

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P.No.24105 of 2016
and W.P.M.P.No.20631 of 2016

1. M.Selvaraju
2. C.Purushothaman
3. J.Latha
4. S.K.Renganathan
5. N.Shanmugam
6. S.Soundararajan
7. M.Soundararajan
8. K.Vijayalakshmi
9. P.Sampath Kumar
10. S.Kannan
11. K.Rajaguru

..... Petitioners

Vs.

1. Union of India, through
Rep. by the Chairman and Managing Director,
Bharat Sanchar Nigam Limited, Corporate Office,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi - 110 001.
2. The Director (HR)
Bharat Sanchar Nigam Limited,
Corporate Office,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi - 110 001.
3. The Director (Finance)
Bharat Sanchar Nigam Limited,
Corporate Office,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi - 110 001.

4. The Chief General Manager
Bharat Sanchar Nigam Limited,
Tamil Nadu Circle, 7th Floor,
BSNL Admn Building,
16, Greams Road, Chennai - 600 006.
5. The Principal General Manager
Bharat Sanchar Nigam Limited,
Tamil Nadu Circle, 7th Floor,
BSNL Admn Building,
16, Greams Road, Chennai - 600 006.
6. The Deputy Registrar
Central Administrative Tribunal,
Madras Bench,
City Civil Court Additional Buildings,
1st and 2nd Floor, High Court Campus,
Chennai - 600 104. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking an order to issue a writ of certiorari or any other writ or order or direction in the nature of writ, to call for the records of the 6th respondent in O.A.No.310/00668/2016, dated 29.06.2016 and quash the same.

For Petitioners : Mr.B.Vijay
For Respondents : Mr.R.Velusamy,
Standing Counsel for BSNL
for R1 to R5

R6 - Tribunal

ORDER

(Order of the Court was made by P.KALAIYARASAN, J)

This writ petition is directed as against the order, dated 29.06.2016 passed by the Central Administrative Tribunal (Madras Bench) in O.A.No.310/00668/2016.

2. The petitioners / applicants are working in various capacities in BSNL, aspiring the promotion as Joint Accounts Officers. The respondents 1 to 5, without mentioning year wise vacancy details declared vacancy position of Joint Accounts Officers. The respondents 1 to 5 also followed the system of exemption. The petitioners appeared in the Junior Accounts Officer Part II Examination held in the year 2012 and though qualified, they have not been promoted for want of vacancy. Now for the promotion to the post of Joint Accounts Officers, the

respondents is going to conduct examination. Therefore, the petitioners filed Original Application before the Central Administrative Tribunal, seeking the following relief :

i. To withheld the JAO Part-II Competitive Examination under 40% quota, announced by the respondent vide Letter No.9-1/2014-Rectt. dated 01.03.2016 and rescheduled on 17.07.2016 till the issue of de-reservation, segregation of clubbed vacancies, option to other circle and declaring year wise vacancies are resolved and finalised.

ii. The exemption order passed by the 4th respondent, i.e., Chief General Manager, Tamil Nadu Circle for 80 candidates vide CGM TN Circle letter No.RET/52-1/2012/JAO-Part-II 40% dt. 20.09.2012 may be pleased to set aside and the rightful candidates may be declared on the basis of marks obtained.

iii. To direct the respondents to announce the year wise vacancies from the year 2001 to 2015 and fill up those vacancies with qualified candidates, if available, or through examination and not to permit the respondents for clubbing the vacancies.

iv. To direct the respondents to de-reserve the reserve quota vacancies after undertaking proper course of action and add to the other categories if those vacancies are existing for three successive recruitment years.

v. To allow the willing candidates to go to other Circles as a one time relaxation where many vacancies are unfilled.

vi. To direct the respondents to promote all the applicants on merit basis (qualified) in the available vacancies for the recruitment year 2012."

3. In the said Original Application, the Central Administrative Tribunal (Madras Bench), passed an interim order to the effect that if anything happens pendenti lite, the same would be subject to the outcome of the Original Application.

4. The petitioners contend that they passed the competitive examination held in the year 2012 and they were not accommodated, even though vacancies were available in that year.

But the respondents contention before the Tribunal is that the petitioners candidature was considered on merit but they were not selected.

5. As rightly pointed out by the Tribunal, the factual and legal issues involved in the case are to be gone into only at the time of final hearing of the said Original Application.

6. Therefore, the Central Administrative Tribunal (Madras Bench) is directed to dispose the main Original Application on merits, in accordance with law, within two months from the date of receipt of a copy of this order. It is suffice to observe that the order of the Central Administrative Tribunal, by way interim order to the effect that if anything happens pendent lite, the same would be subject to the outcome of the Original Application, will serve the ends of justice at this stage.

7. With the above direction and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tsvn

To

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Central Administrative Tribunal,
Madras Bench,
City Civil Court Additional Buildings,
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Chennai - 600 104.

+1cc to Mr.M.S.Velusamy, Advocate sr.40723

+1cc to Mr.B.Vijay, Advocate Sr.40930

W.P.No.24105 of 2016

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srg 01/08/2016

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