

**Speaking Order**

**Subject: O.A. No: 3500/2016 filed by Rajeev Chauhan & 58 Others Vs BSNL in Hon'ble PB CAT New Delhi.**

Reference is invited to Hon'ble PB CAT New Delhi order dated 18.01.2023 in O.A No: 3500/2016 filed by Rajeev Chauhan & 58 Others wherein Hon'ble PB CAT New Delhi gave direction as under:

*"4. .... the representation dated 17.03.2015 shall dispose of by passing a reasoned and speaking order within a period of eight weeks' from the date of receipt of the copy of this order. The applicant similar situated persons already grant if the respondents consider the case of the applicant."*

2. On examining of the documents attached with the said O.A.No: 3500/2016, it is found that representation dated 17.03.2015 is not available. However representation dated 17.03.2016 is available. It appears that it may be typographical error due to which representation dated 17.03.2016 is mentioned as dated 17.03.2015.

3. It is noticed that contents/issues raised in representation dated 17.03.2016 of Shri Krishan Kumar Khandelwal along with representations with different dates of other applicants which are part of annexure A-5 of the OA are similar in nature.

4. Accordingly, on consideration and examination of the representation dated 17.03.2016 along with 12 other representations of different OA applicants as enclosed in annexure A-5 of O.A all the representations by the Competent Authority following is hereby communicated:-

- i. In LDCE promotion order dated 26.05.2004, about 1509 JTOs were promoted as SDE against 25% DE quota on the basis of departmental exam held on 01.12.2002. Out of 1509, 124 executives appealed in CAT Bangalore for notional date of promotion. The CAT Bangalore Bench in original application No. 181 of 2009 decided on 26.04.2010 as *"we direct the respondents to assign notional date of promotion as SDE to the applicant's w.e.f 23.01.2002, i.e, six months from 23.07.2001, the date on which the examination was announced to be held.....hence this decision cannot be applied as it ratio to finally decide this O.A. The applicant shall be granted consequential benefits.....cost."*

No. BSNLCO-PRII/25(11)/6/2023

Dated 26.04.2023

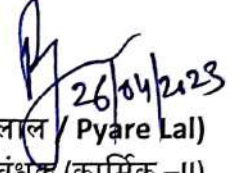
- ii. In this context, it is informed that the issue regarding extending the benefit of notional date of promotion with all consequential benefits through promotion to SDE(T) grade under 33% LDCE quota has already been settled by Hon'ble Supreme Court in its judgment dated 12.08.2014 and subsequently in its order dated 02.04.2019 in Civil No.14967/2017 filed by Vinod Verma Vs BSNL.
- iii. It has been pronounced in the said judgment dated 12.08.2014 that "It is held that the view of the CAT Bangalore Bench in original application No. 181 of 2009 decided on 26.04.2010 and the decision of the Karnataka High Court dated 21.04.2011 affirming the decision of the Tribunal dated 26.04.2010 are not correct view and do not lay down the correct legal position. Since the special leave petition from the judgment was dismissed by this court on 25.08.2011 and a petition seeking review of that order has also been dismissed, the benefit of notional promotion given to 124 employees with effect from 23.01.2002 remains unaffected, but the benefit of the above decision cannot be given to the present respondents in view of the legal position explained above."
- iv. The Division Bench of the Hon'ble Supreme Court, vide order dated 02.04.2019 in Civil Appeal No.14967 OF 2017 between Vinod Verma -Vs- UOI & Ors observed that the issue has been delved in the case of S.K.Dubey's (supra) and followed the ratio laid therein holding that:
- ".....In view of the facts as noticed above that the controversy raised in this appeal is covered by three-Judge Bench judgment dated 12.08.2014, we see no necessity to delve into various other arguments raise in this appeal. We are not persuaded to take any different view to one which has been taken by three-Judge Bench as noted above.
- We, thus, hold that the present appeal deserves to be dismissed in view of the judgment of this Court dated 12.08.2014 Transferred Case (Civil) No..... of 2014(arising out of T.P.(C)No.184 of 2013)(Rajesh Banta & Ors. vs. Dewan Chand & Ors.) and judgment of the three-Judge Bench of this Court in BSNL & Ors. Vs. S.K. Dubey & Ors, decided on 12.08.2014. The appeal is, accordingly, dismissed."
- v. Since the issue has been settled, the benefit granted to 124 officers cannot be extended to other similarly placed officers. Therefore request/representation of applicants for extending one increment under promotion to the grade of SDE (T) qualifying LDCE exam is not tenable and rejected.

