

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

OA No.2958/2017
MA No.3106/2017
with
OA No.2989/2017
this the 30th day of August, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)**

OA No.2958/2017

1. Shri Mandeep Prakash
Aged about 51 years
S/o Shri Omprakash Sharma
Working as General Manager (Finance)
R/o House No.357, Sec.30-A
Chandigarh – 160030.
2. Shri Shailendra Kumar Bhardwaj
Aged about 50 years
S/o Shri Nawal Kishore
R/o 805, Qasis, Emrald Heights
Ramprashta Green, Sec.7 Vaishali
Ghaziabad – 201010, UP.
3. Shri Kalyan Sagar Nippani
Aged about 50 years
S/o Shri Dr. N. Giridhar Rao
R/o Office of the Chief General Manager
Chennai Telephone District No.78
Purasawalkam, High Road, Kellys
Chennai -600010.
4. Shri Srinivasulu Voruganti
Aged about 51 years
S/o Shri Adinarayana Voruganti
R/o Office of the Principal General Manager, BSNL
Hyderabad Telecom District
Hyderabad. Applicants.
(By Advocate: Shri Sanjiv Joshi)

Versus

1. Union of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training
Through its Secretary

North Block, Central Secretariat
New Delhi – 110 001.

2. Public Enterprises Selection Board
Through its Secretary
Block No.14, CGO Complex
Lodi Road, New Delhi – 110 003.
3. Mrs. Marina George
Aged about 56 years
D/o Late Shri V.I.Veaghese
Working as PGM in the O/o CGMT, BSNL, Gujrat Circle
Ahmedabad, Gujrat.
4. Mr. Madhav Narayan Punde
Aged about 53 years
S/o Late Shri Narayan Bhagwat Punde
Working as Sr. GM, BSNL in the O/o CGMT, BSNL
Maharashtra Circle, Juhu Thane, Mumbai, Maharashtra.

.....Respondents

(By Advocate: Shri Y.P.Singh)

OA No.2989/2017

Sanjay Kumar (Aged about 53 years)
Aged about 53 years
Principal General Manager, BSNL
Group "A"
S/o Shri Ramesh Chandra Mathur
605, Bharat Sanchar Bhawan
Janpath, Harish Chandra Mathur Lane
New Delhi – 110 001.

..... Applicant.

(By Advocate: Shri Rajesh Katyal)

Versus

1. Union of India
Through the Secretary
Ministry of Personnel, PG and Pensions
Department of Personnel & Training
North Block, New Delhi – 110 001.
2. Public Enterprises Selection Board
Through Chairman/Secretary
Block No.14, PE Bhawan
CGO Complex, Lodhi Road, New Delhi – 110 003.
3. The Secretary
Department of Telecommunications
Ministry of Communication
Sanchar Bhawan, 20, Ashoka Road
New Delhi.

4. Bharat Sanchar Nigam Ltd.
Through Chairman-cum-Managing Director
Bharat Sanchar Bhawan
Janpath, New Delhi.Respondents

(By Advocate: Shri Subhash Gosain for R-1)

ORDER (ORAL)

By Justice Permod Kohli,

MA No. 3106/2017 for joining together is allowed. The amended Memo of Parties has been filed.

2. The issues involved in both these OAs being identical, the same are being disposed of by this common order.

3. Notice to respondent no.2 only at this stage. The respondent no.2 issued an advertisement/notification on 27.03.2017 inviting applications to fill up one post of Director (Finance) in the respondents no.2 i.e. Bharat Sanchar Nigam Limited (BSNL). The qualifications for the candidates were indicated therein. The advertisement notice also specifically mentioned that the short listing criteria will be adopted. The applicants applied in response to the aforesaid advertisement/notification claiming to be eligible in terms of the advertisement. It is stated that the applicants have indicated their qualifications and experience in their respective applications. Applying the short-listing criteria, a list of short listed candidates has been notified for interview vide Annexure A-1 by the respondents. As many as eight candidates have been short listed for one post.

4. The grievance of the applicants is that they fulfilled all requisite qualifications and experience for the post, but they have been illegally denied the right of consideration by excluding them from the list of short listed candidates. It is stated by the learned counsel for the applicants that the MBA qualification possessed by the applicants through correspondence has not been taken into account. The applicants have made their respective representations dated 21.08.2017 (Annexure A-5) and 24.08.2017 (Annexure A-4). The said representations are yet to be considered by the respondents.

5. Without commenting on the merits of the controversy and the averments made in the OA, we deem it proper to direct the respondent no.2 to take decision on representations of the applicants dated 21.08.2017 (Annexure A-5 of OA No. 2958/2017) and 24.08.2017 (Annexure A-4 of OA No. 2989/2017) by passing a reasoned and speaking order thereon, within a period of two weeks from the date of receipt of a copy of this order. We make it clear that in the meantime, if any selection/appointment to the post of Director (Finance) is made, the same shall be subject to outcome of the decision on the aforesaid representations. Needless to say that the applicants shall have liberty to seek remedial measures available to them, in accordance with law, if they are aggrieved with the decision on their representations.

Order **DASTI.**

(K.N.Shrivastava)
Member (A)

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(Justice Permod Kohli)
Chairman