really amounts to rewriting the rule which should not have been done by it. The appeal is

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accordingly allowed. The order of the Tribunal is set aside. For the same reasons, the order dismissing the review filed by the Union of India, by the Tribunal, is also set a side. No costs."

In Civil Appeal No. 4339 of 1995, the notice of this court was not drawn to the earlier judgments of this court, wherein the Allahabad High Court view had been approved, namely, the order of this court dismissing the special leave petition in Paramanada Lal and Brij Mohan case, and the judgments reported in 1993 Supp (4) SCC 693 (Junior Telecom Officers Forum and others Vs Union of India and Others) and 1994 Supp (2) 222 (Telecommunication Engineering Service Association (India) and another Vs. Union of India and another. The judgment of this court does not notice the judgments aforesaid.

In view of the earlier judgments of this court and the later judgment in Civil Appeal No. 4339 of 1995 which apparently took a contrary view, the Union of India found difficulty in implementing the order of this court and, therefore, it filed an application for clarification which came to be disposed of by this court along with other applications, petitions and civil appeals by a common judgment reported in (2000) 9 SCC 71 (Union of India Vs. Madras Telephone S.C. & S.T. Social Welfare Association).

Shorn of unnecessary details this court took the view that the judgment of this court in Civil Appeal No. 4339 of 1995 reported in (1997) 10 SCC 226 laid down the correct law. It did not approve the view of the Allahabad High Court observing that once the statutory recruitment

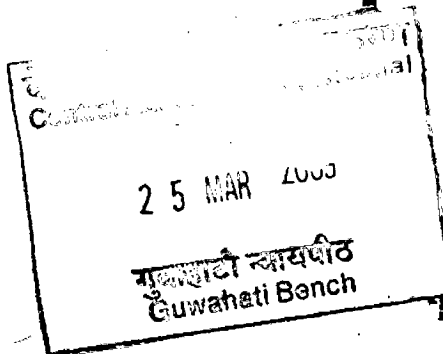
rules came in to force and the procedure was prescribed under the said Rules for preparation of eligibility list of officers for promotion to the Engineering Service, Class II, by Notification dated June 28, 1966, it is that procedure which has to be adopted and the earlier Administrative instruction contained in paragraph 206 of the P & T Manual cannot be adhered to. It observed that the contrary conclusion of the Allahabad High Court was undoubtedly incorrect. However, it made a pertinent observation with which are concerned in the instant application. While upholding the correctness of the law declared in 1997 (10) SCC 226, it was clarified as follows:-

"We, however, make it clear that the persons who have already got the benefit like Paramanda Lal and Brij Mohan by virtue of the judgment in their favour will not suffer and their promotion already made will not be affected by this judgment of ours"

By the same judgment this court also disposed of the appeal preferred by Paramanada Lal which was directed against the order of Central Administrative Tribunal dated April 11, 1997. Paramanda Lal had approached the Tribunal challenging the order of reversion because of judgment of different Tribunal and of this court. This court observed that though the correctness of the view in (1997)10 SCC 226 had been upheld, promotions already effected pursuant to the judgment of the Allahabad High Court which was upheld by this court by dismissing the Special Leave Petition filed by the Union of India will not be altered in any manner. That judgment having attained finality and Paramanada Lal having received the benefit of the said judgment and having been promoted, could not have been reverted because of some later judgments

and directions given either by the Tribunal or by this court. It accordingly quashing the order of reversion and also clarified that the seniority of Paramanada Lal in the cadre of Assistant Engineer, fixed on the basis of the directions of Allahabad High Court, after dismissal of the leave petition against the same by this court, is not liable to be altered by virtue of a different interpretation being given for fixation of seniority by different Benches of the Central Administrative Tribunal. The applicants claim that their cases are also similar and in fact identical to that of Parmanand Lal and Brij Mohon. In their cases as well, the High court of CAT have rendered judgments in their favor pursuant to which they have already promoted on the basis of their seniority determined in accordance with the principles of laid down by the Allahabad High Court. Thus, they are covered by the observation earlier quoted in this order wherein it has clarified that persons who have already got their benefits like Paramand Lal and Brij Mohon by virtue of the judgment in their favor will not suffer, and their promotion already made will not be affected by that judgment.

On behalf of the Union of India three main objections have been raised. In the first instance, it is submitted that this court should not entertain an application for clarification three and a half years after judgment of this court dated April 26, 2000. Secondly, it is contended that the applicants are seeking clarification from this court to the effect that though a part of the seniority list should be prepared in accordance with paragraph 206 pf the P. & T Manual, the rest of it be prepared in accordance with the 1996 Rules. Since the larger bench held that the statutory Rules of 1996 will supersede the administrative instructions



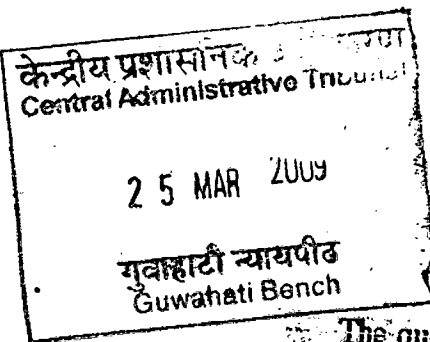
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contained in the Manual, there is no need to undertake this exercise as it would result in unnecessary complications. Lastly, an objection has also been raised on the ground that in the case of Shri Pramanand Lal this court had protected his seniority as well as promotion but in the instant case only the promotion has been protected and not the seniority.

So far as the last submission is concerned, we consider the submission to be hyper technical and do not deserve serious consideration. If the promotions have been protected, it is only on the basis of seniority determined by the concerned authority in accordance with the principles laid down in earlier judgments.

So far as the question of delay is concerned, the applicants have explained that after the judgment of this court, they have not been sitting idle. They have referred to have various proceedings taken by them before this court, before the Central Administrative Tribunal, New Delhi, and thereafter before the High Court. In fact, while disposing of their writ petition, the Delhi High court in its order of December 16, 2002 observed that since the issue involved interpretation of the judgment of this court in (2000) 9 SCC 71 (Supra) the petitioners were free to approach this court seeking clarification. The applicants, thereafter, filed a Special Leave Petition No. 9189 of 2003 which was withdrawn by the petitioners with liberty to seek clarification of the judgment and order of this court. We are, therefore, satisfied that this application can not be rejected on the ground of delay.

contd/- page 13



(39)

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-page 13.-

The question then arises as to whether the applicants can claim the protection of their seniority and consequent promotion on the basis of observation and the clarification contained in the judgment of this court reported in (2000) 9 SCC 71. Having considered all respects of the matter we are satisfied that those whose cases stand on the footing as that of Pramanand Lal cannot now be adversely affected by re-determination of their seniority to their disadvantage relying on later judgment of this court C.A. No. 4339 of 1995 reported in (1997) 10 SCC 226 (Supra) as affirmed by this court in its judgment reported in (2000) 9 SCC 71 (Supra).

We, therefore, direct that such of applicant whose seniority had been determined by the competent authority, and who had been given benefit of seniority and promotion of pursuant to the orders passed by Courts or Tribunals following the principles laid down by the Allahbad High Court and approved by this court, which orders have since attained finality, cannot be reverted with retrospective effect. The determination of their seniority and the consequent promotion having attained finality, the principles laid down in later judgment will not adversely affect their cases.

