

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 24267 of 2018

Date of Decision: 09.10.2018

Parkash Vir

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. K.K. Thakur, Advocate
for respondents No. 2 to 4.

Mr. (Dr.) K.S. Chauhan, Advocate
for the caveator.

AVNEESH JHINGAN, J.

The present petition has been filed seeking quashing of impugned order dated 07.09.2018 (Annexure P-11) passed by the Central Administrative Tribunal, Chandigarh Bench (for brevity 'the Tribunal') permitting Bharat Sanchar Nigam Limited (BSNL) to carry out promotions by providing reservations for Scheduled Castes (SC) and Scheduled Tribes (ST) category, during pendency of Original Application (OA).

2. The petitioner is an employee of BSNL and was appointed as Telephone Operator. He was promoted as Junior Accounts Officer on 06.10.2003. Thereafter, he got promotion to the cadre of Accounts Officer (AO) on 21.01.2015. BSNL prepared a provisional seniority list of Junior

Accounts Officer for departmental promotions to the cadre of Chief Accounts

Officer. Reservation for promotion to the candidates belonging to SC/ST category was provided. By virtue of the reservation, candidates junior to the petitioner were made senior. The petitioner being aggrieved made a representation before the authorities and thereafter filed OA No. 60/332/2017 before the Tribunal. The OA was disposed of with direction to respondents to decide the representation. The representation was rejected vide order dated 03.07.2014. Petitioner challenged the rejection order and the Tribunal on 28.03.2017 stayed the operation of order dated 03.07.2014 and restrained the respondents from making any further promotion in the cadre of Chief Accounts Officer.

3. The respondent filed an application for vacation of interim stay granted on 28.03.2017. After hearing the parties, the Tribunal modified the interim order to the extent that the respondents may continue to carry out the promotions but the same shall be subject to the final outcome of OA. The main matter was adjourned to be heard after the decision of the Constitution Bench of the Apex Court.

4. Aggrieved of the modification of the stay order, the present petition was filed.

5. It is pertinent to note that the reference with regard to the decision in the case of **M. Nagaraj Vs. Union of India (2006) 8 SCC 212** has been answered by the Constitution Bench. The present writ petition was only against the interim order passed by the Tribunal. The main OA is pending before the Tribunal and was adjourned to be heard after the decision of the Apex Court.

6. Since, the matter has been decided by the Constitution Bench of the Apex Court, the writ petition is disposed of directing the Tribunal to decide the main OA expeditiously within three months from receipt of certified copy of this order.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

09.10.2018
reema

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No