

original Judgment OA. 15/2001
Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Original Application No. 15/2001
THIS THE 9TH DAY OF APRIL 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. C.S. CHADHA, MEMBER (A)

1. Ram Milan, S/o Sri Ram Jiawan.
2. Shiv prasad Tiwari, S/o late J.K. Tewari.
3. Arvind Kumar Sharma, S/o late S.D. Sharma.
4. Babu Lal, S/o late Barkhu Ram.
5. Smt. Savitri Gupta, W/o Sri D.L. Gupta.
6. Nilima Mukherjee, S/o Sri A.S. Mukherjee.
7. Rama Kant Dwivedi, S/o late B.R. Dwivedi.
8. H.K. Pandey, S/o late A.S. Pandey.
9. Krishna Govind Tripathi, S/o Sri M.P. Tripathi.
10. A.N. Singh S/o late Sri prahlad Singh.
11. Ravindra nath Singh, S/o late Bhagwat Singh.
12. C.B. Srivastava, S/o Sri S.N. Srivastava.
13. Akhlaq Rasool Siddiqui, S/o late A.H. Siddiqui.
14. Sudhir Kumar Misra, S/o Sri B.N. Misra.

Applicants.

By Advocate : Sri Sudhir Agrawal

Versus.

1. Union of India through the Secretary, Ministry of Telecom, New Delhi.
2. The Managing Director, Bharat Sanchar Nigam Limited, New Delhi.
3. The Chief General Manager, Telecom, U.P. Eastern Circle, Lucknow.

Respondents.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi.

With

Original Application No. 89 of 2001.



Rakesh Kumar Bisnoi, S/o Sri Hargovind Singh Bisnoi,
R/o 19, Navin Nagar, M.D.A. Colony, Moradabad.

Applicant.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Telecom, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecom Uttaranchal and U.P. West Telecom Circle, Bharat Sanchar Nigam Limited Windlass Complex, Rajpur Road, Dehradun.
3. The Asstt. General Manager (Establishment), Bharat Sanchar Nigam Limited, Rajpur Road, Dehradun.
4. The General Manager, Telecom District Moradabad.

Respondents.

By Advocate : Sri M.B. Singh.

With

Original Application No. 666/2000

1. Rajni Kant Sharma, S/o Sri R.K. Sharma.
2. Babu Ram Saini, S/o Sri Kul Singh.
3. K.K. Wadhwa, S/o Sri Devi Das.
4. Krishnapal, S/o Sri Ranvir Singh.
5. Sri Subhash Singh, S/o Sri Rajvir Singh.
6. Suresh pal, S/o Sri Ram Singh.
7. Radhey Shyam Sharma, S/o Sri Jagdish Sharma.
8. Rajendra Kumar Sharma, S/o Sri Kulalnand Sharma.
9. Pushpendra Kumar, S/o late Loti Ram.
10. Radhey Shyam Gupta, S/o late Salek Chandra.
11. B.B. Lal, S/o Sri Hari Singh.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Telecom, New Delhi.



2. The Director General Telecom., Sanchar Bhawan,
New Delhi.
3. The Chairman, Telecom Commission, Sanchar Bhawan,
New Delhi.
4. The Chief General Manager, Telecom, U.P. Western
Circle, Dehradun.
5. The Director (F&A), in the office of General Manager,
Telecom. District Saharanpur.

Respondents.

By Advocate : Sri M.B. Singh.

With

Original Application No. 1336 of 2000

1. Madan Singh, S/o late Sadhu Ram.
2. Ghanshyam Sharma, S/o Sri Madho Ram.
3. Bhagwati Prasad, S/o late Chet Ram.
4. Tejpal, S/o Rati Ram.
5. Rishipal, S/o late Suggan Singh.
6. Zila Singh, S/o late Bhullan Singh.
7. Shyam Sunder, S/o Sri Roop Sahai Gupta.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of
Telecom, New Delhi.
2. The Managing Director, Bharat Sanchar Nigam Ltd.,
New Delhi.
3. Chief General Manager Telecom. U.P. Western Circle,
Dehradun.
4. The Director (F&A) in the office of General Manager,
Telecom, District Saharanpur.

Respondents.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi.

With

Original Application No. 1418/2000



Dharam Pal, S/o Sri Ram Lal, Posted at Junior Accountant (T.A.) in the office of General Manager, Telecom., District Saharanpur.

Applicant.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Telecom., New Delhi.
2. The Managing Director, Bharat Sanchar Nigam Limited., New Delhi.
3. The Chief General Manager, Telecom., U.P. Western Circle, Dehradun.
4. The Director (F&A) in the office of General Manager, Telecom., District Saharanpur.

Respondents.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi.

With

original Application No. 174 of 2001.

