

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1754/2001

New Delhi this the 15th day of April, 2002

Hon'ble Smt. Lakshmi Swaminatha, Vice Chairman (J)
Hon'ble Shri M.P.Singh, Member (A)

Shri D.N.Sharma
Transmission Assistant
O/O the Sub Divisional
Engineer (T.P.),
Telephone Exchange, Mathura (UP)
Residential address :

6- Surya Nagar, Opposite FCI
Godown, Govardhan Road,
Post Office- Krishna Nagar,
Mathura-281004

(By Advocate Shri D.N.Sharma) ..Applicant

VERSUS

1. Union of India Through
the Secretary to the
Govt. of India, Ministry of
Communication (Dept. of
Telecommunication)
Sanchar Bhawan,
20 Ashoka Marg, New Delhi.
2. The Chairman,
Telecom. Commission,
Dept. of Telecommunication,
Sanchar Bhawan, 20 Ashoka Marg,
New Delhi.
3. The Chief General Manager Telecom.
(West), U.P.Circle, Dehradun (UP).
4. The Telecom. District Manager,
Civil Lines, Mathura (UP).
5. Shri R.M. Dhabai, Junior Telecom
Officer, O/O Chief General Manager,
(West), Dehradun (UP).
6. Shri Arvind Kumar,
Junior Telecom. Officer,
O/O the Chief General Manager
Telecom. (West), Dehradun (UP).

(By Advocate Shri R.P.Agarwal) ..Respondents

(B)

O R D E R (ORAL.)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

This OA was originally filed by the applicant in the Tribunal (Allahabad Bench) and later transferred to the Principal Bench by order dated 4.6.2001.

2. This application has been filed by the applicant in which he has prayed that he may be given promotion as Junior Telecom.Officer (JTO) under the Cadre Restructuring Scheme, 1994, for which, according to him, he was fully qualified and eligible from the date one Shri Arvind Kumar /Respondent No.7 was appointed as JTO in November, 1995.

3. We have heard Shri D.N.Sharma, learned counsel for the applicant and Shri R.P.Agarwal, learned counsel for the respondents and perused the pleadings and relevant documents on record.

4. Under the Restructuring Scheme issued by the respondents dated 18.4.1994 (Annexure A-5) it was provided, inter-alia, that 35 % quota earmarked for Phone Inspectors (PIs), AEAs, WOs and Transmission Assistants(TAs) to which cadre the applicant belongs in the recruitment of JTOs will be filled as under:-

" a) The PIs/AEAs/WOs/TAs who hold qualifications prescribed for outsiders for recruitment to the cadre of JTOs and have completed five years regular service in the cadre of PIs/AEAs/WOs/TAs would be treated as a walk-in group and would be sent for JTOs training.

b) The remaining vacancies will be filled by the PIs/AEAs/WOs/TAs through a qualifying examination irrespective of their length of service".

Yours

(6A)

The applicant has, therefore, claimed that he is entitled for the aforesaid benefits under the Scheme of cadre restructuring contained in Sub Para(a) of the letter dated 18.4.1994, as he fulfills the prescribed qualifications in the Recruitment Rules (RRs) for direct recruit Officer to the cadre of JTO. This averment has been disputed by the respondents.

5. Column 8 of the relevant Recruitment Rules for the post of Junior Telecom Officer, 1990 gives the educational and other qualifications required for direct recruitment, which is reproduced below:-

"Bachelor of Engineering/Bachelor of Technology from a recognised University in any one of the following disciplines:-

- i) Mechanical Engineering,
- ii) Electrical Engineering,
- iii) Telecommunication Engineering,
- iv) Electronics,
- v) Radio Engineering,
- vi) Computer Sciences,

OR

Bachelor of Science or Bachelor of Science (Hons.) in Physics and Mathematics as Main/Elective/ Subsidiary / optional additional subjects with at least 60 % marks in aggregate obtained in the examination of the recognised University."

6. The respondents have stated in their additional affidavit filed on 9.11.2001 that the applicant did not have the requisite qualifications as prescribed under the rules. The applicant has also filed rejoinder on 1.4.2002 in which he

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has stated that he has the qualification of " Bachelor of Science with Physics and Mathematics as main subjects (IInd Div.) with 48.89 % marks in the aggregate and M.Sc.(Mathematics) in Ist Division with 61.63 % marks in the aggregate". Learned counsel for the applicant has, therefore, contended that the applicant was eligible for walk-in for the post of JTO under the aforesaid Restructuring Scheme of 1994.

7. On a perusal of the applicant's own contention in the rejoinder, it is clear that the applicant did not have "at least 60 % marks in aggregate" in Bachelor of Science or Bachelor of Science (Hons.) in Physics and Mathematics as he has frankly admitted that he has only obtained 48.89 % marks in the aggregate, although he has thereafter done M.Sc (Mathematics) and obtained Ist Division. Therefore, we do not find any merit in the submissions made by the learned counsel for the applicant that the applicant has fulfilled the required educational qualifications as prescribed under the Recruitment Rules of 1990 for direct recruitment to the post of JTO which entitles him to walk-in facility made available to such candidates under the Restructuring Scheme of 1994. In this view of the matter, the claim of the applicant for being appointed as JTO in November, 1995 in pursuance of the Cadre Restructuring Scheme of 1994 even if he is not qualified for direct recruitment as JTO under the relevant Recruitment Rules fails and has to be dismissed. The judgement of the Madhya

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Pradesh High Court in Kamlesh Chaubey Vs. Municipal Corporation, Sagar (1992(2) CSJ (HC) 29 (DB) relied upon by the applicant will not assist him in the present case.

8. In the result, for the reasons given above, the OA fails and dismissed. No order as to costs.



(M.P.Singh)
Member (A)

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(Smt.Lakshmi Swaminathan)
Vice Chairmann (J)