

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



No.O.A. 350/860/2017
M.A.350/506/2017

Date of order : 14.09.2017

Coram : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member

1. Prakash Ranjan,
Son of Ram Ranjan Prasad,
F-15, Rabindrapally,
Post Office – Brahmapur,
Kolkata – 700 096.

2. Soma Sarkar,
Wife of Sanjoy Sarkar,
Flat No. F-4/5, Saltee Specio,
1, Mall Road,
Kolkata – 700 080.

... Applicants.

-Versus-

1. The Union of India,
Service through its Secretary,
Department of Telecommunication,
Ministry of Communications and
Information Technology,
20 Ashoka Road,
New Delhi – 110 001
2. Bharat Sanchar Nigam Limited
(A Government Enterprise),
Service through the Chairman & Managing Director,
Bharat Sanchar Bhawan,
7th Floor, Harish Chandra Mathur Lane, Janpath,
New Delhi – 110 001.
3. The Director (HR),
Bharat Sanchar Nigam Limited
Bharat Sanchar Bhawan,
7th Floor, Harish Chandra Mathur Lane, Janpath,
New Delhi – 110 001.

4. The Chief General Manager,
 Calcutta Telephones District,
 BSNL, Telephone Bhawan,
 34, B.B.D. Bag,
 Kolkata – 700 001.

5. The General Manager (HR & Admn.),
 Calcutta Telephones District,
 BSNL, Telephone Bhawan,
 34, B.B.D. Bag,
 Kolkata – 700 001.

6. The Deputy General Manager (HR & Admn.),
 Calcutta Telephones District,
 BSNL, Telephone Bhawan,
 34, B.B.D. Bag,
 Kolkata – 700 001.

... Respondents.

For the applicant : Md. A. Huq, counsel
 Ms. M. Mitra, counsel

For the respondents : Ms. S. Panda, counsel

ORDER (ORAL)

Mrs. Manjula Das, Judicial Member

The applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(a) An order directing the respondents to treat the applicants as JTO(T) with effect from 06.11.2013 and to provide all consequential and financial benefits by treating them as JTO(T) with effect from 06.11.2013;

(b) An order directing the respondents to take a decision on the representation of the applicants dated 10.04.2017 by giving an opportunity of hearing to the applicants and to pass a reasoned order within a time bound period;

(c) An order directing the respondents to grant all consequential benefits including promotions after making necessary rectifications and review in terms of prayer (b) and (c);

(d) An order directing the respondents to produce/ cause production of all the relevant records;

(e) Any other order or further order/ orders as to this Hon'ble Tribunal may deem fit and proper."

2(a) By way of the M.A.No.350/506/2017 the applicants have prayed for permission to move the O.A. jointly, as according to them, their grievance is similar in nature and are espousing common cause of action and they have common interest in the matter.

(b) Having heard the facts and circumstances of the case the applicants are permitted to move the O.A. jointly under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987. Accordingly the M.A.No.350/506/2017 stands allowed.

3. The facts of the O.A. in a nutshell as stated by the applicants are that they appeared in a Limited Internal Competitive Examination for promotion to the post of JTO(T) and were declared unsuccessful due to some discrepancies and anomalies in the question papers and the answer keys, but later on the authorities realized their fault and reviewed their answer scripts , declared them as successful and offered them promotion. According to the applicants, they lost their seniority and other benefits for the laches/fault on the part of the department. Being aggrieved the applicants have made representation dated 10.04.2017(Annexure A-8) to the Chief General Manager, CTD, BSNL, Kolkata (Respondent No.4) ventilating their grievances, but their prayer has not been considered till date. Finding no other alternative the applicants have moved this O.A. before this Tribunal seeking intervention in the matter.



4. We have heard the learned counsel for both sides, perused the documents annexed with the O.A.

5. Since it is the categorical stand of the applicants that the respondents have not passed any order in their representation dated 10.04.2017(Annexure A-8), we deem it proper to direct the respondents to decide the same within a time frame, to which , learned counsel for the respondents raised no objection.

6. Accordingly, we direct the respondents more particularly to the Respondent No.4 and 5 to consider and dispose of the representation of the applicants dated 10.04.2017(Annexure A-8) as per rules and regulations in force by giving an opportunity of personal hearing to the applicants and pass a reasoned and speaking order within a period of 4 months from the date of receipt of this order. The respondents are further directed to communicate the decision so arrived at to both the applicants forthwith.

7. With the aforesaid directions, the O.A. and the M.A. stand disposed of at the admission stage itself. No order as to costs.

(Dr. N. Chatterjee)
Administrative Member

(Manjula Das,
Judicial Member

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