This court has clarify clarified the position in its aforesaid judgment. The observation made by this court while disposing the appeal of Parmanand Lal is also pertinent. This court clearly laid down the principle that the seniority fixed on the basis of the directions of this court which had attained finality is not liable to be altered by virtue of a different interpretation being given for fixation of seniority by different benches of Tribunal. Consequently, the promotions already effected on the basis of seniority determined in accordance with principles laid down in

contd/- page 14

the judgment of the Allahabad High Court can not be altered. Having regard to the above observation and clarification we have no doubt that such of the applicants whose claim to seniority and consequent promotion on the basis of the principles laid down in the Allahabad High Court's judgment in Pramanand Lal's case have been upheld or recognized by Court or Tribunal by judgment and order which have attained finality will not be adversely effected by the contrary view now taken in the judgment reported in (1997) 10 SCC 226. Since the right of such applicants were determined in a duly constituted proceeding, which determination has attained finality, a subsequent judgment of a court or Tribunal taking a contrary view will not adversely effect the applicants in whose cases in orders have attained finality. We order accordingly. Before parting with this judgment we may observed that we have not laid down any principle or law having universal application. We have only clarified and given effect to an earlier judgment of this court rendered in an extraordinary situation.

Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench No. 15-28/2003-STG.II

Government of India

Ministry of Communications & Information Technology
Department of Telecommunications

ANNEXURE H



421, Sanchar Bhavan,
20-Ashoka Road,
New Delhi-110 001.

Dated the 30th March, 2007.

To

1. The Chairman & Managing Director, BSNL, New Delhi.
2. The Chairman & Managing Director, MTNL, New Delhi.

Subject : Order dated 28/09/2006 of Hon'ble Supreme Court of India in I.A. No. 16 in C.A. No. 4339 of 1995 - implementation regarding.

Sir,

I am directed to say that this office has received a large number of representations from many officers requesting for extending the benefits of Hon'ble Supreme Court of India's order dated 28/09/2006 in I.A. No. 16 in C.A. No. 4339 of 1995. In this connection, it is intimated that as per legal advice received by Government, the benefit of the aforesaid judgment would be admissible to the applicants who were party before the Hon'ble Supreme Court.

2. The above position may be suitably brought to the notice of all concerned.

Yours faithfully,

[B.M. David]

Under Secretary to the Govt. of India
Tele No. 23036282/Fax No. 23716099.

Certified to be
true copy
Chandrababu
Advocate

43-42

ANNEXURE - 5

57

No. 15-28/2003-STG.II
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications

Central Administrative Tribunal

25 MAR 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

421, Sanchar Bhavan,
20-Ashoka Road,
New Delhi-110 001.

Dated the 19th May, 2008.

Office Order

Order dated 25/03/2008 of Hon'ble Supreme Court of India in C.P. No. 248/2007 in I.A. No. 16 in C.A. No. 4339 of 1995 - implementation regarding.

compliance of Hon'ble Supreme Court order dated 25/03/2008 in I.A. No. 16 o. 4339 of 1995, the seniority of the following 45 TES Group 'B' officers who are in the C.P. No. 248/2007 is revised as under :-

Name [S / Shri / Smt.]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	Remarks
Janaky Jagadish	12760	23/09/48	5138.1	Above Shri M.R. Belani (Sen.No.5139) Below Shri Haridoss S. (Sen. No.5138)
2 Anthony B.	15787	05/02/48	5138.2	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.1
3 G.R. Kulkarni	15903	18/10/50	5138.3	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.2
4 Suresh Kumar Kulshreshtha	15983	12/10/54	5138.4	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.3
5 Dalvir Aggarwal	16354	01/01/55	5138.5	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.4
6 S.R. Sakhare	16423	08/08/56	5138.6	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.5
7 R.L. Kaul	33680		5138.7	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.6
8 Parsai Prakash Chandra	16523	06/12/51	5138.8	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.7

Certified to be
true copy
Shrikanth Choudhary
Advocate

(Signature)
Advocate

(44) 43

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
25 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Sl. No.	Name [S / Shri / Smt.]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	Remarks
9	Ranbir Singh	16526	10/12/56	5138.9	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.8
10	Harcharan Singh Lahri	16588	08/10/45	5138.10	Above Shri M.R. Belani (Sen.No.5139) Below Sen. No.5138.9
11	Chuni Singh	16590	11/12/48	5138.11	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.10
12	R.N. Kuchai	16701	20/04/49	5138.12	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.11
13	M. Nagarajappa	16735	08/11/55	5138.13	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.12
14	Azad Singh Chaudhary	16740	28/01/50	5138.14	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.13
15	S.N. Raina	16744	20/03/50	5138.15	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.14
16	B.P. Sinha	16811	06/10/49	5138.16	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.15
17	Anup Kumar Kharb	17228	16/05/58	5138.17	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.16
18	Pradip Kumar	16821	09/09/51	5138.18	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.17
19	Rabendra Singh	16824	05/01/53	5138.19	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.18
20	G. Bhimappa	16851	08/04/55	5138.20	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.19
21	Kamal Kishore Rawat	16852	30/10/51	5138.21	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.20
22	L.D. Koul	17285	19/07/49	5138.22	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.21

Contd...3/-

25 MAR 2009
 Remarks
 Guwahati Bench

	Name [S / Shri / Smt.]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	
	Qazi Shamsudin	17305	09/04/48	5138.23	Above Shri M.R. Beiani (Sen.No.5139) Below Sen.No.5138.22
	M. Singh	17477	01/03/53	5138.24	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.23
	dhari Lal	17503	18/02/55	5138.25	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.24
	Gade	17670	22/06/57	5138.26	Above Shri M.R. Belani (Sen.No.5139) Below Sen.No.5138.25
	adan Singh	30219	02/05/52	5575.1	Above Shri B.C. Biradar (Sen.No.5576) Below Shri M.S. Kanthi (Sen.No.5575)
	A.D. Babladi	30797	22/07/58	5575.2	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.1
	Virender Prakash	30815	31/10/59	5575.3	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.2
	L.M. Bastikar	30817	10/05/59	5575.4	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.3
31	C.A. Waremani	30879	24/02/58	5575.5	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.4
32	V.K. Mahuli	30908	15/04/60	5575.6	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.5
33	Rajendra Prasad	30989	01/07/58	5575.7	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.6
34	Rakesh Kumar Tanwar	19142	12/04/61	5575.8	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.7
35	Ravinder Singh Panwar	31055	27/01/61	5575.9	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.8
36	Krishnamurthy Adiga	31067	20/08/54	5575.10	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.9
37	Brijesh Tyagi	31068	01/08/58	5575.11	Above Shri B.C. Biradar (Sen.No.5576) Below Sen.No.5575.10

Contd...4/-

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25 MAR 2009
General Manager
Guwahati Bench

Sl. No.	Name [S./ Shri / Smt.]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	Remarks
38	Mohindra Pal	32237		6890.1	Above Shri A.V. Kulkarni (Sen.No.6891) Below Shri L.S. Srivastav (Sen.No.6890)
39	Ajay Sharma	32331	01/05/61	6890.2	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.1
40	Chandra Bhuvan Singh Bisht	32345	24/05/52	6890.3	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.2
41	Tribhuwan Singh	32434	15/06/53	6890.4	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.3
42	Amarjeet Kaur Bedi	32450	13/04/62	6890.5	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.4
43	Suresh Chand Bhardwaj	32457	28/12/59	6890.6	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.5
44	Anil Gupta	32531		6890.7	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.6
45	Satya Pal Singh	32641	25/06/51	6890.8	Above Shri A.V. Kulkarni (Sen.No.6891) Below Sen.No.6890.7

2. Office Order No. 15-28/2003-STG.II dated 20/01/2007 & 09/03/2007 may be treated as cancelled.

[Signature]

[B.M. David]

Under Secretary to the Govt. of India
Tele No. 23036282/Fax No. 23716099

To,

1. The CMD, BSNL, New Delhi.
2. The CMD, MTNL, New Delhi.

Copy to :-

1. Executive Director, MTNL, New Delhi/Mumbai.
2. ADG (Pers.II), BSNL CO, Statesman House, New Delhi.
3. Shri Azad Singh Chaudhary, President, Promotee Telecom Engineers Forum, 114, H-17, Sector-7, Rohini, New Delhi-110 085.

