

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.681/2012

New this the 3rd day of January, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

1. Abdul Wahab
Aged 48 years
S/o Sh. A. Gaffar
18/1-B, BSNL Type-IV Quarter
Kali Bari Marg/Udayan Marg, DIZ Area
New Delhi-110001.
2. Shakeel Ahmad,
Aged 52 years
S/o Late Sh. Jivan
R/o 855/35, Amba Vihar,
Behind Tube Well Colony
Muzaffarnagar-251001,
U.P.
3. Rameshwar Prasad
Aged 51 years
S/o Sh. Lachchhi Ram
137, Balaji Puram
Shahganj, Area, UP.
4. Banwari Lal
Aged 52 years
S/o Shri Bhogi Singh
R/o 240/340, Pratap Nagar (West)
Mohali Road, Mathura, UP.
5. Pradeep Agarwal
Aged 42 years,
S/o Sh. L.D. Agrawal,
15, Anand Vihar, Mohali Road,
Mathura, U.P.
6. Krishna Murari
Aged 39 years

S/o Sh. Narayan Singh
I-626, Alpha-II, Greater Noida
Gautam Budh Nagar, U.P.

7. S.C. Gupta
Aged 48 years
S/o Late Shri Ram Sawroop Gupta,
SE-600, Shastri Nagar, Ghaziabad, U.P.
8. Islamuddin
Aged 48 years
S/o Late Sh. Chhotey Khan
R/o B-62/4-B, Shatabdi Nagar,
Meerut (U.P.)
9. Sanjay Agarwal
Aged 42 years
S/o Late Shri R.B. Agarwal
R/o R-7/12, Sector 7, Rajnagar,
Ghaziabad-201002. U.P.
10. Irshad Ahmed
Aged 52 years
S/o Sh. Amir Ahmed,
R/o Sect.-2, Rajendra Nagar Telephone Exchange
Sahibabad, Ghaziabad, U.P.
11. Ravendra Bhardwaj
Aged 37 years
S/o Shri Revati Raman Bhardwaj,
R/o 4/1, Godavari Block, ALTTC,
ALT Centre, Ghaziabad, U.P.
12. Tushar Gupta
Aged 37 years
S/o Sh. P.K. Gupta,
R/o Type-IV/3, Sanchar Vihar,
ADA-1, RG Road, Aligarh, U.P.
13. Ram Lakhan Gangwar
Aged 44 years
S/o R.D. Gangwar
41, Mandal Vihar,
Opp. IVRI Main Gate,
Bareilly- 243122, U.P.

14. Dipankar Chakravarty
Aged 42 years
S/o Shri R. Chakravarty,
R/o Qtr No. 4/48, ALTTC.
Ghaziabad.
15. Uday Bhan Shakya
Aged 51 years
S/o Late Shri Ram Lal Shakya
R/o 5/216, Chiranjeev Vihar
Ghaziabad, U.P.
16. Sanjeev Kumar Sharma
Aged 42 years
S/o Shri Ramesh Chandra Sharma
R/o Type -IV/Qtr No.6, BSNL Staff Colony,
Telephone Exchange, Sec.39 NOIDA, U.P.
17. V.P. Mishra
Aged 55 years,
S/o Shri R.S. Mishra
R/o C-18, Kalyanpur,
West Ring Road, Vikas Nagar
Lucknow-226012.
18. Sanjay Kumar Gupta
Aged 47 years
S/o Late Shri Ram Autar Gupta,
R/o Type IV/3, BSNL Colony,
Sect. G LDA Colony,
Kanpur Road,
Lucknow-226012.
19. Guru Prasad Singh
Aged 46 years
S/o Late Shri Y. R. Singh,
R/o 3/19, Vikas Nagar,
Lucknow-226022.
20. Rajeev Kumar Budhraja
Aged 44 years
S/o Late Shri N.N. Budhraja
R/o D-1 A/2 Ram Krishna Puram
Kanchan Bihari Marg,
Kalyanpur, West Lucknow.

