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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

..... DATE OF ORDER : 6.8.99

O.A.NO. 34/1999

1. Prem Singh S/o Shri Rawat Singh, aged about 52 years, R/o C/o Shri Mangilal Mali, Near Power House, Pali, Distt. Pali, at present employed on the post of Tech/Supervisor in the office of SDO (Phones), Pali, Distt. Pali.
2. C.L.Joshi S/o Shri Gokul Ramji, aged about 55 years, R/o Vyas Colony, Pali District Pali, at present employed on the post of Tech/Supervisor in the office of SDE (Group Exchange), Pali, Dist. Pali.
3. Rajendra Kumar Ojha S/o Shri R.N.Ojha aged about 35 years, R/o Chaudarion-Ki-Bader, Raipur, Distt. Pali, at present employed on the post of Technician in the office of Telephone Exchange, Raipur, Distt. Pali.
4. Kailash Chander Sen S/o Shri Satish Sen, aged about 51 years, R/o H.No. 505, Behind Bangar College, Indira Colony, Pali, Distt. Pali at present employed on the post of Tech/Supervisor in the office of SDE (Group Exchange) Pali, Distt. Pali.

APPLICANTS

Mr.J.K.Kaushik

For the Applicants

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur.
3. General Manager, Telecom, Western Region, Jodhpur.
4. Telecom District Manager, Pali, District Pali.

RESPONDENTS

Mr.K.S.Nahar

..... For the Respondents

CORAM :

HON'BLE MR. A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER MR. A.K.MISRA :

Applicants' prayer that the respondents may be directed to conduct qualifying screening test for

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the post of TTA in respect of applicants as per their option / application and allow all consequential benefits including interpolating their names as per their result in the test in the panel prepared in pursuance with letter dated 26.10.1998 Annexure A/2, moved this O.A.

2. Vide order dated 16.2.1999, the respondents were restrained from publishing the result of the examination in question. This stay order continues.

3. We have heard the learned counsels for the parties and considered the facts of the case.

4. It is alleged by the applicant that in pursuance of new policy of restructuring of technical cadre in group C and D issued by respondent No.1, applications were invited from all the eligible candidates vide letter dated 26.10.1998 (Annex.A/2) by the respondent No. 2. The applicants, who fulfilled all the terms and conditions of eligibility, submitted their applications within the scheduled time which were forwarded to the controlling authority i.e. respondent No.2. The qualifying screening test for the post of Telecom Technical Assistant (for short "TTA"), was scheduled to be held on 10.1.1999 at Jaipur but the applicants were not informed about their Roll Numbers neither they were supplied with Hall permits. When they contacted respondent No. 4, they were informed that Hall permits were misplaced / consequently, the applicants could not appear in

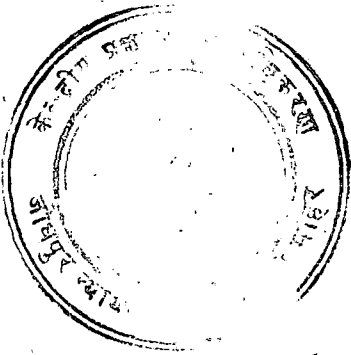


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the screening test conducted by the respondents. The applicants moved in writing to the respondent authorities in this connection but having not been given any relief by the respondents, the present O.A. was filed.

5. The respondents have stated in their reply that the applicants did not contact the concerned authority for supply of Hall permit, therefore, all the allegations levelled by the applicants, are of no help to the applicants. The applicants were not sincere enough to appear in the examination and contacted the concerned authorities much after the examinations were over.

6. We have considered the facts of the case. While disposing of the prayer relating to interim relief, it was observed by us that hall permits which were required to be delivered to the applicants, were mis-placed and consequently the applicants could not appear in the examination and in view of this fact, the publication of result was restrained. The respondents have not clearly stated in their reply that Hall permits were readily available with them and the applicants ~~never~~ turned-up to take delivery of the same. The applicants have stated in their application that on contacting the concerned authority, they were informed that Hall permits were mis-placed. This specific allegation has not been denied specifically. There is no reason to dis-believe the applicants on this point. If the applicants had not appear in examination inspite of delivery of Hall permits they would have



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been marked absent and would have been ^{shown} as such in the attendance sheet relating to the examination. If the Hall permits were required to be delivered through their supervisory authorities, a letter to this effect would have been written and a copy thereof would have establish that the Hall permits were readily available with the respondents to be delivered to the applicants. But there is nothing on record to establish this factum. We have reason to believe that the applicants could not appear in the examination because of non delivery of Hall permit. Without Hall permits, they would not have been allowed entry in the examination hall even if they had gone to Jaipur. It is, therefore, of no consequence to say that had the applicants appeared before the examination Superintendent or the concerned authority, they would have been provisionally permitted. The arguments concerning this point does not impress us.



7. In view of the foregoing discussion, we come to the conclusion that as the result has not been declared as yet, the applicants can be allowed to appear in examination and the respondents can be directed to conduct a supplementary examination and the result could be declared of all the candidates at a time. The O.A. deserves to be accepted accordingly.

8. The O.A. is, therefore, accepted. The respondents are directed to conduct a supplementary qualifying screening test for the post of Telecom

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Technical Assistant in respect of the applicants and similarly situated any other candidate who could not appear in examination on account of non delivery of Admission Card, as per their option/application, within one month from the date of receipt of a copy of this order. The result of such candidates be declared along with the result of candidates examined earlier and follow up action be taken as per result.

9. The parties are left to bear their own costs.

Gopal Singh
(GOPAL SINGH)
Adm.Member

A.K. Misra
(A.K.MISRA)
Judl.Member

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Received

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Received
13/8/59

Part II and III destroyed
in my presence on 14-2-56
under the supervision of
section officer () as per
order dated 16/5/56

Section Officer (Record)