
(2010) 12 P&H CK 0091
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 13018-CAT of 2010

Bharat Sanchar Nigam Limited and Another	APPELLANT
Vs	
Central Administrative Tribunal, Chandigarh Bench	RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 12 P&H CK 0091

Hon'ble Judges : Ritu Bahri, J; M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant petition filed under Article 226 of the Constitution is directed against the judgment dated 22.1.2010 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, "the Tribunal"), holding that Shri Lalit Mohan-Respondent No. 2 was appointed as "TTA" on 17.2.1995 and on the date of his promotion to the post of "JTO" he had not completed six years of service. The Tribunal has further held that he had only four years nine months and twenty days service as "TTA" by including the period of training. Accordingly, the Tribunal directed that the date of his promotion must be changed to a date when he acquired the requisite eligibility i.e. service of six years instead of from the date when he was promoted although he continued working on the promoted post under the interim orders issued from time to time.

2. The Tribunal has also noted that on 10.5.2007, the High Court has declined to issue interim order in his favour. He filed Civil Appeal No. 5678 of 2007 before Hon'ble the Supreme Court, which was disposed of on 7.12.2007. Their Lordships of Hon'ble the Supreme Court granted the relief in favour of Shri Lalit Mohan-Respondent No. 2 allowing him to continue to work on the promotional post because he had qualified the requisite examination in the year 1999 prior to his promotion and in any case he had acquired requisite experience of six years. Thus, his reversion order dated 30.6.2004/5.7.2004 was stayed.

3. Having heard learned Counsel for the parties we are of the considered view that once a person has acquired the requisite experience of working on a post by the time the order of reversion is passed then it would be unfair and un-equitable to send him back on the feeder post for lack of experience. The aforesaid proposition of law is settled by Hon''ble the Supreme Court in the cases of Ram Sarup Vs. State of Haryana and Others, and Buddhi Nath Chaudhary and Others Etc. Vs. Abahi Kumar and Others, . Therefore, we do not find any merit in the instant petition. Moreover, a Division Bench of this Court (of which one of us, M.M. Kumar, J. was a member) has already dismissed two petitions on 28.5.2010, namely, CWP Nos. 10299 and 10300 of 2010, filed by the Petitioner Bharat Sanchar Nigam Limited, which have emerged out of the same order passed by the Tribunal. Accordingly, this petition fails and the same is dismissed.