

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.3144/2001

Wednesday, this the 12th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Shri Bhim Singh,
S/o Late Sh. Nag Chand,
R/o J-1, Type-III,
Sanchar Vihar Colony,
Indra Nagar, Dehradun
Utranchal
2. Manmohan Singh
S/o Sh. A.S. Chauhan,
R/o J-2, Type-III,
Sanchar Vihar Colony,
Indra Nagar, Dehradun
Utranchal
3. Sh. Swaraj Singh
S/o Sh. T.S. Chauhan,
R/o T-3/8, Satellite Earth Stn.
Sikandrabad, Balandshahar (UP)
4. Shri R.K. Chauhan,
S/o Shri K.S. Chauhan
R/o T-3/7, Satellite Earth Stn.,
Sikandrabad, Balandshahar (UP)
5. Sh. Shoorbir Singh,
S/o Sh. Khazan Singh,
C/o Sh. Shyam Singh,
7, Vyomprasth, G.M.S. Road,
Kanwali, Dehradun,
Utranchal
6. Sh. Kushal Singh
C/o Sh. Nandan Singh Rana,
Vill. Devoli Bagad,
P.O. Sonala,
Distt. Chamoli,
(Utranchal)
7. Smt. Pushpa Pangti,
W/o Sh. Tribhuwan Pangti,
R/o 5/24, Juhar Nagar,
Bhotia Padav, Haldwani
Utranchal
8. Sh. Rajesh Fonia,
C/o Sh. Ashish Dhimri,
Bhahuguna Nagar,
Badrinath Road,
Karanprayag, Utranchal
9. Sh. Bhagat Ram,
C/o Sh. R.K. Maheshwari,
H.No. 505, New Colony, Awas Vikas,
Saharanpur (UP)

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10. Shri Lal Singh,
S/o Shri Singh,
R/o Telephone Exchange Colony,
Meena Bazar, Lohaghat,
Distt. Champawat, Utranchal
11. Sh. Balwant Singh Negi,
S/o Shri Negi,
R/o Telephone Exchange Colony,
Bageshwar, Distt. Bageshwar,
Utranchal
12. Shri Vivek Kumar,
S/o Shri Kumar,
R/o Telephone Exchange Colony,
Near Telephone Exchange,
Jagnath, Almora, Distt. Almora,
Utranchal

.... Applicants

(By Advocate: Shri S.K.Singh)

Versus

1. Government of India,
Ministry of Communications
Department of Telecommunication
Through its Secretary
Sanchar Bhawan, 20,
Ashok Road, New Delhi-110001
2. Department of Telecommunication,
Through the Chief General Manager Telephones,
Northern Telecom Region,
B.S.N.L., Kidwai Bhawan,
New Delhi - 110 001
3. Bharat Sanchar Nigam Limited,
Office of C.G.M.T.U.P. (W)
Through the A.G.M. (S-I),
Telecom Circle, Windlass Complex,
Rajpur Road, Dehradun (UP)
4. The Office of the C.G.M.T.
U.P. (E) Circle,
B.S.N.L. through the A.G.M. (Staff)
PMG Compound, Hajratganj,
Lucknow (UP)

.. Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.I. Rizvi:

Heard the learned counsel appearing on behalf of the applicants.

2. Twelve persons, all belonging to SC community, and all Junior Telecom Officers (JTOs) are before us in this

OA challenging the JTO's seniority list issued by the respondent-authority on 20.9.2001 (page 25 of the paper book). They ~~had~~ appeared in the competitive examination held on 27.1.1996 in response to the advertisement earlier issued in December, 1995 for filling up of 17 SC vacancies. The result of selection was announced on 28.2.1996 and the applicants were subsequently appointed as JTOs from July, 1996 to November, 1996.

3. Earlier in October, 1995, another advertisement had been issued for filling up of 172 vacancies, the examination for which was eventually held in July, 1996 and results thereof declared in February, 1997. The successful candidates ^{& from this examination} were appointed as JTOs in the period from November, 1997 to January, 1998.

4. ~~The~~ third advertisement for filling up of 42 posts of JTOs was issued on 22.2.1996, the examination for which was eventually held in July, 1996 and results declared in March, 1997. The successful candidates from this examination were appointed in the period from November, 1997 to January, 1998.

5. Based on the aforesaid appointments made from time to time, the respondents have drawn up a seniority list which is under challenge. In the aforesaid seniority list, the successful candidates from October, 1995 and February, 1996 advertisements have been allotted 1994 as their year of recruitment. The applicants have, ^{& been} on other hand, given 1995 as the year of their

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recruitment. This, according to the learned counsel appearing on behalf of the applicants, is patently unjust and unfair as the applicants passed out in the earliest examination and were selected as well as appointed before the above-mentioned candidates belonging to October, 1995 and February, 1996 advertisements. In support of his contention, the learned counsel has placed reliance on the judgement rendered by this very Bench on 24.1.2001 in OA-1557/2000. The facts and circumstances in the aforesaid OA were similar to the facts and the circumstances of the present case. Insofar as the same is relevant for our purpose in this case, we reproduce below the following portion from the aforesaid judgement:-

"7.... The fact before us that the applicant who were selected and appointed earlier in point of time are being considered junior to those selected and appointed later. This according to us is repugnant to the elementary sense of justice. We would, therefore, like to interpret the aforesaid provision so that the applicants who were, as stated, selected and appointed earlier are considered for being placed in the earlier recruitment years compared to others selected and appointed later. If that is done, the applicants will inevitably have to be placed in the recruitment year 1993 and others in the same recruitment year or in subsequent recruitment years depending on the number of vacancies pertaining to 1993 or subsequent years. the basic reason that has weighed with us is that the number of vacancies of several years being available all at one time, it is not open to the respondents first to recruit persons in respect of vacancies of later years and thereafter to recruit persons for vacancies relating to earlier years. However, that is what they (respondents) have succeeded in doing and we fail to appreciate the unjust outcome thereof...."

The learned counsel submits that the present OA needs to be considered in the light of the observations reproduced above.

6. Aggrieved by the impugned seniority list, one of the applicants ~~has~~ filed a detailed representation on 9.10.2001 (Annexure A-8) seeking review of the seniority list under challenge. To this there has been no response so far. In these circumstances, we find that the ends of justice will be duly met in the present case by directing the respondents at this very stage even without issuing notices to consider the aforesaid representation together with such other representations as might have been received from the applicants and pass appropriate orders thereon expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. While considering the matter as above, the respondents will no doubt take into account the observations contained in this order as well as in the order passed by this Tribunal in OA-1557/2000. We direct accordingly.

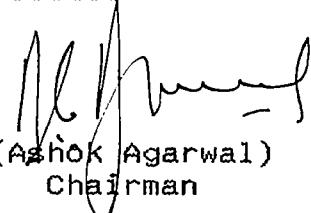
7. We further direct the respondents ~~to~~ not to proceed with promotions to the post of TES group "B" ^{& taken with others} until the aforesaid representation dated 9.10.2001, has been disposed of and for a period of one month thereafter.

8. The present OA is disposed of in the aforeslated terms at the admission stage itself. No costs.


(S.A.T. Rizvi)

Member (A)

/sunil/


(Ashok Agarwal)

Chairman