

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**I. M.A.Nos. 973/18, 1075/18, 1190/18 & 1192/2018
O.A.NO. 060/00778/2018 Date of order: 7.8.2018.**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P.GOPIKNATH, MEMBER (A)**

...

1. Janak Raj S/o Sh. Ram Kishan Sharma, Age 45 years, Office Address: DGM (MSC) (Look after) o/o GM (CM) Haryana, BSNL, Main Telephone Exchange, Ambala Cantt, Residential Address: 62/3, Sanchar Kunj, Napier Road, Ambala Cantt. (Haryana). 133001
2. Sanjay Singh Pathania S/o Sh. D S Pathania, age 51 years, Office Address: DE (DC-VII) o/o GM ITPC, NDC, BSNL , Sector-20, Panchkula, Residential Address: H No.698, Sector 2, Panchkula (Haryana)
3. Rajnesh Tagger S/o Sh. Parshotam Lal, age 46 years, Office Address AGM(EB & Mkg), GMTD BSNL Jammu, 3rd Floor, Telephone Exchange, Rail Head Complex, Jammu - 180012, Residential Address H.No.220 Sector-1, Nanak Nagar, Jammu (J & K)
4. Deepak Guleria, s/o Sh. G.S Guleria, age 48 years, Office Address DET (NTR) Pathankot, Office of DET NTR, Telephone Exchange , BSNL Pathankot, Residential Address: Village Mamun, Tehsil and Distt. Pathankot (Punjab)
5. Anil Dhiman, s/o Sh. N R Dhiman, age 49 years, office Address: DET/NTR Office of DET NTR, MW Building, BSNL Dharamshal, Residential Address: Village Upper Barol, Dharamshala, Distt Kangra, (H.P)
6. Bhawana Sharma d/o Late Sh. Prakash Chand age 49 years, office Address: O/o AGM (NWI-CFA) CGM, BSNL, HP Circle Block No.11, SDA Complex, Kasumpti, Shimla, Residential Address Block No.4, Set No, Below BCS, Phase-III, New Shimla (H.P)
7. Indira Thakur d/o Sh. Nain Singh Chauhan, age 50 years, Office Address: DGM (NOW-CFA) O/o CGMT HP Circle, SDA Complex, Kasumpti, Shimla, Residential Address: #29/4, BCS Phase-III, New Shimla, Shimla (H.P)

8. Hemant Gupta S/O Late Sh. L.M Gupta, Age 48 years, Office Address: DET Sundernagar, Telephone Exchange Sundernagar, Distt. Mandi (H.P), Residential Address: #66/4, Bhojpur, Sundernagar, Distt. Mandi (H.P)
9. Sanjay Kumar Jain S/o SH. Suresh Kumar Jain, age 51 years, Office Address: DGM O/o GMTD Amritsar, B Block, Ranjit Avenue, Amritsar, Residential Address: 26, Bank Enclave, Jalandhar City (Punjab)
10. Jitesh Kumar s/o Dr. Paras Ram, age 50 years Official address: O/o ADET (IT) GMTD, Near Sher Shah Bali Chowk, Ferozpur Cantt. Residential Address: H.No.10, Type-IV, P&T Colony, Ferozpur Cantt. (Punjab)
11. Brinda Prasad s/o Late Sh. Chittaranjan Singh, age 54 years, Office Address DGM O/o GMTD Amritsar, Ranjit Avenue, Amritsar Residential Address: C/o Sh. K.C Abrol, 204/10, Albert Road, Amritsar, (Punjab)

....APPLICANTS

(Argued by: Shri Vivek Sharma, Advocate)

VERSUS

1. Union of India through its Secretary to the Government of India, Ministry of Communication and Information Technology, Department of Telecommunication, Sanchar Bhavan, 20 Ashoka Road, New Delhi. 110001
2. Bharat Sanchar Nigam Limited (A Government of India Enterprise) through its Chairman and Managing Director, BSNL, Registered Office: Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110001
3. Director (HR), BSNL, Registered Office: Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi.110001
4. The Assistant General Manager (DPC), BSNL, Corporate Office, Personnel-I Section, 4th Floor, Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110001
5. The Assistant General Manager (Personnel I), BSNL, Corporate Office, Personnel-I Section 4th Floor, Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110001

6. The Chief General Manager Telecom, BSNL Haryana Telecom Circle, 107, Mahatma Gandhi Marg, Ambala Cantt. (Haryana) 133001
7. The Chief General Manager Telecom, BSNL Himachal Pradesh Telecom Circle, Block No. 11, SDA Complex, Kasumpti, Shimla (H.P) 171009
8. The Chief General Manager Telecom, BSNL Punjab Telecom Circle, Plot No.2, Sanchar Sadan, Sector 34, Chandigarh. 160022
9. The Chief General Manager Telecom, BSNL Jammu and Kashmir Telecom Circle, 4th Floor, North Block, Bahu Plaza, Jammu. 180012
10. The Chief General Manager, BSNL Northern Telecom Region, Kidwai Bhawan, Janpath, New Delhi. 110001
11. The Chief General Manager, Information Technology Project Circle, RTTC Building, Plot No. G-121 & 122, MIDC, Chinchwad, Pune.

