

Central Administrative Tribunal, Allahabad Bench,
Allahabad.

Dated: This the 29th day of June 1999.

Coram:- Hon'ble Mr.S. Dayal, A.M.

Hon'ble Mr.S.K. Agarwal, J.M.

Original Application No. 1392 of 1998

along with

O.A.Nos. 751/98, 847/98, 1311/98, 1484/98 and 16/99

Beer Singh son of Sri Shoor Veer Singh,
Telecom Technical Assistant, Telephone
Centre Chandpur, District Bijnor.

. . . Applicant.

Counsel for the applicant Sri G.C. Gehrana, Adv.

Versus

1. The Union of India
through the Chief General Manager,
Telecommunications, Eastern Circle,
U.P. Lucknow.
2. The Deputy General Manager,
Telecommunication (Administration)
Office of the Chief General Manager,
Telecommunication, Eastern Circle,
U.P. Lucknow.
3. The Assistant General Manager (Staff)
Office of the Chief General Manager,
Telecommunication, Eastern Circle,
U.P. Lucknow.
4. The Chief General Manager,
Bharat Ratan Bhim Rao Ambedkar Institute
of Telecom Training (BRBRAITT), Jabalpur.
5. The Chief General Manager (Tel.)
Western U.P.Circle,
Dehradun.

. . . Respondents.

Counsel for the respondents: Sri N. B. Singh, Adv.

O.A. 751/98

Hare Ram Chaurasia son of Sri R.A. Chaurasia
Senior Telecom Officer Assistant
Office of Telecommunication, Divisional Engineer,
Ballia.

. . . Applicant.

Counsel for the Applicant Sri G.C. Gahrana, Adv.

Versus

Union of India and others.

. . . Respondents.

Counsel for the respondents Sri N.B. Singh, Adv.

O.A.847/98

1. Baldeo Singh, Senior Telecom Operator Assistant
C/O T.D.M. Nainital at Haldwani.
2. Devki Nandan son of Sri Lakhan Ram
C/O Telecom District Manager, Rampur.
3. Manohar Tamta son of Sri S.R. Tamta,
Hindi Translator C/O Telecom District Manager,
Nainital, Haldwani.
4. Sri Pal Singh son of Amar Bahadur Singh
C/O Telecom District Manager, Moradabad.
5. Ram Phal Singh son of Sri Ram Dayal Singh,
C/O Telecom District Manager, Nainital Head Office
Haldwani.
6. Munish Chandra son of Sri Balbir Singh Tyagi
Telecom Operator, C/O Telecom District Manager,
Moradabad.
7. R.S. Chauhan, Telecom Operator Assistant,
C/O G.M.T.D. Dehradun.
8. Sukhpal Singh son of Sri Kantu Singh
Telecom Operator Assistant, C/O Office of
G.M.T.D. Saharanpur.
9. Ganesh Kothari son of S.P. Kothari
T.T.A. C/O G.M.T.D. Dehradun.
10. B.S. Rawat son of C.S. Rawat
Senior Telecom Assistant C/O G.M.T.D. Dehradun.

11. D.K. Bisht. Telecom Operator Assistnat
C/O G.M.T.D. Dehradun.
12. Surajan Ram son of Khaderu Ram, Senior Telecom
Operator Assistant, C/O T.D.M. Rampur.
13. Udai Raj, Telecom Technician Assistant,
C/O G.M.T.D. Dehradun.
14. Vishwanath Yadav son of late Shri S.P. Yadav
Sr. Telecom Assistant, C/O G.M.T.D. Ghaziabad.
15. Bal Prasad, Telecom Technician Assistant,
C/O G.M.T.D. Saharanpur.
16. Arvind Dhulia Telecom Operative Assistant
C/O T.D.M. Srinagar, Garhwal.
17. Ram Kishore son of Vikram Singh,
Senior Telecom Assistant, C/O T.D.M. Aligarh.
18. Rajendra Singh son of Mishri Singh,
Telecom Technical Assistant, C/O G.M.T.D.
Ghaziabad.

. . . Applicants.

Counsel for the applicant: Sri G.C. Gahrana, Adv.

Versus

Union of India and others.

. . . Respondents.

Counsel for the respondents Sri N.B. Singh. Adv.

O.A.1311/98

1. Jai Ram son of Chandrika Prasad,
Telecom Technical Assistant,
Telephone Exchange, Karchhana,
Distt. Allahabad.
2. Daud Ali Khan
Technician (TTA)
Office of DET(QA) Naini, Allahabad.
3. Santosh Kumar
son of Ram Nath
Technician (TTA)
Office of SDE, Gola, Lakhimpur Kheri.
4. Mohd. Firoz Fazil,
Senior TOA
Office of G.M.T.D., Lucknow.