[Signature]

[Surendra Patel]

Section Officer (STG.II)

Tele No. 23036100/23355758

No. 15-6/2007-STG.II (i)
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Office Order

421, Sanchar Bhavan,
20-Ashoka Road,
New Delhi-110 001.

Dated the 21st May, 2008.

ANNEXURE-6

Subject : Order dated 25/03/2008 of Hon'ble Supreme Court of India in C.P. No.248/2007 in I.A. No. 16 in C.A. No. 4339 of 1995 - implementation regarding.

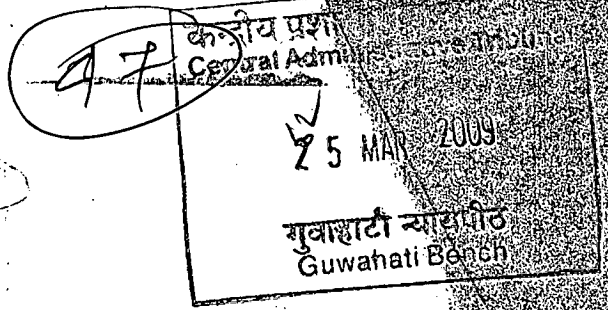
The Hon'ble Supreme Court in its order dated 25/03/2008 in C.P. No. 248/2007 in I.A. No.16 in CA No. 4339 of 1995 has clarified that "it was specifically held by this court in its order dated 28/09/2006 that such of the employees whose claims for seniority on the basis of the qualifying year had become final because of the orders of the courts, should not be disturbed on accounts of its subsequent judgment dated 26/04/2000". Accordingly, the seniority of the following 9 TES Group 'B' officers who are petitioners in CWP No. 13/2007 filed by Shri Sohan Lal Sayal & Others in the Hon'ble High Court of H.P. at Shimla and who had obtained the orders in their favour on 25/03/1992 in 1311/HP/91 from Hon'ble CAT, Chandigarh Bench for fixation of their seniority on the basis of qualifying year on the principles laid down by Allahabad High Court in P.N. Lal case is revised as under :-

Sl. No.	Name [S/Shri]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	Remarks
1	Ram Prakash Gupta	16586	20/12/52	5138.9.1	Above Sen. No.5138.10 Below Sen. No.5138.9
2	Vishwa Nath Sharma	16806	01/12/49	5138.15.1	Above Sen. No.5138.16 Below Sen. No.5138.15
3	Chint Ram Sharma	16842	15/06/58	5138.19.1	Above Sen. No.5138.20 Below Sen. No.5138.19
4	Sohan Lal Sayal	17119	15/09/49	5138.21.1	Above Sen. No.5138.22 Below Sen. No.5138.21
5	Jitender Kumar	30661	12/04/53	5575.1.1	Above Sen. No.5575.2 Below Sen. No.5575.1
6	Nirdosh Kr. Modgil	30810	02/06/54	5575.2.1	Above Sen. No.5575.3 Below Sen. No.5575.2

Contd...2/-

Certified to be
true copy
Shri Anand Kumar
Advocate

Shri Anand Kumar
Advocate



:: 2 ::

Sl. No	Name [S/Shri]	Staff No.	Date of Birth	Revised Sen. No. as per the order dated 25/3/2008	Remarks
7	Ved Prakash Kaushik	30838	21/12/49	5575.4.1	Above Sen. No.5575.5 Below Sen. No.5575.4
8	Pran Nath Sharma	30892	02/03/45	5575.5.1	Above Sen. No.5575.6 Below Sen. No.5575.5
9	Bhavani Dutt Sharma	31012	02/01/50	5575.7.1	Above Sen. No.5575.8 Below Sen. No.5575.7

[B.M. David]

Under Secretary to the Govt. of India
Tele No. 23036282/Fax No. 23716099

To,

1. The CMD, BSNL, New Delhi.
2. The CMD, MTNL, New Delhi.

From:

Mohan Chandra Modak,
ADT (Staff), Circle Office,
Panbazar, Guwahati - 781 001

To

The Secretary,
Department of Telecommunication,
Sanchar Bhawan,
20 - Ashoka Road,
New Delhi - 110 001

द्वितीय प्रशासनिक अधिकरण
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(Through Proper Channel)

Sub:

MODIFICATION OF SENIORITY IN THE SENIORITY LIST OF
TES GROUP 'B'.

Respected Sir,

I would like to bring the following few points and facts for your kind consideration and favorable order please.

1. The DOT vide its Order No. 15-28/2003-STG-II dated 20/01/2007 and 09/03/2007 have revised the seniority of some of TES Group 'B' officers. In this list some of officers who are junior to me in all respects were made senior to me.
2. I represented to DOT and requested that those officers can not be made senior to me because I am senior to them in all respects whether it is year of recruitment or passing the qualifying examination for promotion to TES Gr. 'B' and I am a similarly placed person whose seniority attained finally through Hon'ble Principal Bench CAT order dated 28/09/1992.
3. It was not on the decision of DOT that I got my seniority and subsequently the promotion to TES Gr. 'B' vide DOT Order No. 2-41/94-STG-II dated 27/05/1994 but on the order of Hon'ble Principal Bench CAT dated 28/09/1992.
4. Though I am similarly placed person, DOT did not revise my seniority instead placed some of my juniors above me and denied me justice.
5. Now I represent against this order. Instead of providing me justice, DOT vide its order No. 15-28/2003-STG-II dated 19/05/2008 have again placed a lot of junior officers above me. These all officers are junior to me in all respects. This is clear from the details given below.

Contd.....Page - 2

S Sen/ To From

certified to be
true copy
Shankar Chakrabarti
Advocate

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Page - 2

Sl. No	Name	Staff No.	Seniority before 2000 (on the basis of passing Qualifyin g exam)	Seniority after 2000 (on the basis of year of recruitment)	Revised Seniority No. vide order dated 19/05/2008
1	MOHAN CHANDRA MODAK	17727	14202	14674	Not Revised
2	A.D. BABLADI	30797	16407	15696	5575.2
3	VIRENDRA PRAKASH	30815	16427	15719	5575.3
4	L.M. BHASTIKAR	30817	16431	15724	5575.4
5	G.A. WAREMANI	30879	16501	15798	5575.5
6	V.K. MAHULI	30908	16531	15829	5575.6
7	RAJENDRA PRASAD	30989	16617	15910	5575.7
8	RAVINDER SINGH PANWAR	31055	16685	15985	5575.9
9	BRIJESH TYAGI	31068	16701	16001	5575.11
10	MOHINDER PAL	32237	18083	16770	6890.1
11	AJAY SHARMA	32331	18207	16898	6890.2
12	CHANDRA BHUVAN BISHT	32345	18224	16918	6890.3
13	TRIBHUVAN SINGH	32434	18335	17024	6890.4
14	AMAREET KAUR BEDI	32450	18354	17049	6890.5
15	SURESH CHAND BIHARDWAJ	32457	18362	17058	6890.6
16	ANIL GUPTA	32531	18451	17155	6890.7
17	SATYA PAL SINGH	32541	16583	17166	6890.9

From the list given above, it is evident that all the persons mentioned above whose seniority has been revised are junior to me in all respects i.e, whether it is seniority on the basis of recruitment year or seniority based on passing the qualifying examination and that great injustice has been done to me. DOT can not apply two set of rules specially in finalizing the seniority of similarly placed officers. This a simple case of denying me natural justice and snatching away my fundamental rights.

