

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.415/2002.

Thursday this the 20th day of June 2002.
CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. M.S.Vijayakurup,
Telecomm Technical Assistant,
Transmission Maintenance,
Telephone Bhavan, Alappuzha.
2. Madhusoodanan Pillai,
Telecom Technical Assistant,
Telephone Exchange, Vallikkavu,
Kollam.
3. Basheer Khan P.S.,
Telecom Technical Assistant,
Telephone Exchange, Pandalam. Applicants

(By Advocate Ms.K Indu)

Vs.

1. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi.
2. The Chairman, Telecom Commission,
Bharat Sanchar Nigam Limited,
New Delhi.
3. The Chief General Manager,
Telecom, Kerala Circle,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram Respondents

(By Advocate Mrs. P.Vani, ACGSC)

The application having been heard on 20th June, 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicants three in number, who are Telecom Technical Assistants appeared in the examination in the qualifying quota for the vacancy of JTOs in the year 1995. The result was announced on 17.1.2002. The grievance of the applicants is that, while many others have been granted grace marks to the extent of

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7 marks and they have been placed in the Select List, the applicants have not been awarded such marks and therefore, their names were not included in the list. Therefore, the applicants made a representation to the 3rd respondent but without response. Therefore, they have jointly filed this application for the following reliefs:

- i) to direct the respondents to extend the benefit of Annexure A-3 to the applicants also.
- ii) to direct the respondents to review the marks awarded to the applicants for the Screening Test held on 29.1.95 for promotion to the post of JTO and award the grace marks of seven to the marks already awarded.
- iii) to declare that the claim of applicants' for relaxation of minimum qualifying marks for pass in the screening test for absorption in the post of Junior Telecom Officer, from 40% to 30% in the screening test held on 29.1.95, result of which was declared on 4.10.96, is liable to be considered by the respondents and to direct the respondents to consider Annexure A-4 series and give the applicants the consequential benefits.
- iv) to direct the respondents to consider applicants for promotion to the post of Junior Telecom Officer in the existing vacancies basing on the screening test conducted on 30.4.2000.
- v) to issue such other direction, order or declaration as this Hon'ble Tribunal deem fit and proper in the facts and circumstances.

2. Learned counsel of the applicants states that, if all the persons who placed in the Select List are imparted training, that might adversely affect their chances and seniority and it is necessary to protect their interest by issuing an interim order. Learned counsel of the respondents under instructions from the official respondents states that the training is being imparted in batches as there is no facility to impart training to all the candidates together and that therefore, the training imparted earlier or later would not affect seniority. Counsel suggests

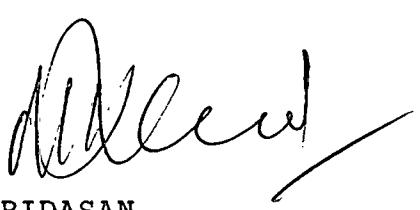
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that since the instruction in regard to awarding of grace marks is to come from the second respondent, Chairman, Telecom Commission, it would be appropriate if the applicants are permitted to make a representation to the 2nd respondent and the 2nd respondent is directed to give an appropriate reply in the matter to them within a short time. Learned counsel of the applicants also states that the applicants would be satisfied, if the O.A. is disposed of with such directions.

3. In the light of the submissions made by the learned counsel on either side, the application is disposed of at the admission stage itself, permitting the applicants to make a detailed representation to the 2nd respondent for grant of grace marks within one week from today and directing the 2nd respondent that, if such a representation is received, the same shall be considered and disposed of keeping in view the Annexure A-3 order and to give the applicants an appropriate reply within a period of one month from the date of receipt of the representation. There is no order as to costs.

Dated the 20th June 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicants' Annexures:

1. A-1 : True copy of the order No.12-9/98-DE dated 19.5.1998 issued by the Director (DE&VP), Department of Telecom, New Delhi.
2. A-2 : True copy of the order in OA No.552/99 dated 7.9.2001 of this Hon'ble Tribunal.
3. A-3 : True copy of the Memo No.Rectt/30-6/2002/Reviv dated 17.5.2002 issued by the 3rd respondent.
4. A-4 : True copy of the representation dated 31.5.2002 submitted by the 1st applicant to the 3rd respondent.
5. A-4a: True copy of the representation dated 31.5.2002 submitted by the 2nd applicant to the 3rd respondent.
6. A-4b: True copy of the representation dated 31.5.2002 submitted by the 3rd applicant to the 3rd respondent.