No. BSNLCO-PRII/25(11)/6/2023

Dated 26.04.2023

5. Accordingly, representation dated 17-03-2016 is disposed off.

This is issued with the approval of Competent Authority.



(प्यारे लाल / Pyare Lal)

सहायक महाप्रबंधक (कार्मिक -II)

Assistant General Manager (Pers. II)

To,

All applicant of O.A. No: 3500/2016 filed by Rajeev Chauhan & 58 Others Vs BSNL in Hon'ble PB CAT New Delhi (as per list attached-Annexure-"A") through CGM Concerned/Unit Head with a request to get the order delivered to concerned applicant and to send the acknowledgement so obtained from the applicants to this office.

**Annexure – "A"**

1. RAJEEV CHAUHAN AGED 38 YEARS, S/O P.S. CHUHAN R/O B-59, SECTOR -72, NOIDA, (U.P.).
2. VIJAY KUMAR RAWAT S/O- RAM DUTT RAWAT AGED ABOUT-39 YEARS QTR NO. 45, TYPE-IV, GOMTI BLOCK ALTTC CAMPUS, GHAZIABAD, UP. PIN: 201002.
3. RAJESH KUMAR S/O- LATE BRIJ NATH GUPTA AGED ABOUT 38 YEARS QTR NO. 19, TYPE-IV, GODAWARI BLOCK ALTTC CAMPUS, GHAZIABAD, UP. PIN: 201002.
4. VIJAY KUMAR S/O- RAM KRISHNA AGED ABOUT 41 YEARS QTR NO. 6, TYPE-IV, GODAWARI BLOCK ALTTC CAMPUS, GHAZIABAD, UP. PIN: 201002.
5. SANJEEV GANGOLI S/O- LATE SHRI PRAHLAD SINGH AGED ABOUT -37 YEARS QTR NO. A5, TYPE-IV, TELEPHONE EXCHANGE COMPOUND, SECTOR-19 NOIDA, UP. PIN: 201301
6. PARAMJIT SINGH SAGGI S/O SH GURMUKH SINGH VPO SOHANA TEHSIL AND DISTRICT MOHALI PUNJAB.
7. HARPRIT SINGH S/O SH. AMRIK SINGH ARORA #2313, TELEHOS SOCIETY, SECTOR 50 C, CHANDIGARH.
8. BHUPENDRA DHUBKARYA S/O SH. HEERALAL DHUBKARYA # 664B BSNL QUARTER SECTOR 44 A CHANDIGARH.
9. RAHUL SRIVASTAVA S/O SH.R C SRIVASTAVA #2774, GROUD FLOOR, SEC 49 D, CHANDIGARH.
10. MANISH AGRAWAL S/O SH. GIRIRAJ KUMAR AGRAWAL 35 YEARS C-108, SHYAM NAGAR, NEAR COMMUNITY CENTRE, SODALA, AJMER ROAD, JAIPUR-302019 (RAJASTHAN).
11. BHUPENDRA GOSWAMI S/O SH. UDAI BHAN GOSWAMI 39 YEARS 233, 1ST FLOOR, TAGORE NAGAR, AJMER ROAD, JAIPUR-302021 (RAJASTHAN).
