

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NOS.575/2000, 608/2000, 24/2000, 576/2000
577/2000, 578/2000.

New Delhi, this the 25 day of January, 2001.

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri S.A.T. Rizvi, Member (A)
OA-575/2000

1. Pritem Singh s/o Teja Singh;
2. Chander Sheel s/o Lakhami Chander;
3. I.D.Rana s/o Bharat Ram;
4. R.D.Sharma;
5. Rajinder Kaur d/o Daljit Singh;
6. Satwant Singh s/o Bachan Singh
7. Kulbir Singh s/o Kartar Singh;
8. Mukhtiar Singh s/o Lachhman Singh;
9. Jaswinder Singh s/o Dalip Singh;
10. Amrik Singh s/o Labh Singh;
11. Sukhbir Singh s/o Mohinder Singh;
12. Gulzar Singh s/o Chura Ram;
13. Sarban Ram;
14. Harbhajan Singh s/o Sant Singh;
15. Harmail Singh s/o Basant Singh;
16. Balbir Singh s/o Bachan Singh;
17. Brahm Dass s/o Gurbax Ram;
18. M.S.Preet s/o Arjun Singh;

19. B.S.Bchhal s/o Babu Singh;

20. Yogesh Guleria s/o G.S.Guleria;

21. Gurdev Singh s/o Phambi;

22. B.M.Gaur s/o Om Parkash Sharma;

23. S.S.Rang s/o Nihon Singh;

24. Surjit Singh Mittar s/o Ram Partap;

25. Dhani Ram s/o Ragh Ram;

26. Lal Chand s/o Brij Lal;

27. Karam Chand s/o Sadhu Ram.

13

...Applicants

VERSUS

1. Union of India through Chairman-cum-Secretary, Telecom Commissioner, Ministry of Communications Department of Telecommunication, Sanchar Bhawan, 20, Ashoka Road, New Delhi.

2. Principal General Manager, Telephones Section, Chandigarh.

2

...Respondents

(4)

OA - 608/2000

1. Paras Ram s/o Sh. Chatro Ram
2. Burcharen Singh s/o Sh. Mohinder Singh
3. Rajnish Bala w/o Sh. Vinod Kumar
4. Jaspal Singh s/o Sh. Mohinder Singh
5. Pushpa Wati w/o Sh. Darshan Kumar
6. Deepak Chatrath s/o Sh. D.P. Chatrath
7. Madan Lal s/o Sh. Mansa Ram
8. G.S. Dhandi s/o Sh. Naranjan Singh
9. Saroj Rani w/o Sh. Jai Parkash
10. Ashwani Kumar s/o Sh. Tulsi Ram
11. Jaswinder Singh s/o Sh. Arjan Singh
12. Naresh Kumar s/o Sh. M.M. Gosain
13. Poonam Sanval D/o Lajpatrai
14. Soma Wanti w/o Sh. Shailender Singh
15. Ashwani Dhindra s/o Sh. K.L. Dhindra
16. Harinder Kaur w/o Sh. Saravjit Singh
17. Kartar Chand s/o Sh. Haro Ram
18. Amar Singh s/o Sh. Rawan Das
19. Gophoor Khan s/o Sh. Hasandeep
20. Harsh Lata w/o Sh. Arvind Kapila
21. Reeva Khosla w/o Sh. Balbir Khosla
22. Poonam Grover w/o Sh. M.L. Grover
23. Rai Rani w/o Sh. Subhash Chander
24. Neelam Sharma w/o Sh. Raj Kumar Sharma
25. Phool Chand s/o Sh. Des Rai
26. Chamaru Ram s/o Sh. Rulia Ram
27. Sushma Joshi w/o Sh. Kamalit Joshi

