

Date of order: 10.11.1995

OA NO. 472/95

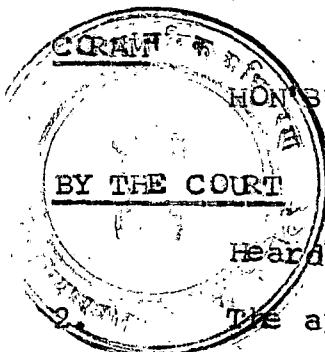
D.N. LALWANI

..... Applicant

v.  
Unikom UOI and ORS.

..... Respondents

Mr. Vijay Mehta, counsel for the applicant.



Heard Shri Vijay Mehta, learned counsel for the applicant.

The applicant who is working as Telephone Inspector in the Office of the Telecom District Manager, Udaipur, is aggrieved by the issue of the Notification dated 7.6.95 (Annex.A-4) of the D.O.T., New Delhi and the subsequent Notification dated 23.8.95 (Annex.A-6), by which a departmental competitive examination for promotion as Junior Telecom Officer against 15% quota is to be held on 2nd and 3rd December, 1995. His contention is that if the examination is for the 20% quota is not simultaneously held then he stands to lose his seniority assuming that he might have been meritorious enough to improve his seniority position through the 20% examination. The applicant had represented in the matter vide his letter dated 23.8.95 (Annex.A-5). This letter is addressed to the D.E. (Administration), office of the Telecom District Manager, Udaipur. No reply has been received by him to this representation.

3. I do not find anything on record which would show the rule regarding assignment of inter-se seniority of promotees of the three categories mentioned in the Recruitment Rules of Junior Telecom Officer, 1990, at Annex.A-1. The applicant is under the impression that if the examination for all the three categories of promotion within the 50% quota reserved for such promotees is not held simultaneously then the category for which the examination is held relatively later would stand to lose seniority because seniority would be assigned from the date of actual promotion. If this impression of the applicant is correct

*Vijay Mehta*

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then there is, *prima facie*, force in his contention that if the examination is not held simultaneously for all the three categories then the category for which the examination is held at a later date stands to lose. Since no reply has been received by the applicant to his representation the actual position is not clear.

4. In the circumstances of the case I deem it fit to direct the respondents that the representation of the applicant dated 23.8.95 (Annex.A-5) may be replied by 25th November, 1995 after he is given a personal hearing by the Officer to which the representation is addressed. The objections that the applicant might raise during the personal hearing may also be answered in the reply to be given. The applicant would be at liberty to approach this Tribunal if he still aggrieved by the reply of the respondents. With this direction, the OA is disposed of at the admission stage. A copy of the OA may be sent to each of the respondents alongwith a copy of this order.

*Usha Sen*  
( USHA SEN )  
Administrative Member

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