

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.11.2017

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G. RAMESH  
AND

THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.9300 of 2011  
and

M.P.No.1 of 2011

1. All India Graduate Engineer Telecom  
Officers Association through its  
Circle President A.Kannan, SDE Circle President,  
Chennai Circle AIGETOA  
No.9, Sivasankaran Street,  
Kamarajapuram, Ambattur, Chennai 600 053.

Petitioners

2. Thirumurugan

Versus

1. The Registrar,  
Central Administrative Tribunal,  
Chennai Bench, Chennai 600 104.
2. Bharat Sanchar Nigam Limited,  
through Chairman-cum-Managing Director,  
Bharat Sanchar Nigam Limited,  
Janpath, New Delhi 110 001.
3. Bharat Sanchar Nigam Limited,  
through Director (HR)  
Bharat Sanchar Nigam Limited,  
Janpath, New Delhi 110 001.
4. Bharat Sanchar Nigam Limited,  
General Manager-Personnel,  
Bharat Sanchar Nigam Limited,  
Janpath, New Delhi 110 001.
5. Bharat Sanchar Nigam Limited,  
Chief General Manager,  
Chennai Telephone District,  
Purasawalkam, Chennai 600 010.
6. Bharat Sanchar Nigam Limited,  
Chief General Manager,  
Tamil Nadu Circle,  
No.80, Anna Salai,  
Chennai 600 002.

Db0042674



7. All India BSNL Officers Association,  
(AIBNLOA) rep. by its  
Circle Secretary K.Rajasekaran,  
C/o. Palat Sankaran Street,  
Ashok Vignesh Apartments II Floor,  
Mahalingapuram, Chennai-34.

8. V.Kannan

9. All India BSNL Executives Association,  
rep. by its Circle Secretary N.Veerapandian  
48, Head Post Office Street, pattukottai.

10. Sanchar Nigam Executives Association  
(India) Tamil Nadu Circle rep. by  
R.Asokan,  
P-27, 6th Floor, SENA Bhavan, P.A.Towers,  
869, Poonamallee High Road,  
Chennai 600 010.

1. S.Sundarakrishnan  
12. C.Durairasan

Respondents

Prayer: Writ petition filed under Article 226 of the  
Constitution of India seeking issuance of a writ of certiorari  
calling for the records of the respondents relating to the order  
the Chennai Bench of the Central Administrative Tribunal dated  
25.2.2011 in O.A.No.983 of 2010 and quash the same.

For petitioners : Mr.V.Prakash Senior Counsel for  
M/s.Ramapriya Gopalakrishnan

For RR 2 to 6 : Mr.A.S.Chakravarthy,  
For R7 & 8 : No appearance.

For R9 to R12 : Mrs.Rita Chandrasekar for  
M/s.Aiyar & Dolia

#### ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some  
time.

2. It appears that on the transformation of BSNL from the

Db0042675



Department of Telecommunication Services, Recruitment Rules were framed giving priority vide foot note 2 of Schedule I-A, to the existing incumbents, holding the post of Executive on regular basis on the date of notification of the Recruitment Rules for being promoted to the grade of DE/AGM/CAO which fall in Group 'A' officer category and the same was challenged before the Central Administrative Tribunal, by the directed recruited Engineering Graduates, who have joined the post of Junior Telecom Officers in BSNL after 1.10.2000. Since same was dismissed by the Tribunal, the present writ petition has been filed.

3. The stand of the petitioners is that the above referred promotional posts require minimum basic qualification of Engineering Graduation and high level skills and expertise and therefore, the introduction of the above referred foot note dispensing with such basic qualification for the existing incumbents is not proper and apart from that it is nothing but, overlooking the availability of the qualified candidates viz., the petitioners.

4. In the normal course, it appears that when there is a promotional post for which persons from different cadres would be considered, it would be done by fixing them in a common pool and also a ratio for considering incumbents from each cadre. In the case on hand, it appears that the petitioners, who possess Engineering Graduation and joined as Junior Telecom Officers as direct recruits and having reached the level of Executive like Sub Divisional Engineer are aggrieved against the equation of the non-Engineering graduates, who are the existing incumbents for being promoted to the posts of DE/AGM/CAO on the basis of the foot note introduced to the Recruitment Rules and thereby depriving the petitioners, who are engineering graduates.

5. We do agree that there is some ambiguity with regard to such equation by way of the foot note to the Recruitment Rules. No doubt, the BSNL intends to give some concession to the existing incumbents. However, we find that in equating the existing incumbents with the direct recruits, who possess engineering graduation it appears that there is some deprivation for the engineering graduates, who are direct recruits, the reservation/priority is not based on any method of equation or ratio. Certainly, this aspect requires clarification at the end of BSNL. Therefore, such disputes shall be gone through by forming a Committee by the BSNL to sort out the ambiguity in equating the direct recruits and the existing incumbents, which exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Db0042676

6. The writ petition is disposed of accordingly. No costs.  
The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CCC)

//True Copy//

*[Signature]*  
Sub Assistant Registrar 17/11/17

ssk.

To:

1. The Registrar,  
Central Administrative Tribunal,  
Chennai Bench, Chennai 600 104.
2. The Chairman-cum-Managing Director,  
Bharat Sanchar Nigam Limited,  
Bharat Sanchar Nigam Limited,  
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Bharat Sanchar Nigam Limited,  
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5. Chief General Manager,  
Bharat Sanchar Nigam Limited,  
Chennai Telephone District,  
Purasawalkam, Chennai 600 010.

+3cc to Mr. Ramapriya Gopalakrishnan, Advocate, S.R.No.77797  
+1cc to Mr. Aiyar and Doliya, Advocate, S.R.No.78076  
+1cc to Mr. AS Chakaravarthy, Advocate, S.R.No.78355

W.P.No.9300 of 2011

VGII(CO)  
GN(17/11/2017)

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