

111 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-9614-2019 (O&M)

Date of Decision:28.01.2020

Bharat Sanchar Nigam Limited and others

...Petitioners

Versus

Anupam Yadav and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.Ram Lal Gupta, Advocate
for the petitioners.

Mr.Aman Chaudhary, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

CM No1345 of 2020

This is an application for placing on record reply filed on behalf of respondent Nos. 1 and 2 to Civil Misc.No.19679 of 2019.

Application is allowed. Reply filed on behalf of respondent Nos. 1 and 2 is taken on record.

Main case

Bharat Sanchar Nigam Limited (for short 'BSNL') has filed the present writ petition, challenging the interim order dated 30.11.2018 (P-4) and the subsequent interim order dated 19.03.2019 (P-12) passed in Original Application Nos.60/1435/2018 titled as 'Anupam Yadav and another Vs Bharat Sanchar Nigam Limited'.

The issue involved in the Original Application filed by Anupam Yadav and another is with regard to granting of seniority to the general category employees based on the catch-up rule. The applicants before the learned Central Administrative Tribunal (for short

`the CAT') have laid challenge to an order dated 20.11.2018, whereby Accounts Officers/Senior Accounts Officers, belonging to the reserved category, are sought to be promoted to the next higher post. It is claimed that the private respondents in the said Original Application were promoted to the posts of Accounts Officers and Senior Accounts Officers against reserved points by stealing march over the general category employees. The said general category employees on their subsequent promotion to the ranks of Accounts Officer and Senior Accounts Officer are entitled to be extended the benefit of catch-up rule and thereby placed above the said employees.

In the said original application, the impugned order insofar as choosing to ignore the senior general category employees, has been prayed for to be set aside.

The learned CAT vide aforesaid interim order dated 30.11.2018, while issuing notice, directed the respondent-BSNL to maintain "status-quo". Subsequently, on an application moved by BSNL, order dated 19.03.2019, which reads as under, came about to be passed.

"We have heard the learned counsel for the parties on application for vacation of interim stay.

Since, the pleadings in the case are complete, therefore, we deemed it appropriate to decide the main O.A. itself instead of deciding the prayer for vacation of interim stay.

*List this case on 26.04.2019 for hearing,
Interim order to continue till then.*

Dasti."

At the time of hearing today, counsel for the respondents points out that in the light of subsequent interim order dated

15.04.2019 passed by the Hon'ble Supreme Court in the case of **'Jarnail Singh and others Vs Lachhmi Narain Gupta and others'**, the aforesaid status quo orders (P-4 and P-12) do not require any modification as prayed for by the applicants seeking to proceed with for implementing the orders of promotion, however, subject to ultimate decision of original application.

Keeping in view the totality of facts and circumstances as well as the conceded fact that the pleadings before the learned CAT in the aforesaid application are complete and hearing is now fixed on 26.03.2020, we deem it appropriate to dispose of the present writ petition with direction to the learned CAT to decide at least the application moved by the BSNL for vacation/modification of the initial impugned orders within 15 days of next date of hearing.

Learned counsel for the parties, more or less, agree to the aforesaid direction.

The learned CAT is also requested to make an endeavour to dispose of the main original application at the earliest.

Disposed of, accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

28.01.2020
mks

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No