In view of above I again request to kindly revise my seniority, place me above all my juniors, do justice to me and restore my dignity.

DOT has already been directed to protect the seniority of similarly placed persons by various court judgments but DOT fails to be impartial and is denying me justice. In case DOT still denies me justice I will have no alternative but to approach the Court of Law.

Thanking you,

Yours faithfully,

Dated at Guwahati, the 10/09/2008

(M.C. Modak)
Staff No. 17727

ADT (Staff), Circle Office, Guwahati

Copy to:

1. The Director, HRD, BSNL Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi - 110 001.

**BIHARAT SANCHAR NIGAM LIMITED**

[A Government of India Enterprise]

CORPORATE OFFICE : PERSONNEL BRANCH4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110001

No.412-06/2008-Pers-I

Dated

6/2/09

6 Feb, 2008

To

All Heads of Telecom Circles &
Other Administrative Units of BSNLSubject: Promotion of Executives (TES Group 'B') to STS(DE) grade on Adhoc
Basis-calling of ACRs and Screening Committee report.

The undersigned is directed to state that as per the decision of the competent Authority, adhoc promotion of Executives (TES Group 'B') absorbed in BSNL has to be considered. The Executives falling in the zone of consideration fixed for this purpose are to be considered for the proposed promotion. The detail are as under :

1. The Executives (TES Grp 'B') from seniority No.12204.2 against the name of Shri. Rajinder Singh (Staff No.33941) to the seniority No.14001 against the name of Shri. Badhe Prakash Eknath (Staff No.30304) for OC/SC and from seniority No.20061 to 24456 for ST have to be considered on the basis of vigilance clearance, seniority and fitness. The starting and ending seniority Nos within the zone of consideration for OC, SC & ST candidates are as under:

SL.No.	Seniority numbers for OC		Seniority numbers for SC		Seniority numbers for ST	
	From	To	From	To	From	To
1.	12204.2	14001	12204.2	14001	20061	24456

2. The Executives (TES Grp 'B') who are senior to the ones covered in the aforesaid zone and were not considered for promotion in the past may also be considered.
3. Only those Executives (TES Grp 'B') who have been absorbed in BSNL are to be considered only. However, seniority of the Executives (TES Grp 'B') who are senior and are not being considered due to non-issuance of their Presidential Order will remain undisturbed as this proposed promotion being effected is of ad-hoc basis only.
4. Only those Executives (TES Grp 'B') who have put in six years of eligible length of regular service as on 30.9.2008 shall be considered.
5. ACRs for the last five years i.e 2003-04 to 2007-08 may be furnished to the Corporate Office.

(H)

(H)

Certified to be
true copy
Shenoi Chakraborty
Advocate

Shenoi Chakraborty
Advocate

ANNEXURE-8(A)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

6. The tabulation sheets may also be furnished indicating the grading of the various Executives (TES Grp 'B') duly checked and signed by an officer of the rank not below DGM(Admn) of the Circle concerned. While indicating the grading in case there are more than one ACR in a particular year then in such cases the period wise grading is to be indicated in the enclosed proforma in the 'MS Exce' format. Example indicated in the said format may be followed by all the circles. Circles are advised to retain the photocopies of the ACRs for their use till the proposed promotion job is completed by the Corporate Office.
7. CGMs are requested to direct their Vigilance Officers to E-Mail the Vigilance status of the Executives (TES Grp 'B') in the zone of consideration to expedite the process of Vigilance clearance required for the purpose.

Above exercise may be completed by the Circles in a Time Bound manner and may depute their representative (not below the rank of SDE(Admn)) to hand over the ACR dossiers along with the softcopy of the tabulation sheet in CD to this office latest by 15th of March, 2009.

The copy of the seniority list of zone of consideration (12204.2 to 14001) is enclosed for reference. Corrections and Omissions in the seniority list may be intimated to this office at the earliest.

For any assistance AGM(DPC) may be contacted over phone NO.09868170090.

B. Sufendranath

Asstt. General Manager (DPC)

Encl: As above.

Copy to: The Chief Vigilance Officer, BSNL, Statesman House, Barakhamba Road for information w.r.t para 8 above please.

Serial No. 54

Name (54)

Category A.O.B

avg. age. on 1.1.1999

प्रशासनिक अधिकारी
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

Compare with Annexure 21 (25)

