

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

OP (CAT) .No. 13 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN M.A.NO.173/2014 IN OA NO.72/14
OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED
13.11.2014

PETITIONER(S)/RESPONDENTS IN OA :

1. THE CHIEF GENERAL MANAGER,
TELECOM,
BHARAT SANCHAR NIGAM LIMITED, KERALA CIRCLE
THIRUVANANTHAPURAM - 695 033.
2. THE CHAIRMAN AND MANAGING DIRECTOR
BHARAT SANCHAR NIGAM LIMITED,
CORPORATE OFFICE,
STATESMAN HOUSE, NEW DELHI - 110 001.
3. THE ASSISTANT GENERAL MANAGER (R & E)
OFFICE OF THE CGMT, BSNL
THIRUVANANTHAPURAM - 695 033.

BY ADV. SRI.P.J.PHILIP, SC FOR BSNL

RESPONDENT(S)/APPLICANTS IN OA :

1. SHAJI P.S.,
SENIOR TOA/TELEPHONE REVENUE INSPECTOR
OFFICE OF DGM (TELECOM REVENUE), BSNL,
CTX BUILDING, GOVT PRESS ROAD, STATUE,
THIRUVANANTHAPURAM - 695 001
RESIDING AT "SREERANGAM", KUDAVOOR P.O.
THIRUVANANTHAPURAM - 695 313.
2. RAJIT KUMAR V.V
SENIOR TOA (TR), OFFICE OF THE SDE
CUSTOMER SERVICE CENTRE, TELECOM BHAVAN
MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM - 695 011
RESIDING AT KALLARA VEEDU, ERICHALLOOR
PLAMOOTUKADA P.O.,
THIRUVANANTHAPURAM - 695 128.

3. K.NIRMAL KUMAR
SENIOR TOA, OFFICE OF SDE
(CUSTOMER SERVICE CENTRE)
BSNL, ANGAMALY, ERNAKULAM - 682 572
RESIDING AT MANAVAKATHU HOUSE, CHENATHUNADU,
CHALAKUDY - 680 307.
4. SUDHA SASIDHARAN
SENIOR TOA, OFFICE OF PGMT, BSNL
CALICUT - 673 001, RESIDING AT 35,
SANGEETHA SUDHA
NETAJI NAGAR COLONY, KOTTOOLI,
CALICUT - 673 016.
5. M.V.PUSHPAVALLI
SENIOR TOA, OFFICE OF GMTD, BSNL BHAVAN
KANNUR - 670 002, RESIDING AT PUNNAKARA HOUSE
NEAR HARIHAR TALKIES, PATTUVAM ROAD,
TALIPARAMBA, KANNUR - 670 141.

R1 BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
R1 BY ADV. SRI.VISHNU.S.CHEMPAZHANTHIYIL

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 10-03-2015,
ALONG WITH OP(CAT) Nos.16, 35, 43, 47 & 51 of 2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - COPY OF THE ORDER DT. 13.11.14 IN IA NO. 180/01173/14 IN OA NO. 180/00072/14 PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

P2 - COPY OF OA NO. 72/2014 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

P3 - COPY OF THE JUDGMENT DT. 29.3.12 IN OP NO. 966/12 AND CONNECTED CASES OF THE HON'BLE HIGH COURT.

P4 - COPY OF THE ORDER OF THE HON'BLE SUPREME COURT DT. 10.9.12 IN S.L.P NO. 14956/12.

P5 - COPY OF THE JUDGMENT DT. 09.4.13 IN OP (CAT) NO. 2751/12 OF THIS HON'BLE COURT.

P6 - COPY OF THE REPLY STATEMENT FILED BY PETITIONERS BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED MARCH 2014.

P7 - COPY OF THE AFFIDAVIT FILED BY THE DEPUTY GENERAL MANAGER (A & HR) OF BSNL DT. 19.3.14.

P8 - COPY OF THE ORDER DT. 09.4.14 PASSED BY CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

P9 - COPY OF THE ORDER PASSED BY THE BSNL DT. 12.5.14.

P10 - COPY OF THE MA NO.00463/14 IN OA NO. 180/0072/14 FILED BY THE RESPONDENT.

P11 - COPY OF THE ORDER DT. 17.6.14 BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

P12 - COPY OF THE INTERIM ORDER IN OA NO. 1144/12.

P13 - COPY OF THE MA NO. 180/01173/14 IN OA NO.180/00072/14 FILED BY THE RESPONDENT.

P14 - COPY OF THE COUNSEL STATEMENT.

P15 - COPY OF THE REJOINDER BY RESPONDENTS/APPLICANTS.

RESPONDENT(S) ' EXHIBITS

R1 : COPY OF NOTIFICATION NO.NATFM/2-TRG/JAO-PH-I (DEPTL.)/40% &10%/2013-14/33 DATED 03.11.2014 ISSUED BY THE DEPUTY GENERAL MANAGER, O/O. GM NATFM, HYDERABAD.

OP (CAT).No. 13 of 2015 (Z)

R2 : COPY OF RELEVANT PORTION OF THE NOTIFICATION NO.31-1/2013-RECTT. PUBLISHED BY BSNL.

R3 : COPY OF NOTIFICATION NO.NATFM/2-TRG/JAO-PH-II/2012
BATCH/2013-14/43 DATED 09.02.2015 ISSUED BY THE DEPUTY GENERAL
MANAGER (TRG-I), OFFICE OF CGM, NATFM, HYDERABAD.

R4 :COPY OF NOTIFICATION NO.NATFM/2-TRG/JAO-PH-III/2012
BATCH/2014-15/30 DATED 30.01.2015 ISSUED BY THE DEPUTY GENERAL
MANAGER (TRG-I), OFFICE OF CGM, NATFM, HYDERABAD.

//TRUE COPY//

PA TO JUDGE.

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THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(CAT) Nos.13, 16, 35, 43, 47 & 51 of 2015
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Dated this the 10th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned standing counsel for Bharat Sanchar Nigam Limited, quite in extenso.

- 2.BSNL challenges interlocutory orders granted in different original applications. Those orders are issued only directing that the applicants in the respective original applications be sent for pre-appointment training and thereby be permitted to participate in the JAO Induction Training Phase-I at National Academy of Telecom Finance Management, on provisional basis. A two member bench of the Tribunal had clearly stated that such facility of training will be subject to the outcome of the original application; thereby meaning that no vested right will accrue on the basis of mere participation and obtaining such training.

3. In the realm of Article 227 of the Constitution of India, having regard to the fact that what is under challenge is interlocutory orders pending original applications; that too, without answering any question as between the parties, finally, we do not find our way to interfere at the instance of the establishment. We see no error of jurisdiction or illegality in the impugned orders, more so because, the orders on the different miscellaneous applications are, even going by their terms, subject to the result of the original applications. For the aforesaid reasons, these original petitions fail.

4. Before parting, we may record that in some of the cases, the interlocutory orders are passed by single member benches. That makes no difference because the order in the original application, which is challenged in O.A.No.13 of 2015, is issued by a two member bench and the single member was only following those benches, having regard to the lack of quorum. That makes no

ground for interference on any jurisdictional issue.

In the result, these original petitions are dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

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