

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP (CAT).No. 181 of 2015 (Z)

AGAINST THE ORDER DATED 27.10.2015 IN MA NO.1003/2015 IN OA NO.794/2014
PASSED BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

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.

BY ADV. SRI.JOHNSON GOMEZ, SC, BHARAT SANCHAR NIGAM LTD.

RESPONDENTS/APPLICANTS IN OA:

1. OMANA KUNJAMMA K.P.
JAO (OFFICIATING) (CRM) OFFICE OF THE ACCOUNTS OFFICER (CRM)
GENERAL MANAGER TELECOM, BSNL, ALAPPUZHA
RESIDING AT VALSAKHAM VARANAM P.O.
ALAPPUZHA 688 555.
2. SWAPNA.S.,
JAO., JAO (OFFICIATING) CUSTOMER SERVICE, BSNL
MATTANCHERY, RESIDING AT ANANDA BHAVAN, PALLURUTHY
KOCHI 682 006.
3. GIRIJA M. JAO
(OFFICIATING), ERP & PAY ROLL, BSNL BHAVAN
5TH FLOOR, KALATHIPARAMBIL ROAD, KOCHI 682 016
RESIDING AT A6, SILVER CASTLE, THRIPPUNITHURA
STATUE JUNCTION, ERNAKULAM 682 301.

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4. ANNIE KURIAKOSE
JAO (OFFICIATING)
PC SECTION OFFICE OF THE PRINCIPAL GENERAL MANAGER
BSNL BHAVAN, KOCHI 682 016
RESIDING AT ARTHUNGAL HOUSE, AKG ROAD, THYKODAM
KOCHI 682 019.

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 02-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS

P1: A TRUE COPY OF THE ORIGINAL APPLICATION IN OA NO.794/2014 BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

P2: A TRUE COPY OF THE REPLY STATEMENT IN OA NO.794/2014

P3: A TRUE COPY OF THE REJOINDER FILED BY THE APPLICANTS IN OA NO.794/2014

P4: A TRUE COPY OF THE ADDITIONAL REPLY STATEMENT FILED BY THE RESPONDENTS IN OA NO.794/2014

P5: A TRUE COPY OF THE ORDER DATED 14/11/2014 IN M.A NO.1117/2014 IN OA.794/2014

P6: A TRUE COPY OF MA. NO.887/2015 IN OA NO.794/2014

P7: A TRUE COPY OF M.A NO.1003/2015 IN OA NO.794/2014

P8: A TRUE COPY OF THE ORDER DATED 27/10/2015 IN MA NO.1003/2015 IN OA NO.794/2014

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

O.P.(CAT). No.181 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

Surendra Mohan,J.

The respondents in O.A. No.180/00794/2014 are before us challenging Ext.P8, interim order passed by the Central Administrative Tribunal, Ernakulam Bench. As per the interim order, the 1st respondent herein who was due to retire from service on 31.10.2015 was directed to be promoted to the post of Junior Accounts Officer (JAO). The 1st respondent was directed to file an undertaking that in case the decision rendered by the Supreme Court where the question of promotion is pending consideration, goes against her, she would refund the entire amount obtained by her consequent to the said order. An indemnity bond was also directed to be furnished by her, if demanded by the respondents, who are the petitioners herein.

2. According to Adv.Johnson Gomez who appears for the petitioners, the Tribunal as per Ext.P8 granted the final order that was sought for in the Original Application by the 1st

respondent and others. Therefore, it is contended that the Tribunal has exceeded its jurisdiction in passing the said order. The same is also against the legal principles applicable.

3. We have heard the counsel at length. This Original Petition has come up before us for admission. A perusal of Ext.P8 order shows that, it is only an interim order passed in the peculiar circumstances that are noted and made mention of, therein. The 1st respondent was about to retire on 31.10.2015. By now she has retired. Considering her approaching retirement, she was directed to be promoted to the post of Junior Accounts Officer, subject to the condition that, the said promotion would have to abide by the result of the matter pending before the Supreme Court. She was also be directed to refund the amount drawn by her, if the Supreme Court decides against her. She was further directed to furnish an indemnity bond, if demanded by the petitioners herein. The order contains sufficient safeguards protecting the interests of the petitioners therein. We are not satisfied that any prejudice has been caused to the petitioners by the said interim order.

4. For the above reasons, we do not find any grounds

to admit this Original Petition or to grant any of the reliefs sought for. The same is accordingly dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
02.11.2015