21. Pramod Kumar Bajpai
Aged 56 years
S/o Late Shri K.L. Bajpai
R/o Type IV/107
Door Sanchar Colony, Sect.D,
Aliganj Lucknow.
22. Manoj Kumar Dwivedi,
Aged 44 years
S/o Late Shri D.S.Dwivedi,
R/o 1/148, Vikrant Khand Gomti Nagar,
Lucknow-226010.
23. Gokula Nand Pandey
Aged 41 years
S/o Shri G.C. Pandey,
R/o 1/483, Vikas Nagar,
Lucknow-226022.
24. Chandra Prakash Chaturvedi
Aged 52 years
S/o Shri Jai Shree Chaturvedi
R/o C-345 Hind Nagar,
Kanpur Road, Lucknow.
25. Dinesh Chandra Sharma
Aged 55 years
S/o Late Shri R.S. Sharma
R/o 27, Mangla Vihar
II Kanpur-208 021.
26. Salik Ram Giri
Aged 45 years
S/o Late Shri Baij Nath Giri
R/o Type IV/86
Doorsanchar Colony,
Sect. D Aliganj
Lucnow -226024.
27. Jai Pal Kashyap
S/o Sh. Vidhi Chand,
Age 51 years
R/o SDE OFC-I (Mtq.),NTR
Main Telephone Exchange
Yamuna Nagar (Haryana)

Pin -135001

28. Suresh Chandra Padhi
S/o Buchi Padhi
Age -44 years
SDE (OFC), ETR, O/O DE (OFC)
Telephone Bhawan
Berhampur, Orissa.
29. Manoj Kumar Nayak
S/o Naba Kishore Nayak
Age 42 years
SDE (Broadband) , O/o GMTD
Bhubaneshwar, Telephone Bhawan
Unit-3 Bhubaneswar-751001, Orissa.
30. Amiya Kumar Tripathy
S/o Jadumani Tripathy
Age 43 years
SDO (Phones-7), O/O GMTD
Bhubaneswar, 8-B Jayadurga Nagar
Bhubaneswar-751010.
Orissa.
31. Mina Mallick
W/o Dr. Pradipta Kumar Pradhan
Age 46 years
SDE (5ESS), O/o AGM (Internal)
Telephone Bhawan, Cuttack, Orissa.
32. Rabindra Kumar Nayak
S/o Late Sadashiba Nayak
Age 42 years
SDE (IOBAS), IT Cell
BJB Nagar Telephone Exchange
3rd Floor, Bhubaneswar-751012,
Orissa.
33. Pradeep Kishore Biswal
S/o Madhu Sudan Biswal
Age-45 years
SDE(CDMA/WiMAX Planning)
O/o GM (NWCM) 7th Floor,
IDCO Tower, Bhubaneswar-751022
Orissa.

34. Ramesh Chand
S/o Late Sh. Jeet Ram
Age 51 years
SDE SAT/OFC Mtce
Kalpa 172107
Distt. Kinnaur.
35. Ramesh Kumar
S/o Sh. Nikku Ram
Age 48 years
SDO (Phones), BSNL
Bilaspur-174001. (HP).
36. Dharmesh Kumar
S/o Sh. Raghu Ram Gupta
Age 44 years
SDE (NW- OPN) BSNL,
Telephone Exchange Building
Bhunder Distt. Kuela (HP).
37. Vijay Kumar Dhiman
S/o Late Sh. Sita Ram
Age 45 years
SDE (Vigilance)
O/O GMTD BSNL Mandi, (H.P.)
38. Harmohinder Singh
S/o Late Sh. Moti Ram
Age-47 years
SDE (MM) O/o GMTD
Dharamsala-176215 (H.P)
39. Dev Parshad Sharma
S/o Behari Lal Sharma
Age 44 years
SDO (Phones)
Dharmshala-176215
H.P.
40. Rajesh Kumar Sharma
S/o Sh. Jai Krishan Sharma
Age 42 years
SDE (Broad Band)
O/O/ GMTD Dharmshala-176215
H.P.