12. SUDEEP KUMAR SHARMA S/O SH. BHAGAT RAM SHARMA 38 YEARS QTR NO. IV/33, SANCHAR VIHAR COLONY, MALVIYA NAGAR, JAIPUR-302017 (RAJASTHAN).
13. GAJANAD GUPTA S/O SH. LAXMI NARAYAN GUPTA 42 YEARS QTR NO. III/157, SANCHAR VIHAR COLONY, MALVIYA NAGAR, JAIPUR-302017 (RAJASTHAN).
14. DHEER SINGH MEENA S/O SH. RAM JI LAL MEENA 38 YEARS QTR NO. IV/141, SANCHAR VIHAR COLONY, MALVIYA NAGAR, JAIPUR-302017. (RAJASTHAN)
15. MUKESH PARETA S/O SH. RAM RATAN PARETA 39 YEARS QTR NO. IV/142, SANCHAR VIHAR COLONY, MALVIYA NAGAR, JAIPUR-302017 (RAJASTHAN)
16. DHEERAJ KUMAR TAMBHI S/O SH: OM PRAKASH TAMBHI 37 YEARS C-311, ADJ. KSHETRAPAL HOSPITAL, PANCHSHEEL NAGAR, MAKARWALI ROAD, AJMER- 305004 (RAJASTHAN)
17. MADAN MOHAN KHATIK S/O. SH. LAXMI NARAYAN 40 YEARS H. NO. 278, EIDGAH ROAD, JAMBESHWAR NAGAR, VAISHALI NAGAR, AJMER-305006 (RAJASTHAN)
18. RAVINDER SINGH S/O POORAN CHAND 365, SECTOR 26, PANCHKULA-40
19. GAURAV TRIPATHI S/O G.K.TRIPATHI #535,F.F, SECTOR- 20A, CHANDIGARH, 16002040
20. NAVNEET KUMAR S/O PRATAP SINGH #132 FF, GREEN ENCLAVE, LOHGARH ROAD, ZIRAKPUR, DISTRICTRICTRICT SAS NAGAR, PUNJAB-14060336
21. MUKESH KUMAR KURDIYA S/O MURLI DHAR KURDIYA 2017, SECTOR 21, PANCHKULA-41
22. RAJESH KUMAR SAINI S/O SHRI KISHORI LAL SAINI H.NO. 268, SECTOR-12A, PANCHKULA, HARYANA 36YEARS
23. MUKUL AGARWAL S/O MADAN MOHAN AGARWAL #23, JAGRITI APARTMENTS, SHRI GANESH VIHAR, DHAKOLI, ZIRAKPUR DISTRICTRICTT SAS NAGAR, PUNJAB-16010436
24. MOHINDER KUMAR S/O SOM NATH #103/4 ROYALE ESTATE, ZIRAKPUR, DISTRICTRICT. MOHALI, PUNJAB- 39
25. ANSHU SINGHALA S/O ROSHAN LAL SINGHALA 505, GHS. 102, SECTOR 20, PANCHKULA, HARYANA, 134112
26. ARUN KUMAR S/O RAGHUNATH SINGH, #398 ,D3 BLOCK,4TH FLOOR PENTHA HOMES VIP RD ZIRAKPUR- 41
27. KARAN SINGH RANGA S/O-SH. BHANA RAM AGE: 36 YEARS ADDRESS: FLAT NO. 263, SOLITAIRE DIVINE, DHAKOLI, ZIRAKPUR, PUNJAB.
28. GAURAV KUMAR GUPTA S/O RAMESHWAR DASS GUPTA 503, PRAKASH TOWERS, PEER MUCHALLA, PUNJAB-14010337
29. ANURAG BANSAL S/O VINOD KUMAR BANSAL 506, GHS 102, SECTOR 20, PANCHKULA, HARYANA, 13411239

