

O/o Chief General Manager (BW),
BSNL Corporate Office,
Telegraph Office Building,
Kashmere Gate, Delhi - 110006
☎ 011-23865254, ☎ 011-23865284,



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

No. OA/55/2023/CAT AMD/DM(BW-I)

Dated:- 09.02.2023

To,

All Concerned Sr.CE(C)/CE(C),
BSNL Civil Zone,

Sub: OA No. 55/2023 titled as Rakesh Kumar Meena & Ors. Vs. BSNL before Hon'ble CAT Ahmedabad.

A copy of order sheet dated 07.02.2023 passed by the Hon'ble Tribunal in the above said OA is enclosed hereby for making strict compliance of the orders of the Hon'ble Tribunal.

It is reiterated that those executives who have been relieved but not joined (If any) in accordance with order dated 07.02.2023 of Hon'ble Tribunal, may be allowed to join back in their respective previous circles.

This is issued with the approval of Competent Authority.

Encl: As above


(A.C. Khare)
Addl.GM (BW)

Copy to: (Through BSNL Intranet Portal):

1. All Concerned CGMs, BSNL Circles.

CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD

Order Sheet

Item no.: 2
O.A./55/2023 (AHMEDABAD)
[SENIORITY/PROMOTION]
Court No.: 1

No of Adjournment:


Order Dated: 07/02/2023

RAKESHKUMAR MEENA AND OTHERS
Vs
BSNL

For Applicant(s) Advocate :

P H PATHAK

For Respondent(s) Advocate :

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. P.H.Pathak, counsel for the applicants.</p> <p>MA No.62/2023 for Joint Application (Four persons) has been filed. It is allowed.</p> <p>MA No.61/2023 for condonation of delay in filing of the OA has been moved. Considering the intervening period of COVID-19 pandemic situation, the same is allowed.</p> <p>Aggrieved by the promotion order dated 04.01.2023 (Annexure A/1) in which the applicants' names have not been reflected, this OA has been filed alleging that while notifying the seniority list, guidelines given in the latest judgment of Hon'ble Apex Court, particularly, K.Meghachandra Singh's case [2020 (5) SCC 687] have not been followed even though the draft seniority list came after the said judgment. The respondent had published the final seniority list vide letter dated 16.10.2022 (Annexure A/4). The applicants had filed representation against it mainly contending that the guideline given by the Hon'ble Apex Court was not followed in this case. It is argued that representation seems to have fallen on deaf ears because the same seniority list has been followed to effect promotion vide order dated 04.01.2023 . The applicants' contention is that persons who have been promoted on regular basis to the rank of Sub-Divisional Engineer (Civil) were junior to them, but they have been overlooked in this promotion. He also submits that there was no vigilance case pending against the applicant at the time of passing of the promotion order.</p>



Considering the submission made by the learned counsel for the applicant, issue notice to the respondents returnable on 21.02.2023. In the meanwhile, regarding implementation of the promotion order dated 04.01.2023 (Annexure A/1), *status quo* as on today shall be maintained meaning thereby that those who have not joined their duty till date shall wait till the final outcome of this OA. However, it is open to the respondents to re-work on their orders by taking into account the guidelines passed by the Hon'ble Apex Court in K.Meghachandra Singh's case.

Direct service to the respondent Nos.1, 2 & 3 is permitted.

- SD -

A K Dubey
Member (A)

/nk/

तैयार, करनेवाला

PREPARED BY

मिलानेवाला

COMPARED BY

सही प्रतिलिपि

TRUE COPY

7/2/23

अनुभाग अधिकारी (न्याय)

Section Officer (J)

केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

अहमदाबाद न्यायपीठ

Ahmedabad Bench