

**Central Administrative Tribunal
Madras Bench**

OA/310/001243/2019

Dated the 17th day of September Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

1. Govindan
2. Sureshkumar
3. Vijay Krishnan
4. Thirumurugan
5. Anitha
6. Sanker Ganesh
7. Shahira Rahmath
8. Vairamathy
9. Mahesh Kumar
10. Veerakumar
11. Nagarajan
12. Liju Philip
13. Pavalakkodi
14. Richard Paul
15. Nagarajan
16. Victor Samson
17. Senthil Kumar
18. K. Karthikaichamy
19. Padma Devi
20. Thangaraj
21. Kuthadi Sumitha Kumari .. Applicant

By Advocate Mr.R.Singaravelan, Sr.Counsel for M/s.R.Muruganantham

Vs.

1. The Union of India, rep by its

Chairman, Managing Director BSNL,
Corporate Office, Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi 110 001.

2. The General Manager (Personnel) BSNL,
Corporate Office, Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi 110 001.
3. The Deputy General Manager (Personnel JM),
BSNL Corporate Office, Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi 110 001.
4. The General Manager (Recruitment),
Corporate Office, Eastern Court,
Janpath, New Delhi 110 001.
5. The Chief General Manager,
Telecommunications,
BSNL, Tamil Nadu Circle,
No.80, Anna Salai,
Chennai-2.

.. Respondent

By Adovacte **Mr.M.Kishore Kumar-SPC**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief:-

“a.to call for the records in Reversion Order in F.No.56-02/2016-Pers.(DPC)/104, on the file of the 3rd respondent dated 06.9.19 reverting the applicants from the post of Sub-Divisional Engineer (Telecom) to the post of Junior Telecom Officer and quash the same as illegal, incompetent, without jurisdiction and belated and further direct the respondents to regularise the services of the applicants in the post of Sub-Divisional Engineer (Telecom) with effect from the date of promotion or with effect from the date of completion of 3 years of regular service in the post of Junior Telecom Officer with all consequential monetary and service benefits.

b. Pass any other order as this Court may deem fit in the facts and circumstances of the case and thus render justice.”

2. The applicants are Junior Telecom Officers (JTOs) selected in the year 2001.

Thereafter they had participated in an LDCE and they were appointed as Sub-Divisional Engineers (SDE) in the year 2007. In the year 2010, the department issued notice stating that the applicants were not having sufficient experience and were not in the consideration zone when the LDCE examination was held. Then the applicants challenged the said action of the respondents by filing OA 42/11 and batch of cases.

3. The Tribunal at first decided the case in favour of the applicants. But the respondents filed an RA 38/13 and batch against the order in the above said OA and the Tribunal by order dated 15.2.15 recalled the order in RA and dismissed the OA.

The applicants filed WP 7683, 12615 to 12617/15 and batch against the order passed in RA.

4. The Hon'ble High Court later confirmed the order of the Tribunal and confirmed the order passed in OA by order dated 31.1.2017.

5. According to the applicants, after 2 years of the said order, the respondents had ordered for the reversion of the applicants on 06.9.19. According to the applicants, the respondents had already promoted juniors to the post of SDE in 2012 and if the applicants are reverted as JTOs, it will seriously affect their prospects and promotion. According to them, the respondents could have granted some relaxation in considering the case of the applicants and seeks for an interim stay of implementation of the order of reversion.

6. Notice given and the counsel for the official respondents R1 to R5, Mr.M.Kishore Kumar opposed granting any interim relief stating that the applicants had not gone in appeal against the order of the Hon'ble High Court and the order had become final.

7. In such circumstances, the senior counsel appearing for the applicants, Mr.Singaravelan submitted that the applicants would be satisfied if they are granted liberty to give detailed representations regarding the difficulties and suggesting solution to the present situation and the respondents directed to consider it in accordance with law and pass a speaking order considering the whole aspects of the case within a time limit to be prescribed by this Tribunal.

8. Keeping in view the limited relief sought and without going into the

substantive merits of the claim, the applicants are granted liberty to submit detailed representations to the competent authority within a period of one week from the date of receipt of a copy of this order. On receipt of such representations, the respondents are directed to pass a considered order within a period of three months thereafter. The respondents are also directed to maintain status quo of the applicants till an order is passed by the competent authority.

9. OA is disposed off at the admission stage.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

17.09.2019

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