8200	13243	18787	SHIV KUMAR	OC	11/30/1955	5	87	77	
	13244	18788	L.P. SHARMA	OC	04/07/1949	5	87	77	
8201	13245	18789	M. VARA PRASADA RAO	OC	06/19/1949	5	87	77	
8202	13246	18790	VISHVESHWARA BHAT	OC	07/19/1955	5	87	77	
8203	13247	18791	S.K. BHATTANAGAR	OC	06/05/1951	5	87	77	
8204	13248	18792	G. VENKATESHA	OC	05/15/1952	5	88	79	
8216	13249	18886	I.D. WANF	OC	10/17/1952	4	88	79	
8217	13249	18888	RAM DAYAL	OC	01/31/1952	4	88	80	
8225	13248.2	18913	B. THYAGARAJAN	OC	04/29/1955	4	87	80	
8226	13248.2	19090	SANI RAM	SC	12/31/1958	4	90	80	
8227	13248.2	19094	D.C. BOLAGOND	OC	05/30/1958	4	88	81	
8232	13248.2	18981	R. DURISAMI	SI	30/9/56				
8237	13248.25	19125	B.C. BARUA	SI	17/3/57				
8238	13248.25	19126	D. BORA	SI	11/03/1958				
8239	13248.25	19127	J. SONOWAL	SI	08/06/1956				
8240	13248.25	19128	K. DEORI	OC	10/08/1955	5	87	77	
8242	13249	30079	A.K. KOLEKAR	OC	12/26/1949	5	87	77	
8243	13250	30080	BINDA PRASAD	OC	01/01/1955	5	87	77	
8244	13251	30083	S.V. PRAKASH IYER	OC	06/01/1956	5	87	77	
8246	13252	30084	A.M. NAGARAJU	OC	06/11/1952	5	87	77	
8247	13252.1	30082	M.A. PADEL	OC	09/09/1951	5	87	77	
8248	13253	30085	HARIHAR DUTT SHUKLA	OC	09/22/1956	5	87	77	
8249	13254	30086	SUMATHI S. SHETTY	OC	02/24/1957	5	87	77	
8250	13255	30087	V. RAMACHANDRA	OC	06/01/1952	5	87	77	
8252	13256.1	30088	M.S. ASHAYAT	OC	07/27/1955	5	87	77	
8253	13257	30093	C.S. SANGH RAO	OC	01/18/1955	5	87	77	
8254	13258	30090	BADAL KANII SINGHA	OC	09/13/1954	5	87	77	
8255	13258.1	30091	S.J. PATEL	OC	03/01/1953	5	87	77	
8256	13259	30092	R.V. MAHAJAN	OC	07/01/1952	5	87	77	
8258	13263	30095	NANDAVADEKAR VASANI MA	OC	03/06/1956	5	87	77	
8259	13264	30096	C.J. NILAKHE	OC		5	87	77	
8260	13265	30097	SHIV KUMAR	OC	05/10/1954	5	87	77	
8262	13267	30099	MUTHAYYA V	OC	12/09/1957	5	87	77	
8264	13269	30101	B. GNANANANDA RAO	OC		5	87	77	
8265	13270	30102	J.V. GOSAI	OC	08/11/1957	5	87	77	
8266	13271	30103	R.A. GUPTA	OC	06/01/1952	5	87	77	
8267	13272	30104	ARVIND KUMAR	OC	06/10/1954	5	87	77	
8268	13273	30105	KRISHNA MURTHY .R	OC	09/08/1954	5	87	77	
8269	13274	30106	S. JAYARAMAN	OC	06/20/1952	5	87	77	
8271	13277	30108	R.S. VAIDYA	OC	10/02/1956	5	87	77	
8272	13278	30162	M.B. BANKAR	OC	11/10/1954	5	87	77	
8273	13279	30110	J.P.S. SHEKHAWAT	OC	08/04/1951	5	87	77	
8274	13280	30111	P.D. ARUN KUMAR	OC	06/05/1954	5	87	77	
8276	13282	30113	MILAP CHAND JAIN	OC	01/05/1951	5	87	77	
8277	13283	30114	RAJENDRA PRASAD	OC	07/15/1955	5	87	77	
8279	13285	33544	K. SEETHARAMAIAH	OC	06/01/1956	5	87	77	
8281	13288	30116	SHAIKH S.M.	OC	07/12/1956	5	87	77	
8282	13289	30117	V.M. KARKERI	OC		5	87	77	
8284	13293	30119	C.G. LOHAR	OC	12/12/1951	5	87	77	
8286	13295	30121	CHOUDHARY V.T.	OC	06/13/1956	5	87	77	
8287	13296	30122	G. VENKATESWARA RAO	OC	01/05/1954	5	87	77	
8288	13297.1	30124	S.V. PADEL	OC	10/02/1954	5	87	77	
8289	13298	30125	R.V. SINGH	OC	08/01/1953	5	87	77	
8291	13299.1	30127	B.C. PRAJAPATI	OC	08/19/1950	5	87	77	
8292	13300	30128	A.D. DALVI	OC	10/01/1951	5	87	77	
8293	13302	30129	D. SUBBA RAO	OC	06/07/1954	5	87	77	
8294	13303	30130	UMAKANT AWANTI	OC	03/01/1952	5	87	77	
8296	13307	30132	SHEETLA PRASAD CHAUDHAR	OC	04/01/1952	5	87	77	
8298	13310	30133	SAJJAL KRISHNA SIKIDER	OC	12/25/1952	5	87	77	
8299	13311	33836	PAWAN KUMAR JAIN	OC	09/24/1957	5	87	77	
8302	13317	30138	M.V. CHOPDE	OC	10/11/1951	5	87	77	
8304	13318	30139	PAJAT KUMAR DASROY	OC	04/15/1949	5	87	77	
8305	13319	30140	GAURI SHANKAR SAHA	OC					

Prasad

(55) (53)

8199	13243	18787	SHIV KUMAR	OC	11/30/1955	5	87	77	
8200	13244	18788	L.P.SHARMA	OC	04/02/1949	5	87	77	
8201	13245	18789	M.VARAPRASADA RAO	OC	06/19/1949	5	87	77	
8202	13246	18790	VISHVESHWARA BHAI	OC	07/19/1955	5	87	77	
8203	13247	18791	S.K.BHATNAGAR	OC	08/05/1951	5	87	77	
8204	13248	18792	G.VENKATESHA	OC	05/15/1952	5	88	79	
8216	13249	18886	I.D. WANE	OC	10/17/1952	4	88	79	
8217	13249	18888	RAM DAYAL	OC	01/31/1952	4	88	80	
8225	13248.2	18913	B. THYAGARAJAN	OC	04/29/1955	4	89	80	
8226	13248.2	19090	SANI RAM	SC	12/31/1958	4	90	80	
8227	13248.2	19094	D.C. BOLAGOND			1	88	81	
8232	13248.2	18981	R. DURISAMI	OC	05/30/1958	4			
8237	13248.25	19125	B.C.BARUA	ST	30/9/56				
8238	13248.25	19126	D. BORA	ST	17/3/57				
8239	13248.25	19127	J. SONOWAL	ST	11/03/1958				
8240	13248.25	19128	K. DEORI	OC	08/06/1956	5	87	77	
8242	13249	30079	A.K.KOLEKAR	OC	10/08/1955	5	87	77	
8243	13250	30080	BINDA PRASAD	OC	12/26/1949	5	87	77	
8244	13251	30083	S.V.PRAKASHI IYER	OC	01/01/1955	5	87	77	
8246	13252	30084	A.M.NAGARAJU	OC	06/01/1956	5	87	77	
8247	13252.1	30082	M.A. PATEL	OC	06/11/1952	5	87	77	
8248	13253	30085	HARIHAR DUTI SHUKLA	OC	09/09/1951	5	87	77	
8249	13254	30086	SUMATHI.S.SHETTY	OC	08/22/1956	5	87	77	
8250	13255	30087	V.RAMACHANDRA	OC	02/24/1957	5	87	77	
8252	13256.1	30088	M.S.ASHAWAT*	OC	06/01/1952	5	87	77	
8253	13257	30093	C.S.SANGHI RAO*	OC	07/27/1955	5	87	77	
8254	13258	30090	BADAL KANTI SINGHA	OC	01/18/1955	5	87	77	
8255	13258.1	30091	S.J. PATEL	OC	09/13/1954	5	87	77	
8256	13259	30092	R.V.MAHARAJA	OC	03/01/1953	5	87	77	
8258	13263	30095	NANDAVADEKAR VASANTH MA	OC	07/01/1952	5	87	77	
8259	13264	30096	C.J.NILAKHE	OC	03/06/1956	5	87	77	
8260	13265	30097	SHIV KUMAR	OC		5	87	77	
8262	13267	30099	MUTHAYYA V.	OC	05/10/1954	5	87	77	
8264	13269	30101	B.GNANANANDA RAO	OC	12/09/1957	5	87	77	
8265	13270	30102	J.V. GOSAI	OC		5	87	77	
8266	13271	30103	R.A.GUPTA	OC	08/11/1957	5	87	77	
8267	13272	30104	ARVIND KUMAR	OC	06/01/1952	5	87	77	
8268	13273	30105	KRISHNA MAURHY .R	OC	06/10/1954	5	87	77	
8269	13274	30106	S.JAYARAMAN	OC	09/08/1954	5	87	77	
8271	13277	30108	R.S.VAIDYA*	OC	06/20/1952	5	87	77	
8272	13278	30162	M.B.BANKAR*	OC	10/02/1956	5	87	77	
8273	13279	30110	J.P.S.SHEKHAWAT	OC	11/10/1954	5	87	77	
8274	13280	30111	P.D.ARUN KUMAR	OC	08/04/1951	5	87	77	
8276	13282	30113	MILAP CHAND JAIN	OC	06/05/1954	5	87	77	
8277	13283	30114	RAJENDRA PRASAD	OC	01/05/1951	5	87	77	
8279	13285	33544	K.SEEIHARAMAIAH	OC	07/15/1955	5	87	77	
8281	13288	30116	SHAIKH S.M.	OC	06/01/1956	5	87	77	
8282	13289	30117	V.M.KANKERI	OC	07/12/1956	5	87	77	
8284	13293	30119	C.G. LOHAR	OC		5	87	77	
8286	13295	30121	CHODHARY V.T.	OC	12/12/1951	5	87	77	
8287	13296	30122	G.VENKATESWARA RAO	OC	06/13/1956	5	87	77	
8288	13297.1	30124	S.V. PATEL	OC	01/05/1954	5	87	77	
8289	13298	30125	R.V.SINGH	OC	10/02/1954	5	87	77	
8291	13299.1	30127	B.C. PRAJAPATI	OC	08/01/1953	5	87	77	
8292	13300	30128	A.D.DALVI	OC	08/19/1950	5	87	77	
8293	13302	30129	D.SUBBA RAO	OC	10/01/1951	5	87	77	
8294	13303	30130	UMAKANT AIWANTI	OC	06/07/1954	5	87	77	
8296	13307	30132	SHEETLA PRASAD CHAUDHAR	OC	03/01/1952	5	87	77	
8298	13310	30133	SAJJAL KRISHNA SIKIDER	OC	04/01/1952	5	87	77	
8299	13311	33836	PAWAN KUMAR JAIN	OC	12/25/1952	5	87	77	
8302	13317	30138	M.V.CHOPDE	OC	09/24/1957	5	87	77	
8304	13318	30139	RAJAT KUMAR DASROY	OC	10/11/1951	5	87	77	
8305	13319	30140	GAURI SHANKAR SAHA	OC	04/15/1949	5	87	77	