41. C. Gopala Krishnan
S/o R. Chithirai Nadar
Age 43 years
Sub Divisional Engineer (CSC)
O/o G.M. BSNL, Court Road,
Nagercoil Kanyakumari District
Tamil Nadu-629001.
42. V.Maharaja Pillai
S/o M. Velayautham Pillai,
Age 58 years
Sub Divisional Engineer (FM)
O/o G.M. BSNL, Court Road,
Nagercoil Kanyakumari District
Tamil Nadu-629001.
43. R. Baskaran Samuel
S/o S. Rajamani
Age 59 years
Sub Divisional Engineer (NWP-CM)
O/o G.M. BSNL, Vannarpettai,
Tirunelveli , Tirunelveli District.
Tamil Nadu-627003.
44. Ezhil Simon
D/o E. Simon Koil Pitchai
Age-40 years
Sub Divisional Engineer (RSU)
NGO Colony, Tirunelveli
Tirunelveli District
Tamil Nadu-627 007.
45. A Rajasekar
S/o A Arumugam
Age 43 years
Sub Divisional Engineer (MSC)
O/O D.E. (MSC) M/W Building
Sripuram, Tirunelveli, Tirunelveli District.
Tamil Nandu -627001.
46. Baby Rita
D/o V.G. Chelliah,
Age 43 years
Sub Divisional Engineer (ILD Mtce),
O/o D.E. (TM), 145/11, Etayapuram Road,
Tuticorin, Tamil Nandu -628002.

47. G. Dhamotharan
S/o T. Gopala Krishnan
Age 40 years
Sub Divisional Engineer (OFC Mtce)
STR, Telephone Exchange
Kovilpatti, Tuticorin District
Tamil Nandu -628501.

48. P. Sivarama Krishnan
S/o S.R. Perumal Samy,
Age 44 years
Sub Divisional Engineer (BSS)
CMTS, CTO Compund, Tallakulam
Madurai, Madurai District
Tamil Nandu 625002.

49. N. Alagarsamy
S/o Narayanasamy
Age 52 years
Sub Divisional Engineer (Phones)
Thiruppallai Exchange,
Natham Road, Madurai,
Madurai District, Tamil Nandu-625014.

50. N. Krishna Moorthy
S/o K. Nagarajan,
Age 42 years
Sub Divisional Engineer (OFC-OD), STR
CTO Compound Tallakulam, Madurai,
Madurai District, Tamil Nandu -625002.

51. S. Alawarappan
S/o S. Subramaniam
Age 46 years
Sub Divisional Engineer (Sales-CM)
FMII, O/o G.M., BSNL, Bibikulam
Madurai, Madurai District
Tamil Nadu-625 002.

52. N. Senthil Kumar
S/o P. Narayanan
Age 39 years
Sub Divisional Engineer (CMTS)
IIIRD Floor, Telephone Exchange
Ellisnagar, Madurai, Madurai District

Tamil Nandu-625010.

53. G. Pannerselvam
S/o C.A. Ganesan
Age 41 years
Sub Divisional Engineer (Xmn- Mtce)
STR, IInd Floor, CTO Compound
Tallakulam Madurai District
Tamil Nandu-625002.
54. B.Chukkuni Selvan,
S/o I.C. Balasundaram
Age 43 years
Sub Divisional Engineer (MLLN-CM)
Tallakulam Madurai District
Tamil Nandu-625002
55. M.Swaminathan
S/o S. Manickavasagam
Age 44 years
Sub Divisional Engineer (CMTS)
IInd Floor, Telephone Exchange Building
Mary's Corner, Thanjavur
Tamil Nadu-613006.
56. S.Venkateswararao
S/o K. Srinivasarao
Age 41 years
Sub Divisional Engineer (OFS)
O/o D.E. (Xmn-Mtce)
STR, Vellore, Tamil Nadu-632001.
57. D. RameshKumar
S/o A. Devarajan,

Sub Divisional Engineer (MSC)
CMTS, O/o D.E. (MSC)
Telephone Exchange, Vellore
Tamil Nadu-632001.
58. Sam N. Gunalan,
S/o K. Nallathambi
Age 40 years
Sub Divisional Engineer (CDR)
Telephone Bhawan, Brough Road,
Erode,

Tamil Nandu-638001.

59. P.S. Kankesh
S/o Sh. P.K. Somasundaram
Age 40 years
SDE (IT)
O/o G.M., BSNL, Gandhiji Road,
Erode, Tamil Nandu-636001.

60. M.Rangarajan,
S/o R.T. Muthusamy,
Age 49 years
Sub Divisional Engineer (Ext-I)
O/o D.E. (Mtce) Main Telephone Exchange,
Salem Tamil Nandu 636001.

61. R. Ramnokaran,
S/o S. Ramasamy
Age 51 years
Sub Divisional Engineer (PR)
O/o G.M, BSNL NO.1.
Sreerangapalayam, West Street
Salem, Tamil Nandu -637211.