28. Kanchan Kala w/o Sh. A.K. Kala
29. Loveleen w/o Sh. Kashmair Chand
30. Geeta Rani w/o Sh. Pawan Kumar
31. Kiran Bala w/o Sh. Jyoti Parkash
32. Balbir Kaur w/o Sh. Tarlok Singh
33. Inderiit Kaur w/o Sh. Amar Singh
34. Kuldip Kaur w/o Sh. Jarnail Singh
35. Jasbir Kaur w/o Sh. Sewa Singh
36. Rekha Gargi w/o Sh. Sanjay Sharma
37. Balbir Chand s/o Sh. Sarwan Ram
38. Gurnam Singh s/o Sh. Sarbinder Singh
39. Rajnish Kumar s/o Sh. Sukh Ram
40. Madhu Gupta s/o Sh. Rakesh Gupta
41. Sushma Rani w/o Sh. Keshav Kumar
42. Shalinder Singh s/o Sh. Ramesh Mohan
43. Sushma w/o Sh. Satish Kumar
44. Surinder Kaur w/o Sh. Gurdial Singh
45. Kanwaljeet Sethi s/o Sh. Amrik Singh Sethi
46. Anita Aggarwal w/o Sh. M.L. Aggarwal
47. Shiv Dass Rai s/o Sh. Jagan Nath Rai
48. Santosh Kumari w/o Sh. Jagat Kumar Dutta

All working as Sr. T.O.A. office of Principal,
General Manager, Telecom, Chandigarh.

49. Ashok Kumar s/o Sh. Des Raj working as Sr.TOA, a/o
Chief General Manager, Punjab Circle, Chandigarh.

...Applicants.

VERSUS

1. Union of India through Chairman-cum-Secretary,
Telecom Commissioner, Ministry of Communication,
D/O Telecommunication, Sanchar Bhawan, 20, Ashoka
Road, New Delhi.

.....Respondent.

(16)

OA-24/2000

1. Sukhminder Pal s/o Sh. Piare Lal, age 40 years working as Senior T.O.A. (Phones) o/o General Manager Telecom, Ludhiana.
2. Amarjit Kaur working as Senior T.O.A. o/o General Manager Telecom, Chandigarh.
3. Rajneesh Kumar, Senior T.O.A. o/o General Manager Telecom, Chandigarh.
4. Rakesh Kumar Sood, Senior T.O.A. o/o General Manager Telecom, Chandigarh.
5. Dev Gupta Senior T.O.A. o/o General Manager Telecom, Chandigarh.

...Applicants

Versus

1. Union of India through Chairman-cum-Secretary, Telecom Commissioner, Ministry of Communications Department of Telecommunication, Sanchar Bhawan, 20, Ashoka Road, New Delhi.

...Respondent

2

(F)

OA-577/2000

1. TARA SINGH SON OF S. JIT SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
2. RANJIT SINGH SON OF SH. JARNAIL SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
3. GURDEEP SINGH SON OF S. BHAGWANT SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
4. HANS RAJ SHARMA SON OF SH. MILKHI RAM, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
5. THANA SINGH SON OF S. KUNDA SINGH, O/o DET M/W BT under GMM ,GMTD BT.
6. MAKHAN RAM SON OF SH. UDHAMI RAM, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
7. IQBAL SINGH SON OF S. BUTA SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
8. JASWIR SINGH SON OF S. RANJIT SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
9. SATISH KUMAR SON OF SH. PARDHAN SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
10. KRISHANA DEVI W/O SH. RAJINDER GOEL,O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
11. AMARJIT KAUR W/O S. SURINDER SINGH, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.
- 12.. SUNITA GUPTA W/O SH. ASHOK KUMAR, O/o DET M/W BT under GMM ,GMTD BT. Bhathinda.

2

13. PREM LATA II W/O SH. JUGAL KISHOR, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

14. SATYA DEVIB W/O SH. M.L. GOYAL, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

15. HARPHUL SINGH SKON OF SH. HARPHUL SINGH,O/o DET
M/W BT under GMM ,GMTD BT. Bhathinda.

16. KRISHAN LAL SON OF SH. MADAN LAL, O/o DET M/W BT
under GMM ,GMTD BT.Bhathinda.

17. SURINDR KAUR W/O SH. RAJINDCER MKONGA, O/o DET M/W
under GMM, GMTD, BT. Bhathinda.

18. HARPAL SINGH SON OF SH. INDER SINGH, O/o DET M/W
BT under GMM ,GMTD BT. Bhathinda.,

19. VINOD KUMAR SON OF SH. BRIJ LAL, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

20. PAWAN KUMAR SON OF SH. OM PARKASH, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

21. MAHESH RANI W/O SH.RADHAY SHAM, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

22. VED KUMARI W/O SH. JAGDISH KUMAR, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

23. CHARAN PAL KAUR W/O S. MALKIT SINGH,O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

24. KANTA RANI W/O SH. JAGDISH RAJ, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

25. SAROJ BALA W/O SH. SURINDER KAUR, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

26. NISRMALA DEVI W/O SH.PREM KUMAR, O/o DET M/W BT
under GMM ,GMTD BT. Bhathinda.

(18)

