

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

II nd floor, Commercial Complex (BDA)
Indira Nagar
Bangalore - 560038

- 1 ORIGINAL APPLICATION NO :
2 MISC APPLICATION NO:
3 REVIEW APPLICATION NO: **10/2009 IN. OA. NO. 143/2009**
4 CONTEMPT PETITION NO:

14 SEP 2009

APPLICANTS (S) :R.N. LALITHA
V/S

RESPONDENTS : The Chief General Manager, Telecom. Bangalore. & 2 Ors.

TO,

- 1 Sri B.Veerabhadra,
No.46/2, Wheeler Road,
Cox Town,
Bangalore- 560 006.
Advocate
- 2 The Chief General Manager,
Telecom. Karnataka Circle,
No. 1, Swamy Vivekananda Road.
Halasuru,
Bangalore- 560 008.
- 3 The Principal General Manager,
Bangalore Telecom District,
CTO Complex, No 1, Cubbon Road,
Bangalore- 560 001.
- 4 The Managing Director Cum Chairman
B.S.N.L. Limited,
Bharat Sanchar Bhavan,
H.C. Mathur Lane, Janpath,
New Delhi - 110 001.

Subject:- Forwarding of copies of the order passed by
The Central Administrative Tribunal, Bangalore.

A copy of the Order dated 11/09/2009 Passed by this Tribunal in the above
said RA is enclosed herewith for your information and further necessary action.


16/9/09
DEPUTY REGISTRAR (JUDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

**CENTRAL ADMINISTRATIVE TRIBUNAL : BANGALORE BENCH
AT BANGALORE.**

R.A. No. 10 of 2009 in
O.A. No. 143 of 2009.

DATE OF ORDER : 11.9.2009.

Hon'ble Shri B. Venkateswara Rao, Member (J)

BETWEEN :

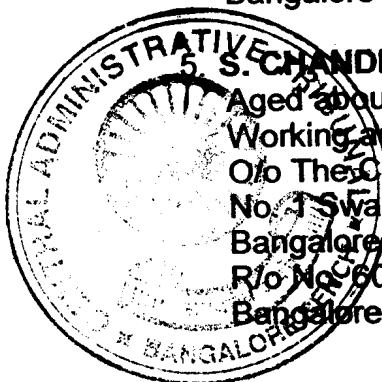
1. **R.N.LALITHA** W/o Machendiran,
Aged about 52 years,
Working as Sub-Divisional Engineer,
O/o The Divisional Engineer (Internal),
Telephone Exchange, Vijayangar,
Bangalore-560 040.
R/o C-2, BSNL Staff Quarters,
Telephone Exchange Compound,
Vijayanagar,
Bangalore-560 040.

2. **S.NARAYANAN** S/o Late Subramaniam,
Aged about 50 years,
Working as Sub-Divisional Engineer,
O/o Principal General manager,
Bangalore Telecom, Raj Bhavan Road,
Bangalore-560 001.
R/o No. 16, 1st Cross, PNS Layout,
Subbainpalya, Bangalore-560 033.

3. **GEETHA BAI R.** W/o Sreedhara, C.T.,
Aged about 51 years,
Working as Sub-Divisional Engineer,
O/o The Divisional Engineer (External Stores),
Chandra Layout, Bangalore-560 040.
R/o No.394, 5th Main, 7th Cross,
NGEF Layout, Marathalli,
Bangalore-560 056.

4. **K.DEEPAK** S/o Nandakumar S. Kankanwadi,
Aged about 53 years,
Working as Sub-Divisional Engineer,
O/o AGM (EP), BGTD, Telephone House,
Raj Bhavan Road, Bangalore-560 001.
R/o No. 2, 2nd Floor, BSNL Staff Quarters,
Nandini Layout, Telephone Exchange,
Bangalore-560 096.

5. **S.CHANDRASEKARAN** S/o P. Sethuraman,
Aged about 56 years,
Working as Sub-Divisional Engineer,
O/o The Chief General Manager, Telecom,
No. 1 Swamy Vivekananda Road, Ulsoor,
Bangalore-560 008.
R/o No. 607A, 8th Main, HAL 3rd Stage,
Bangalore-560 075.



6. **M.C.SUJAI W/o M. Raviraj,**
Aged about 49 years,
Working as Sub-Divisional Engineer,
O/o AGM (BD), Kamataka Circle, Bangalore.
R/o No. 107/3, 8th Cross,
6th Main, Malleswaram, Bangalore-560 003.
7. **Palani T.,**
S/o Late Thangavelu,
Aged about 50 years,
Working as Sub-Divisional Engineer (TM),
O/o Bangalore East Telephone Exchange,
Lazar Road, Bangalore-560 005.
R/o No. 304, 'Z' Cross, HRBR III Block,
Kalyan Nagar, Bangalore-560 084.
8. **M.S.Anandajothi,**
S/o S. Shivakumar,
Aged about 49 years,
Working as Sub-Divisional Engineer,
O/o The Divisional Engineer,
2nd Main, 2nd Cross, Vidyapeetha Road,
Bangalore-560 085.
R/o No. 401, BSK 3rd Stage, 3rd Phase, 2nd Cross,
5th Block, Bangalore-560 085.
9. **V.S.LALITHA DEVI W/o Y.S.Satish Chandra,**
W/o Y.S.Satish Chandra,
Aged about 50 years,
Working as Sub-Divisional Engineer,
O/o The Deputy General Manager (Transmission Maintenance),
New Telecom Building, 1st Floor,
Basaweswara Circle, Bangalore-560 001.
R/o No. 62/89, East End 'B' Main Road,
Jayanagar IX Block, Bangalore-560 069.

