

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1. OA No. 193/99

New Delhi: this the 19th day of August, 1999

6

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SUMATHAN, MEMBER (C)

1. Diploma Engineers Telecom. Association (I),
through its General Secretary,
Shri P.C. Saraswat,
S/o Shri S.C. Saraswat,
R/o E-8, Press Place,
New Delhi.

2. Om Prakash, TTA,
Vice President, Association (I),
S/o Shri Pyare Lal,
O/O SDE (FRS) Jor Bagh,
New Delhi

.... Applicants.

(By Advocate: Mrs. Rani Chhabra)

Versus

1. UOI
through its Secretary,
Ministry of communications,
Deptt. of Telecommunications,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

2. The Chairman,
Telecommunication Department,
Govt. of India,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

3. The Director (Staff II),
Telecommunications Department,
Ministry of Communications,
Govt. of India,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

(By advocate: Shri H.K. Gangwani for pvt. respondents.
Shri VSR Krishna for official respondents)

2). O.A.No. 580/99 ✓

Bhartiya Telephone Employees Union
Class III,

T-15, Atul Grove Road,
New Delhi.

through its General Secretary Shri K. Radha
Krishnan.

2. Anil Kumar Tiwari, TTA,
T-15, Atul Grove Road,
New Delhi

.... Applicants.

(By Advocate: Mrs. Rani Chhabra)

Versus

1. Union of India,
through its
Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

2. The Chairman,
Telecommunication Department,
Govt. of India,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

3. The Director (Staff II),
Telecommunications Department,
Ministry of communications,
Govt. of India,
Sanchar Bhawan,
Ashoka Road,
New Delhi.

4. Assistant Director General (ST-C),
Ministry of Communications,
Department of Telecommunications,
20 Ashoka Road, Sanchar Bhawan,
New Delhi

.... Respondents.

(By Advocate: Shri V.S.P. Krishna for official
respondents. Shri M.K. Gangwani for
pvt. respondents.)

A

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

O.A.No.193/99

Applicants (Diploma Engineers Telecommunication Association and another) seek a direction to respondents to permit them to appear in the screening test under 35% quota for promotion as JTDs.

2. Applicants admit in para 4.17 of O.A.No.193/99 that all of them were appointed as Technicians in 1982-83 and were appointed as TTAs in 1995 and onwards. The question for adjudication is whether such Technicians who were appointed as TTAs can be permitted to count their service as Technicians to make them eligible to appear in the screening test under the 35% promotion/transfer quota for recruitment to the post of JTD.

3. As per JTD Recruitment Rules, 1996 (Annexure-A1) notified on 8.2.96 under Article 309 of the Constitution, 50% vacancies are to be filled by direct recruitment, and 50% by promotion/transfer of departmental candidates. Of this 50% promotion/transfer quota, 15% is to be filled by promotion of departmental candidates and 35% by promotion/transfer of Transmission Assistants/Wireless Operators/Auto Exchange Assistants/Phone Inspectors/Telecom. Technical Assistants from amongst.

- i) Phone Inspectors/Auto Exchange Assistants/Transmission Assistants/Wireless Operators who possess the qualification prescribed in Col.8 and have completed 5 years regular service in the cadre of Phone Inspector/Auto Exchange Assistants/Transmission Assistant/Wireless operators.
- ii) Phone Inspector/Auto Exchange Assistant/Wireless Operators/Transmission Assistant/

9

Telecom. Tech. Assistants who possess High School/ Matric qualification and have completed 6 years of service, through a qualifying screening test, unless he has already passed such tests

4. Respondents have denied applicants' admission in the screening test on the ground that those with High School/Matric qualifications such as applicants, under (ii) above require a minimum of 6 years' regular service as PI/AEA/WD/TA/TTA before they can be summoned for the screening test, just as in (i) above those P.I/AEA/TA/WD with BE/B.Tech./B.Sc (Maths & Physics) qualification and with minimum of 5 years' regular service in the cadre of PI/AEA/TA/WD are eligible for promotion under the 35% quota.

5. It is difficult to accept this argument of respondents. The JTO Recruitment Rules, 1996 have been issued in accordance with Article 309 of the Constitution and we have to go by the words used in the rules. While (i) above does talk of PI/AEA/TA/WD who possess the qualification of BE/ B.Tech./B.Sc and who have completed 5 years regular service in the cadre of PI/AEA/TA/WD (emphasis supplied) being eligible under the 35% promotion/transfer quota, (ii) above, makes PI/AEA/WD/TA/TTA having matric/ High School qualification with a minimum of six years regular service eligible ^{being} for ~~being~~ called for qualifying screening test under the 35% promotion/transfer quota. Under (ii) above there is nothing that requires such PI/AEA/WD/TA/TTA who possess High School/Matric qualification to have put in a minimum of 6 years' regular service as PI/AEA/WD/TA/TTA (emphasis supplied) before they acquire eligibility to be called for qualifying screening test.

2

10

As per (ii) above, it is sufficient if the PI/AEA/TA/WD/TTA who possess the High School/Matric qualification to have completed 6 years' regular service (which may not necessarily be a P.I/AEA/WD/TA/TTA) to be called for the qualifying screening test.

6. Respondents have relied upon the CAT, P.B. order dated 9.1.98 in OA No.1820/97 Bachi Singh Vs. UI & Ors., but that order does not assist them because in para 9 of the aforesaid order, it has been clearly stated that (ii) above does not say 6 years of regular service in the respective cadres. In any case that order has been stayed by the Delhi High Court vide its order dated 4.3.98 in CWP No.1071/98.

7. Further by the CAT Hyderabad Bench order dated 19.3.99 disposing of OA No.1754/98 S. Raja Babu & Ors. Vs. UI & Ors. and connected OAs it has been held that the length of service as ^{as} far as those applicants who claimed to be TTAs were concerned, was not to be confined to the period of service put in by them individually in the cadre of TTA, but their collective length of service in other cadres such as PI/AEA/TA/WD & others eligible cadres would also have to be taken into consideration. Nothing has been shown to us to establish that the aforesaid order dated 19.3.99 has been stayed, modified or set aside.

8. In the result, this OA is disposed of with a direction to respondents to call such of those applicants for the qualifying screening test who are TTAs with High School/Matric qualification and who have completed 6 years' regular service, which may not necessarily be

2

as PI/AEA/WD/TA/TTA. No costs.

O.A.No.580/99

9. In this OA filed by Bhartiya Telephone Employees Union Class III and others, the relief claimed is the same as claimed in OA No.193/99 and the facts are also similar.

10. Under the circumstance, the orders passed in OA No.193/99 will also cover this OA No.580/99.

11. Let copies of this order be placed on each of the OAs' case records.

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

(S.R. ADIGE)
VICE CHAIRMAN (A).

Attested copy.

/ug/

Prakash
Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi-110001