  
26/04/2018

ANNEXURE-"A"

30. SUDHIR GUPTA S/O RAMESHWAR KUMAR FLAT NO. 10A, DIVINE APARTMENT, LOHAGADH ROAD, ZIRAKPUR, PUNJAB.14060340
31. VIJAY KUMAR BANSAL S/O SANT RAM BANSAL15 GC, RAIL VIHAR MDC-4, PANCHKULA 13411443
32. PARVEEN KUMAR VINAYAK S/O SH.JODHA RAM VINAYAK H.NO-2541, SEC-21 PANCHKULA-41
33. SANJAY SAWHNEY S/O OM PARKASH SAWHNEY 2647 SECTOR 21, PANCHKULA, HARYANA-13411640
34. AWADESH KUMAR RESIDENT OF FIRST FLOOR, R.T.T.C. BLDG, SECTOR -G; L.O.A. COLONY, LUCKNOW (U.P.)
35. SUBHAS KUMAR SARKER S/O SRI HIRENDRA NATH SARKER 37 YEARS 74/61, MULAJORE ROAD, PRITINAGAR P.O. JAGADDAL DISTRICT. 24 PGS(N) PIN- 743125 WEST BENGAL
36. DINESH KUMAR S/O SRI KALKA PRASAD SDE (ADMIN) O/O GMTD BSNL OFFICE LALTPUR ROAD JHANSI (U.P.) 284001
37. SATENDRA YADAV S/O SRI RAMSHANKAR YADAV SDE (PLANNING) O/O GMTD BSNL OFFICE LALTPUR ROAD JHANSI (U.P.) 284001
38. SHIV KUMAR JATAV S/O SRI RAM SEWAK SDE (LALITPUR) O/O GMTD BSNL OFFICE LALTPUR ROAD JHANSI (U.P.) 284001
39. PRABUDDH SINHA S/O- RANG NATH SINHA SDE (INDOOR) O/O TDM ALFASTEEN GANJ (NEAR HEAD POST OFFICE) BSNL JAUNPUR U. P. -222001
40. MUKESH KUMAR PARETA S/O- SHRI RAM RATAN PARETA AGE: 39 YEARS TYPE/142,SANCHAR VIHAR COLONY, NEAR TRIMURTI APPT, MALVIYA NAGAR, JAIPUR-302010, RAJASHAN
41. RAMANAND SRIVASTAVA S/O SRI LAXAMAN PRASAD 42 YEARS # 662 A SECTR 44 A CHANDIGAR
42. DAL SINGH SODHI S/O SRI UDAY RAM SODHI 41 YEARS # 11/577 STREET NO 10, KIRTI NAGAR, SIRSA, HARYANA.
43. GIRIRAJ SHARMA S/O SH. RAMSWAROOP SHARMA 40 YEARS NEAR HANUMAN TEMPLE,SHRIRAM NAGAR, KOTA-324004(RAJ)
44. SUDHIR GUPTA S/O-LATE SH. RAMESHWAR KUMAR SDE (PMS) O/O SR. GM, ITPC, TELEPHONE EXCHANGE, SEC-20, PANCHKULA - 134117 (HARYANA) AGE-40 YEARS
45. NAYEEM MANSOORY S/O IMAM MANSOORY NAYEEM MANSOORY 6-D-41,VIGYNA NAGAR EXT KOTA-324005 RAJASTHAN
46. KRISHAN KUMAR KHANDELWAL, S/O-LAXMINARAYAN 36 YEARS 3/67, TELECOM COLONY, MALVIYA NAGAR, JAIPUR-302017.
47. ARUN KUMAR S/O- MOHAN LAL AGE: 37YR H NO 931-B, SECTOR-43A, CHANDIGARH.
48. DHANJIT KUMAR GUPTA S/O - T.M.GUPTA QUARTER NO 2/ IV BSNL RTTC COLONY SECTOR G LDA COLONY KANPUR ROAD,LUCKNOW PIN-226012
49. ASHUTOSH, S/O SH. HARI RAM SHARMA, 36 YEARS, H.NO.936, SECTOR-43A, CHANDIGARH-160022
50. AMIT KUMAR TANEJA, S/O SH. KHUSHI LAL TANEJA, 2274, GROUND FOOR, BLOCK; NO: 2, SECTOR-63,CHANDIGARH
51. NARESH KUMAR S/O SH, CHARAN DASS E1-107,PU CAMPUS,SECTOR 14,CHANDIGARH
52. GAJENDER S/O SOM VANSHI B.S.N.L., NODAL CENTRE PHASE-IV, MOHALI (PUNJAB) (9963200400)
53. ANWAR PRAKASH B.S.N.L. CMTS, NODAL CENTRE MOHALI PUNJAB -(9417493195)
54. VIKASH GUPTA S/O KAMLESH KUMAR GUPTA AGED 38 YEARS MAYAURAN COLONY, BARWAN KARNAL, HARYANA.
55. SWARANJIT SINGH S/O BALJIT SINGH 942-C, SECTOR- 43-A, CHANDIGARH.
56. RAMESH SINGH S/O LT. SHIVDHAR SINGH AGED 40 VILLAGE - HARIPARA, POST - GONTHA DISTRICT - MAU (U.P.) PIN 275303.
57. VINOD KUMAR SINGH TELEPHONE EXCHANGE SADIPUR FATEHPUR-212601(U.P.)
58. SHRAWAN KUMAR TELEPHONE EXCHANGE SADIPUR FATEHPUR-212601(U.P.)
59. ASHISH KUMAR JAISWAL TELEPHONE EXCHANGE SADIPUR FATEHPUR 212601(U.P.)

*[Handwritten signature]*  
26/04/2023