

OAs.No.170/00488-00513/2015/CAT/Bangalore Bench
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATIONS NO.170/00488-00513/2015

DATED THIS THE 03rd DAY OF SEPTEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

1. Sri.R.Ganesh, 40 years
S/o Sri.Ramalingu
Occn: Junior Accounts Officer (TR)
O/o General Manager Telecom, BSNL
Jayalaxmipuram
Mysore:570 012.
2. Smt.Sundaramani C.G.
Age: 53 years
W/o Sri.M.S.Vishwanath
Occn: Junior Accounts Officer
O/o General Manager Telecom District
BSNL, Sagara Road
Shivamogga: 577 204.
3. Smt.Geetha N.L.
W/o.Sri.P.B.Ramakantha Rao
Age: 52 years
Occn: Junior Accounts Officer
Under CAO (Works), BSNL
Bangalore Telecom District
Telephone House, 2nd Floor
Bangalore: 560 001.
4. Smt.S.Vanitha, 36 years
W/o Sri.T.Selvam
Occn: Junior Accounts Officer
Under Chief Accounts Officer(Billing)
Mobile Services, Amenity Block, 2nd Floor
Palace Road
Bangalore:560 001.
5. Sri.P.S.Katti, 35 years
S/o Sri.Sridhar
Occn: Junior Accounts Officer
O/o General Manager Telecom, BSNL
HPO Compound, J.C.Nagar
Hubli:580 020.
6. Sri.Michael P.J. 33 years
S/o late Sri.P.J.Joseph
Occn: Junior Accounts Officer

Office of General Manager Telecom
BSNL, Telecom House Road
Pandeshwar
Mangalore: 575001.

7. Smt.Megha Bengeri S
W/o Sri.T.Jagadish
Age: 35 years
Office of Chief Accounts Officer (Pay-I)
O/o Bangalore Telecom District
Telephone House, 2nd Floor
Bangalore:560 001.
8. Smt.Radha Bopanna T., 40 years
W/o Sri.Bopanna T.J.
Occn: Junior Accounts Officer
O/o AO CC PC-II
Bangalore Telecom District
BSNL, 2nd Floor
Telephone House
Bangalore:560 001.
9. Sri.S.Loganathan, 50 years
S/o Late Sri.M.C.Srinivasan
Occn: Junior Accounts Officer
Under Chief Accounts Officer (Receipts)
Amenity Block, 2nd Floor
Palace Road, Bangalore:560 001.
10. Sri.Jagadish T., 39 years
S/o Late Sri.R.Thirugnanam
Occn: Junior Accounts Officer
Under Chief Accounts Officer (Budget)
O/o PGM, Bangalore Telecom District, BSNL
Telephone House
Bangalore: 560 001.
11. Smt.Shaheena Liaquat, 57 years
W/o Sri.Md.Liaquat Pasha
Occn:Junior Accounts Officer
Under Chief Accounts Officer(Works)
O/o PGM, Bangalore Telecom District, BSNL
Telephone House
Bangalore: 560 001.
12. Smt.Malathi G., 46 years
W/o Sri.Vishnumoorthy B
Occn: Junior Accounts Officer
Office of General Manager Telecom
BSNL, Telecom House Road
Pandeshwar
Mangalore: 575001.
13. Smt.Saraswathi Ram, 56 years

W/o Sri.T.K.Ramachandran
 Occn:Junior Accounts Officer (Pay I)
 Under Chief Accounts Officer
 O/o PGM, Bangalore Telecom District, BSNL
 Telephone House
 Bangalore: 560 001.

14. Smt.Shanthalakshmi K., 43 years
 W/o Sri.Krishnanand V
 Occn: Junior Accounts Officer
 Under Chief Accounts Officer(CBC)
 BSNL, Vijayanagar Telephone Building
 Bangalore:560 040.
15. Smt.C.K.Geetha, 56 years
 W/o Sri.N.V.Nagaraj
 Occn: Junior Accounts Officer (Works)
 Office of General Manager Telecom
 BSNL, Jayalaxmipuram
 Mysore:570 012.
16. Smt.Janaki Ravindra R., 55 years
 W/o Sri.K.P.Ravindra
 Occn: Junior Accounts Officer
 under Chief Accounts Officer(TRC)
 O/o PGM, Bangalore Telecom District, BSNL
 Telephone House
 Bangalore:560 001.
17. Smt.Prabhavati Ramanna Dixit
 Age: 53 years
 W/o Sri.K.S.Chendrashekhar
 Occn: Junior Accounts Officer (A&P)
 Office of General Manager Telecom, BSNL
 Jayalaxmipuram, Mysore:570 012.
18. Smt.Nirmala, 54 years
 W/o Sri.H.S.Ramakrishna
 Occn: Junior Accounts Officer
 O/o Additional General Manager(SAT)
 Sanchar Complex
 Jayanagar
 Bangalore: 560 011.
19. Sri.Anthoni, 55 years
 S/o Late Sri.Francis
 Occn: Junior Accounts Officer
 Under CAO (Pay)
 O/o PGM Bangalore Telecom District
 Telephone House
 Bangalore: 560 001.
20. Smt.Parameswari, 55 years
 W/o Sri.Paul Raj

Occn: Junior Accounts Officer
Under CAO (TR-North)
AO (TR) BSNL
Yashwanthpur
Bangalore: 560022.

21. Sri.C.Sagayaraj, 50 years
S/o Late Sri.P.Chinnappa
Occn: Junior Accounts Officer
Under CAO (Mobiles)
BGTD, BSNL, Amenity Block
Palace Road
Bangalore: 560 001.

