

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 54
O.A./278/2024 (CHANDIGARH)
[DEPARTMENTAL EXAM]
With
M.A./624/2024
Court No.: 1

No of Adjournment: 2

Order Dated: 09/04/2024

**SAGINA
Vs
BSNL**

For Applicant(s) Advocate : SH. BARJESH MITTAL

For Respondent(s) Advocate : SH. SHAILENDRA SHARMA PROXY FOR SH. SANJEEV KUMAR

Order of The Tribunal

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MA 660 / 2024

This application has been filed by respondents No. 1 to 3 for placing on record reply.

MA is allowed and reply on behalf of respondents is taken on record.

Original Application

The applicant sought for the following interim directions:-

"Pending final adjudication of the present OA, the applicant craves kind indulgence of this Hon'ble Court for staying the operation of examination notice dated 15.05.2023 (A-1) during the pendency of the OA in the interest of justice."

This Original Application has been filed against impugned Examination Notice dated 15.05.2023 (Annexure A-1) issued by Respondent No. 3 whereby Limited Departmental Competitive Examination for filling up 203 posts against vacancy year 2022 for promotion to the cadre of Sub-Divisional Engineer (Telecom) under 33% LDCE/Competitive quota have been notified.

The applicant has challenged the Annexure A-1 on the ground that the SDE (Telecom) RR 2002 (Annexure A-2) were amended by the respondent BSNL in the year 2013 whereby the promotion quota was reduced from 75% to 67% and LDCE quota was increased from 25% to 33% respectively.

It has been submitted by the applicant that in compliance of order dated 06.02.2015 passed by CAT Guwahati Bench (Annexure A-5) by relying upon judgement passed by the Hon'ble Court upheld by Hon'ble Himachal High Court, it was categorically held that respondent BSNL shall hold separate individual year-wise examination for all the vacancy year and accordingly, as per BSNL CO communication dated 15.02.2015 (Annexure A-6), LDCE for vacancy year 2010-11 under 33% LDCE quota was held and 1987 qualified JTOs were promoted to the grade of SDE (T) vide order dated 25.05.2018 (Annexure A-8). The 33% LDCE quota exam for the vacancy year 2011-2012 to 2013-2014 stood withdrawn and has not taken place thereafter.

It has been further submitted by the applicant that VRS Scheme floated by BSNL under revival package, BSNL Corporate Office issued communication dated 23.11.2021 whereby revised sanctioned strength post VRS restructuring duly approved by BSNL Board was intimated effective w.e.f. 01.02.2020 whereby after abolishing all the post executive/non-executive who have sought VRS, the approved manpower in respect of SDE (T) cadre posts was fixed as 10687.

The respondents have filed the reply wherein it has been submitted that the vacancies for the various years were calculated as per table at page 107 of the paperbook.

We have heard the learned counsels for the parties and from the arguments itself, it is clear that the facts relating to vacancies in various categories is disputed. The learned counsel for the applicant submits that the examination will be held on 15.04.2024.

It has been submitted by the respondents that the examination is being held across all telecom circles in the country as per examination notice dated 15.05.2023 (Annexure A-1) on 16th -17th April, 2024.

This Tribunal has considered the matter and is of the view that at this stage, no interim order can be granted. But the respondents are directed not to declare the result of the examination till the next date of hearing.

It is made clear that this interim order shall not create equity in favour of any of the party.

List this matter on 08.05.2024.

The applicant may file rejoinder to the reply submitted by respondents by the next date of hearing.

Rashmi Saxena Sahni
Member (A)

Ramesh Singh Thakur
Member (J)

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