12

27. SH. JAGSIR SINGH SON OF SH. GURDIAL SINGH, O/o DET
M/W BT under GMM, GMTD BT. Bhathinda.

28. SURJIT SINGH SODHI SON OF BASANT SINGH, O/o DET M/W
BT under GMM, GMTD BT. Bhathinda.

29. VIR SINGH SON OF S. MUKHTIAR SINGH, O/o DET M/W BT
under GMM, GMTD BT. Bhathinda.

30. TEJA SINGH PREMI SON OF SH. CHAND SINGH, O/o DET
M/W BTV under GMM, GMTD BT. Bhathinda.

31. BHARAT BUSHAN SINGLA SON OF SH. BUDH RAM, O/o DET
M/W BT under GMM, GMTD BT. Bhathinda.

32. SAT PAL SINGH SON OF JARNAIL SINGH, O/o DET M/W BT
under GMM, GMTD BT. Bhathinda.

33. SH. RAJ KUMAR SON OF SH. CHIRANJI LAL, DET Coxial
under GMM, GMTD BT. Bhathinda.

34. JASWANT SINGH SON OF ASSA SINGH, DET Coxial
under GMM, GMTD BT. Bhathinda.

35. MOHAN SINGH SON OF S. GURBAX SINGH, DET Coxial
under GMM, GMTD BT. Bhathinda.

36. SMT. SAROJ BALA W/O SH. BHUSHAN SHARMA, DET Coxial
under GMM, GMTD BT. Bhathinda.

37. SURJIT SINGH SON OF SHAM SINGH, DET Coxial
under GMM, GMTD BT. Bhathinda.

38. BALBIR SINGH SON OF SH. BACHAN SINGH, DET Coxial
under GMM, GMTD BT. Bhathinda.

APPELLANTS

1. Union of India through Chairman-cum-Secretary,
Telecom Commissioner, Ministry of Communications,
Department of Telecommunication, Sanchar Bhawan,
20, Ashoka Road, New Delhi.

2. Chief General Manager, Telecom, Pb. Cercle,
SCO No. 102, 103, Sector 34-A, Chandigarh.

2
Respondents.

(20)

OA-578/2000

1. Gurbaj Singh son of Sh. Sucha Singh
2. Mahavir Singh son of Jitaram
3. Harjit Singh son of Gurdev Singh
4. Kamal Kumar Sharma son of Sh. Dina Nath
5. B.S. Thakur son of Sh. Thanthi Ram
6. Gurmail Chand son of Sh. Sant Ram
7. Rajinder Singh son of Sh. Kehar Singh
8. Nirmal Kumari wife of Shiv Charan Singh
9. Nirmala Devi wife of Ashwani Sharma
10. Krishna Devi wife of Satish Kumar
11. Harvinder Singh son of Sh. Bhag Singh
12. Manjit Kaur wife of Paramjit Singh
13. Shiv Kumar son of Ram Chand
14. Jaspal Singh son of Sh. Kehar Singh
15. Ripudaman Singh Rawat son of Bhupal Singh
16. Snehlata wife of Naval Kishore
17. Omawati wife of Jaginder Kumar
18. Rekha Kamal wife of Pawan Kishna
19. Jaipal
20. Surjan Singh son of Isher Singh
21. Prem Lal son of Chaudhri Ram
22. Kuldip Singh son of Pishora Singh
23. Bhupinder Singh son of Chanan Singh
24. Nirmal Singh son of Sant Singh

✓

(21)

