

**Central Administrative Tribunal
Principal Bench**

OA No. 3237/2015

This the 5th day of October, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

1. Shri S.B.Singh,S/o Shri V.B. Singh
Aged around 49 years,
Occupation: Director, Department of Telecommunications,
New Delhi, R/o.DII/168, Kaka Nagar, New Delhi.
2. Shri Sarad Trivedi, S/o Shri N.K. Trivedi,
Aged around 52 years,
Occupation: Director, Department of Telecommunications,
New Delhi, R/o.36/4, Type V, P&T Colony,
Kalibari Marg, New Delhi.
3. Shri Anil Kumar, S/o Late Shri Babban Prasad
Aged around 54 years,
Occupation: Director, Department of Telecommunications,
New Delhi, R/o House No.B-56,
Sector Beta I, Greater Noida, GB Nagar.
4. Shri S.K. Mittal, S/o Shri H.C. Mittal
Aged around 53 years,
Occupation: DDG, Department of Telecommunications,
New Delhi, R/o.35/2, Type V,P&T Colony, Kalibari Marg,
New Delhi.
5. Ms. Mousumy Bedekar,
D/o Late Shri Arun Ch.Dasgupta
Aged around 50 years,
Occupation: DDG , Department of Telecommunications,
New Delhi, R/o.M-91,3rd Floor,
Near Amity Int. School, Saket, Delhi.
6. Shri Anil Kr. Kalia, S/o Shri G.R.Kalia
Aged around 56 years,
Occupation: DDG, Department of Telecommunications,
New Delhi, R/o.31/4,Type V, P&T Colony,
Kalibari Marg, New Delhi.

7. Shri Tajinder Kumar, S/o Shri Charanjit
Aged around 54 years,
Occupation: DDG, Department of Telecommunications,
New Delhi, R/o.B-107 Sector 36 Noida.
8. Shri Nitish Sinha, S/o Shri N.C.Sinha
Aged around 42 years,
Occupation: Director, Department of Telecommunications,
New Delhi,
R/o.21/2A,Type IV, P&T Colony,
Kalibari Marg, New Delhi.
9. Shri Girish K Kataria, S/o Shri Narsingh Bhai
Aged around 47 years,
Occupation: Director, Department of Telecommunications,
New Delhi, R/o.Room No.101,
Saiyed Ul Azaib, Saket,
New Delhi.
10. Shri R.K. Choudhary, S/o Late Shri Ram Krishna
Choudhary
Aged around 49 years,
Occupation: Director, Department of Telecommunications,
New Delhi,
R/o 37/7, Type V, P&T Colony,
Kalibari Marg, New Delhi.
11. Shri Subodh K. Gupta, S/o Late Shri S.N.Prasad,
Aged around 51 years,
Occupation: Director, Department of Telecommunications,
New Delhi,
R/o.34/7,Type V, P&T Colony,
Kalibari Marg, New Delhi.
12. Shri R.K. Malpani, S/o Shri B.D. Malpani,
Aged around 50 years,
Occupation: Director, Department of Telecommunications,
New Delhi; Sadar Apartment,
Mayur Vihar Ph-1 Extn., New Delhi
13. Shri Arun K.Singh, S/o Shri Indrapal Singh,
Aged around 49 years,
Occupation: Director, Department of Telecommunications,
New Delhi, and
R/o.B-801,Jaipuria Sunrise Greens,
Indirapuram Ghaziabad.

14. Shri Ashok Kumar, S/o Shri Sadhuram
Aged around 42 years,
Occupation: Director, Department of Telecommunications,
New Delhi,
R/o.Pearl-302, Gardenia Glamour, Sector-3, Vasundhara,
Ghaziabad.

... Applicants

(By Advocate: Sh. R.P.Kapur)

Versus

1. Union of India represented through its Secretary,
Department of Telecommunications,
Ministry of Communications & IT,
20, Ashoka Road, New Delhi-110001.
2. The Director (Policy) Abs.Cell,
Department of Telecommunications,
Ministry of Communications & IT,
20, Ashoka Road, New Delhi-110001.
3. M/s. Bharat Sanchar Nigam Ltd.
Thr' Chairman & Managing Director,
Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane, New Delhi-110001.
4. The Principal Controller of Communication Accounts,
Delhi Region, DoT Building, Prasad Nagar,
New Delhi-110005.
5. The Department of Telecommunications through its
Deputy Secretary (BP), Department of Communications,
20, Ashoka Road, New Delhi-110001.

.... Respondents

(By Advocate: Sh. Gyanender Singh for respondents No.1 & 2
Ms. Niyati Patwardhan proxy for
Ms. Neha Bhatnagar for respondent No.3)

ORDER (ORAL)

By Justice L.Narasimha Reddy, Chairman

This OA is filed challenging a bunch of orders dated
21.08.2015, passed by the Deputy Secretary, Department of

Telecommunication (DOT), Ministry of Communication and another order dated 25.08.2015 (Annexure A-2). The case of the applicants is that they are the employees of DOT and without their consent they are sought to be made the employees of BSNL. The impugned orders made reference to an order passed by the Hon'ble High Court and CP No.243/2005. The applicants contend that the impugned order cannot be sustained in law in as much as they are sought to be made employees of BSNL.

2. The respondents filed counter explaining the circumstances under which the impugned order came to be passed and extensive litigation that has taken place before the Tribunal and Hon'ble High Court.

3. We heard Sh. R.P.Kapur, learned counsel for the applicants and Sh. Gyanender Singh, learned counsel for respondents No.1 & 2 and Ms. Niyati Patwardhan for Ms. Neha Bhatnagar, learned counsel for respondent No.3.

4. The issue regarding the deputation of employees of DOT to the BSNL has been the subject matter of quite large number of cases before this Tribunal as well as the Hon'ble High Court of Delhi for the past over 1½ decades. Substantial activities of DOT were transferred to the BSNL, a corporate body and accordingly adequate manpower was also sought to be kept at its disposal.

5. Quite good number of employees of DOT have since become employees of BSNL but others did not. Depending on the exigencies of service in BSNL, deemed depositions were also put into operation for quite some time. Ultimately, it was held that the employees of DOT cannot be made the employees of BSNL, without their consent. We are informed that the DOT has also since taken into account these aspects and made certain arrangements, to deal with the employees of different cadres.

6. The orders impugned in the OA were passed in the year 2015. Though interim order was denied at one stage, on a direction issued by the Delhi High Court, the application was considered once again and a detailed interim order was passed on 09.10.2015. Ever since then, the orders impugned in the OA became inoperative and the applicants are now on the rolls of DOT. Another aspect is that during the pendency of the present OA several administrative measures as well as adjudications in the Court have taken place. The manner in which the applicants need to be dealt with, needs to be addressed by the respondents duly taking into account, the administrative decisions, and the judgments have not been rendered by the High Court on this issue.

7. We, therefore, dispose of the OA, leaving it open to the respondents to pass appropriate orders as to the manner in which the applicants can be dealt with. The interim order shall be treated

as final, and shall be in force till any new arrangement is ordered by the respondents. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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