

ITEM NO.5

COURT NO.10

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2011
CC 7537/2011

(From the judgement and order dated 17/11/2010 in CWP No. 9130/2009
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

DIRECTOR GEN.B.S.N.L.& ORS.

Petitioner(s)

VERSUS

CEN.ADMIN.TRIBUNAL BENCH CHANDIGARH &ORS

Respondent(s)

IA 1 (C/delay in filing SLP and office report)

Date: 11/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Aeltemesh Rein, Adv.
 Ms. Maheravish Rein, Adv.
 Mr. Aldanish Rein, Adv.
 Ms. Shamshravish Rein, Adv.

For Respondent(s) Mrs Rani Chhabra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

This petition filed by the Director General,
Bharat Sanchar Nigam Ltd., a Government of India
enterprise questioning the correctness of order dated
17.11.2010 passed by the Division Bench of the High
Court refusing to interfere with the interlocutory
orders passed by the Chandigarh Bench of the Central
Administrative Tribunal(for short, the Tribunal) cannot
but be described as a piece of frivolous litigation,
and the same deserves to be dismissed at the threshold
with costs.

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The respondents, who are working as daily
regular mazdoor in Ambala circle of Bharat Sanchar
Nigam Ltd., successfully passed the departmental
competitive examination conducted in 2007-2008 for
promotion to the post of Telecom Technical Assistant.
However, they were not allowed to undergo the training
which is an integral part of the promotional process.
This compelled the respondents to invoke the
jurisdiction of the Tribunal. By an interim order
dated 1.12.2008, which was reiterated on 15.12.2008,
the Tribunal directed the concerned authorities of the
Bharat Sanchar Nigam Limited to allow the respondents
to undergo the training which, as mentioned above, is
an integral part of the promotional process.

The second order was passed by the Tribunal
by taking note of the consent given by the learned

counsel appearing for the petitioners herein. This is evident from the following extracts of order dated 15.12.2008:

"In view of the aforesaid submissions respectively made by both the parties, nothing survives for further consideration in the matter involved in this O.A. Accordingly, the parties hereto have requested that the present O.A. be disposed of with the directions that the respondents will allow the applicants to undergo training which will hold good for their induction on promotion as TTA against vacancies available in their own respective SSA in due course of time and the applicants will not stake any claim for promotion to the vacancies arising in other SSA areas based on their training as above. The request is granted and it is directed accordingly. No order as to costs."

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The petitioners' challenged the orders of the Tribunal in writ petition No.9130 of 2009 which was dismissed by the High Court.

We have heard learned counsel for the petitioners and carefully perused the record. In our view, the Tribunal did not commit any error by issuing a direction that the respondents be allowed to undergo the training and the High Court rightly refused to interfere with those orders.

The special leave petition is accordingly dismissed.

For filing a frivolous petition like the present one, the petitioners are saddled with cost of Rs.50,000/- which shall be deposited with the Supreme Court Legal Services Committee within a period of one month from today. The petitioners shall be free to recover the amount of cost from the officer(s), who decided to file such frivolous petition before this Court.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master