25 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

B. B. B.

Central Administrative Tribunal
25 MAR 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

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54

~~ANNEXURE - 8 (B)~~
ANNEXURE - 8 (B)

BHARAT SANCHAR NIGAM LTD.

BHARAT SANCHAR NIGAM LIMITED
[A Government of India Enterprise]
CORPORATE OFFICE : PERSONNEL BRANCH
4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110001
IndiaBroadband 2007

No. 412-06/2008 - Pers. (DPC)

Dated: 10.2.2009

To

All Heads of Telecom Circle &
Other Administrative Units of BSNL

Subject :- Promotion of TES GP-B to STS Grade on Adhoc basis

In continuation of this office letter even number dated 6.2.2009 the ACRs for the last five years i.e 2003-04 to 2007-08 of the following officers may also be furnished with the tabulation sheet for promotion from TES Gr 'B' to STS grade on adhoc basis.

Ad (Staff)
Pl process immediately
11/2/09

B. Suren
(B. SURENDRANATH)
A G M - Pers. (DPC)

Encl:-As above.

Copy to: The Chief Vigilance officer, BSNL, Statesman House, Barakhamba Road for information.

8(B)

Confined to the
one copy
Shree Anandharam
Advocate

Copy

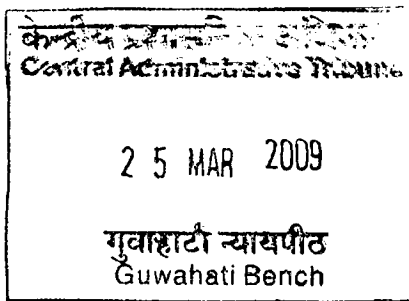
From

ALOK KAR,
Sr. SDE,BSNL,
R.T.T.C,
Guwahati – 781 007.

To

The Director (HRD),
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Opposite Hotel Janpath,
Janpath Road,
New Delhi – 110 001.

57 55
~~Annexure 9~~
70
ANNEXURE - 9(A)



(Through Proper Channel)

Subj: *Prayer for Justice in Seniority in the seniority list of(TES Gr-B) officer → regarding promotion of executives (TES Gr-B) to STS(DE) Grade on Adhoc basis – calling of ACRs and Screening report.*

Ref: BSNL Corporate Office Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.

Respected Sir,

I would like to bring the following few points and facts for your kind consideration and favourable order please.

That Sir, my representation dated 10/09/2008 regarding modification of seniority in the seniority list of TES Gr-B officers was forwarded by the Circle Office, Guwahati, vide this office letter no STES-4/46/(Seniority)/56 dtd. at Guwahati 24/09/08. Instead of providing me justice (i.e, without modifying the seniority list of TES Gr-B officers) ACRs for promotion to the cadre of STS Gr-A (adhoc) have been called for where some of my juniors colleagues name appeared at Sl No. 8216 ,8217, 8225 and 8232 respectively vide your letter under reference. *These all officers are junior to me in all respects. This is clear from the list details given below :-*

9(A)

Contd.....2

*Certified to be
true copy
Shankar Chakraborty
Associate*

58 56

71

Sl no. of the list called for promotion vide BSNL CO Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.	Staff No.	Name of the Officers (Sri/Smt.)	Cat e gor y	Rec tt. Yea r	Qua lify ing exam Pas sed	Senio rity No. (before revisio n)	Revised Seniority No.	Remarks	
1	Not Included	17538	ALOK KAR	OC	79	85	14474	Not Revised	<div>केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal</div> <div>25 MAR 2009</div> <div>गुवाहाटी न्यायापीठ Guwahati Bench</div>
2	8216	18886	T.D. WANE	OC	79	88	15282	13249	
3	8217	18888	RAM DAYAL	OC	79	88	15308	13249	
4	8225	18913	B. THYAGARAJAN	OC	80	88	16261	13248.2	
5	8232	18981	R. DURISAMI	OC	81	88	17246	13248.2	

From the list given above it is evident that all the officers mentioned above *whose seniority has been revised are junior to me in all respect i.e, whether it is seniority on the basis of recruitment year or seniority based on passing the year of qualifying examination* and that great injustice has been done to me. This is a simple case of denying me natural justice and snatching away my fundamental rights.

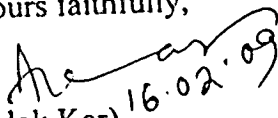
In view of above, I ferverently request you to kindly *revise my seniority, place me above all my juniors in the said list, and do justice to me and restore my dignity.*

Sir, I will be highly obliged to be grateful to you if you could please convey your kind order for doing the needful.

Thanking you,

Yours faithfully,

Place: Guwahati
Dated at : 16/02/2009


(Alok Kar)
Staff No. 17538
Sr. SDE, R.T.T.C, Guwahati

Copy to:

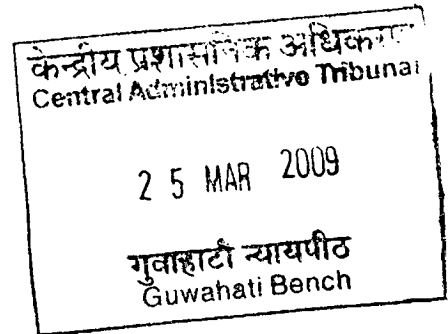
1. The General Manager (Personel), BSNL Corporate Office, 4th Floor, Bharat Sanchar Bhavan, Janpath, New Delhi - 110 001 → for kind information and necessary action please.
2. The General Secretary, AIBSNLEA, New Delhi - 110001 → for kind information and necessary action please.

(59) (57)

ANNEXURE-9(13)

From

Mohan Chandra Modak,
ADT(Staff),BSNL,
Circle Office,
3rd Floor, Panbazar,
Guwahati - 781 001.



To

The Director (HRD),
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Opposite Hotel Janpath,
Janpath Road,
New Delhi - 110 001.

(Through Proper Channel)

Subj: *Prayer for Justice in Seniority in the seniority list of(TES Gr-B) officer → regarding promotion of executives (TES Gr-B) to STS(DE) Grade on Adhoc basis - calling of ACRs and Screening report.*

Ref: BSNL Corporate Office Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.

