



CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 27
O.A./288/2025 (CHANDIGARH)
[SENIORITY]
With
M.A./1058/2025
Court No.: 2

No of Adjournment: 5

Order Dated: 25/04/2025

AMARJIT SINGH
Vs
BHARAT SANCHAR NIGAM LIMITED

For Applicant(s) Advocate : SH. R.K. SHARMA

For Respondent(s) Advocate : SH. SANJAY GOYAL, SR. CGSC FOR R-1-2, SH. K.K. THAKUR ALONG WITH SH. AKSSHAY SHARMA FOR R-3-4

Order of The Tribunal

We have heard learned counsel for the applicant as well as respondents and gone through the short reply filed by respondents No. 3 and 4. The pleaded case of the applicant is that the applicant is working Assistant General Manager (T). The next channel of promotion from the post of AGM (T)/ DE (T) is to the post of Deputy General Manager (T). The seniority list of AGM (T)/ DE (T) has not been finalized by the respondents and the promotion has been made by BSNL on the basis of provisional/tentative seniority list. Respondents have made excess promotions invoking the withdrawn DOPT OM dated 10.08.2010. The another wing of the BSNL/respondents i.e. Accounts Wing is having the basic entry cadre of JAO and further channel of promotion to AO and thereafter to CAO.

Respondents have made promotion in both the wings i.e. Telecom and Accounts by applying the rule of reservation without following the catch up rule despite various orders and mandate in M.Nagaraj and Veerpal Singh Chauhan case.

This Tribunal allowed the O.A No.1435/2018 titled as Anupam Yadav vs. Union of India vide order dated 26.02.2024 in respect of cadre of Accounts Officers. The said order dated 26.02.2024 has been challenged by the BSNL/respondents by way of CWP No. 12795/2024 before the Hon'ble Punjab and Haryana High Court, wherein, the Hon'ble High Court has directed the BSNL to make promotion in the cadre of CAO by taking the seniority in the initial entry in service.

The BSNL In pursuance thereto issued circular dated 18.02.2025 along with corrigendum dated 24.02.2025. In the mean time, the BSNL/respondents have also issued provisional seniority list-2 in the cadre of AGM (T)/ DE (T) for further promotion to the rank of Deputy GM (T) vide circular dated 14.02.2025 and called for objections from the affected employees. The plea of the applicant is that there are many incumbents, who are junior to him in the cadre of JTO cadre but have been promoted as SDE (T)/AGM (T) by applying the rules of reservation and without applying the principle of catch up in the seniority list and the name of the applicant does not figure in the seniority list. The applicant has filed his objection on 19.02.2024 praying to follow the same criteria in the Telecom Wing. However, without addressing the contention of the applicant, the respondents have already called for objections from the concerned official and they are in the process of making further promotions without following the mandate of Hon'ble High Court in the similar situated persons in

the Accounts cadre.

Respondents No. 3 and 4 have filed reply and submitted that no regular promotion to the post of DGM (T) has been made on the basis of AGM (T) seniority list. The respondents have challenged the order of this Tribunal in O.A No. 750/2018 dated 25.02.2022 before the Hon'ble Apex Court and the SLP has been tagged with Jarnail Singh case for final disposal. The interim order dated 20.01.2025 passed by the Hon'ble High Court in CAO cadre have also been challenged by the reserved category candidates before the Hon'ble Apex Court in SLP (Civil) Diary No. 11782/2025, wherein the Court directed that present position of the petitioners therein will not be disturbed. The corrective step as directed by this Tribunal vide order dated 25.02.2020 in respect of promotion in the year 2018 stands complied with. Respondent have submitted that the provisional list 2 in AGM (T)/DGM (T) cadre has been prepared and circulated on 14.02.2025 for inviting the objections/arrears.

We have given our thoughtful consideration to the facts as well as arguments advanced by both the sides. We find that there is contradiction in the stand of the respondents. It has also been stated that the seniority list in AGM (T) 1 has been finalized, published and circulated on 21.09.2023 and AGM (T) seniority list 2 published on 24.02.2025 for calling errors/ objections. When the respondents have called for objections on the provisional seniority list, then how the same can be treated as final seniority list in the AGM (T) cadre. The respondents have admitted that by virtue of reservation SC/ST, juniors to the applicant who belongs to the General category, were promoted in SDTE/AGM (T) cadre earlier than the applicant, therefore, his name is not available in

the AGM (T) seniority list 2. The matter requires thorough consideration.

We find that prima facie case of interim relief is made out. Despite instruction the respondents have not addressed the contention of applicant in representation. Respondents are restrained from passing any promotion order in the cadre of DGM (T) on regular/provisional basis except in accordance with direction issued by the Hon'ble High Court order dated 20.01.2025.

List the matter on 23.05.2025.

In the mean time, respondents No. 1 and 2 may file reply.

Rashmi Saxena Sahni
Member (A)

Suresh Kumar Batra
Member (J)

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