

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) OA No. 2204/98

AND

2) OA No. 2522/98

New Delhi: this the 6th day of December, 2000.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. OA No. 2204/98

1. L L MISHRA
S/o Shri Ram Lochan
O/o SDE (FRS) Telephone Exchange
Karol Bagh, New Delhi-110005.
2. P S Verma
S/o Shri Shakti Singh
Sr. TOA-8551)
O/o SDE (FRS) Telephone Exchange
Karol Bagh, New Delhi-110005.
3. Mahmood Ali
S/o Shri Dost Mohammed
Dilshad Garden Telephone Exchange
Shahdara North, Delhi-110095.
4. Hari Kishan
S/o J L Sharma
Sr. TOA (P) (TO.9842)
O/o SDE (FRS) Telephone Exchange
Vivek Vihar, Delhi.
5. Jeet Pal
S/o Ram Singh
O/o CO Dilshan Garden Telephone Exchange
Shahdara North, Delhi.
6. Ashok Kumar
S/o Shri Jayanti Prasad
O/o SDE (SPC) Telephone Exchange
Karol Bagh, New Delhi-110005.
7. Kailash Nath Pathak
S/o Shri Lal Bahadur Pathak
Sr. TOA, O/o SDE FRS II
Telephone Exchange
Karol Bagh, New Delhi.

8. Satyendra Kumar Sharma
S/o Shri Ram Kumar Sharma
Sr. TOA, O/o SDE FRS II
Telephone Exchange
Karol Bagh, New Delhi.
9. Bishambar Singh (ST)
S/o Shri Phool Singh
Sr. TOA, O/o SDE FRS II
Telephone Exchange
Karol Bagh, New Delhi.
10. Banay Singh Meena (ST)
S/o Shri Ghisha Ram
TO, O/o SDE MRC
Telephone Exchange
Karol Bagh, New Delhi.
11. B R Meena (ST)
S/o Shri Saran Ram Meena
TO, O/o SDE FRS I
Telephone Exchange
Karol Bagh, New Delhi.
12. Ram Swaroop Meena (ST)
S/o Shri Kanyaiya Lal Meena
Sr. TOA, O/o SDE
Telephone Exchange
Nazafgarh, New Delhi.
13. Laxman Dass Meena (ST)
S/o Ram Swaroop Meena
Sr. TOA, O/o SDE FRS
Telephone Exchange
Rajouri Garden, New Delhi.
14. Harlall Meena (ST)
S/o Shri Ranajee Lal Meena
Sr. TOA, O/o SDE FRS
Telephone Exchange
Nehru Place, New Delhi.
15. Ved Prakash
S/o Lal Chand
Sr. TOA, O/o SDE FRS
Telephone Exchange
Nazafgarh, New Delhi.

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16. D D Tyagi (TO)
S/o Raghuvir Tyagi
O/o SDE(XMIII) Telephone Exchange
Karol Bagh, New Delhi-110005.

APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS

THROUGH

1. The Secretary
M/o Communications
Dept. of Telecommunications
Government of India
Sanchar Bhavan, New Delhi.
2. The Chairman Telecommunications
Government of India
Sanchar Bhavan
New Delhi.
3. The Director (DE & VP)
Government of India
M/o Communications
Dak Tar Bhavan,
Sansad Marg, New Delhi.
4. The Asstt. General Manager (R&E)
Dept. of Telecommunications
Northern Region
Room No.266, Kidwai Bhavan
New Delhi.

RESPONDENTS

(14)

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2) DA No. 2522/98

1. DEO NATH TIWARI (TM OPR)
S/o Shri G D TIWARI
DTO CHANAKYA PURI
New Delhi.
2. SHER SINGH (SR. TOA)(T)
S/o Shri CHETRAM SINGH
CTO EKBC CONCENTRATOR
NEW DELHI.
3. SATYA PRAKASH VERMA (SR.TOA)(T)
S/o Shri RAM JANAM RAM
CTO, NEW DELHI
4. KRISHAN BEHARI LAL (T.S.) (S/C)
S/o Shri RAM PRASAD
CTO SDE (ELECTRICAL II)
NEW DELHI.
5. GIRISH CHANDER (SR. TOA) (T) (S/C)
S/o Shri ITWARI LAL
CTO, NEW DELHI.
6. MEWA LAL YADAV (SR. TOA) (TG)
S/o Late Shri SARAN YADAV
CTO, NEW DELHI.
7. AYAZ AHMED KHAN (TM OPR)
S/o Shri NISAR AHMED KHAN
DTO, LODHI ROAD
NEW DELHI.
8. TILAK RAJ (SR. TOA) (T) S/T
S/o Shri MATHURA PRASAD
DTO LODHI ROAD
NEW DELHI.
9. BETKA SOREN (TM OPR) (ST)
S/o Shri PRADHAN SOREN
DTO MALVIYA NAGAR
NEW DELHI.