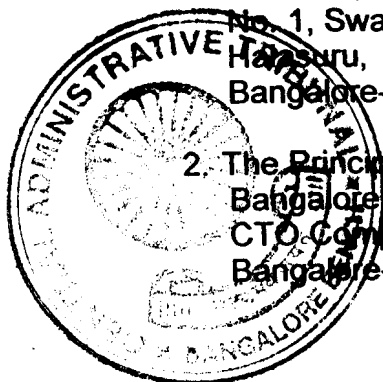
... Applicants

(Shri B. Veerabhadra, Counsel.)

A N D

1. The Chief General Manager,
Telecom, Kamataka Circle,
No. 1, Swamy Vivekananda Road,
Hansuru,
Bangalore-560 008.
2. The Principal General Manager,
Bangalore Telecom District,
CTO Complex, No. 1, Cubbon Road,
Bangalore-560 001.

... Respondents



By Circulation -

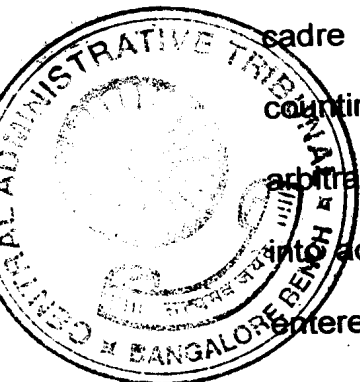
ORDER

(B. Venkateswara Rao, Member (J))

Through this Review Application filed u/s 22(3)(f) of A.T.Act, 1985, the applicants have made the prayer for recalling the order dated 28.7.2009 (Annexure-RA/1) passed by this Tribunal in O.A. No. 143 of 2009 and to review the same in the interest of justice and equity.

2. The applicants had earlier approached this Tribunal through the above mentioned O.A. challenging the action of the respondents in not adopting 31st March of the financial year as the cut of date for the purpose of transfer and also computing of service put by the applicants in the previous cadre irrespective of non-executive/executive for intra-circle transfer leading to their consequent transfers/postings. After detailed arguments from both sides and considering the legal propositions laid down by the Hon'ble Apex Court and various High Courts and the facts of the case, this Tribunal was of the opinion that it need not interfere with the order of transfers as the same had been issued as per the transfer policy of BSNL employees and hence dismissed the O.A.

3. One of the grounds taken in the R.A. is the same as taken by the applicants in the O.A. that while in Group-C service they belong to Divisional/Unit cadre and only from the grade of JTO they belong to circle cadre, hence, counting of service rendered in Divisional/Unit cadre for effecting transfer is arbitrary. The additional ground taken in this R.A. is if the date of entry is taken into account it would lead to treating unequals as equals as officials who have entered the department earlier and promoted as JTO after a long period and

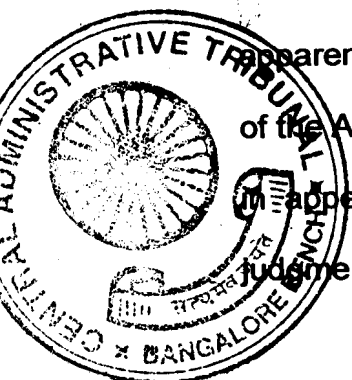


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thereafter on becoming SDE would be transferred first though having put 2/3 years of service as SDE while the junior (meaning a direct recruit) who has entered service at a later stage and had become JTO after 5 years and then SDE much earlier than the former officials, will not be transferred and that Para 11(a) Section B of Transfer Policy of BSNL Employees mentions about Executive Level and does not mention any thing about Non-Executive.

4. The applicants have submitted that an identical issue in respect of employees of Andhra Pradesh Circle was before consideration before the A.P. High Court in Writ Petition No. 11490/2008 & batch and the High Court had allowed the Writ Petitions by a common judgment dated 15.7.2008. Further, the Madras Bench of the Tribunal in a similar issue had on 29.7.2009, in O.A. No. 515/2009, rejected the contentions of the respondents and had passed a favourable order in respect of the applicant. The applicants of this R.A. pray that their case be also decided alike by following the 'doctrine of precedent' and this Tribunal recall and review the order dated 28.7.2009 passed in the O.A. (Annexure-RA/1) and grant the relief as prayed for by them.

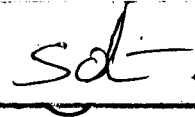
5. I have perused in detail the order dated 28.7.2009 passed in O.A. No. 143 of 2009 and the grounds taken in the R.A. None of the grounds brings it within the purview of Rule 1 Order XVII of CPC read with Section 22(3)(f) of the A.T.Act. The very same points that were considered and disposed of in the O.A. are tried to be re-argued by the applicants through this R.A. I find no error apparent on the face of the record. Incidentally, I may mention that the judgment of the A.P. High Court in W.P. No. 11490/2008 dated 15.7.2008 has been stayed in appeal by the Division Bench of the A.P. High Court on 5.8.2008. The judgment and order dated 29.7.2009 of the Madras Bench of the Tribunal in O.A.



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No. 515 of 2009 clearly states that the order cannot be considered as a precedent for any other case.

6. In view of the above position, the Review Application is rejected by circulation. No costs.



(B. Venkateswara Rao)
Member (J)



TRUE COPY

14/1/09

DEPUTY REGISTRAR (JUDL)
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