

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. 219/96

Date of decision 30-1-1996

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

1. Sh.Veer Singh s/o Sh.Hardayal Singh,
r/o P-85-B, Sanjay Nagar, Sector-23,
Ghaziabad(U.P.)
2. Sh.Rakesh Kumar Sharma s/o Sh.S.S.Sharma,
O/O SE(Civil), Telecom Civil Circle,
Curzon Road, Barracks, N/Delhi.
3. Shri Raj Kumar s/o Sh.Sikander Lal Kochhar,
JE(C) Telecom Civil Circle, Curzon Road,
New Delhi.
4. Sh.Daljit Singh s/o Sh.Amar Singh
JE(Civil) O/O Ex.Engineer(MTNL)
Eastern Court, New Delhi.
5. Shri Ved Parkash Sharma s/o Pt.Sh.Raghbir
JE(Civil) Telecom Civil Circle, Curzon Road,
New Delhi.
6. Shri Naresh Chandra Deo s/o Sh.Shyam Singh
JE(Civil) O/O the Director Telecom(CA),
Lucknow(UP)
7. Shri T.R.Sharma s/o Pt.Sh.Het Ram,
O/O Telecom Civil Circle, Z,
Curzon Road, New Delhi.
8. Shri Hari Om Bhutani s/o Sh.S.D.Bhutani
O/O Ex.Engineer(MTNL)
Eastern Court, New Delhi.
9. Bhupender Kumar Aggarwal S/o Sh.Ram Bharose,
C/o S.E.Civil Circle(Telecom.)
Curzon Road, Barracks, New Delhi.

.... Applicants

(By Advocate Shri Mohan Kataiki, counsel for
the applicants)

Vs.

1. The Chairman, Deptt.of Telecom.
Sachar Bhawan,
20 Ashoka Road, New Delhi.
2. The Sr.Dy.Director General(BW)
Civil Wing, Deptt.of Telecommunication
20 Ashoka Road, New Delhi.
3. Arun Garg, JE(Civil)
Telecom Civil Circle, New Delhi.
4. Davinder Gupta, JE, Telecom Civil Circle,
New Delhi.

5. Sanjay Kumar, Junior Engineer
M.T.N.L.Civil Enquiry,
R.K.Puram, New Delhi.
6. D.P.Singh, J.E.(Civil)
Telecom Civil Sub Division,
Ghaziabad.
7. C.M.Sharma, Jr.Engineer(Civil)
O/O S.S.W. TNZ Jhandewalan Extension,
New Delhi.

..Respondents.

O R D E R (ORAL)

(Hon'ble Shri N.V.Krishnan, Acting Chairman)

Applicants are Junior Engineers(Civil) in the Department of Telecommunication. Prior to the notification of the Department of Telecommunication and Department of Posts and Civil Engineering Wing (Group B Gazetted Officers) Recruitment Rules, 1992- amendment rule for short.(Annexure C), recruitment to the post of Assistant Engineer in this department was governed by P&T Civil Engineering (Civil Gazetted Officers) Recruitment Rules, 1976 (Annexure-B). Those rules provided for filling up the post of AEs by promotion of Junior Engineers(Civil) and also by Direct Recruitment. It appears that considering the stagnation in the cadre of Jr. Engineers, the Direct Recruitment was stopped in the year, 1983 and the vacancies used to fill up only by promotion method on 100 % basis. Even then, according to the applicants, stagnation is still continuing.

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2. The amendment rules as now notified eliminates Direct Recruitment altogether. The posts of Assistant Engineer will have to be filled up only from the cadres of Jr.Engineers(Civil). The schedule of the amended rule provides that 50% of the posts would be filled up by Jr.Engineers(C) with 8 years regular service in the grade and remaining 50% posts would be filled up by Limited Competitive Examination from Jr.Engineers(Civil) who have rendered not less than 4 years regular service in the grade. Applicants are aggrieved by the provision relating to the latter method of recruitment. The provision to hold Competitive Examinations reduces the chances of promotion of Jr.Engineers by promotion strictly on seniority basis. Secondly this method is invidious inasmuch as those who have passed examination would be senior to the Assistant Engineer who did not appear in the examination or did not pass the examination.

3. Accordingly, the application seeks directions to quash the notification dated 11.11.1992(Ann.C) as unconstitutional and to issue a direction to quash the Limited Departmental Examination conducted on 2.6.1995. There is a further prayer for a direction to the respondents to upgrade 732 posts of Jr.Engineers(Civil) after undertaking the cadre review exercise. The last prayer is totally un-connected with the main grievance of

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the applicants and therefore, this relief cannot be considered in this O.A. and accordingly we will not consider this prayer(C) in para 8 of the O.A* leaving the applicants free to agitate the matter separately, if so advised.

4. In so far as main prayer is concerned, we have heard the learned counsel for the applicants. We are of the view that it is settled law that merely because chance of promotion has been reduced will not give a cause of action to challenge the Govt. decision. The amended Recruitment Rules seem to strike a balance to protect the interest of seniors inasmuch as there is an assurance of promotion on seniority basis after 8 years of regular service for 50% of the vacancies and also in the interest of Department, ^{the efficient} which requires the services of applicant officers to secure which the limited departmental examination is prescribed. We are unable to see how these provisions can be faulted on any reasonable ground. This being a policy matter, we find this cannot be challenged in this O.A. Accordingly this O.A. is dismissed at the admission stage.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

N.V. Krishnan
(N.V. Krishnan)

Acting Chairman

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