25. P.R.Jolly son of Sat Pal Jolly
26. Gurdip Singh son of Sohan Singh
27. Girdhart Lal son of Hira Lal
28. Madhu Sharma son of Sangal Ram
29. Anita Kumar wife of J.S.Walia.
30. Saroj Bala wife of Mr.S.K.Miglani
31. Satish Kumar son of Late Sh.Nasib Chand
32. Sulekha wife of Mr.Ramesh Kaul
33. Shukla Ram wife of Sh.Ram Parkash
34. Pushpa Kapoor wife of SC Kapoor
35. Chauginder Gupta son of ML Gupta
36. Rita Rani wife of Harnam Singh
37. Lalita Bakshi wife of Sh.Sh. Bakshi
38. Madan Mohan son of Sh.Ranbir Lal
39. Nirmala Kumari wife of Raninter Kumar
40. Asha Chhabra wife of Madan Gopal Chhabra
41. Meenakshi wife of Achhwanji Sharma
42. Reeta wife of Rajinder Lal
43. Shashikala wife of Ajay Khanna
44. Rama Rani wife of Rakesh Kapoor
45. Tripta Lal wife of Daman Sain Laroiya
46. Usha Wadhwa wife of Harjeet Singh
47. Sunita Rani wife of Chand Ram
48. Harvinder Kaur wife of RS Bajwa
49. Ramankant wife of Achhwanji Gupta
50. Anita Verma wife of Subh Sagar Verma
51. Madan Lal son of Gurdyal
52. Ranjna Bhasin wife of Rakesh Kumar Bhasin.

()

2

22

53. Rakesh Kumar Sharma son of Late Jagd Ram
Sharma

54. Alka Sharma wife of Sushil Kumar Sharma

55. Rakesh Kumar wife of Ashok Sharma

56. Parvesh Kumar wife of Rakesh Kumar Aggarwal

57. Indu Sharma wife of Surendh Singh

58. Aravind Hand son of Subash Chand

59. Amarjit son of Sarban Ram

60. Rekha Ram wife of Tarse Ram

61. Anita Bhatra wife of BM Bhatra

62. Aruna Khanna wife of Sunil Khanna

63. Surinder Kumar wife of Vinod Dhall

64. Asha Sharma wife of Sushil Sharma

65. Satish Bala wife of Anil Bhardwaj

66. Chander Kanta wife of KL Jham

67. Shreshtha Mahajan wife of Inderpal Mahajan

68. Nirmal Kaur wife of Ajit Singh

69. Mohinder Singh Atwal son of Bikkar Singh
Atwal

70. Pall Singh son of Surjeet Singh

71. Anita Devi wife of Kuldip Singh

All working as Senior TDA's under Chief
General Manager Huzurbazar Circle, Chandigarh.

72. Nanak Singh son of Surjeet Singh

73. Gurmit Singh son of Surjeet Singh

Both working as Senior TDA under
General Manager Telecommunications, Rupnagar.

23

74. Suresh Kumar Dhingra son of Jugat Kishore
75. Prabodh Chand son of Sh.Bihari Lal
76. Rajinder Kumar son of Sh.Nahar Chand

All working as Senior TOA' under
General Manager Telecommunications, Bathinda.

77. Harwind Nand son of Subash Chand
78. Amarjeet son of Subash Chand

All working as Senior TOA General
Manager Telecommunications, Jalandhar.

...Applicants.

Versus

1. Union of India through Chairman-cum-Secretary
Telecom Commissioner, Ministry of
Communications, Department of
Telecommunications, Sanchar Bhawan 20, Ashoka
Road, New Delhi.
2. Chief General Manager (Punjab Circle)
Telecommunications Chandigarh.
3. General Manager, Telecommunications, Ropar.
4. General Manager, Telecommunications,
Bathinda.
5. General Manager, Telecommunications,
Jalandhar.

...Respondents.

d

Lia

24

OA-576/2000

1. NARAIN SINGH MANHAS son of Sh. Malha Singh Manhas, O/o Area Director Telecom, JAMMU.
2. KISHORI LAL son of Late Sh. Dharam Chand, Sr. TOA, Telephone Exchange, Rajouri.
3. SANJEEV KUMAR son of Sh. Tirath Ram Gupta, Sr. TOA, Office of Telephone Xgc, Rajouri.
4. BIMAL KUMAR son of Late Sh. Kamal Nain Sharma, Sr. TOA, Office of Telephone Xgc, Rajouri.
5. NEELAM KUMARI daughter of Sh. Sita Ram, Sr. TOA, Office of Telephone Xgc, Poonch.
6. ROMESH CHANDER SARALCH son of Sh. Rai Singh Sarlach, Sr. TOA, Office of Telephone Xgc, Poonch.
7. ROMESH KUMAR son of Mal Ram, Sr TOA, Office of T.D.E., Udhampur.
8. JAGDISH RAJ son of Sh. Girdhari Lal, Sr.TOA, Office of T.D.E., Udhampur.
9. SHIKANDER SINGH son of Late Sh. Narotam Singh, Sr.TOA, Office of T.D.E., Udhampur.
10. GURCHARAN SINGH son of Sh. Kesar Singh, Sr.TOA, Office of T.D.E., Udhampur.
11. SHASHI BALA daughter of Jagdish Raj, Sr. TOA, Office of T.D.E., Udhampur.
12. SUNITA SHARMA daughter of Punya Datt Sharma, Sr. TOA, Office of T.D.E., Udhampur.

