

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O.A. No.60/1348/2017
M.A. No.60/1301/2018**

Date of decision: 21.08.2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. A.K. BISHNOI, MEMBER (A).**

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1. Pritpal Singh (Staff No.200379), aged about 52 years, S/o Sh. Rattan Singh, presently working as S.D.E., under General Manager, Telecom District Chandigarh, Punjab, Phase-IV, Mohali.
2. Tarsem Kumar (Staff No.200433), S/o Sh. Tilak Raj, presently working as S.D.E., under General Manager Telecom, District Ferozepur, Punjab.
3. Vidhyadhar Jat (Staff No.200446), S/o Sh. Bhaghagirath Prasad, presently working as S.D.E., under General Manager Telecom, District Ferozepur, Punjab.
4. Daljit Singh (Staff No.200612), S/o Sh. Sawaran Singh, presently working as S.D.E. O/o GMTD Hoshiarpur, Punjab.
5. Shashi Kant (Staff No.200684) S/o Sh. Om Parkash, presently working as S.D.E., under General Manager Telecom, District Ferozepur, Punjab.
6. Hira Lal Sharma (Staff No.200825), S/o Sh. Ram Lal, presently working as S.D.E., O/o General Manager Telecom, Pathankot, Punjab.
7. Gurdip Singh (Staff No.200831), S/o Sh. Sawaran Singh, presently working as S.D.E., O/o General Manager Telecom, Pathankot, Punjab.
8. Manish Marhwal (Staff No.200862), S/o Sh. Suresh Chand, presently working as S.D.E. under General Manager Telecom, Jammu.
9. Vijay Kumar Jindal (Staff No.200901), S/o Manmohal Lal Jindal, presently working as SDE, under O/o General Manager Telecom, Ferozepur, Punjab.
10. Ranjan Maini (Staff No.200916), S/o Sh. Kewal Krishan, presently working as SDE, under O/o General Manager Telecom, Ferozepur, Punjab.
11. Hemant Kumar Goel (Staff No.200966), S/o Sh. Baij Nath Aggarwal, presently working as SDE, under O/o General Manager Telecom, Jalandhar, Punjab.
12. Sanjay Joshi (Staff No.200995), S/o Sh. Thakar Datt Joshi, presently working as SDE, under O/o General Manager Telecom, Jalandhar, Punjab.

13. Balram (Staff No.201008), S/o Sh. Bihari Lal, presently working as SDE, under O/o General Manager Telecom, Jalandhar, Punjab.
14. Ajay Jindal (Staff No.201076), S/o Sh. Manmohal Lal Jindal, presently working as SDE, under O/o General Manager Telecom, Ferozepur, Punjab.
15. Balbir Singh (Staff No.201083), S/o Sh. Nanata Singh, presently working as Sr. S.D.E. O/o GMTD Hoshiarpur, Punjab.
16. Pawan Kumar Sharma (Staff No.201091), S/o Sh. Kharati Lal Sharma, presently working as S.D.E. O/o GMTD Hoshiarpur, Punjab.
17. Himmat Singh (Staff No.201157), S/o Sh. Bakhshish Singh, presently working as S.D.E., under General Manager, Telecom District Chandigarh.
18. Omesh Chander (Staff No.201190), S/o Sh. Ram Chand, presently working as SDE, under O/o General Manager Telecom, Ferozepur, Punjab.
19. Rajesh Kumar (Staff No.201204), S/o Sh. Karori Mal Mittal, SDE, under O/o General Manager Telecom, Ferozepur, Punjab.
20. Simarjit (Staff No.201254), S/o Sh. Bhagat Ram, presently working as S.D.E. under O/o GMTD Hoshiarpur, Punjab.
21. Rajesh Kapil (Staff No.201271), S/o Sh. S. L. Kapil, presently working as S.D.E., O/o General Manager Telecom, Pathankot, Punjab.
22. Viresh Kumar (Staff No.201969), S/o Sh. Om Parkash, presently working as S.D.E. O/o General Manager Telecom, Pathankot, Punjab.
23. Daljit Singh (Staff No.202121), S/o Sh. Ujagar Singh, presently working as S.D.E., General Manager Telecom, Hoshiarpur, SSA, Punjab.

All applicants Group 'B' employees.

... APPLICANTS

VERSUS

1. Bharat Sanchar Nigam Limited, Bharat Sanchar Bhavan, Corporate Office, Harish Chander Mathur Lane, Janpath, New Delhi, through its Chairman cum Managing Director.
2. Chief General Manager Telecom, Bharat Sanchar Nigam Limited, Punjab Circle, Plot No.2, Sector 34-A, Chandigarh.

... RESPONDENTS

PRESENT: Sh. Rohit Seth, counsel for the applicants.
Sh. D.R. Sharma, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicants seeking following relief:

"8(i) Direct the respondent No.1 to implement the clarification dated 27.9.2013 (Annexure A-11) by BSNL Corporate Office, on the applicants, to the effect that once the post based promotion order is issued, it is the date of order which is relevant and not any other subsidiary order and as such treat the applicants as Regular Sub Divisional Engineers from dates between 16.09.2004 and 30.09.2004 while also keeping in mind communication dated 10.06.2008 issued by respondent No.2 with regard to anomaly in granting posting for purpose of joining as SDE's after their promotion from Junior Telecom Officer to Sub Divisional Engineer (TES) Group 'B' of Punjab Telecom Circle employees who were actually promoted as Sub Divisional Engineers by Respondent No.1 vide Order No.1-32/2004-Pers.II dated 16.09.2004 but issuance of promotion orders by respondent No.2 was delayed due to administrative reasons which delayed joining of applicants to a date after 01.10.2004 as reflected in communication dated 10.06.2008, 03.12.2008, 17.04.2009 and 23.04.2009, extend the benefit of judgments dated 21.03.2014, 11.08.2014 and 15.01.2016 to applicants while extending them the same relief as claimed by them by making representations dated 17.05.2016, 18.08.2017, 19.05.2016 (3 in numbers), 28.05.2016, 07.06.2016 etc. (Annexure A-16 colly) and grant the applicants the benefits of correct up-gradations under the Time Bound/Post based Executive Promotion Policy for Group 'B' level officers with all the consequential benefits including protection of pay and increments earned during officiating period of work as SDE."

2. On the commencement of hearing, learned counsel for the applicants fairly submitted that since respondents have not passed any order and applicants are seeking direction to respondent no.1 to implement notification dated 27.9.2013 (Annexure A-11) issued by BSNL Corporate Office in terms judicial pronouncement of this Court in O.A. No. 63/163/2014 titled **Virender Singh vs. BSNL & Ors.** decided on 15.1.2016 (Annexure A-14) and O.A. No.60/967/2014 titled **Davinder Kumar & Ors. vs. BSNL & Anr.** decided on 16.2.2016 (Annexure A-15). He, therefore, prayed that the O.A. may be

disposed of at this stage by directing the respondents to decide the claim of the applicants in terms of policy and judgments of this Court.

3. Learned counsel for respondents fairly accepted the prayer and requested that three months time may be granted to the respondents to redress grievance of the applicants.
4. In view of the consensus arrived between the parties, the O.A. along with M.A. is disposed of with a direction to the respondents to decide claim of the applicants, as noticed above, in terms of relied upon judgments and policy, with a period of three months from the date of receipt of a copy of this order. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 21.08.2019.

Place: Chandigarh.

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