5. Vijai Kumar Gupta,
Telegraphist, Telegraph Office,
Faizabad, Office of T.D.M. Faizabad.
6. Rameshwar Prasad Misra,
Telecom Technical Assistant,
Office of T.D.E. Gonda.
7. Mahendra Kumar, Telegraphist,
Jaswant Nagar, D.T.O. Etawah.
8. A.K. Jha, T.T.A.,
Office of T.D.M. Bareilly.
9. Shalendra Mohan
Sr. Draftsman,
Office of T.D.M.
Bareilly.

. . . Applicants.

Counsel for the applicants:-Sri G.C. Gehrana, Adv.

Versus

Union of India and others.

. . . Respondents.

Counsel for the respondents : Sri N.B. Singh, Adv.

O.A. 1484/98

1. Prem Shankar,
son of late R.C. Shrivastava,
Telecom Supervisor Operative,
Office of Sub-Divisional Officer, Phones,
Ratan Lal Nagar, Kanpur Nagar,
2. Bhola Prasad son of Late Sri Gayadin Yadav,
Senior Telecom Office Assistant,
Commercial Section (C)
Office of G.M.T.D.,
Gandhi Bhawan, Lucknow.
3. Badri Prasad Bajpai,
son of Late R.K. Bajpai,
Section Supervisor (Operative)
Cash Section, Office of G.M.T.D.,
Lucknow.
4. Shivji Srivastava,
son of late Sri B.P. Srivastava,
Telecom Supervisor (operative)

Office of SDE Phones,
F.R.S. Lajpat Nagar,
Kanpur.

. . . Applicants.

Counsel for the applicants:-Sri G.C. Gehrana, Adv.

Versus

Union of India and others.

. . Respondents.

Counsel for the respondents: Sri N.B. Singh, Adv.

O.A. 16/99

Bans Bhooshan Singh,
son of Sri Raj Nath Singh,
r/o Village Prasadpur, Post Office
Mangari Babatpur, District Varanasi.

. . . Applicant.

Counsel for the Applicant:- Sri G.C. Gehrana, Adv.

Versus

Union of India and others.

. . . Respondents.

Counsel for the respondents:- Sri N.B. Singh, Adv.

Order

(By Hon'ble Mr. S. Dayal, Member (A.))

This bunch of applications under Section 19 of Administrative Tribunals Act 1985 consists of O.A. No. 1392/98 as a leading case along with O.A. 751/98, 847/98, 1311/98, 1484/98 and 16/99. As all the O.As. raise common issues, they were heard together and common order is being given.

2. The reliefs asked for in O.A. Nos. 1392/98, 1311/98, 1484/98 and 16/99 are the following:-

- (i) A direction to the respondents not to give effect to the order dated 20.8.97 and to forthwith send the applicant for pre-promotional training for the post of

Junior Telecom Officers and post them as such thereafter.

- (ii) A direction to the respondents to make special arrangements for sending the applicant for their pre-promotional training for the post of Junior Telecom Officer in the Training Commencing from 23.11.98 and in case of O.A. No. 1484/98 commencing from 21.12.98.
- (iii) A direction to the respondents to ascertain seniority of the applicants vis-a-vis those candidates who have been sent for training of JTOs and have been posted ignoring the claim of the applicant.
- (iv) A direction to the respondents to grant such promotion to the applicants with effect from the date the persons juniors to them have been granted such promotions.
- (v) The cost of the applications has also been prayed for.

3. Similar reliefs have been asked in the remaining O.As. Although the phraseology is different. O.A. 751/98 seeks the setting aside of impugned orders dated 12.6.98 and 17.6.98 by which 15 and 31 officers respectively were sent for Cat-I/cat-ii training of Junior Telecom Officers. The O.A. also seeks directions to the respondents to depute the applicants for promotion to the post of J.T.Os. and not to depute any other person until the successful candidates as per letter dated 16.7.97 is exhausted. The reliefs asked for in this O.A. appear to be for promotion, although at the time they were heard it was clear that the relief is for sending on pre-promotional training as in other O.As. In O.A. No. 847/98 the reliefs asked for are direction to the respondents to send the

applicants for promotional training for the post of J.T.O and grant such promotion to the applicants on the date their juniors have been granted promotion. Cost of the application has also been prayed for.

4. The contention of the applicants is that the applicants are within the eligibility zone for promotion to the post of J.T.O. The applicants appear at the examination for departmental promotion against vacancies of 1993-94 and were declared successful by letter dated 16.7.97 and supplementary list dated 2.2.98. Yet the applicant were not sent for pre-promotional training and persons who were not selected or have not appeared in the examination were sent for training by letters dated 5.1.98, 9.1.98, 23.1.98, 4.2.98 and 17.7.98. These persons could only have been candidates for the vacancies which occurred subsequently and not for 93-94 for which the examination had been held. There was a notification for departmental examination for vacancies relating to 1991-92, but the result of such examination was cancelled after declaration. The persons aggrieved by the cancellation filed O.A. No. 366/96 and O.A. No. 527/96 at Lucknow Bench and some interim orders were passed, but inspite of those orders the persons could not have been sent for training. They filed another O.A. No. 374 of 1997 in which the respondents were restrained from giving effect to the orders contained in order dated 17.7.97 provided they also send the applicants for pre-promotional training for promotion to the grade of J.T.O. It has been mentioned by the applicants that all the persons were filed the aforesaid O.A. had been deputed for pre-promotional training by the respondents and there was no restrain on the respondents to send the applicants for training. The

