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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A No. 183 of 2009

Cuttack, this the 7<sup>th</sup> day of March, 2011

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

Sisir Kumar Dalai & others .... Applicants

Vs

Union of India & Others .... Respondents

(For Full details, see the cause title of OA)

For Applicants: M/s.M.R.Mishra,R.K.Pattnaik,R.R.Rout, Counsel.

For Respondents: Mr.S.B.Jena, ASC

M/s.A.P.Mishra, M.Basu,G.N.Sethi,Counsel

(For Respondent Nos.4&5)

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ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

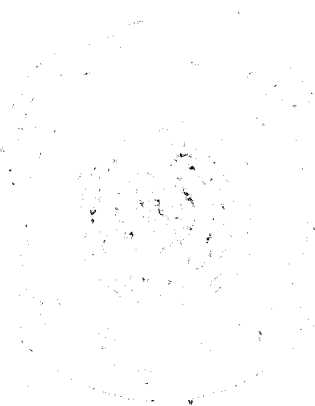
Thirty three Applicants who are working under the BSNL, in this OA filed U/s.19 of the Administrative Tribunals Act, 1985 seek to quash the seniority list of SDEs published under Annexure-A/14 dated 28-07-2008 with direction to the Respondents to prepare the same afresh showing the name of the Applicants above Respondent Nos. 3 to 10. They have also challenged the order under Annexure-A/16, giving promotion to the Respondent Nos. 3 to 10 to the next higher post, based on the said defective seniority list in Annexure-A/14 with further prayer

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to direct the Respondents to carry forward the unfilled competitive quota vacancies to the subsequent years and to count as the cumulative vacancy for the years in which promotion orders were issued, as directed by the Ernakulam Bench of the Tribunal in OA No. 1982 of 1995.

2. Respondents filed their counter opposing the stand of the Applicants. Applicants have also filed their rejoinder.

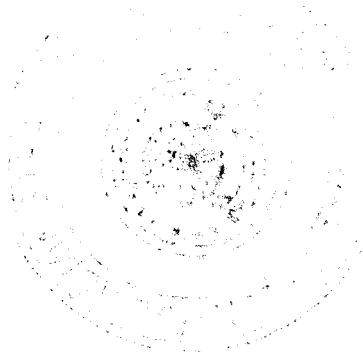
3. The matter has been fixed today for hearing and final disposal. In course of hearing by filing copy of the order dated 5<sup>th</sup> February, 2010 of the Ernakulam Bench of the Tribunal passed in OA No. 86 of 2009 it was brought to the notice of this Tribunal that seniority list at Annexure-A/14 as also promotions effected based on the said seniority list was under challenge before the Ernakulam Bench of the Tribunal in No. 86 of 2009. The Ernakulam Bench of the Tribunal in order dated 5<sup>th</sup> February, 2010 quashed the seniority list as also promotion effected based on the seniority list and in view of the said order there remains nothing further to be adjudicated in this OA. But it was fairly stated and brought to the notice of this Tribunal that seeking review of the said order, Review Application No. 29 of 2010 was filed by some of the aggrieved parties. The Ernakulam Bench of the Tribunal while admitting the Review Application, granted stay of the operation of



the order passed in OA No. 86 of 2009. No final decision has been taken on the said Review Application and the RA is still pending for consideration. In view of the above and as agreed to by Learned Counsel for both sides, this OA is disposed of with observation/direction that the decision of the RA No. 29 of 2010 pending in the Ernakulam Bench of the Tribunal shall also govern the fate of this case. There shall be no order as to costs.

Sd —  
Member (CS)

Sd —  
Member CA



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