

ITEM NO.3

COURT NO.9

SECTION XIV

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) No(s).4583/2012
(From the judgement and order dated 13/01/2012 in WP No.243/2012 of
The HIGH COURT OF DELHI AT N. DELHI)

B.S.N.L. & ORS.

Petitioner(s)

VERSUS

BSNL OFFICERS ASSN. (REGD) & ANR

Respondent(s)

(With appln(s) for permission to place addl. documents on record and
prayer for interim relief and office report)

Date: 20/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. R.D. Agrawala, Sr. Adv.
Mr. Pavan Kumar, Adv.
Mr. Rohit Chawla, Adv.

For Respondent(s) Mrs Rani Chhabra, Adv.
Ms. Kritika Sharma, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the parties at some
length. We do not see any reason to interfere with the
impugned order, especially, when the Principal Bench of the

Tribunal has in the present case arising out of O.A. No. 1282 of 2010 made it clear that the fate of the respondents herein, who were applicants before the Tribunal, would be dependent upon the result of the Writ Petitions filed by the petitioner - Corporation in the Kerala High Court. The Tribunal has further held that if said Writ Petitions are allowed, the petitioner - Corporation shall be free to withdraw the benefit given to the respondents herein. These observations, in our opinion, sufficiently protect the petitioner - Corporation against any prejudice. It goes without saying that in the light of the observations made by the Tribunal and those made by the High Court if the Writ Petitions filed by the petitioner - Corporation before the Kerala High Court are eventually allowed and the Judgment of the Ernakulam Bench of the Central Administrative Tribunal [CAT] is set aside, any benefit which the petitioner - Corporation may have extended to its employees pursuant to the said Judgment can be reversed not only qua those who are parties to the said case but also qua all such employees as have on the analogy of the said order obtained benefit from the petitioner - Corporation with or without intervention of the CAT or the High Court. It is common ground that pursuant to the order passed by the Ernakulam Bench of CAT the petitioner has already extended the benefit claimed by the applicants in that case. The CAT (Principal Bench) has on the analogy of that order, simply

directed a similar benefit to the respondents herein, subject to the condition mentioned above, which as mentioned earlier, sufficiently secures the interest of the petitioner - Corporation, hence calls for no interference from us. With these observations the Special Leave Petition fails and is accordingly dismissed.

(N.K. GOEL)
COURT MASTER

(VEENA KHERA)
COURT MASTER