Head Office had required candidates eligible for being sent for training deputed against seats available for training but the Asstt. General Manager Eastern Region, surrendered the seats by letter dated 6.7.98. The Head Office again demanded a list of candidates who have been eligible for deputing for training by letter dated 16.7.98 by FAX. The respondents, however, did not send the list under the garb of order dated 13.8.97. As a result, the candidates who were sent for training were eligible for vacancies which occurred after 1994. Thus the applicants belong to earlier selection were not sent for training earlier than those who appeared for such test subsequently contrary to the departmental rules. Some of the candidates declared selected on 16.7.97 filed O.A. No. 847/98 and interim order was allowed for sending the applicants for pre-promotional training, but they were not so sent. Since the C.G.M. of Eastern Circle, U.P. did not send any requisition, no seats were allotted for training to candidates of Eastern Circle.

5. The arguments of Sri G.C. Gehrana for the applicants and Sri N.B. Singh for the respondents have been heard.

6. There is a short question involved in this case. The issue is whether the training seats available for training J.T.Os. for Eastern Circle should be allowed to go abegging till the O.As. filed before Lucknow Bench challenging the cancellation of the selection held in order to fill up vacancies of 1991-92 is decided by Lucknow Bench. It is not known as to how many of the candidates who were declared successful at the examination held for filling up of vacancies of 1991-92 have so far been trained and posted as J.T.Os. The applicants

have claimed in their supplementary R.As. filed on 20.5.99 that the conditional order of application No. 374 of 1997 has been complied^{with} by sending applicants of that original application for training. It is likely that some of the candidates who were declared successful at the examination held for filling up of the vacancies of 1991-92 have not so far been trained. The order of the Lucknow Bench of the Tribunal were that the embargo on training of this would continue till those who were party to O.A. 374/97 were trained. The other successful candidates who might have been party to other O.As. filed before Lucknow Bench or who were successful but did not file any O.A. and still remain to be trained. The applicants can be sent for further training on submitting an undertaking that their training, post as J.T.O and further training shall be subject to the outcome of the O.As. pending before Lucknow Bench with regard to the claim of the candidates who were declared successful against selection held for filling up of vacancies for the year 1991-92.

7. The respondents have mentioned in supplementary counter affidavit that the training of the applicants has to be imparted in two phases. The first phase is pre-promotional training for promotion to the post of J.T.O. They have also mentioned that the training of the first phase consists of four plus sixteen weeks which has been imparted to the applicants before imparting the training of second phase. The candidate has to be put to officiate as J.T.O. and make to undergo four weeks of full training and thereafter sixteen weeks of institutional training in the second phase. The marks obtained in institutional training will be

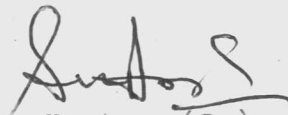
counted for fixing his seniority. The trainees who passed in the first attempt will be counted as senior to those who appearing in supplementary tests and passed thereafter. These facts are contained in the O.A. of Government of India, Ministry of Tele-Com No. 4-6/89-TRG dated 23.6.92 which has been appended to supplementary counter affidavit filed by the respondents in O.A. 1392/1998. The training would thus effect the interse seniority of a particular batch of trainees on account of the above stipulation. The respondents have mentioned that they have two dilemmas the first is that if the applicants are deputed for training before deputing the applicants of previous examination whose selection was cancelled but in whose case an interim order has been granted by the Lucknow Bench for sending the applicant for second phase training in this case may result in contempt of court. Secondly sending the applicants for second phase of training would involve posting them as J.T.Os. These dilemmas can be resolved by obtaining an undertaking as mentioned in the previous paragraphs.


8. The applicants have sought a direction to the respondents to ascertain seniority vis-a-vis those candidates who had been sent for training of J.T.Os. and have been posted ignoring the claim of the applicants. They have also sought direction to the respondents to accord them promotion with effect from the date the persons junior to them have been promoted. The learned counsel for the applicant has been contending on various dates on which the O.As. came up before the Division Bench that the applicants may be sent for

pre-promotional training and thereafter for giving them training subsequent to the pre-promotional training. It has not been mentioned as to who are junior to the applicants have been promoted nor have such juniors been made a party to the O.As. Under the circumstances this relief claimed by the applicants can not be allowed.

9. In view of the above, the respondents are directed to send the applicants for further training or pre-promotional training followed by further training for promotion to the post of J.T.O. on the applicants furnishing the undertaking as mentioned in the last paragraph. The respondents are also directed to examine as to whether the candidates who were declared successful against vacancies for the year 1991-92 can be sent for pre-promotional and further training for promotion to the post of J.T.Os. alongwith the applicants.

There shall be no order as to costs.


Member (J.)


Member (A.)

Nafees.