

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 229/91

Date of decision

13.5.1992

R.D. Gambhir & Ors.

Applicants

Shri R.L. Sethi,

Counsel for the applicants

2. O.A. No. 227/91

B. Thirunavukkarasu

Applicant

3. OA 228/91

P. Panchapakesan

Applicant

4. OA 230/91

B.K. Puranik & Ors.

Applicants

5. OA 231/91

Mohd. Anwar

Applicant

6. OA 232/91

T. Bharthi Devi & Ors.

Applicants

7. OA 233/91

N. Shankar Rao & Ors.

Applicants

8. OA 954/91

K. Ramchandran

Applicant

9. OA 955/91

A. Soosal

Applicant

10. OA 956/91

P.N.G. Gopal

Applicant

11. OA 957/91

H. Meenakshi Sundaram & Ors.

Applicants

vs.

Union of India - D/o Telecomm.

Respondents

Shri P.P. Khurana

Counsel for the respondents

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. I.P. Gupta, Member (A).

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not? *Yes.*
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgment of the Bench delivered by Hon'ble Shri I.P. Gupta, Member (A))

I.P. Gupta
13/5/92

Ram Pal Singh
13.5.92

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(99)

Date of decision:

O.A. No. 229/91

	R.D. Gambhir & Ors.	Applicants
	Shri R.L. Sethi, counsel for the applicant.	
2. OA No. 227/91	B. Thirunavukkarasu	Applicant
3. OA 228/91	B. Panchapakesan	Applicant
4. OA 230/91	B.K. Puranik & Ors.	Applicants
5. OA 231/91	Mohd. Anwar	Applicant
6. OA 232/91	T. Bharthi Devi & Ors.	Applicants
7. OA 233/91	N. Shankar Rao & Ors.	Applicants
8. OA 954/91	K. Ramchandran	Applicant
9. OA 955/91	A. Soosai	Applicant
10. OA 956/91	P.N.G. Gopal	Applicant
11. OA 957/91	H. Meenakshi Sundram & Ors.	Applicants

Vs.

Union of India - D/o Telecomm. Respondents
Shri P.P. Khurana, counsel for the respondents.

CORAM

Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).

Hon'ble Shri I.P. Gupta, Member (A).

(Judgment of the Bench delivered by Hon'ble Shri I.P. Gupta, Member (A).)

JUDGMENT

In the aforesaid OAs, a common relief, namely, that the impugned orders of 4.3.1987 abolishing the cadre of Observation Supervisors in the Department of Telecommunications should be quashed has been prayed for and, therefore, these OAs are being dealt with by a common order.

2. These old cases of year 1987 have been appearing in the cause list, but the counsels whose names were shown in the respective cases did not appear except Shri R.L. Sethi, counsel for

the applicant in OA 229/91. We, therefore, directed that these cases will be listed today for disposal and it was also mentioned that in the event of non-appearance of the counsels, the cases will be reserved for judgment. Again today, except Shri R.L. Sethi, none of the counsels for the applicants appeared to argue the case. However, Shri R.L. Sethi took us through the entire records in the matter. Shri P.P. Khurana appeared for the respondents and argued the case. We, therefore, proceed to prepare the judgment.

3. The applicants after qualifying/ the written test and oral interview were selected and appointed as Observation Supervisors and have had to sever their connection with the basic cadre of Telephone Operators. It was on the recommendation of the 3rd Pay Commission that the P&T Board decided to create a separate cadre of Observation Supervisors and placing 10% of the basic posts of Observation Supervisors in the Selection Grade. Some of the applicants have even been confirmed as Observation Supervisors. Observation Supervisors

The basic duties of the /were to monitor speech on trunk lines, to operate circuits etc.

4. The contention of the learned counsel for the applicants was that when they were duly recruited as Observation Supervisors, according to the P&T (Observation Supervisors) Rules, 1979, the cadre of Observation Supervisors cannot be abruptly abolished by order of 43. 87. The counsel further argued that the merger of the Observation Supervisors with the main stream of Telephone Supervisors implied that it would be according to the seniority in the cadre of Telephone Operators at the time of their selection as Observation Supervisors, but this would affect them adversely and their seniority as Observation Supervisors should be taken into reckoning in the case of merger with the main stream of Telephone Supervisors.

5. The contentions of the learned counsel for the respondents were that the Observation Supervisors have been given option to continue as Observation Supervisors if they are not willing to merge with the Telephone Supervisors. It is the prerogative of the administration to decide in the public interest to create any cadre and to

continue to have it or to abolish the same to get the work done by other staff. The total sanctioned strength of Observation Supervisors was 251 throughout India and it was observed that due to lack of mobility of Observation Supervisors to other posts, the purpose of creation of a separate cadre was defeated.

6. So far as Selection Grade is concerned, as per the recommendations of the 4th Pay Commission, this cadre has already been abolished in all cadres under the Government of India.

7. The duties of the posts of Observation Supervisors have been laid down through administrative orders from time to time and, therefore, duties can be modified/ altered through administrative orders. With the merger of the cadre of Observation Supervisors and Telephone Supervisors, the applicants will be benefited as they will get the chance of promotion to higher posts of Senior Supervisors (Telephones), as contended by the learned counsel for the respondents.

8. The basic issue to be decided is whether the order dated 4.3.87 abolishing the cadre of Observation Supervisors can be sustained. The law on this point is clear. It is now well settled as a result of the decision of the Supreme Court in Kishan Mohan Lal Bakshi vs. Union of India (AIR 1962 SC 1139) that Article 16 and a fortiori also Article 14 do not forbid the creation of different cadres for Government service and if that is so, equally these two Articles cannot stand in the way of the State integrating different cadres into one cadre. It is entirely a matter for the State to decide whether to have different separate cadres or one integrated cadre in its services. The aforesaid views were reiterated by the Supreme Court in the Reserve Bank of India vs. N.C. Paliwal, AIR 1976 SC 2345.

9. In V.T. Khanzode vs. Reserve Bank of India (1982 SCC (L&S) 147 at 167), the Supreme Court has observed as follows:-

"No scheme governing service matters can be foolproof and some section or the other of employees is bound to feel aggrieved on the score of his expectations being falsified or remaining to be fulfilled. Arbitrariness, irrationality, perversity and mala fides will of course render any

2

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590

591

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

631

632

633

634

635

636

637

638

639

640

641

642

643

644

645

646

647

648

649

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

<p style="text-align

(24)

We would, however, reiterate that while abolishing the cadre, option has been given to existing Observation Supervisors to continue to remain as Observation Supervisors in their existing positions, should they not like to merge in the cadre of Telephone Supervisors.

11. With the aforesaid observations, the applications are dismissed with no orders as to costs.

Ref/13
Date

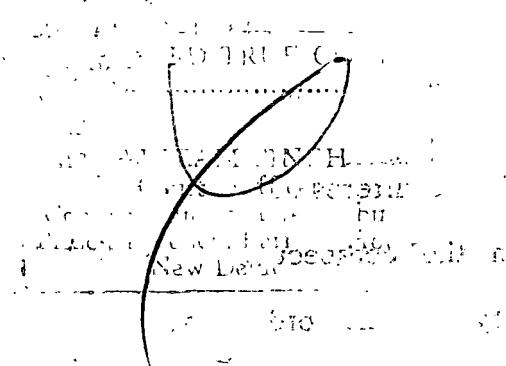
(L.P. GUPTA)

2
13/5/92

(RAM PAL SINGH)

MEMBER (A)

VICE-CHAIRMAN (J)



True Copy
P.M. 13/5/92