

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

- 1) O.A. NO.2086/1996
2) O.A. NO.2087/1996

New Delhi this the 10th day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1) O.A. NO.2086/1996

Suresh Kumar Tyagi S/O Satya Pal Tyagi,
Technician, Telephone Exchange,
Nai Mandi,
Muzaffar Nagar (UP).

... Applicant

(None for the applicant.)

2) O.A. NO.2087/1996

Santosh Kumar Varshney
S/O Salig Ram Gupta,
Technician (S/R),
Office of S.D.E. Phones,
Aligarh (UP).

... Applicant

(None for the applicant)

-Versus-

1. Union of India through
Secretary, Ministry of
Communications, Deptt. of Telecom,
Sanchar Bhawan, Ashoka Road,
New Delhi-110001.
2. Chief General Manager Telecom,
U.P. Circle (West),
Dehradun (UP).

... Respondents
in both OAs

(None present for respondents)

O R D E R (ORAL)

Shri V.K.Majotra, AM :-

Whereas applicant in O.A. No.2086/1996, Shri Suresh Kumar Tyagi, was appointed as a Technician in the Telecommunications Department on 23.12.1984, applicant in O.A. No.2087/1997, Shri Santosh Kumar Varshney, was so appointed on 1.8.1985. Both the

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applicants hold B.Sc. degree with physics and mathematics. On the basis of the recommendations of a committee which was set up to examine the various issues relating to the scheme of each restructuring/biennial cadre review, the Telecom Commission earmarked 35% quota for promotion of Phone Inspectors/Auto Equipment Assistants/Wireless Operators/Transmission Assistants/Telecom Technical Assistants (for short, PIs/AEAs/WOs/TAs/TTAs) in the cadre of Junior Telecom Officers (for short, JTOs). The PIs/AEAs/WOs/TAs/TTAs who hold qualifications prescribed for outsider for recruitment to the cadre of JTOs and have completed five years' regular service in the cadre of PIs/AEAs/WOs/ TAs/TTAs are to be treated as walk-in-group. The remaining vacancies are to be filled by PIs/AEAs/WOs/ TAs/TTAs through a qualifying examination irrespective of their length of service.

2. After introduction of new technical cadres in Groups 'C' & 'D', the Department of Telecom has introduced new restricted cadre of Telecom Technical Assistants (TTAs) in place of Technicians. The then existing cadres of Lineman, Wireman, Cable Splicers, Technicians, Transmission Assistants, Wireless Operators, Auto Exchange Assistants and Phone Inspectors, were declared as wasting or dying cadres by orders dated 16.10.1996 (Annexure-C).

3. The applicants have assailed the respondent's orders dated 18.4.1994 and 13.12.1994 whereby the quota for filling the posts of JTOs was ordered to be filled up from PIs/AEAs/WOs/TAs through qualifying screening examination irrespective of their

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length of service. Through the same order, the aforesaid cadres of PIs/AEAs/WOs/TAs holding the qualification prescribed for the outsiders for recruitment to the cadre of JTOs and who have completed five years' regular service in the said cadres have been ordered to be treated as walk-in-group and to be sent for JTOs training. The applicants are aggrieved that though they have the same qualifications, they are not made eligible as walk-in-group in the cadre of JTOs. Applicants' representations have been rejected by the respondents vide orders dated 14.5.1996 stating that, "Only PI/RSA/WO/AEA cadre are eligible for consideration in WALK-IN-GROUP and hence it is not possible to allow you for JTO (by direct walk-in to this cadre) even after MSc/BE qualifications." The applicants have pleaded that vide the impugned orders persons having lower qualifications, i.e., 10+2 have been made eligible for promotion to the post of JTO through a qualifying examination irrespective of length of service. The applicants have sought directions to the respondents to treat the applicants as being eligible for consideration as a walk-in-group for promotion to the post of JTOs in terms of order dated 18.4.1994, or alternatively, quashing the orders dated 18.4.1994, 13.12.1994 and 14.5.1996 as being illegal and violative of Articles 14 and 16 of the Constitution, and also to implement the orders dated 16.10.1990.

4. Earlier also the applicants had filed O.A. Nos.1861/1995 and 1872/1995 which were disposed of by this Tribunal by a common order on 27.2.1996 with the direction to the respondents to consider the case of

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the applicants. Thus the applicants had submitted representations to the respondents which were rejected vide orders dated 14.5.1996.

5. In their counter, the respondents have stated that the applicants are Technicians in the respondent department in the scale of Rs.975-1540 and cannot stake their claim for promotion in the cadre of JTOs either as walk-in-group or otherwise. According to respondents, PIs/AEAs/WOs/TAs/TTAs are superior cadres to the cadre of Technicians and have, therefore, been considered for promotion to the cadre of JTOs by the department on the report of the aforesaid committee. According to respondents, the applicants had already been considered in the TTAs cadre as walk-in-group. The applicants have filed rejoinder as well. The only additional point raised by the applicants in the rejoinder is that if they have been considered for the post of TTA as walk-in-group then they should also be considered for the post of JTO as walk-in-group since they have the requisite qualifications and have five years of service to their credit.

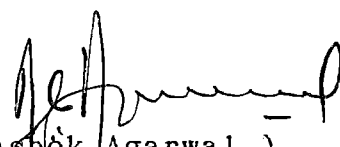
6. From the material available on the file, we find that whereas a Technician is in the scale of Rs.975-1540, the next higher and intermediate scale to the JTOs grade is of PIs/AEAs/WOs/TAs etc. (Rs.1320-2040). Whereas for recruitment in the cadre of Technicians the minimum qualification for the outsider is matriculation or equivalent, for PIs/AEAs/WOs/TAs the minimum qualification prescribed for the outsider is 10+2 or equivalent. Even though

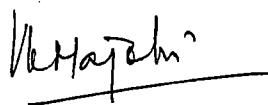
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the applicants have higher academic qualifications than prescribed for Technician level or the intermediate level of PIs/AEAs/WOs/TAs, under the rules they cannot be allowed to skip the intermediate level for direct promotion to the JTO grade. They have to pass through the intermediate level of Telecom Technical Assistant (TTA) ^{and park there} in place of Technician for a period of five years before becoming eligible to the JTO grade. Their five years' service as Technician does not make them eligible directly to constitute walk-in-group for entry in JTOs cadre. Now that they have been considered for the post of TTA as walk-in-group, we are in agreement with the respondents that the applicants will acquire eligibility for the post of JTOs as walk-in-group after five years service at the level of TTAs.

7. For the above reasons, we find these OAs devoid of merit, which are accordingly dismissed. There shall, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(V. K. Majotra)
Member (A)

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