Respected Sir,

I would like to bring the following few points and facts for your kind consideration and favourable order please.

That Sir, my representation dated 10/09/2008 regarding modification of seniority in the seniority list of TES Gr-B officers was forwarded by the Circle Office, Guwahati, vide this office letter no STES-4/46/(Seniority)/56 dtd. at Guwahati 24/09/08. Instead of providing me justice (i.e, without modifying the seniority list of TES Gr-B officers) ACRs for promotion to the cadre of STS Gr-A (adhoc) have been called for where some of my juniors colleagues name appeared at Sl No. 8216 ,8217, 8225 and 8232 respectively vide your letter under reference. *These all officers are junior to me in all respects. This is clear from the list details given below :-*

9(1)

Contd.....2

S Sen/Scrap

*Certified to be
true copy
Shenkar Chandra
Advocate*

(60) (58) 77

Sl no. of the list called for promotion vide BSNL CO Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.	Staff No.	Name of the Officers (Sri/Smt.)	Cat e gor y	Rec tt. Yea r	Qua lify ing exam Pas sed	Senio rity No. (before revisio n)	Revised Seniority No.	Remarks
1	Not Included	17727 MOHAN CHANDRA MODAK	OC	79	85 ✓	14676	Not Revised	ACRs not called for promotion
2	8216	18886 T.D. WANE	OC	79	88	15282	13249	ACRs called for promotion
3	8217	18888 RAM DAYAL	OC	79	88	15308	13249	- Do -
4	8225	18913 B. THYAGARAJAN	OC	80	88	16261	13248.2	- Do -
5	8232	18981 R. DURISAMI	OC	81	88	17246	13248.2	- Do -

25 MAR 2009
गुवाहाटी ब्याचपीठ
Guwahati Bench

From the list given above it is evident that all the officers mentioned above *whose seniority has been revised are junior to me in all respect i.e, whether it is seniority on the basis of recruitment year or seniority based on passing the year of qualifying examination* and that great injustice has been done to me. This is a simple case of denying me natural justice and snatching away my fundamental rights.


In view of above, I fervently request you to kindly *revise my seniority, place me above all my juniors in the said list, and do justice to me and restore my dignity.*

Sir, I will be highly obliged to be grateful to you if you could please convey your kind order for doing the needful.

Thanking you,

Place: Guwahati
Dated at : 16/02/2009

Yours faithfully,


(M.C. Modak)
Staff No. 17727

ADT(Staff), Circle Office, Guwahati

Copy to:

1. The General Manager (Personel), BSNL Corporate Office, 4th Floor, Bharat Sanchar Bhavan, Janpath, New Delhi – 110 001 → for kind information and necessary action please.

2. The General Secretary, AIBSNLEA, New Delhi – 110001 → for kind information and necessary action please.

From

DEBABRATA DAS,
Sr. SDE,BSNL,
O/o the GMTD,
Silchar – 788 001.

To

The Director (HRD),
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Opposite Hotel Janpath,
Janpath Road,
New Delhi – 110 001.

(Through Proper Channel)

Subj: *Prayer for Justice in Seniority in the seniority list of(TES Gr-B) officer → regarding promotion of executives (TES Gr-B) to STS(DE) Grade on Adhoc basis – calling of ACRs and Screening report.*

Ref: BSNL Corporate Office Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.

Respected Sir,

I would like to bring the following few points and facts for your kind consideration and favourable order please.

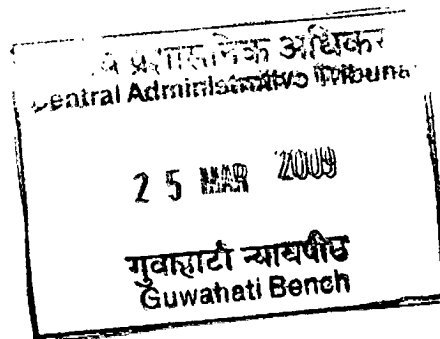
That Sir, in this list (vide your letter under reference) some of officers who are junior to me in all respects were made senior to me. Instead of providing me justice (i.e, without modifying the seniority list of TES Gr-B officers) ACRs for promotion to the cadre of STS Gr-A (adhoc) have been called for where some of my juniors colleagues name appeared at Sl No. 8216,8217, 8225 and 8232 respectively vide your letter under reference. *These all officers are junior to me in all respects. This is clear from the list details given below :-*

9(c)

Contd.....2

S Sen/Scrap

*Certified to be
true copy
Shenkar chakrabarty
A. D. D. A. D. A.*



09 12:00p

sdeap

03042260321

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Sl No.	Sl No of the list called for promotion vide BSNL CO letter no. 412-06/2003-09 Pers-I dtd 00/00/0000	Staff No.	Name of the Officers (Sri/ Smt)	Cate gory	Rec't year	Quali fying Exam passed	Senio rity No (befo re revi sion)	Revised seniority No.	Remarks
1	Not included	7742	DEBABRATA DAS	OC	1979	1985 ✓	14695	No: revised	ACRs not called for promotion
2	8216	18886	T.D WANE	OC	1979	1988 ✓	15282	13249	ACRs called for promotion
3	8217	18889	RAM DAYAL	OC	1979	1988 ✓	15308	13249	- do -
4	8225	18913		OC	1980	1988	16261	13248.2	- do -
5	8232	18981		OC	1981	1988	17246	13248.2	- do -

From the list given above, it is evident that all the officers mentioned in the serial 2,3,4 and 5 above, whose seniority has been revised are junior to me in all respect, whether seniority on the basis of recruitment year or seniority based on year of passing the qualifying examination and that great injustice has been done to me. This is a simple case of denying me natural justice and snatching away my fundamental rights.

In view of above, I reverently request you to be kind enough to revise my seniority and place me above all my juniors in the said list and do justice to me

Sir, I shall be highly obliged to be grateful to you if you could please convey your kind order for doing the needful.

Thanking you,

Yours faithfully,

Place: Silchar

Dated at 16/02/2009.

Debabrata Das
(DEBABRATA DAS)

Staff No. 17742

Sr. SDE, O/O GMFD, Silchar

Copy to:

- 1) The General Manager (Personnel), BSNL Corporate Office, 4th Floor, Sanchar Bhavan, Janpath, New Delhi - 110001, for kind information and necessary actions please.
- 2) The General Secretary, AIBSNLEA, New Delhi - 110 001 for kind information and necessary actions please.

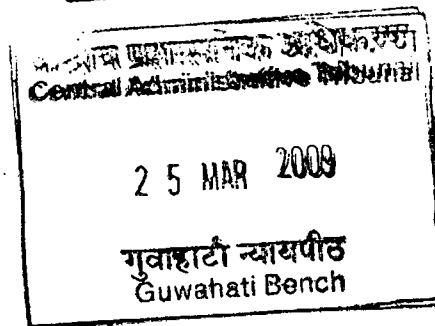
Sd/-
(DEBABRATA DAS)
Staff No. 17742

634.61

Annexure - 9(D)

From

MAHESWAR BHUYAN,
Sr. SDE,BSNL,
O/o the GMTD,
Tezpur.



To

The Director (HRD),
BSNL Corporate Office,
Bharat Sanchar Bhavan,
Opposite Hotel Janpath,
Janpath Road,
New Delhi - 110 001.