13. DALJEET SINGH son of Gurbax Singh, Sr. TOA,
Office of T.D.E., Udhampur.

14. SANJAY PANDITA son of Sh. Vasu Dev Pandita,
Sr. TOA, Office of T.D.E., Udhampur.

15. RAKESHWAR PAL son of Sh. Nand Lal, Sr.TOA, Office
of T.D.E., Udhampur.

16. KARTAR SINGH son of Sh. Amar Singh, Sr.TOA, Office
of T.D.E., Udhampur.

17. SANDEEP SHARMA son of Sh. Late Sh. K.L. Sharma, Sr.
TOA, Office the Area Director Telecom, Jammu.

18. BODH RAJ SHARMA son of Sh. Tirath Ram, Sr.TOA,
Office of Area Director Telecom, Jammu.

19. MOHAN LAL MANGOTRA son of Late Sh. Bindru Ram,
Sr. TOA, Office of Area Director Telecom, Jammu.

20. BALDEV RAJ son of Late Sh. Amar Nath, Sr. TOA,
Office of Area Director Telecom, Jammu.

21. SATISH KUMAR VERDI son of Late Sh. Munshi
Ram, Sr. TOA, Office of Area Director Telecom,
Jammu.

22. GURMEET SINGH son of Janak Singh, Sr. TOA, Office
of Area Director Telecom, Jammu.

23. SUNITA GOSWAMI w/o Maj. P.K. Mangotra, Sr.TOA O/o
the G.M.T.D. Jammu.

24. ROMESH KUMAR RADHU son of Pt. Badri Nath Bhatt.,
Sr. TOA, O/o Area Director, Leh.

25. SUMIR JI RAINA son of Sh.D.N.Raina, Sr. TOA,O/o
Area Director, Leh.

25

2

26. M.S. REEN son of Sh. Gazzam Singh, Sr. TOA, O/o
D.E. CSD, Jammu.

27. RAM KISHAN son of Sh. Hakim Chand, Sr. TOA, O/o
G.M.T.D. Jammu..

28. SUKHWINDER KAUR daughter Sh. Harcharan Singh,
SR. TOA, O/o D.E. CSD, Jammu.

29. DAVINDER SINGH -II son of Sh. S. Swaran Singh,
SR. TOA, O/o S.D.O (T), Doda.

30. BALBIR SINGH son of S. Mian Singh, Sr.TOA,
O/o TDE, Udhampur.

31. BALVINDER SINGH son of S. Swaran Singh, Sr. TOA,
O/o Area Director, Jammu.

32. DARSHANA DEVI daughter of Late Sh. Rattan Chand,
SR. TOA, O/o Area Director, (T), Jammu.

33. NEERJA SHARMA, daughter of Late Sh. Chander Dev
Sharma, Sr. TOA, O/o Area Director, (T), Jammu.

34. SAHAB SINGH son of Sh. Kehar Singh, SR. TOA,
O/o AOTR Udhampur.

35. DAVINDER SINGH -I, son of Late Sh. Santokh Singh,
Sr. TOA, O/o Telecom Exchange, Doda.

36. ROOP LAL son of Sh. Srwan Dass, Sr. TOA, O/o
Telecom Exchange, Doda.

37. PARKASH CHAND son of Dassu Ram, SR. TOA, O/o
Area Director Telecom, Jammu.

38. ANIL KUMAR KOUL son of Late Sh. Onkar Nath Koul,
Sr. TOA, O/o Area Director Telecom, Jammu.

39. TARSEM GUPTA wife of Pinkal Seth, Sr. TOA,
O/o TDE, Udhampur.

26

2

40. MOHAN LAL BHAGAT son of Sh. Rasal Chand, Sr. TOA,
O/o SDO, (T), Katra.

41. ASHOK KUMAR -II, son of Sh. Jangali Singh, SR.TOA,
O/o GMT, Sringar (Jammu).

42. VIR PAL SINGH son of Late Sh. Tej Pal Singh, Sr.
TOA, O/o Director DUM (TF), Jammu.

43. RITA RANI KAKKAR wife of Sh. Raman Malhotra, Sr.TOA,
O/o GMTD, Jammu.

44. TRIPTA SHARMA-II wife of Late Sh. J.C. Sharma,
Sr. TOA, O/o Area Director, (T), Jammu.

45. BIMLA DURANI wife of Shs. A.K. Bakshi, Sr. TOA,
O/o Area Director, (T), Jammu.

46. PRAN KUMARI wife of Sh. P.L. Bhat, SR. TOA,
O/o Area Director (T), Jammu.

47. TRIPTA SHARMA-I wife Sh.O.P. Sharma, Sr. TOA,
O/o Area Director (T), Jammu.

