

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH.

O. A. No. 350/360 of 2019.

Durga Charan Soren, son of Late  
Nilukanta Soren, aged  
about 48 years, working as Sub-  
Divisional Engineer (HR & Admn.),  
Office of the Chief General Manager,  
ETR, Kolkata, residing at Vill. &  
P.O. Boinchi Gram, P.S. Pandua,  
Hooghly, Pin : 712 135.

...Applicant.

-Vs-

1. Bharat Sanchar Nigam Limited  
through the Chairman-cum-  
Managing Director, Bharat Sanchar  
Nigam Limited, Corporate Office,  
Bharat Sanchar Bhawan, Janpath,  
New Delhi- 110 001.
2. The Chairman-cum-Managing  
Director, Bharat Sanchar Nigam  
Limited, Corporate Office, Bharat

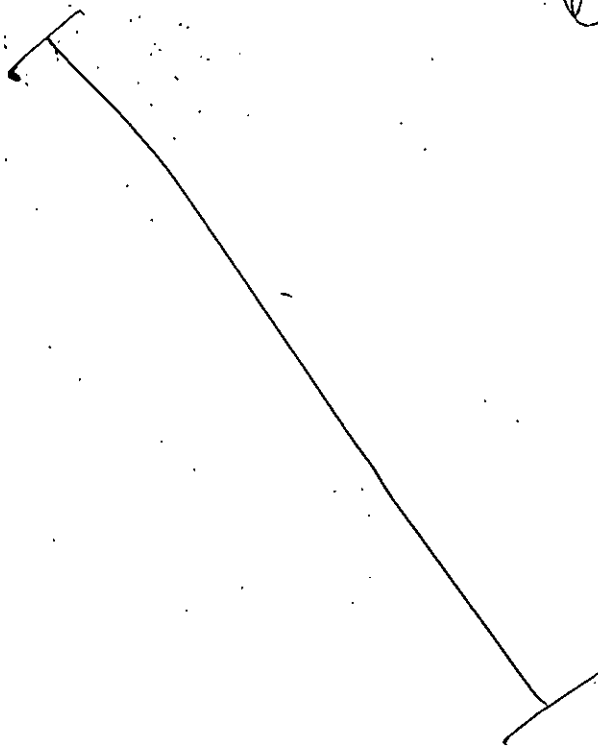
Sanchar Bhawan, Janpath, New  
Delhi- 110 001.

3. The Senior General Manager  
(Personnel), Bharat Sanchar Nigam  
Limited, Corporate Office, Personnel  
Branch, 4th Floor, Bharat Sanchar  
Bhawan, Janpath, New Delhi- 110  
001.

4. The Chief General Manager, West  
Bengal Telecom Circle, 8, Red Cross  
Place, Kolkata- 700 001.

... Respondents.

*WQ*



-3-

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/360/2019

Date of Order: 13.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

*Durga Charan Soren -vs- Bharat Sanchar Nigam Ltd.*

For the Applicant(s): Mr. S. K. Datta, Counsel

For the Respondent(s): Mr. R. Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.K.Datta, Ld. Counsel for the applicant, and Mr. R.Mukherjee, Ld. Counsel appearing for Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) An order directing the Respondent No. 2 to consider the representation of the applicant and make necessary alternation and/or arrange to make necessary alternations/modifications in the Recruitment Rules of the Management Trainees (Internal Candidate Quota) after granting relaxation in the matter of qualification to the Executives who became Executives in BSNL prior to 14<sup>th</sup> July, 2009 and also directing the respondents to consider the representation in this regard and not to hold any examination pursuant to the notice dated 11.12.2018 so far as the Internal Candidates' quota is concerned or to cancel the examination, if any, already held in respect of Internal Candidates.

b) An order directing the respondent no. 2 to consider the representation of the applicant taking into consideration of the applicant taking into consideration all grounds/each and every ground stated in the representation of the applicant dated 6.3.2019.

c) An order directing the respondent to produce/cause production of all relevant records."

3. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant was a Direct Recruit JTO in the Department of Telecom and,

(A)

subsequently, after formation of BSNL in the year 2000, the applicant was absorbed in BSNL and became Executive on absorption by virtue of his appointment to the post of JTO in DOT. In the year 2004, the applicant got promoted as SDE, which is the Feeder post of AGM and there is another post of AGM, i.e Management Trainees, but the applicant has become ineligible for the post of Management Trainees although he has already become eligible for the post of AGM and is also within the zone of consideration. Applicant states that he is already eligible for the post of AGM since 2011, which is also the promotional post of Management Trainees, but as per Recruitment Rules of Management Trainees, the applicant is not eligible whereas even JTOs, who are in the lower post, are eligible and such ineligibility is due to condition of 1<sup>st</sup> Division in B.Sc. whereas the applicant was appointed as Direct Recruit JTO in 1998 by virtue of relaxation clause in the Recruitment Rules as he had got 2<sup>nd</sup> Division in B.Sc. (Math). Since he has been ousted from the zone of consideration for the post of Management Trainees (Internal), the applicant has preferred representation under Annexure-A/7 dated 06.03.2019 before Respondent No.2 ventilating his grievance but till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No.2 within a specific time frame keeping in mind Note 2 of Annexure-A/3.

4. Mr. R.Mukherjee, Ld. Counsel for the Official Respondents, however, submits that the applicant is not at all eligible to appear in the Management Trainee Exam as he is lacking in the requisite minimum qualification as per notification dated 11.12.2018. He further submitted that the Management Training (Internal) Exam is scheduled to be held on 17.03.2019.

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5. Since during the course of the hearing of the matter for admission, Ld. Counsel for the applicant pin pointed that his representation is pending, having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure-A/7, if the same has been filed and is pending for consideration, keeping in mind Note 2 of Annexure-A/3, and pass a reasoned and speaking order as per rules and regulations, at the earliest, as the Examination is stated to be held on 17.03.2019. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of one week.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

8. Urgent copies of this order be handed over to the Ld. Counsel for the parties to inform the appropriate authorities at the earliest.

(A.K.Patnaik)  
Member(J)

RK/PS