(Through Proper Channel)

Subj: *Prayer for Justice in Seniority in the seniority list of(TES Gr-B) officer → regarding promotion of executives (TES Gr-B) to STS(DE) Grade on Adhoc basis - calling of ACRs and Screening report.*

Ref: BSNL Corporate Office Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.

Respected Sir,

I would like to bring the following few points and facts for your kind consideration and favourable order please.

That Sir, in this list (vide your letter under reference) some of officers who are junior to me in all respects were made senior to me. Instead of providing me justice (i.e, without modifying the seniority list of TES Gr-B officers) ACRs for promotion to the cadre of STS Gr-A (adhoc) have been called for where some of my juniors colleagues name appeared at Sl No. 8216,8217, 8225 and 8232 respectively vide your letter under reference. *These all officers are junior to me in all respects. This is clear from the list details given below :-*

9(0)

Contd.....2

S Sen/Scrap

*Certified to be
true copy -
Shankar Chandra
Adroale*

(64) (52)

Sl no. of the list called for promotion vide BSNL CO Letter No. 412-06/2008-Pers-I dtd. 06/02/2009.	Staff No.	Name of the Officers (Sri/Smt.)	Cat e gory	Rec tt. Yea r	Qua lify ing exam Pas sed	Senio rity No. (before revisio n)	Revised Seniority No.	Remarks
1	Not Included	17778 MAHESWAR BHUYAN	OC	79	85 ✓	14738	Not Revised	ACRs not called for promotion
2	8216	18886 T.D. WANE	OC	79	88 ✓	15282	13249	ACRs called for promotion
3	8217	18888 RAM DAYAL	OC	79	88 ✓	15308	13249	- Do -
4	8225	18913 B. THYAGARAJAN	OC	80	88 ✓	16261	13248.2	- Do -
5	8232	18981 R. DURISAMI	OC	81	88	17246	13248.2	- Do -

25 MAR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

From the list given above it is evident that all the officers mentioned above *whose seniority has been revised are junior to me in all respect i.e, whether it is seniority on the basis of recruitment year or seniority based on passing the year of qualifying examination* and that great injustice has been done to me. This is a simple case of denying me natural justice and snatching away my fundamental rights.

In view of above, I fervently request you to kindly *revise my seniority, place me above all my juniors in the said list, and do justice to me and restore my dignity.*

Sir, I will be highly obliged to be grateful to you if you could please convey your kind order for doing the needful.

Thanking you,

Yours faithfully,

Place: ~~Guwahati~~ Tezpur
Dated at : 16/02/2009

(Maheswar Bhuyan)
Staff No. 17778
Sr. SDE, O/o the GMTD, Tezpur

Copy to:

1. The General Manager (Personel), BSNL Corporate Office, 4th Floor, Bharat Sanchar Bhavan, Janpath, New Delhi – 110 001 → for kind information and necessary action please.
2. The General Secretary, AIBSNLEA, New Delhi – 110001 → for kind information and necessary action please.

28

गुवाहाटी न्यायपीठ
Guwahati Bench

No. 985 of 2009

Certified to be
true copy
Cheekhaunabong
Advocate

64

গণপ্রজাতন্ত্রী বাংলাদেশ
Central Administrative Tribunal
25 MAR 2009
গুৱাহাটী বেন্চ
Guwahati Bench

- 2 -

-page 4-

AND

IN THE MATTER OF:-

1. Shri Alok Kar,
Son of late Atul Chandra Kar,
House No. 15 A1, Shankar Nagar,
Adagudam, P.O. Guwahati- 34,
District Kamrup, Assam.
2. Shri Mohon Chandra Modak,
Son of late Sudarshan Modak,
Triveni Complex, Flat No. 100/D,
Adabari Tinali, P.O. Guwhati-12,
District Kamrup, Assam.
3. Shri Debobrata Das,
Son of late Debendra Kumar Das,
House No. 15 A1, Shankar Nagar,
Udayan Complex, Das Colony,
Post Office Silchar-5,
District Cachar, Assam.
4. Shri Maheswar Bhuyan,
Son of late Bhugi Ram Bhuyam,
Barahalia, P.O. Tezpur,
District Sonitpur, Assam.

----- PETITIONERS.

Versus-

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LF

25 MAR 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

-page 5.-

-Versus-

1. Union of India,

(Represented by the Secretary to the Govt. of India.

Ministry of Communications, New Delhi-1)

2. The Under Secretary to the Govt. of India.

Department of Telecommunications,

Ministry of Communications, New Delhi-1

3. Bharat Sanchar Nigam Limited,

(Represented by the Chairman-Cum-Managing Director,

Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan,

Janpath, New Delhi-110 001

4. The Director (HRD),

Bharat Sanchar Nigam Limited,

Bharat Sanchar Bhawan, Janpath,

New Delhi-110 001

5. The Assistant General Manager (DPC),

Bharat Sanchar Nigam Limited,

Bharat Sanchar Bhawan, Janpath, New Delhi-110 001.

6. The Chief General Manager,

Bharat Sanchar Nigam Limited,

Assam Telecom Circle, Panbazar,

P.O. Guwahati-1, District Kamrup, Assam.

----- RESPONDENTS.

The humble petition of the petitioners.

above-named

Most --

-4-

25 MAR 2009

66

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

WP(C) No.985/09

BEFORE
HON'BLE MR. JUSTICE RANJAN GOGOI

9.3.2009

Heard Mr S Chakraborty, learned counsel for the petitioners and Mr MR Das, learned Standing Counsel, BSNL.

By virtue of the notification dated 30th October, 2008 issued by the Government of India in the Ministry of Personnel, Public Grievances & Pensions, the provisions of Section 14(3) of the Administrative Tribunal Act, 1985 have been made applicable to the Bharat Sanchar Nigam Limited. In the above circumstances, the petitioners will have to approach the appropriate Bench of the Central Administrative Tribunal in the first instance and, thereafter, if they continue to feel aggrieved, they may move the Division Bench of this Court.

The writ petition, therefore, is not being entertained with leave to the petitioners to approach the learned Central Administrative Tribunal.

The writ petition is closed in terms of the above.

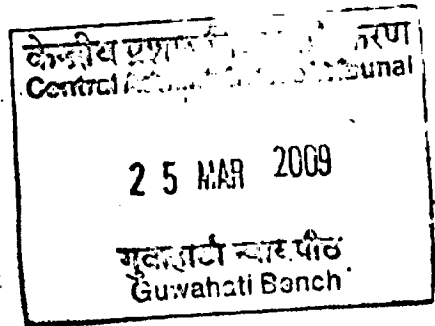
Sd/- Ranjan Gogoi
Judge

CERTIFIED TO BE TRUE COPY

Date: 16/3/09
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872

38,123939
16/3/09

16/3/09



NOTICE

From:- Shri Sekhar Chakraborty, Advocate.
Gauhati High Court,
Guwahati- 1 .

To:- The Central Govt. Standing Counsel,
Central Administrative Tribunal,
Gauhati Bench, Guwahati.

Subject:- O.A. No. of 2009
(Shri Alok Kar and others - Applicants.
-Versus-
Union of India and others-- Respondents.

Sir,

Kindly take notice that an original application is being filed on behalf of the applicants in the above case. A copy of the original application is enclosed herewith for favour of your information and necessary action please.

Kindly acknowledge receipt.

Dated, Guwahati
The 17/3 March, 2009

Yours faithfully

Sekhar Chakraborty
(Sekhar Chakraborty),
Advocate.

Received copy

Defendant

(Central Govt. Standing Counsel,
Central Administrative Tribunal,
Gauhati Bench, Guwahati)

Advocate for BS M