....RESPONDENTS

(By Advocate: Shri Madan Mohan, counsel for respondents no.2 to 6)

II. O.A.No.063/00918/2018

Anita Bhardwaj age 49 years daughter of Sh. (Late) N.S. Himachali, Office of GMTD, Block No. 35, SDA Complex, Kasumpti, Shimla residing at Dalmeena House, Kasumpti, Shimla – 171009 (Group A)

....APPLICANT

(Argued by: Shri Vivek Sharma, Advocate)

VERSUS

1. Union of India through its Secretary to Government of India, Ministry of Communication and Information Technology, Department of Tele communication, Sanchar Bhavan, 20 Ashoka Road, New Delhi. 110011
2. Bharat Sanchar Nigam Limited (A Government of India Enterprise) through its Chairman and Managing Director, Bharat Sanchar Nigam Ltd., Registered Office: Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110011

3. Director (HR), Bharat Sanchar Nigam Ltd., Registered Office: Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110011
4. The Assistant General Manager (DPC), Bharat Sanchar Nigam Ltd., Corporate Office, Personnel-I Section, 4th Floor, Bharat Sanchar Bhawan, H.C Mathur Lane Janpath, New Delhi. 110011
5. The Assistant General Manager (Personnel-I), Bharat Sanchar Nigam Limited, Corporate Office, Personnel-I Section, 4th Floor, Bharat Sanchar Bhawan, H.C Mathur Lane, Janpath, New Delhi. 110011
6. The Chief General Manager Telecom, BSNL Himachal Pradesh Telecom Circle, Block No.11, SDA Complex, Kasumpti, Shimla (H.P). 171001

....RESPONDENTS

(By Advocate: None)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

Both these OA are disposed by this common order as the applicants have challenged the order dated 6.6.2018 and the facts are identical. For convenience, facts are being taken from O.A.No.060/00778/2018 (Janak Raj & Ors. vs. Union of India & Ors.).

2. Present OA has been filed by the applicants seeking the following relief(s):-

- " i) issue appropriate order/direction for setting aside impugned orders, namely,
- (a) Order No.56-04/20171-Pers(DPC)/Pt/06 dated 6.6.2018 (Annexure A-22);
 - (b) Order No.412-3/2017-Pers-I/III dated 6.6.2018(Annexure A-23)
 - (c) Order No.412-03/2017-Pers-I/IV dated 6.6.2018(Annexure A-24);
- And the consequent convey orders namely :

- (d) CGMT Haryana Memo No.Staff/EG-3/STSX/Promotion/VII/26 dt. 12.06.2018;
- (e) CGMT HP memo NO.Staff/S-3294/V/25 dt. 12.6.2018;
- (f) CGMT Punjab Memo No.Staff/EGF-2/Adhoc Promotion/DGM/2017/33 dt. 08.06.2018
- (g) CGMT J&K memo no.814-14/2017-SRT/JAG Promotion/70-A dt. 11.6.2018;
- (h) CGM NTR memo no.1-2/2016-Admn/43 dt. 11.6.2018;
- (i) CGM ITPC memo No.ITPC/A-51/Grp-A/2016/77 dt 6.6.2018(Annexure A-25colly)

And hold them as illegal, arbitrary and discriminatory.

ii) issue appropriate order/direction for setting aside communication dated 15.6.2018/A-27, whereby EDPG is proposed to be convened for the post of DGM to the exclusion of applicants”.

After notice, the respondents are represented through Shri Madan Mohan, Advocate, who filed MA No. 060/01075/2018 for vacation of interim order dated 9.7.2018 and annexed the order of order dated July 13, 2018 passed by the Principal Bench in O.A.Nos. 2598/ 2017 & 2430 OF 2018. Learned counsel for the respondents argues that the controversy raised in the present OAs has already been considered and decided against the persons like the applicants, as noticed herein above. Therefore, he prayed that both the petitions deserve the same fate.

3. Though Mr. Vivek Sharma, learned counsel for the applicants submitted that the Principal Bench in its order dated July 13, 2018 K.B.Upasani & Ors. (supra) has not considered the judgment passed by the Kerala High Court in right perspective, therefore, this case is not covered by the same, but he could not plead in convincing ground of distinguishing.

4. We have given our thoughtful consideration to the entire matter and have also perused the order passed by the Principal Bench. We find that the Principal Bench has already considered the eligibility of the candidates (applicants therein) and dismissed the OAs after considering the rule formulation and law on the subject. Finding that the facts of the instant case , the points of law involved are common and for the parity of reasons given in the indicated judgment and there being no distinguishing features brought to our notice, we also dismiss both these petitions in the same terms. MAs also stand disposed of. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

7.8.2018.

KKS