62. N. Jayaraman
S/o R. Nallappan
Age 51 years
Sub Divisional Engineer (Groups)
Thiruchengode, Namakkal District
Tamil Nandu-637211.

63. K.V.Ganesh
S/o K.N. Venkatasubramanian
Age 47 years
Sub Divisional Engineer (Xmn-Instn)

O/o AGM (TAX) Ooty, Coonoor District
Tamil Nandu-643001.

64. B. Bagyalakshmi
D/o R. Balasubramanian
Age 41 years
Sub Divisional Engineer (Xmn-Instn)
O/o D.E. (NW-OP) Ooty, Coonoor District
Tamil Nandu-643001.

65. E. Selarani
D/o T.K. Ethirajulu
Age 49 years
Sub Divisional Engineer (Xmn-Instn)
O/o D.E. (TAX Mtce) Combatore,
Boimbatore District.
Tamil Nandu-641018.

66. R.Indirani,
D/o K. V.Ramasamy,
Age 48 years
Sub Divisional Engineer (AXE)
O/o D.E. Peelamedu, Coimbatore District
Tamil Nandu-641015.

67. S. Barathi
D/o L. Sethuraman
Age 42 years
Sub Divisional Engineer (Groups)
Saravanampatti,
O/o D.E. (Ganapathy), Coimbatore District
Tamil Nandu-641035.

68. T.R. Madhavan
S/o T. Ramalingam,
Age 47 years
Sub Divisional Engineer (GMSC)

CMTS –BSNL, O/o D.E. (GMSC)
Coimbatore,Tamil Nandu-643001.

69. R.Uma
D/o C. Ramasami
Age 37 years
Sub Divisional Engineer (NSS)
CMTS-BSNL, O/o D.E. (NSS)
Coimbatore Tamil Nadu-641011

70. A. Piramanayagam
S/o S. Anadaperumal,
Age 51 years
Sub Divisional Engineer (BSS)
BSNL, O/o D.E. (BSS)
Telephone Exchange Ramnagar,
Coimbatore,Tamil Nandu -641009.

71. C. Santhi
D/o A. Chockkanathan
Age 42 years
Sub Divisional Engineer (Sales-CFA)
O/o A.G.M (Sales-CFA)
Telephone Exchange, Saibaba Colony,
Coimbatore, Tamil Nadu-641011.

72. K. Xavier Felix
S/o D. Kulandaisamy,
Age 59 years
Sub Divisional Engineer

73. C. Veerarajan
S/o V. Chinnappan
Age – 56 years,
Sub Divisional Engineer (MM),
O/o CGM (STP) Greenways Road,
RA Puram, Chennai,
Tamil Nadu – 600 028.

74. D. Florence Daisy
D/o T.C.Dorairaj
Age-40 years,
Sub Divisional Engineer (HQ),
O/o DGM (Trans Project),
Greenways Road, RA Puram,
Chennai, Tamil Nadu -600 028.

75. M. Balagangatharan
S/o B. Mamundisamy
Age – 55 years,
Sub Divisional Engineer (O/D), OFC, STR,
O/o DE (TM), Pondicherry – 605 001.

76. B. Sankar
S/o S. Balasubramanian,
Age – 40 years,
Sub Divisional Engineer (OFC-O/D)
O/o D.E.(OFC-O/D), STR, Cuddalore,
Tamil Nadu – 607 001.

77. B.S. Raghaventhiran
S/o B. Subbanna Bhatt,
Age – 46 years,
Sub Divisional Engineer, RTTC,
Maraimalai Nagar, Kancheepuram District,
Tamil Nadu – 603 209.

78. Latha Rajaraman
D/o M.V.Narayanan
Age – 50 years,
Sub Divisional Engineer (SA),
O/o GM (EB), 60, Ethiraj Salai,
BSNL, Egmore, Chennai,
Tamil Nadu – 600 008.

