

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 17th day of November, 2005

ORIGINAL APPLICATION NO.116/2005

With

Misc. Application No.128/2005

CORAM :

HON'BLE MR.A.K.AGARWAL, VICE CHAIRMAN
HON'BLE MR.M.L.CHAUHAN, MEMBER (J)

1. D.R.Yadav, Accounts Officer, Rajasthan,
CGMT Office, BSNL, Jaipur.
2. K.K.Goyal, Jr.Accounts Officer, CMTS,
BSNL, Jaipur.

By Advocate : Shri Virendra Lodha

... Applicants

Versus

1. Union of India
Through Secretary,
Ministry of Communication,
Sanchar Bhawan,
Ashok Road,
New Delhi.
2. Chairman & Managing Director,
BSNL, Room No.901, Statesman House,
Barakhamba Road, Cannaught Place,
New Delhi.
3. Asstt.Director General (DE),
BSNL, Department of Exam Section,
Dak Bhawan, Sansad Marg,
New Delhi.
4. Chief General Manager Telecom,
BSNL, Rajasthan Circle,
Sardar Patel Marg,
C-Scheme, Jaipur.

By Advocate : Shri T.P.Sharma

... Respondents

ORDER (ORAL)

102

The applicants have filed this OA thereby praying for the following relief :

"a) By an appropriate order or direction respondents may be directed to include the names of the applicants in the list of successful candidates for absorbing on the post of Junior Accounts Officer in the Department of the respondents.

b) by an appropriate order or direction respondents may be directed to absorb the applicants on the post of Junior Accounts Officer alongwith other successful candidates as per terms and conditions laid down in OM dated 24.1.2003.

c) by further appropriate order or direction respondents be directed to permanently absorb the applicants on the post of JAO and further be restrained from repatriating to applicants back to department of Posts, Government of India but instead be absorbed in BSNL on the post of JAO permanently as already held by the Central Administrative Tribunal in OA 175/2003 decided on-28.7.2004."

2. The matter was listed on 8.11.2005, on which date this Tribunal passed the following order :

"It is not disputed between the parties that the matter is fully covered by the judgement of the DB. Learned counsel for the applicants has moved an application before the Apex Court for transposing the applicants as one of the applicants and the matter is likely to be listed for hearing in the next week. It is further submitted that the present applicant has also moved an application for interim stay.

Under these circumstances, the learned counsel for the applicants prays for adjournment. List for hearing on 17.11.2005. It is made clear that no further adjournment will be granted on the next date."

602

3. Learned counsel for the applicants submitted that though the SLP has been admitted by the Apex Court but no stay has been granted.

4. In view of this, we are of the view that since the matter is squarely covered by the judgement dated 3.5.2005 of the Division Bench of the High Court in DB Civil Writ Petition No.5193/2004, as such, the present OA which was filed on the basis of the order passed by the Central Administrative Tribunal in OA 175/2003 and OA 176/2003 and set aside by the Hon'ble High Court in the aforesaid writ petition has to be dismissed.

5. The OA and the MA are dismissed accordingly with no order as to costs. Interim stay granted on 31.3.2005 shall stand vacated.



(M.L. CHAUHAN)

MEMBER (J)



(A.K. AGARWAL)

VICE CHAIRMAN