

**CENTRAL ADMINISTRATIVE TRIBUNAL  
61/35, COPERNICUS MARG, NEW DELHI-110001**

---

**Order Sheet**

Item no.: 148  
O.A./1526/2021 (DELHI)  
[ PROMOTION ]  
Court No.: 2

No of Adjournment: 8

Order Dated: 07/07/2022

**NARINDER KUMAR  
Vs  
BHARAT SANCHAR NIGAM LTD**

**For Applicant(s) Advocate :** Shri Barjesh Mittal in OA No.1526/2021, OA 1560/2021, OA 1558/2021 and OA 1559/2021, Shri A.K. Behera, Sr. Advocate assisted by Shri M.K. Gaur in OA No.1458/2021 and OA 1459/2021, None for applicants in other OAs

**For Respondent(s) Advocate :** Shri Pradeep Kumar Mathur with Shri Chiranjeev Johri for BSNL in all the OAs, Shri H.K. Gangwani for UOI in OA No.1458/2021, Shri U. Srivastava for impleaders, None for respondents in other OAs.

**Order of The Tribunal**

**MA No.2354/2021**

This Application has been filed seeking impleadment of private respondents.

For the reasons stated therein and with the consent of the learned counsels for the parties, the said Application is allowed. Necessary corrections be carried out in the array of parties.

**MA No.2355/2021**

This Application has been filed by Shri U. Srivastava, learned counsel for the newly impleaded respondents, seeking a direction that the result of the examination conducted for selection of Management Trainee, which has been kept in a sealed cover by way of interim relief of this Tribunal, be declared and to this extent, the said direction be modified. Learned

counsel for the applicants in the OA informs that to the best of his knowledge, all other MAs have already been disposed of.

This case has been listed along with 11 other OAs, in all of which, what is sought, is the quashing of a notification dated 11.12.2018, vide which, the respondents have initiated the process of recruitment to the post of Management Trainee (MT) with respect to the internal candidates of BSNL. At the initial stage of hearing today, it transpired that although the impugned Notification may be the same, however, the grounds taken for its quashing in these OAs are not necessarily identical and differ from each other. In case these OAs remain clubbed/linked, it is quite likely that the contradictory arguments may emerge. Therefore, in the interest of justice and for clear adjudication of the matters, we are of the considered view that all these 12 OAs be de-linked with each other.

Shri Barjesh Mittal, learned counsel for the original applicants points out that these OAs were ordered to be linked and clubbed altogether, on account of an order passed by the Hon'ble Chairman, while sitting in the Single Bench and while considering the Transfer Petitions. In any case, we feel it appropriate that while de-linking these OAs, it would be appropriate to list all these OAs on the same date of hearing, so that orders at variance with one another are not passed.

It is informed that all counsels in clubbed OAs are not able to attend the Court today, on account of dis-position and in another matter, probably fresh notice is required to be issued to the counsel, who is based elsewhere. Accordingly, Registry may take necessary steps.

Since the impugned Notification is the same in all the cases, we are taking up the lead case i.e. OA No.1526/2021 for further consideration.

As stated above, since counsels in all the cases are not available today to assist us, the OAs are not being taken up for final hearing and shall be listed for an early date.

The limited issue, which we are addressing today, is the interim direction given by this Tribunal, vide which, the respondents have been restrained from declaring the result of the examination.

Briefly stated, pursuant to the impugned Notification, the respondents conducted an examination through an online mode on 17.03.2019. Two days later, i.e. on 19.03.2019, provisional answer keys were also notified inviting objections. The process of conducting of the examination and finalisation of the result has since culminated during the month of March, 2019, however, by order dated 22.03.2019, the Chandigarh Bench of this Tribunal directed that respondents shall not declare the result of the online examination, till the next date of hearing. To cut a long story short, the stay order is getting extended on successive dates, but got modified vide the detailed order dated 28.05.2019. Since we are not dwelling upon the merits of the case at this stage, we are not quoting that order. Briefly stated, by way of modification, on account of certain administrative complexities which had arisen, the Tribunal directed that the respondents shall obtain the result from the agency which had conducted the examination in a sealed cover, but not take any further action with respect to declaration of result or make it public without the prior permission of this Tribunal. The issue before us is whether such a permission is to be accorded or not.

It has been more than three years now since the examination was conducted pursuant to the impugned Notification. Much public resources both financial and human have been invested in conducting the said examination. Our interim relief restraining the respondents from opening the sealed cover and declaring the result of examination is serving neither any public interest nor any private purpose. Even though the private respondents in the present OA may be aggrieved by the Notification, but they cannot draw any solace from the fact that the examination conducted pursuant to the notification has not reached its finality. In any case since the core issue of legality of the notification is

under challenge, it is quite obvious that any outcome of the examination conducted pursuant of that notification shall be subject to whatever final decision is taken in the present OA.

Accordingly, we are of the considered view that no public or private purpose shall be served in continuing with the interim order dated 28.05.2019. On the other hand the effect of the interim order has been stalling an administrative process for an inordinately long period. Accordingly, that interim order is vacated and the respondents are offered liberty to declare the result of the examination with a categorical stipulation that any consequential action, pursuant to the declaration of the result, shall be subject to the outcome of this OA and all other associated OAs, which are to be de-linked today.

Since the pleadings in this matter are complete, let it be listed for hearing on an early date. Accordingly, list it for hearing on 18.08.2022. All other OAs may also be listed on the same date i.e. 18.08.2022.

A copy of this order may be furnished to all the counsels in the aforesaid OAs/MAs through the quickest means. Since these 12 OAs have been de-linked today, learned counsels for the parties may ensure that the pleadings in all the matters are completed, positively, within the next four weeks.

**Tarun Shridhar**  
**Member (A)**

**R. N. Singh**  
**Member (J)**

/rk/