79. K. Sankar
S/o A. Kalyanasundaram,
Age – 46 years,
Sub Divisional Engineer (OFC),

O/o D.E.(OFC), OFC Division,
 Vth Floor, 25, Greenways Road,
 RA Puram, Chennai – 600 028. ...Applicants

(By Advocate: Ms. Rani Chhabra)

Versus

1. BSNL
 through its Chairman-cum-Managing Director
 4th Floor, BSNL Corporate Office
 Bharat Sanchar Bhawan
 Janpath, New Delhi.
2. General Manager (Personnel)
 4th Floor, BSNL Corporate Office
 Bharat Sanchar Bhawan
 Janpath, New Delhi.
3. Assistant General Manager (Personnel)
 4th Floor, BSNL Corporate Office
 Bharat Sanchar Bhawan
 Janpath, New Delhi. ...Respondents

(By Advocate: Ms. Sangita Rai)

ORDER (ORAL)

By Hon'ble Mr. Justice Permod Kohli,

The dispute in the present OA relates to seniority of Sub-Divisional Engineers in Bharat Sanchar Nigam Limited. Earlier some of the applicants filed OA No.10/2010 before the Tribunal seeking the following reliefs :-

- "(a) to direct the respondents to assign the seniority to the applicants in the vacancies of 2/3 quota existed prior to 22.7.96 and place their names in appropriate gradation list alongwith the persons who had qualified examination held in November, 2000;

- (b) to direct the respondents to consider the cases of the applicants for promotion on the post of SDE against the vacancies of 2/3rd quota existed prior to 22.7.1996 according to the Recruitment Rules, 1981;
- (c) to pass such other orders or orders as Your Lordships may deem fit and proper in the facts and circumstances of the present case."

2. In support of their claim, the counsel for the applicants relied upon the judgment of the Cuttack Bench of this Tribunal passed in an identical case claiming similar relief i.e. OA No.38/2009, decided on 10.02.2011. The OA came to be disposed of by this Tribunal vide order dated 16.03.2011 with the following directions :-

"The counsel for the applicants also relied upon a decision of Cuttack Bench of this Tribunal dated 10.02.2011 delivered in OA No.38/2009. Since the OA is not adjudicated on merits, we are not commenting upon the claim of the applicants. However, as agreed by the counsel for the applicants, she would make a representation to respondent no.2. On her making such representation, the said respondent would decide the same on merits within two months from date of receipt. While deciding the representation, the said respondent would specifically comment upon the fact that the vacancies against which the applicants have been promoted as TES Group 'B' pertain to which year and would also keep in view the order dated 10.02.2011 passed by the Cuttack Bench of this Tribunal in OA No.38/2009. The OA is disposed of as above. No order as to costs."

3. Consequent upon the aforesaid directions the respondents disposed of the representation vide order dated 02.08.2011 impugned in the present OA. The claim of the applicants stands rejected.

4. When the impugned order was passed, a Writ Petition against the judgment of the Cuttack Bench was pending before the Orissa High Court as is mentioned in para 9 of the impugned order.

5. Today, Ms. Sangita Rai, learned counsel for respondents has produced a copy of the judgment dated 08.10.2012 passed by the Hon'ble High Court of Orissa in W.P.(C) No.17530/2011. This Writ Petition was directed against the judgment of the Cuttack Bench of C.A.T. dated 10.02.2011. The judgment of the C.A.T. has been reversed by the Hon'ble Orissa High Court. The relevant observation are as under :-

"10. In view of our finding in paragraph-9 above, we allow the writ application and set aside the order dated 10.02.2011 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in OA No.38 of 2009 under Annexure-1."

6. Ms. Sangita Rai, learned counsel for respondents accordingly submitted that in view of setting aside of the judgment of the Cuttack Bench of the Tribunal in OA No.38 of 2009, the present OA has become infructuous and, therefore, no relief can be granted to the applicants.

7. To the contrary, Ms. Rani Chhabra, counsel for applicants submits that against the judgment of the Orissa High Court an SLP No.1517/2013 was filed before the Hon'ble Supreme Court

which has been granted and pursuant thereto Civil Appeal No.13334 of 2015 is still pending.

8. The entire case of the applicants is based on the judgment of the Cuttack Bench. The said judgment has admittedly been set aside by the Orissa High Court and Civil Appeal No.13334/2015 pending before the Hon'ble Supreme Court. Therefore, in view of the present position, no relief can be granted to the applicants.

9. At this stage, we dismiss this petition with liberty to the applicants to seek revival of the OA in the event judgment of the High Court of Orissa dated 08.10.2012 is set aside by the Hon'ble Supreme Court and that decision of the Cuttack Bench of the Tribunal is restored. No costs.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

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