

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 237/2002

This the 25th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman

Hon'ble Shri V.K. Majotra, Member (A)

1. Jagdish Singh
S/o Sh. Lala Ram
R/o Multan Nagar,
Meerut, U.P.
2. Nathu Singh s/o Sh. Sem Raj
R/o village Saini
Mawana Road, Meerut.
3. Mool Chand s/o Sodal Singh
371/500 New Govind Road, Kankar Khera,
Meerut
4. Sestu Khayali s/o B. Khayali
House No: 82 Manoranjan Park Saket
Meerut
5. Mool chand s/o Jayti Prasad
Subhash Nagar House No: 388 Gali No:2
Meerut.
6. Ramashrey s/o Sri Buchahan Pd.
371/24 New Gobind Puri,
K. Kheramt Cantt. Gali No:6
Meerut
7. Ram Avtar Sharma s/o Chander Sharma
H. No: 101/20 Rajender Nagar,
Meerut,
8. Rasheed Ahmed s/o Moda
R/o Shyam Nagar Gali No:2
Opposite Bhopal Kothi, Meerut

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9. Girdhari Lal s/o Buddhan Ram,
Mohalla 101 Ashok Puri, Kankarkhera,
Meerut Cantt.
 10. Kailash Chand s/o Ram Gopal
Colony, Meerut.
 11. Jai Prakash s/o Bhola Chander
Vill. Rava, P.O. Baleni
Distt. Meerut.
 12. Dev Narayan Mishra s/o Prem Narayan Misra
G.P.O. Compound House No: L2
Meerut Cantt.
 13. Mamchand s/o Horam Singh
111 Ashok Puri Kankarkhera Cantt
Meerut.
 14. Ramdas s/o Shri Munni Lal
R/o 391 New Govindpuri
Kankarkhera Meerut Cantt.
Meerut.
 15. Jagdish s/o Hoshiar Singh
Vill. Dayanpurji, Meerut.
 16. Jhunni Lal s/o Shri Juhara Lal
R/o 52 Maithania Kankarkhera
Meerut.
 17. Uma Shanker s/o Shri Chhatrapal
R/o C-371 New Govindpuri Kankar Khera
Meerut Cantt. Gali No:5 Near Neta Subash
Chandra Public School.
 18. Mathura Prasad s/o Shiv Shanker
House No: A/2 Pandav Nagar,
Meerut.
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19. Suresh Chand
s/o Ramnarayan
House No: 216 Jubilee Ganj Rajban Bazar
Meerut Cantt, Meerut.
20. Tikaram s/o Rosol Singh
vill. Palhara, Post Office Modipuram
Meerut.
21. Nahar Singh s/o Shri Pahunchi Lal
House No: 455 Mangalpuri,
Ram Nagar Kankarkhera,
Meerut.
22. Baleshwar s/o Shri Sagwasingh
House No: 334 Mall Road, Saini Nagar
Khatauli, Murad Nagar, Meerut.
23. Ram Kumar Parashar
S/o Late Shri Rameshwar Dayal
S-3 G.P.O. Compound
Meerut Cantt.

....Applicants

(By Advocate: Mrs. Rani Chhabra)
versus

1. Union of India,
Through Secretary,
Ministry of Communication
Department of Telecom Operations
Sanchar Bhawan, New Delhi.
2. Assistant Director General(TE)
Government of India,
Department of Telecom Operations
Sanchar Bhawan, New Delhi

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3. Chief General Manager,
Telecom Circle (West)
Dehradun U.P.

4. Distt. Manager Telecom
Meerut.

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-Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

Shri V.K. Majotra, Member (A)

The applicants, 23 in number, are working as linemen and seek absorption on the post of Telephone Mechanic/Phone Mechanic in terms of respondents' letter dated 5.9.2000 (Annexure A-3).

2. Learned counsel of the applicants stated that linemen who had completed 16 years of service are given benefit of OTBP (One Time Bound Promotion) and those who had completed 26 years of such service are given benefit of B.C.R. (Biennial Cadre Review). According to learned counsel of the applicants, respondents introduced a Scheme of restructuring of technical cadres in Group C&D in the Department of Telecom vide Annexure A-2 dated 16.10.90. As per this Scheme, the cadre of Phone Mechanic was to have a minimum educational qualification of 10th standard both for open recruitment and for departmental candidates. These applicants appeared in the screening test for the post of Phone Mechanic in the year 1999. Having been successful in this screening test, they completed their training during the year 2000. The learned counsel stated that after completion of training, the applicants should have been appointed on the

post of Phone Mechanics in the pay scale of Rs.4500-7000 but respondents have failed to do so till now. Learned counsel pleaded that applicants are entitled to absorption on the post of Telecom Mechanic/Phone Mechanic without even vacancies being available in terms of Annexure A-3 dated 5.9.2000. Learned counsel of the applicants pointed out that similarly placed persons in other circles have been absorbed as Phone Mechanics. The learned counsel has drawn our attention to Annexure RA-I dated 13/15.11.2000 whereby the General Manager Telecom District, Ghaziabad has issued orders appointing OTBP/BCR(SI/LIs) officials as Telecom Mechanics w.e.f. 13.11.2000 after their successful completion of training in the pay scale of Rs.4000-6000 and Rs.4500-7000 respectively. The learned counsel pointed out that whereas 78 officials have been appointed as such those from serial No. 7 to 30 and 31 to 78 have been working as Lineman and have been given the scale of Line Inspector after 16/26 years of service. Learned counsel has filed supporting affidavit of the applicant in this behalf.

3. Respondents have contested the claims of the applicants. Learned counsel of the respondents drew our attention to applicants' undated representation (Annexure A-4, colly) stating that whereas in the representation the applicants have sought benefit of circular dated 8.5.2000, in the present application they have claimed application of Circular dated 5.9.2000 to their case. As such, they have not made any representation to the respondents regarding benefits under

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circular dated 5.9.2000. He further pointed out that applicants' claim for benefit under circular dated 5.9.2000 is misconceived as the said circular is applicable to Line Inspectors (LIs) and Sub-Inspectors (SIs) only.

4. We have carefully gone through Annexure A-3 dated 5.9.2000. Indeed it relates to absorption of qualified LIs and SIs in the ~~restructured~~ cadre of Telecom Mechanics on "personal upgradation" basis. This circular does not deal with the demand of absorption of linemen in the cadre of Phone Mechanic in the pay scale of 975-25-1150-EB-50-1500.

5. However, respondents have not been able to explain satisfactorily how in other district such as Ghaziabad, as is established by Annexure RA-I, Linemen on completion of 16/26 years of service have been accorded the benefit of appointment as Telecom Mechanic having completed training in the pay scales of Rs.4000-6000 and Rs.4500-7000. It is an established law that similarly placed cannot be treated differently.

6. In the facts and circumstances of the case and having regard to the discussion made above, this OA is allowed and respondents are directed to consider the applicants for absorption in the restructured cadre of Telecom Mechanics on personal upgradation basis as effected in the case of similar candidates in Ghaziabad District as per Annexure RA-I. No costs.

V.K. Majotra
(V.K. Majotra)
Member (A)

V.S. Aggarwal
(V.S. Aggarwal)
Chairman