

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO.060/01135/2019**  
**Chandigarh, this the 05<sup>th</sup> day of November, 2019**

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

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1. Malka Devi, aged about 53 years, daughter of Late Sh. Jaishee Ram, working as Asstt. Telecom Technician (ATT), SDE (Detex) Sector 17, Chandigarh O/o PGMT, Sector 34, Chandigarh, Group 'C' – 160022.
2. Baljinder Singh S/o Sh. Hakam Singh working as Asstt Telecom Technician O/o SDE (BTS) Maintenance, Sector 17, Chandigarh – 160017.

....**Applicants**

**(Present: Mr. R.K. Sharma, Advocate)**

**Versus**

1. Union of India through the Secretary to Govt. of India, Ministry of Communications & Information Technology, Department of Telecommunications, New Delhi- 110001.
2. Bharat Sanchar Nigam Limited through its Chairman-cum-Managing Director, Harish Chander Mathur Lane, Janpath, New Delhi – 110001.
3. Chief General Manager Telecom Punjab Circle, Bharat Sanchar Nigam Limited, Sector 34-A, Chandigarh – 160022.
4. Senior General Manager Telecom, BSNL, District Chandigarh, Sector 18, Chandigarh – 160018.

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**Respondents**

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

1. MA No. 060/01747/2019 is allowed and the applicants are permitted to join together to file this O.A.
2. Applicants are before this Court seeking issuance of a direction to the respondents to treat them the employees of erstwhile Department of Telecom and not BSNL i.e. DoT recruits and BSNL absorbee and to issue presidential order in their favour with all the

consequential benefits (including grant of pension, pensionary benefits after their retirement), benefit of Non Executive Promotion Policy w.e.f. due dates.

3. Heard.

4. Mr. R.K. Sharma, learned counsel for the applicants submitted that the controversy involved herein has already been settled by this Court in the case of **Poopathi and Others Vs. Union of India & Others** (O.A. No. 060/00750/2017) based upon a judgment dated 16.01.2013 passed in the case of **Sanjay Kumar and Others Vs. Union of India and Others**, which has been upheld up to the Hon'ble Supreme Court. It is further informed that the benefit of the judgments aforementioned have been granted to the applicants (therein). He submitted that based upon the judicial pronouncements aforementioned, applicants submitted representation dated 15.05.2018 (Annexure A-18) followed by a reminder dated 22.04.2019 (Annexure A-19) but nothing in response thereto has been communicated to them till date. He suffered a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to consider and decide their claim in the light of the judgments relied upon by them.

5. Considering the short prayer made by learned counsel for the applicants, I deem it appropriate to dispose of this O.A., in limine, with a direction to the Competent Authority amongst the respondents, to whom the representation has been addressed, to consider and decide the indicated representations/reminder (Annexures A-18 and A-19) in accordance with law, particularly the ratio laid down in the relied upon judgments. Ordered accordingly. If the applicants are found similarly

situated like the applicants in the relied upon case, the relevant benefit be granted to them, otherwise a reasoned and speaking order be passed within a period of one month from the date of receipt of a copy of this order. A copy of such order be communicated to the applicant.

6. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**  
**Dated: 05.11.2019**

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