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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 588/2000

New Delhi this the 10th day of January, 2001

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

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

Shri B.M. Dhyani,  
C/O Shri R.P. Dhyani  
R/O B-194, Brij Vihar,  
Ghaziabad(UP)

.. Applicant

(By Advocate Mrs Rani Chhabra )

Versus

1. Union of India  
through Department of Telecommu-  
nications, Sanchar Bhawan,  
Ashoka Road, New Delhi.
2. The Chief General Manager (Eastern)  
U.P. Telecom Circle,  
Lucknow.
3. The Chief General Manager (Western),  
U.P. Telecom Circle, Dehradun.
4. The General Manager,  
Telecom District,  
Ghaziabad(UP)

.. Respondents

(By Advocate Shri K.R. Sachdeva )

O R D E R (ORAL)

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

The applicant has filed this application stating that he is aggrieved by the illegal action of the respondents in not declaring the results of Departmental Competitive Examination (DCE) for PI/RSA held by them on 14th and 15th June, 1989 as well as the DCE for the post of Junior Telecom Officer(JTO) against 15% quota which were held on 17th and 18th February, 1990.

2. We have heard both the learned counsel for the parties and perused the records.

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3. The main relief prayed for by the applicant is that a direction should be given to the respondents to declare his results <sup>13</sup> ~~of~~ the aforesaid DCEs and direct them that, in case he is found successful, he may be promoted from the date when his juniors have been promoted on the higher posts. The applicant has stated that when he had to take paper No.4 on the subject of Mathematics in the examination held on 15.6.1989, <sup>it 13</sup> he was reported that certain roll numbers, including his which is roll No. 514, had adopted malpractice in the examination for which the respondents had held an enquiry. Shri K.R.Sachdeva, <sup>counsel</sup> learned/has submitted a letter from the respondents dated 9.1.2001, copy placed on record. The relevant portion of this letter reads as follows:-

"I am directed to refer letter No.GMTD/GZD/Legal/OA-588/2000/BMD/1 dated 5.1.2000 on the above mentioned subject and to state that the results of the Departmental Competitive Examination for promotion to the cadre of PI/RSA/WO held on 14th and 15th June, 89 in respect of Sh.Dhayani was withheld due to alleged charges of malpractices indulged by him. We were not aware of the findings of the enquiry report. However, from the documents filed by the petitioner before the CAT, it is found that Sh.Dhayani was exonerated from all the charges leveled against him allowing benefit of doubt. An authenticated copy of the Memo.No. Q-156/DSC/BM Dhayani/97-98/27 dated 24.12.97 exonerating the petitioner may kindly be forwarded immediately. In case the petitioner applies for marks obtained by him as per the provisions of P&T Manual Vol.IV(relevant page enclosed for ready reference), his application may also be forwarded to this office without delay."

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4. In the counter affidavit filed by the respondents to the OA they have submitted that the results of the aforesaid examinations were already declared in the year 1990 i.e. on 13.2.1990 and 30.10.1990 but the applicant had not qualified in the said examinations. However the respondents in their own letter dated 9.1.2001 have stated that they themselves were not aware, although surprisingly, of the findings of the Enquiry Officer's report held with regard to the declaration of the results of the DCE held on 14th and 15th June, 1989. In view of the fact that the applicant has filed this O.A. on 17.3.2000, we do not also appreciate the stand of the respondents that in case the applicant applies for marks as per the provisions of P&T Manual Vol.IV, his application <sup>should be</sup> ~~may~~ be forwarded to the office for further necessary action without delay.

5. In the light of what has been stated above, the OA is disposed of with the following directions:-

(i) The respondents are directed to ascertain the factual position regarding whether the applicant has passed the Departmental Competitive Examination held by them for promotion to the cadre of PI/RSA/WO held on 14th and 15th June, 1989, and declare the results within one month from the date of receipt of a copy of this order with intimation to the applicant;

(ii) In case the applicant is <sup>found</sup> successful, taking into account the order passed exonerating him from the departmental proceedings by order dated 24.12.1997, applicant shall be entitled for promotion to the higher posts, subject to the provisions of <sup>the</sup> relevant Law, rules and instructions, with all

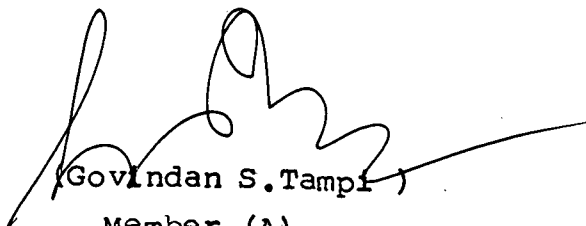
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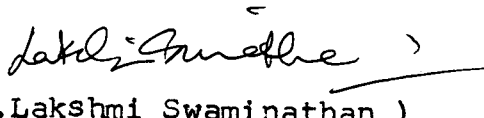
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consequential benefits also in accordance with Rules. Necessary action in this regard shall be taken within two months from the declaration of the results of the aforesaid DCE.

(iii) Similarly, the result of the Departmental Competitive Examination against the 15% quota for promotion to the post of JTO will also be declared qua the applicant within one month from the date of receipt of a copy of this order with he intimation to the applicant. In case /s found successful, he shall be entitled to the consequential benefits, including promotion, in accordance with law, rules and instructions.

No costs.

  
(Govindan S. Tampi)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

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