

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

TRANSFER APPLICATION No.01/2013

Date of Decision: 24th June, 2019

CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Vishwanath S/o Gulabrao Katke,
 Age : 48 years, Occ. : PS to GM, BSNL, Latur,
 R/o Pashupatinathnagar, New Adarsh Colony, Latur.
2. Kailash S/o Rambhau Ingale,
 Age : 52 years, Occ. PS to GM, BSNL, Akola,
 R/o BSNL Staff Quarters, C-1/2, "Lahar",
 Near Hutatma Park, NH-6, Akola. *Applicants*

(By Advocate Smt. Kalpalata Patil)

VERSUS

1. Chief General Manager, Maharashtra Telecom Circle,
 Juhu Administrative Complex, Juhu Danda,
 Santacruz West, Mumbai 400 054.
2. Director, Human Resources Development (HRD),
 Bharat Sanchar Nigam Limited (BSNL),
 Bharat Sanchar, Janpath Road,
 Mathur Lane, New Delhi 110 001. *Respondents*

(By Advocate Shri V.S.Masurkar)

ORDER (Oral)

Per : R.Vijaykumar, Member (Administrative)

The applicants have filed Writ Petition before the Hon'ble High Court of Bombay at Aurangabad in WP No.3021/2008 seeking the following reliefs :-

"A. This Writ Petition may kindly be allowed.

AND

B. Directions may kindly be given to the respondents to grant deemed date of promotion of year 1995 for the promotion as PA Grade II to the petitioners and consequent deemed dates of

promotion for the further promotions and grant the consequential benefits.

OR

C. Directions may be given to the respondents to consider the representation of the Petitioners and review and correct the promotions by following 40 point Roster and give appropriate deemed dates of promotions to the petitioner.

AND

D. Any other suitable relief to which the petitioner is entitled in the interest of justice may kindly be granted."

2. Applicants filed Civil Appeal No.9340 of 2014 dated 19.07.2013 before the Hon'ble High Court of Bombay, Aurangabad Bench seeking transfer of the application to this Tribunal and obtained requisite permission of the Hon'ble High Court in order dated 31.07.2013 transferring the matter to this Tribunal and it was taken on board in TA No.01/2013 and has been heard finally today and such the above reliefs.

3. At the outset, the learned counsel for the applicants submits that the applicants shall be satisfied if the alternate prayer (C) as noted above is considered and allowed. She further submits that till date, the respondents have not considered and disposed of the applicants representation(s).

4. Shri V.S.Masurkar, learned counsel for the respondents submits that if the present TA is disposed of with a direction to consider the representation(s) of the applicants, without going into the merits, the respondents are not having any objection.

5. In view of the above, the present TA is disposed of with directions to the respondents to consider the pending representations dated 20.07.2004 of applicant No.1 and 21.08.2002 of applicant No.2 within ten weeks from the date of receipt of certified copy of this order by passing a reasoned and speaking order and communicate the same to the applicant within two weeks thereafter.

6. We make it clear that by way of this order, we have not expressed our views on the merits of the claim of the applicants.

No costs.

(R.N. Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

*kmg**

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