48. SHAMA DEVI wife of Sh. Ashok Kumar Sangotra,
Sr. TOA, O/o Area Director(T), Jammu.

49. ROMESH CHANDRA son of Sh. Shiv Singh, Sr.TOA,
O/o GMT, (D), Sringar/Jammu.

50. RAGHBIR SINGH son of Sh. Krishan Singh, Sr. TOA,
O/o GMTD, Jammu.

51. SAT PAL son of late Sh. Oma Datt Sharma, Sr. TOA,
O/o GMTD, Jammu.

52. SANJEEV KUMAR son of Late Sh. Rattan Lal, Sr.TOA,
O/o GMTD, Jammu.

53. NARINDER KUMAR son of Late Sh. Ram Chander, Sr.TOA,
O/o SDE Trks., Jammu.

27

2

54. SUNEETA SHARMA DAUGHTER OF Sh.Durga Dass, Sr.TOA,
O/o SDE,Trks.,Jammu.

55. FAQIR SINGH Jamwal son of Sh. Sarishat Singh
Jamwal, Sr TOA, O/o SDE, Trks., Jammu.

28

...APPLICANTS
(By Advocate: None for applicants in all the cases)

VERSUS

1. Union of India through Chairman-cum-Secretary,
Telecom Commissioner, Ministry of Communications,
Department of Telecommunication, Sanchar Bhawan,
20, Ashoka Road, New Delhi.

2. Chief General Manager, Telecommunication, J&K,
Circle, Jammu Tawi.

...RESPONDENTS
(By Advocate Sh. K.R.Sachdeva in all the OAs, except No.576/2000)
(Sh. H.K.Gangwani for respondents in OA-576/2000)

O R D E R

Delievered by Hon'ble Shri S.A.T. Rizvi, Member (A) :-

All these OAs (OA Nos. 575/2000, 576/2000, 577/2000, 578/2000, 608/2000 and 24/2000) have been filed by the Sr. Telecom Operating Assistants (for short Sr.TOAs) working in the establishment of Respondent No.1 (Chairman-cum-Secretary, Telecom Commissioner, Ministry of Communications, Department of Telecommunication, New Delhi) and are seeking promotion to the rank of Junior Technical Officer (JTO) in the same establishment on identical grounds and by impugning the same set of orders. With the consent of the learned counsel on either side it is, therefore, proposed to dispose of these OAs by this common order.

2. The applicants in all the OAs are aggrieved by the provisions of the JTO Recruitment Rules, 1996 (hereinafter referred to as JTO RRs, 1996) and have impugned the vires of the aforesaid RRs on the ground that the provisions of Article 14 and 16 of the Constitution are thereby hit. The applicants have also along side impugned orders issued by the respondents for holding screening tests for promotion to the post of JTO against 35% quota prescribed in the aforesaid RRs.

29

3. As none was present on behalf of the applicants in any of the OAs, we have heard the learned counsel for the respondents, in detail, and have also perused the material on record.

4. The aforesaid JTO RRs-1996, the vires of which has been challenged by the applicants, insofar as the same relate to the contentions raised by the applicants provide as follows.

4(A) The posts of JTOs are to be filled 50% by direct recruitment through competitive examination (in accordance with the instructions issued by the Department in this behalf) and the remaining 50% by promotion/transfer as indicated under column 12 of the Schedule to the aforesaid Rules.

