

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1329 of 2013

Date of order : 8.10.2013

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. P.K.Basu, Administrative Member

NILESH KUMAR & ORS.

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents : Mr.D.Mukherjee, counsel

O R D E R (ORAL)



Ms. Bidisha Banerjee, J.M.

Applicants are aggrieved by an order dated 27.12.12 whereby in view of an interim order granted by Chandigarh Bench and by the Principal Bench with regard to the provisional inclusion of the BSNL executives in the recruitment thereof, a particular provision in the Recruitment Rules which enable E4 persons with 3 years' experience has been modified to experience of 12 years of post qualification working experience as on 1st August of the recruiting year as applicable to the BSNL executives only. The applicants submit that pursuant to the said change, persons who were junior to them in JTO have been allowed to appear in the selection for the post of DR-DGM in BSNL on the basis of their experience in Private Sectors, whereas in spite of rendering 11 years they languish. They cited an incident of one Biswarup Das. It is also submitted that in OA 1413/HP/12, Chandigarh Bench has permitted the JTOs to appear in the selection test and

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That these applicants who do not fulfill requisite 12 years were prevented from making an application for the said post. They seek an interim protection that they shall also be allowed provisionally to appear in the selection which shall be subject to the final outcome of the OA.

2. Ld. counsel for the respondents submits that he does not have any instruction on the interim order passed by the Chandigarh Bench and has asked for time to take instruction. However, he is engaged by the local authorities.

3. Having considered the submissions made by the ld. counsel for the applicants and the interim order cited, we direct the authorities to provisionally, subject to outcome of the OA, permit the applicants to appear in the selection test proposed to be held on 20.10.13 provided the applicants before the Chandigarh Bench were JTOs holding lower rank than the present applicants.

4. Let, reply be filed within 4 weeks. Rejoinder, if any, be filed within 2 weeks thereafter. List the matter before the Registrar's Court on 19.12.2013 for completion of pleadings. If no reply is filed within three months matter be placed before the Bench.

5. Plain copy of the order be handed over to both the ld. counsel for necessary action.

[Signature]
MEMBER (A)



[Signature]
MEMBER (J)

in

(a) Sr. No. of the applt. 4796
 (b) Name of the applicant... H.A. S.K. Datta
 (c) Dt. of presentation of application for copy... 8/10/13
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