

**135 RA-CW-201-2017 in
CWP-4132-2017**

**BHARAT SANCHAR NIGAM LIMITED AND ANR VS ARUN YADAV
AND OTHERS**

Present: Mr.R.D.Agrawal, Sr.Advocate with
Mr.Pradeep Kumar Mathur and
Mr.Naresh Kumar Joshi, Advocates
for the review-applicants.

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The instant review application seeks to recall/modify the order dated 01.03.2017, which reads as follows:

“(1) After arguing the case for some time, learned counsel for the petitioners comes up with a fair stand that should this Court grant some more time, the authorities are willing to implement the order dated 28.11.2016 subject to the decision of the Hon’ble Supreme Court in the pending case. Needless to say that the decision of the Hon’ble Supreme Court, in any case, shall be binding on all and one including the private respondents.

(2) In the light of the stand taken above, we dismiss the writ petition though grant *one month* time to the authorities to implement the order. If an undertaking to this effect is filed in the Tribunal in the pending contempt proceedings, the personal appearance of the officials shall stand exempted.

(3) Disposed of.”

[2] It may be mentioned that the controversy in the case in hand pertains to reservation in promotions and the Tribunal vide its impugned order has held that in view of the dictum in Constitution Bench judgment in **M.Nagaraj and Ors. vs U.O.I. & Ors., 2006(8) SCC 212**, the applicants before the Tribunal who belong to general category and are senior than the reserved category candidates, are entitled to be deployed for the departmental training to be imparted for further promotion.

[3] When the above-stated order came to be challenged, this Court

was inclined to dismiss the writ petition, in view of the past decisions of this Court in such like matters. Learned counsel for the applicant-BSNL thus at that juncture made a request that the time period to implement the order of Tribunal may be extended subject to the final decision in the related matters pending consideration before the Hon'ble Supreme Court. Such a plea was accordingly accepted. One month more time was granted to the authorities to implement the order passed by the Tribunal.

[4] We have heard learned Senior counsel for the review applicant and are of the view that there is no error apparent on the record of the order dated 01.03.2017. The review application is thus, not maintainable and is dismissed. However, in the interest of justice the authorities are permitted to give effect to the Tribunal's order upto 31.05.2017.

**(SURYA KANT)
JUDGE**

April 07, 2017
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**(SUDIP AHLUWALIA)
JUDGE**