

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2495/1998

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New Delhi this the 1st day of March, 2001.

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

Hon'ble Shri Govindan S. Tampi, Member (A)

1. Mahmood Ali and Others
S/O Sh. Dost Mohammad
Sr. TOA (P), O/O SDE (FRS) - II,
Shahdara, Delhi - 110095.

2. Dharamvir Singh,
S/o Prahlad Singh
Sr. TOA (P) O/O DTO Shahdara,
Delhi.

3. Satya Prakash Verma,
S/o Ram Janam Ram, CTO, New Delhi.

4. Rampal Singh Rahela,
S/O Sadhu Ram Rehala TO, O/O
SHD (North) Dilshad Garden Tel.
Exchange, Delhi.

5. Manjeet Kumar Parashar
S/O Chander Mukhi, TTA TA-471

6. Ashok Kumar Sainy,
S/O I.D. Sainy,
TTA, TA-447, O/O DEC (ETOB),
Janakpuri, New Delhi.

7. Chander Bhan,
S/O Bhola Singh
TTAS, TA-430, O/O DEE (ETOB),
Janakpuri, New Delhi.

8. Irshad Ali Siddiqui,
S/O Nawab Ali,
Sr. TOA, O/O SDE (Record),
Tis Hazari Tel. Exch., Delhi.

9. Deepak Kumar,
S/O Satendra Pal,
TTA, TA 499, O/O DE AXE-10
S/R Nehru Place, New Delhi.

10. Chandra Bhan
S/O Ram Krishna,
TTA, TA-468 O/O SDE (PIR&A)
Janakpuri, New Delhi.

11. Om Shiv Sharma,
S/O Prem Prakash Sharma,
O/O SDE (FRS), Tis Hazari Exch.,
Delhi.

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12. Kunwar Pal Singh,
S/O Sh.Ram Pal Singh,
Sr.TOA, To-9486 O/O SDE (FRS),
SPC, Tis Hazari Tel.Exch.Delhi.

13. Anil Kumar Koul
S/O Sham Lal Kaul,
Sr.TOA, O/O SDE(Record FRS)
MTNL, Nehru Place, New Delhi.

14. V.K.Singh,
S/O Shok Naran Singh,
Sr.TOA-10235 O/O SDE (FRS)
Nehru Place, Tel.Exch.New Delhi.

15. Dharam Dev Prasad Gupta
S/O Y.P.Gupta,
O/O SDE(OCB-D), Janakpuri
Tel.Exch.New Deli.

16. Shitala Prasad Rai,
S/O R.D.Rai, CO(East), Godavari
Complex, Sector-37, NOIDA, G.B.Nagar.

(By Advocate Sh.H.K.Gangwani)

...Applicants

VERSUS

Union of India and others through

1. The Chairman,
M/O Telecommunications,
Dept.of Telecommunications,
Govt.of India, Sanchar Bhawan,
Ashok Road, New Delhi.

2. The Secretary,
M/O Telecommunications,
Dept.of Telecommunications,
Govt.of India, Sanchar Bhawan,
Ashok Road, New Delhi.

3. The Assistant Director General(STC),
M/O Communications, Department of
Telecommunications, Govt.of India,
Dak Tar Bhawan, Sansad Marg, New Delhi.

...Respondents

(None for the respondents)

ORDER (ORAL)

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

The applicants are aggrieved by the letter issued by the respondents dated 6.11.1998 which refers to the notice issued on their behalf by the learned

counsel regarding non-extension of certain facilities to them by way of 'walk in' pre-motional training for the post of Junior Telecommunication Officers (JTOs).

2. None has appeared for the respondents even on the second call. In the circumstances we have perused the pleadings and heard Shri H.K.Gangwani, learned counsel for the applicants. He has pointed out that in the detailed notice sent by him on behalf of the Applicants on 27.8.1998, a number of points have been raised by them. One of the points was that by Circular dated 18.4.1994, the respondents had already issued Circular by which PTs/ AEAs/ WOs/ TAs who possessed the requisite educational qualifications for JTOs were sent for JTO training without holding any examination. His main contention is that as this practice, according to him, has been continued after the relevant Recruitment Rules (RRs) were notified in 1994, there is no reason why T0s/ Sr.T0As/ Technicians/ TOA/TTAs, like the applicants in the present application, who possess B.Sc.degrees with 15-20 years experience in the Department should not also be given the 'walk in' facility for pre-motional training for JTOs. Learned counsel has specifically drawn our attention to the fact that the reply filed by the respondents is incomplete to the extent that there is no reply to the averments made in Paragraphs 4.4 to 4.10 which has also been mentioned in his rejoinder. He has, therefore, submitted that the respondents have nowhere considered the claim of the applicants for being given similar facilities as being given to other groups who have been given 'walk in'

facilities for promotion to the posts of JTOs and the reasoning given in the impugned order dated 6.11.1998 is also illegal as there is no justification to discriminate between these groups.

3. The above averments of the learned counsel for the applicants on the facts and, in particular, that the reply given by the respondents is incomplete are correct. None has also appeared on behalf of the respondents and this OA has been filed as far back as 1998. The rejoinder to the O.A. has been filed by the applicants on 8.4.1999 and in spite of pointing out the aforesaid lacunae in the reply, nothing has been done further by the respondents. Learned counsel for the applicants has also prayed that the respondents may be directed to give a personal hearing to the representative of the applicants, so that the case can be further explained.

4. In the facts and circumstances of the case, we have no alternative but to dispose of the OA with the following directions:-

(i) The respondents to consider the claim of the applicants for being extended the facility of 'walk-in' for pre-motional training to the higher posts of JTOs, as granted to other similar categories of staff and pass a speaking and reasoned order. If necessary they shall constitute a Committee to consider the matter, as has been done in 1994. They shall also give a personal hearing to one

nominee of the applicants, after giving him notice and reasonable opportunity to put forward their case.

(ii) The respondents shall comply with the above directions within a period of four months from the date of receipt of a copy of this order.

iii) No order as to costs.

(Govindan S. Tampli)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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