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10. VIRENDRA SINGH (DS) (SR TOA) (T)
S/o Shri DARYAO SINGH
DTO DELHI,
DELHI.
11. ANIL KUMAR VERMA (CS/TL)
S/o Shri DURGA PRAKASH VERMA
DTO SHAHDARA
DELHI.
12. SATYENDER KUMAR (SR. TOA) (P)
S/o Shri ZABAR SINGH
AOTR-3, WEST-I
MTNL JANAKPURI
NEW DELHI.
13. SMT. SURANCHAL
W/O Shri PAWAN KUMAR
CTO, NEW DELHI.
14. RAJ DEO RAM (TM) (OPT) (S/C)
S/o Late K P RAM
CTO, NEW DELHI.
15. RAJENDER BABU (TM OPT) (S/C)
S/o Shri MANI RAM
CTO NEW DELHI.
16. CHARAN SINGH (CSTL) (S/C)
S/o Shri Nathu Ram
CTO, NEW DELHI.
17. KRISHAN KANT CHOUDHARY (C/S TL)
S/o Shri BHABHIKHAN CHOUDHARY
CTO NEW DELHI.

APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS

Contd....

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THROUGH

1. The Secretary
M/o Communications
Dept. of Telecommunications
Government of India
Sanchar Bhavan,
New Delhi-110001.
2. The Chairman
Dept. of Telecommunications
Government of India
Sanchar Bhavan
New Delhi-110001.
3. The Director (DE & VP)
Government of India
M/o Communications
Dak Tar Bhavan,
Sansad Marg,
New Delhi-110001.
4. The Asstt. General Manager (R&E)
Dept. of Telecommunications
Northern Region
Room No.266, Kidwai Bhavan
New Delhi-110001.

RESPONDENTS

Advocates: Shri H.K.Gangwani for applicants.
Shri Gajender Giri for respondents.

ORDER

S.R.Adiga, VC(A):

As both OAs involve common questions of law and fact, they are being disposed of by this common order.

2. As per JTO Recruitment Rules, 1990, posts of JTO are to be filled in accordance with prescribed quota, which is

i) 50% by direct recruitment.

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- (18)
- ii) 35% by dept. Screening Test.
 - iii) 15% by departmental competitive exam.

3. In 1993, 88 vacancies and in 1994, 76 vacancies i.e. 164 vacancies became available in 15% departmental exam. quota. The Departmental Competitive Exam. for filling up these 164 vacancies was held on 10/11.2.96 in which none could qualify as per prescribed minimum percentage, namely 40% marks and 33% marks in each subject for OC category and SC/ST category respectively. Thereafter on representations of individuals/Employees Union a conscious decision was taken by respondents on 5.6.97 to relax the qualifying standard as a one time measure only i.e. 30% for OC and 20% for SC/ST categories in aggregate, thereby giving equal weightage to all subjects.

4. Applicants in the two OAs now seek even further relaxation. On their behalf, it has been contended that the relaxation to 30% for OC and 20% for SC/ST categories in aggregate has resulted in some candidate getting extremely low marks in essential subjects such as mathematics etc. also qualifying in the examination on the strength of the marks obtained by them in what are termed non-essential subjects, which, it is contended, is arbitrary.

5. The question whether the relaxation is to be given in aggregate marks or in selected subjects

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is a matter for the executive authorities to decide, and cannot be the subject of judicial review. Applicants have no enforceable legal right to compel respondents to grant relaxation of marks.

6. The OAs are therefore dismissed. No costs.

7. Let a copy of this order be placed in both OA records.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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