

CENTRAL ADMINISTRATIVE TRIBUNAL CHANDIGARH BENCH

Order Sheet

Item no.: 16
O.A./50/2023 (CHANDIGARH)
[SENIORITY]
Court No.: 1

No of Adjournment:

Order Dated: 17/01/2023

**BSNL EXECUTIVES SERVICE ASSOCIATION THROUGH ITS PRESIDENT SHRI
SURINDER KUMAR
Vs
BHARAT SANCHAR NIGAM LIMITED**

For Applicant(s) Advocate : SH. R.K.SHARMA

For Respondent(s) Advocate :

Order of The Tribunal

MA 90 / 2023

This application has been filed by the applicants seeking permission of this Tribunal to prosecute the OA jointly on the grounds that their cause of action and nature of relief prayed for are same.

Resultantly, MA is allowed and the applicants are permitted to prosecute the OA jointly.

OA

Heard.

Issue notices to respondents.

Sh. K.K.Thakur accepts notices on behalf of respondents no. 1-5.

Sh. Sanjay Goyal, learned Senior CGSC accepts notice on behalf of respondent no. 6.

This OA has been filed against the inaction of respondents for not updating the seniority list in the cadre of AO in terms of directions of this Hon'ble Tribunal in

OA No. 60/332/2017 titled as Parkash Vir Vs. BSNL and others decided on 25.02.2020. Without finalising the seniority list qua Annexure A-1, respondents are proceeding with the promotion to the post of CAO which is in violation to the mandate of Hon'ble Supreme Court in **M. Nagaraj 2006 (8) SCC 212, Jarnail Singh and others versus Lachhmi Narain Gupta, 2018 (4) SCT 445** and the latest instructions of DOPT in OM dated 12.04.2022.

It has been submitted by the applicant that in a similar matter this Tribunal has passed the interim direction in OA No. 1435 / 2018. This Tribunal has considered the matter and is of the view that for maintaining judicial consistency similar order has to be passed.

Resultantly, status quo qua the applicant as of today shall be maintained till the next date of hearing.

List on 08.02.2023.

Supply copies of order to both the parties.

Respondents may file reply by the next date.

Ramesh Singh Thakur
Member (J)

/db/