4(B) The aforesaid column 12 of the Schedule provides that 50% posts of JTOs to be filled by promotion/transfer of departmental candidates will, in turn, be filled 15% by promotion of departmental

d

30

candidates through a competitive examination and the remaining 35% by promotion/transfer of Transmission Assistants (TAs)/Wireless Operators (WOs)/Auto Exchange Assistants(AEOs)/Phone Inspectors (PIs) and Telecom, Technical Assistants (TTAs). The same column 12 of the schedule further provides that the above mentioned 15% posts of JTOs to be filled by promotion of departmental candidates through a competitive examination will be so filled by employees, other than the following employees, considered eligible for the purpose:-

- "(i) borne on the regular establishment and working in Telecom. Engineering Branch of Department including those working in the office of Chief General Manager, Telecommunication Circles/District other than.
- (a) Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators and TTAs.
- (b) Plumbers/Sanitary Inspector/Conservancy Inspector.
- (ii) Working in Telecommunication Factory, other than those borne on industrial establishment."

5. From the aforesaid provisions of the JTO RR& 1996 made effective from 9.2.1996, it is clear that the post of Sr. TOA is included in the list of officers rendered eligible for consideration under the 15% quota earmarked for promotion of departmental candidates through a competitive examination. For the same reason, the post of Sr. TOA cannot be said to be included for consideration under the 35% quota earmarked for being filled through promotion/transfer of TAs/WOs/AEAs/PIs and TTAs.

d

(31)

6. The aforesaid RRs have been framed under the proviso to Article 309 of the Constitution and their validity cannot, therefore, be ordinarily questioned except on the ground of violation of Articles 14 and 16 of the Constitution. That is why, the applicants have advanced the plea of violation of the aforesaid Articles of the Constitution by the act of the respondents in excluding them from the scope of consideration for promotion under the aforesaid 35% quota. We will deal with this issue in the following paragraphs. Along side, the applicants have also placed reliance on certain administrative/executive instructions issued by the respondents and placed on record at Annexures A-3, A-4 and A-5. All these instructions were issued before the aforesaid RRs of 1996 came into force and, therefore, would be void to the extent any of these are repugnant in any manner to the provisions of the aforesaid RRs. Thus invoking the aforesaid administrative/executive instructions in support of their case will not help the applicants.

6. Insofar as the vires of the aforesaid RRs of 1996 is concerned, it must be pointed out that while Article 14 of the Constitution does not allow discrimination between equals, the same also does not prohibit framing of different sets of rules for different categories/cadres of employees. Admittedly the cadre of the applicants is different from the cadre of the TTAs and the other categories included in the aforesaid RRs. We also find that there are two different routes available to the Sr.TOAs (applicants in d

these OAs) for getting promoted to the rank of JTOs.

Firstly, they can seek promotion under the aforesaid 15% quota through a competitive examination. Secondly, they (Sr. TOAs) can first get promoted to the rank of TTAs through another competitive examination and thereafter get promoted to the rank of JTOs under 35% quota aforesaid. We find that a distinct provision has been made in the TTA RRs 1998 (Annexure R-3) providing for the absorption/promotion of Sr. TOAs (applicants in these OAs) to the rank of TTAs. Viewed thus, the Sr. TOAs constitute a feeder cadre for the post of TTA, and at the same time are eligible, subject to certain conditions, for promotion directly to the rank of JTO under the 15% quota forming part of the aforesaid RRs 1998. In our view, therefore, there can be no question of invoking the provisions of Articles 14 and 16 of the Constitution in the OAs under consideration, and the corresponding plea advanced by them is rejected.

7. The learned counsel appearing for the respondents has drawn our attention to the orders passed by the Chandigarh Bench of this Tribunal on 20th May, 1999, in a similar case and involving similar issues whereby the prayer of the applicants for interim relief was disposed of. A copy of the order passed by the Chandigarh Bench has been placed on record at Annexure R-7. We have had occasion to refer to the findings of the Chandigarh Bench of this Tribunal recorded in the aforesaid order. The following extract taken there from will be found useful for arriving at a just and fair conclusion in this case:-

dr

(32)

33

"Notwithstanding the claim of the applicants regarding the qualifications for the cadres of Sr.TOA/TOAs and TTAs being similar for forming part of a 'walk-in group', this letter makes it clear that these are two separate cadres. We can take judicial notice of this fact also that qualifications for direct recruitment to the post of TTAs and JTOs are essentially of technical nature and are of much higher level. That there is some similarity at the initial stage, cannot be the determining factor that these are two equivalent or similar cadres.