1. Ramesh Chandra Srivastava, S/o late Mahendranath Srivastava.
2. Shiv Pratap, S/o late Jhaloo.
3. Parikramadin, S/o Sri Ram Charan.
4. Shripal, S/o Sri Chheduram.
5. Anil Kumar, S/o Sri Sarjoo Shanker.
6. Dileep Kumar Singh, S/o Sri HariShanker Singh.
7. Anita Gupta, Raddha Krishna Gupta.
8. Vinay Kumar Misra, S/o late R.D. Misra.
9. Shailendra Kumar Srivastava, S/o Sri S.N. Srivastava.
10. Ramajor Verma, S/o Jaishree Prasad Verma.
11. Asha Misra, W/o Sri Yogesh Misra.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Telecom., New Delhi.
2. The Managing Director, Bharat Sanchar Nigam Limited., New Delhi.
3. The Chief General Manager, Telecom, U.P. Eastern Circle, Lucknow.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi Respondents.

With

Original Application No. 1428 of 2000.

1. Surya Prakash, S/o Sri M.N. Verma.
2. Rajeev Kumar Saxena, S/o Sri S.P. Saxena.
3. Awdhesh Kumar Nishad, S/o late R.S. Nishad.
4. Yogesh Rehni, S/o late S.P. Rehni.
5. Kalyan Singh Chauhan, S/o Sri J.S. Chauhan.
6. Anil Kumar Savita, S/o late S.N. Savita.
7. Sharad Kumar, S/o Sri B.N. Singh.
8. K.K.S. Chauhan, S/o late S.R. Singh.
9. Anil Kumar Trivedi, S/o late V.B. Trivedi.
10. Sudhakar Prajapati, S/o late Meeta Ram.
11. Anirugh Singh Chauhan, S/o Sri Bahadur Singh Chauhan.
12. Smt. Mitul Sinha. W/o Sri Sanjay Srivastava
13. Hari Shanker, S/o Sri Hargain Yadav.
14. R.K. Srivastava, S/o Sri B.R. Srivastava.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Telecom, New Delhi.
2. The Managing Director, Bharat Sanchar Nigam Limited, New Delhi.
3. The Chief General Manager, Telecom, U.P. Eastern Circle, Lucknow.

Respondents.

By Advocate : Sri G.R. Gupta for Sri R.C. Joshi.

ORDER (ORAL)

BY JUSTICE R.R.K. TRIVEDI, V.C.

In all the aforesaid cases, the question of facts and law are similar, therefore, they can be disposed of by a common order except O.A. No. 89 of 2001 with which we ^{shall} deal ~~it~~ separately.

R. P.

2. The applicants are presently serving in Group 'C' Service and they were entitled to be considered for promotion to the post of Junior Accounts Officer (JAO in short) subject to passing JAO examination held in accordance with the procedure prescribed under JAO Service Telecommunication Wing (Group 'C') Recruitment Rules 1977. Rule 8 of the aforesaid Rules provided that the departmental examination shall consist two parts namely part I and part II and shall be conducted in accordance with such syllabus, and in such manner and at such time and place, as may be specified by the Director General from time to time. Rule 8(b) provides that any person who passes part II examination shall be eligible for appointment as JAO. The Director General in exercise of the powers conferred under rule 8(1) of the aforesaid Rules issued directions from time to time, a copy of which has been filed as Annexure A-2 to the O.A. By the circular dated 10.7.90, the Director General changed the syllabus of part I and part II of the departmental examination in the manner that under the changed syllabus, there were only five papers in part I and six papers in part II. The paper of Advanced Accountancy which was earlier in part I examination was shifted to part II examination. All the applicants appeared in part I examination. However, it appears that they failed in paper no. VI namely Advanced Accountancy and their results were not declared. Aggrieved by which, they filed the present O.As and challenged the action of the respondents that they acted against the rules and illegally included paper no. VI in part I examination, while under the changed syllabus they should have examined in paper no. VI in part II examination. It was also submitted that the respondents



may be directed to declare the result of the applicants and they may be permitted to appear in part II examination (including paper no. VI. By an interim order passed on different dates, the respondents were directed to allow the applicants to appear in part II examination including paper no. VI after declaring the result of the part I examination. It is not disputed that all the applicants have passed in part I examination and on the basis of five papers, they have appeared in part II examination as well as paper no. VI. The only exercise left now is to proceed according to the rules for declaration of the result.

3. We have heard the learned counsel for the parties at length and we are of the opinion that the practice adopted by the respondents could not change the rules. Thus, the applicants were entitled to appear in paper no. VI namely Advanced Accountancy in part II examination and they have been allowed for the same by the order

of this court and they are entitled for the relief. ^{The respondents are directed to declare their result as per extant rules.}

4. In O.A. no. 89 of 2001, the result of the applicant namely Rakesh Kumar Bisnoi, has not been declared on the ground that he adopted unfair means in paper no. V by writing Roll No. and name in the answersheet. The short submission in this case is that even if the applicant was using unfair means in the examination, he was entitled to ^{be} given an opportunity ^{to} show-cause. The submission appears to be correct. Any order entailing the civil consequences can be passed after complying with the principles of natural justice.

5. For the reasons stated the O.A. is allowed and the impugned order dated 21.11.2000 is quashed. The respondents shall serve a copy of the show-cause notice to the



applicant and thereafter considering his explanation shall pass a fresh order.

6. All the O.As stand disposed of as above, without any order as to costs.