22. Smt.K.S.Mukambika, 55 years
W/o Sri.Vasudevachar
Occn: Junior Accounts Officer
Office of General Manager Telecom, BSNL
Shivamogga Telecom District
Shivamogga: 577 201.

23. Sri.P.Mani, 49 years
S/o Late Sri.A.Pachiyappan
Occn: Junior Accounts Officer
Under CAO TR (Central)
City Telephone Exchange Building
S.R.Nagar
Bangalore: 560 027.

24. Sri.Manoharan Katayaprath
Age: 51 years
S/o Late Sri.K.C.Sankaran Nambiar
Occn: Junior Accounts officer
Under CAO (Works)
O/o PGM BGTD BSNL
Telephone House, 2nd Floor
Bangalore: 560 001.

25. Smt.Asha Padmaja, Age: 54 years
W/o Sri.S.Narasimha Rao
Occn: Junior Accounts Officer (TR)
Office of General Manager Telecom
Jayalaxmipuram, Mysore: 570 012.

26. Smt.Subadra G., Age: 38 years
W/o Sri.K.V.Balaji
Occn: Junior Accounts Officer
Under CAO TRC
O/o DGM TRC
Telephone House 3rd Floor
Bangalore: 560 001.

...Applicants

(By Advocate Shri P.A.Kulkarni)

Vs.

1. Bharat Sanchar Nigam Limited
by its Chairman and Managing Director
No.102-B, Statesman House
148, Barakhamba Road
New Delhi: 110 001.
2. Chief General Manager Telecom
Karnataka Circle
No.1, Swamy Vivekananda Road
Halasuru
Bangalore: 560008.
3. Smt.Rajeswari C.
Accounts Officer (TLC)
O/o Chief Accounts Officer TLC, BSNL
Amenity Block, Palace Road
Bengaluru-560001.
4. Smt. Nafeejunnisa Begum
Accounts Officer
O/o The Chief Accounts Officer (Bank)
4th Floor, O/o the Chief General Manager, BSNL
Karnataka Circle Office
Swamy Vivekananda Road
Halasuru
Bengaluru-560008.
Respondents

...

(By Advocate Shri Vishnu Bhat)

O R D E R (ORAL)(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))

Heard. The matter relates to seniority and consequential promotion. In the interregnum the applicants were granted promotion. Therefore, one limited cause is satisfied. The question is relative seniority between direct recruits and promotes. The problem with it is that we find that there are other people who are involved in it cannot be heard and given credence to them for the simple reason that they are not parties and because they are numerous in nature, they cannot be heard via media. Therefore, we will direct the respondents to decide with the significant reasons that inter-se seniority between the promotes and direct recruits in relation to the date of appointment

and the cause it generates. This they shall do within next four(4) months. Therefore, we now remit the matter back to the respondent to look into all the facts of the issue and consider the issue of each person relevant on it and pass a detailed speaking order along with a new seniority list within next four(4) months. Needless to say all the contentions are kept open.

2. The OA is disposed off as above. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

OAs.No.170/00488-00513/2015/CAT/Bangalore Bench

Annexure-A1: Copy of the JAO recruitment rules 2001 notified by BSNL on 31.8.2001

Annexure-A2: Copy of the JAO RRs of Telecom Wing notified by DOT on 15.4.1977

Annexure-A3: Copy of the instructions issued by the DOT in regard to the conduct of departmental examination for appointment as JAO

Annexure-A4: Copy of BSNL letter dtd.13.10.2003

Annexure-A5: BSNL letter dtd.24.11.2003

Annexure-A6: BSNL OM dated 12.10.2004

Annexure-A7: BSNL notification dtd.19.8.2005

Annexure-A8: JAO Part-II internal competitive examination results notified on 7.4.2010

Annexure-A9: Direct recruitment notification issued by BSNL in the year 2009 with the closing date as 15.12.2009

Annexure-A10: R-2's letter dtd.27.10.2010

Annexure-A11: R-2's letter dtd.27.10.2010

Annexure-A12: R-2's letter dtd.13.12.2010

Annexure-A13: Provisional seniority lists of JAOs notified by BSNL on 10.12.2014

Annexure-A14: BSNL OM dtd.5.11.2004 relating to external candidates

Annexure-A15: BSNL OM dtd.18.1.2005 relating to external candidates

Annexure-A16: BSNL OM dtd.19.1.2005 relating to external candidates

Annexure-A17: Applicant No.1's representation dtd.19.12.2014

Annexure-A18: Impugned order dtd.30.01.2015

Annexure-A19: DOPT OM dtd.4.3.2014

Annexure-A20: CAT Bombay Bench order dtd.6.5.2014 in OA.741 & 692/2013

Annexures with reply statement:

Annexure-R1: Copy of DOPT OM dtd:03.03.2008

Annexure-R2: Copy of BSNL OM No.4-85/2003-SEA BSNL dtd.05.11.2004

Citations referred to in the written arguments by the Applicants:

Citation 1: (1990) 2 SCC 715, Direct recruit Class-II Engineering Officers' Association versus State of Maharashtra

Citation 2: (1994) 2 SCC 622, Ramjanam Singh versus State of UP etc.,

Citation 3: (2011) 3 SCC 267, Pavan Prathap Singh and others versus Reevan Singh and others

Citation 4: (2012) 13 SCC 340, Union of India versus NR Parmar and others

Annexures with written arguments note filed by the respondents:

Annexure 1: Copy of BSNL Corporate Office No.4-42/2004-SEA dtd:10.6.09

Annexures with memo dtd.14.3.2018 filed by Respondents 1 & 2:

Annexure 1: Copy of BSNL letter dtd.06.03.2018

Annexure 2: Copy of OM dtd.03.03.2008

Annexure 3: Copy of DOPT OM dtd:07.02.1986