6. Applicants have very strenuously argued that after introduction of sophisticated machinery by the Telecom Department, the cadres were restructured and the applicants are also dealing with sophisticated machinery as TTAs are. Such a contention is apparently deceptive. On a closer scrutiny, we find that the cadre of the applicants is basically of the persons who would be operating such sophisticated machinery, whereas the other categories, particularly the TTAs are the employees who would be responsible for maintenance, repair and other up-keep of that sophisticated machinery. Both these cadres have their separate Recruitment Rules with provision of distinct nature of duties.

7. Annexure R-2 is a copy of Telecom Technical Assistants Recruitment Rules, 1998 and examination of the same provides us with a factor which negates the claim of the applicants altogether. The cadre of Sr.TOA is included in the category of feeder cadres for appointment to the posts of TTAs in Category III, through competitive examination. Here also, the posts of TTAs are first to be filled from Category (1) which are basically technical people and, thereafter through qualifying screening test of Category No.(2) and only thereafter from the category of Sr.TOA, through a competitive examination. Thus, the claim of the applicants against 35% quota by by-passing Categories (1) & (2) as aforesaid, *prima facie* appears to be far fetched, particularly for posts of JTO which is still higher than TTAs.

8. While considering such a prayer for interim relief, a court of law is required to examine whether the applicants have a *prima facie* case in their favour. Admittedly, and even as

2

per the case of the applicants, as long as the Recruitment Rules of 1996 stand, as they are today, and are not set aside, applicants have no claim against the 35% quota. We will be assuming too much if we permit the applicants to be considered against the aforesaid 35% quota, meant for other categories, by ignoring the Recruitment Rules at this stage. It is yet to be decided as to whether the said Recruitment Rules for posts of JTOs are in violation of some provisions of the Constitution and are likely to be quashed. Prima facie, rules can always be framed, providing for different quota for different categories, as it is in the present case. We do not find existence of any inherent vested right in favour of the applicants under any law for this purpose, much less in the Chapter of Fundamental Rights in the Constitution of India as claimed by the applicants. What to say of Fundamental Rights, they do not have as yet a right even under the Recruitment Rules.

9. As discussed above, we are of the opinion that prima facie the cadre of the applicants is of non-technical nature, while the TTAs, included under 35% quota, are technical. Obviously, there appears to be no comparison between these two cadres. Such comparison, as claimed by the applicants, on the basis of equal pay scales is quite tedious as, if accepted, it can make many more categories of employees eligible for such posts. Yet, the rules have made a provision for some persons even in the cadre of the applicants who may have technical aptitude for technical jobs by earmarking 15% quota for their promotion through competitive departmental examination. In our opinion, that sufficiently takes care of the claim of the applicants.

10. Article 14 of the Constitution does not allow discrimination amongst equals, but does not prohibit framing of different sets of rules for different cadres. The cadre of the applicants is different from the cadre of the TTAs and other categories included in the 1996 JTOs Recruitment Rules, aforesaid. We have also examined the nature of duties, their status and also the position of Sr.TOAAs under the 1998 Recruitment Rules vis-a-vis T.T.As. In our considered opinion, the applicants have no case at all, what to say of existence of a prima facie case, for grant of interim relief, as prayed for. Accordingly, the prayer for interim relief is hereby rejected (emphasis supplied).

(24)

The aforesaid order of the Chandigarh Bench of this Tribunal is not a final order and cannot, therefore, bind on us. All the same we find that the findings recorded by the Chandigarh Bench, which have been reproduced above, are totally in accord with the provisions of the aforesaid RRs of 1996 and RRs of 1998. It will be seen that we have already reached the same conclusions in our discussions outlined in paragraphs preceding the paragraph 7.

35

9. In the background of the above discussion, the CAS cannot survive and deserves to be dismissed. We order accordingly. No costs.

(S.A.T. RIZVI)
MEMBER(A)

(KULDIP SINGH)
MEMBER (J)

(pkr)

Mulla
Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi 110001