

COMPLIANCE OF
HON'BLE CAT ORDER



BHARAT SANCHAR NIGAM LTD.

(A Government of India Enterprise)
7th floor, Bharat Sanchar Bhawan, Janpath
New Delhi – 110001.

No: 9-20/2018-SEA-BSNL

Dated 07.12.2018

To

All Heads of Circles/Circle IFAs,
BSNL

Sub: **Status-quo** to be maintained – Promotion from AO to CAO – regarding.

This office has issued promotion order of AO to CAO on regular and adhoc basis vide Order no. 2-4/2018-SEA-BSNL Dated 20.11.2018.

In this connection, it is intimated that Hon'ble CAT, Chandigarh vide its order dated 30.11.2018 has ordered that "**as an interim measure, the respondents are directed to maintain status quo**" in the OA No. 60/1435/2018 and MA No. 60/1861/2018 filed by Shri Anupam Yadav & Another. A copy of Hon'ble CAT's order dated 30.11.2018 is enclosed herewith for its compliance.

This issues with the approval of Competent Authority.

Encl: as above


(S.D. Jhingan)
DGM (SEA)

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH, SECTOR 17 E

ORDER SHEET

COURT NO. : 1

30.11.2018

O.A./60/1435/2018

M.A./60/1861/2018

ITEM NO:4

FOR APPLICANTS(S) Adv. :

ANUPAM YADAV & ANOTHER

-V/S-

BHARAT SANCHAR NIGAM LIMITED

Sh. R.K.Sharma

FOR RESPONDENTS(S) Adv. :

Notes of The Registry

Order of The Tribunal

Heard. Shri R.K.Sharma, learned counsel for the applicants, inter-alia, contends that the impugned order dated 20.11.2018 whereby the respondents have given approval for promotion of private respondents from Accounts Officer/Senior Accounts Officer to that of Chief Accounts Officer is bad in law as the respondents have not applied the principle of catch-up rule as well as the mandate in the case of M.Nagaraj (2006(8) SCC Page 212) and without applying the ratio therein, private respondents, who belong to reserve category, have been given promotion, as such, their promotion is liable to be set aside.

2. He submitted that in an identical matter where the catch-up rule has not been applied, this Court allowed the OA by directing the respondents to go for promotion after applying the principle of catch-up rules. In judicial review before the Hon'ble Punjab & Haryana High Court at the hands of the Union of India, i.e. CWP No.15191 of 2016, the Hon'ble Court, at the first instance vide interim order dated 28.2.2018 stayed the operation of order of this Court in OA No.060/1147/2014. Subsequently after the decision by the larger Bench of the Hon'ble Apex Court in the case of Jarnail Singh & Ors. versus Lachhmi Narain Gupta & Ors. (SLP (Civil) NO.30621 of 2011, an application was moved by private respondents in the above noted writ petition. Even the High Court vide another interim order dated 20.11.2018 directed the parties to maintain status quo.

3. Therefore, an argument has been raised that whatever the respondents have already done vide impugned order that will be decided in the OA and the respondents cannot violate the order. But in the present case, the respondents have not followed the mandate of law, and going ahead with the impugned promotion.

4. Issue notice to the respondents returnable for 17.12.2018.

5. As an interim measure, the respondents are directed to maintain status quo.



6. If the facts are otherwise, the respondents can move a Misc. application for modification of interim order, prior to the next date of hearing.

[Redacted]
(P. GOPINATH)
MEMBER (A)

[Redacted]
(SANJEEV KAUSHIK)
MEMBER (J)

kks



प्रमाणित/सत्य प्रतिलिपि / Certified True Copy

अनुभाग अधिकारी (अ. 1)

Suman
30/11/13

(Qual.)

Central Board of Secondary Education
चण्डीगढ़ बेंच / Chandigarh Bench

चण्डीगढ़ / Chandigarh

W/ps 30/11/13