

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH :: CALCUTTA

OA No.1185/97

20-11-2001

Present : Hon'ble Mr.S.Biswas, Member(A)
Hon'ble Mr. Shanker Raju, Member(J)

Haro Prasad Das

-Vs-

Telecom

For the applicant : None
For the respondent : Mr.B. Mukherjee

ORDER

Mr.Shanker Raju, Member(J) :

None appears on behalf of the applicant even on the second call. In terms of Rule 15 of Central Administrative Tribunal (Procedure) Rules the matter is disposed of on merit. Mr.B.Mukherjee, appears on behalf of the respondent.

2. The claim of the applicant in this OA is for direction to relax the qualifying marks in respect of O.B.C. candidates for promotion to the post of JTO (15% quota) meant for departmental candidates. The applicant participated in the Departmental Competitive Examination and he secured 29.5% marks and if it is rounded up comes to 30%, which makes him eligible for promotion as JTO under the relaxation quota.

3. The applicant in his OA has contended that the relaxation has been given by the respondents by their own letter dated 5-6-97 and relaxing the qualifying marks for SC and ST, while other category candidates have completely been excluded from the consideration zone. It is also stated that if the applicant has got 29.5% marks and it is rounded up to 30% then he is entitled to get promotion as JTO.

4. The learned counsel for the respondent at the outset by referring to a decision of the Government of India taken in OM dated 22-10-93 wherein it is stated that no change in the existing reservation rosters in so far as promotion is concerned, as there is no OBCs in promotion etc. It is also stated by the learned counsel for

the respondent that there is no rule to round off the marks and only the applicant has acquired 29.5% marks. The same cannot be rounded off to 30% and it is further stated that the promotion is subject to availability of vacancy with the respondent.

5. We have gone through the contention of the applicant carefully. The claim for according relaxation is rejected under the relevant rules and as per the policy decision of the Government of India. As the OBC candidates get only relaxation at the time of recruitment and in the matter of promotion it has no right for any relaxed standard to be applicable to him as is done in the case of SC/ST.

6. Regarding relaxing of marks, it is seen that the applicant has not approached the respondent by way of filing a representation, although there is no statutory rules for rounding of the marks. In the peculiar facts and circumstances of the case, we direct the applicant to make representation to the respondent for rounding of the marks to 30%. The respondent is directed to pass detailed reasoned and speaking order. If his request is considered then he will be promoted as JT0 subject to availability of vacancy. The overall exercise should be completed within a period of 3 months. No costs.

S. Raju
(Shanker Raju)
Member(J)

S. Biswas
(S. Biswas)
Member(A)