

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

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OA No.418/2000

Thursday, this the 29th day of August, 2002.

CORAM :

HON'BLE SHRI G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER  
HON'BLE SHRI K.V. SACHIDANANDAN, JUDICIAL MEMBER

Valsala C.V.  
Telecom Technical Assistant  
Panampilly Nagar Exchange  
Ernakulam Telecom District.

Applicant

( By Advocate Mr. K.V. Raju )

Vs

1. The Principal General Manager  
Telecom, Ernakulam  
Cochin.
2. The Chief General Manager  
Telecom Circle, Trivandrum.
3. Director General  
Telecommunications  
New Delhi.
4. Union of India rep.by  
the Secretary  
Ministry of Communications  
New Delhi.

Respondents

( By Mr. C. Rajendran, SCGSC )

The application having been heard on 29.8.2002, the Tribunal on the same day delivered the following :


ORDER

HON'BLE G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

This original application has been filed by the applicant aggrieved by Annexure A3 order dated 30.3.2000 by which her request for participating in the Screening Test has been rejected on the ground that she has no required service in Kerala Circle. She sought the following reliefs through this Original Application :-

(i) to call for the records relating to Annexure A3 and to struck down the same;

(ii) to declare that the applicant is eligible to appear in the screening test and to get promotion as JTO if she passed the test;



(iii) to issue appropriate directions or order to the 1st or 2nd respondent to allow the applicant also for appearing the Junior Telecom Officer Screening Test to be held as per Annexure A3 order;

(iv) to grant such other reliefs which this Hon'ble Tribunal deem fit, proper and just in the circumstances of the case;

(v) to award cost of the applicant.

2. Heard the learned counsel for the parties.

3. According to the applicant, when a junior is permitted to appear for the Screening Test, the senior should also be permitted and the applicant has more than six years of service, required under the recruitment rules, if the service under the previous circle, namely, Maharashtra Circle is also taken in to account.

4. When this original application along with three original applications came up for consideration, a Division Bench of this Tribunal framed the following issues taking into account the provisions in the Recruitment Rules, pleadings and the reliefs sought for in the Original Applications :-

(i) The "six years of regular service referred to in the JTO Recruitment Rules should be only as a TTA or would include the earlier service prior to his becoming a TTA.

(ii) If a junior TTA becomes eligible for participating in the screening test, will the senior TTA also become eligible for participating in the screening test even if he/she does not complete the six years of service.

(iii) whether the length of service put in by a TTA in another circle would get counted towards the 6 years of service in the case of employees who are transferred from one circle to another under Rule 38.

5. Regarding the 1st issue, as there was divergent decisions taken by the two Division Benches of this Tribunal, viz. the Hyderabad Bench and the Principal Bench, the following question of law was referred to a Larger Bench :-

"The "six years of regular service" referred to in the Recruitment Rules to be put in by the Phone Inspectors/Auto Exchange Assistants/Transmission Assistants/Wireless Operators who possess High School/Matriculation to be called for the qualifying screening test under 35% quota would be called for the



qualifying screening test under 35% would be the total service as interpreted by the Principal Bench of this Tribunal in OA 193/99 or it should be 6 years in the cadre of TTA and other eligible cadres as interpreted by the Hyderabad Bench of the this Tribunal in OA 1754/98."

6. The Larger Bench decided the issue as follows :-

"The PI/AEA/WO/TA/TTA who possess the High School/Matriculation qualification should have completed six years of regular service in the Department in order to be eligible to appear for the Screening Test under the 35% quota as per the relevant recruitment rules."

7. In this case the issue involved is whether the length of service put in by her in another Circle can be counted towards six years of regular service. As the Full Bench has decided that what is required for eligibility to appear in the screening test against 35% quota is only six years of regular service as distinct from the service in the eligible cadres, the length of service put in by her in Maharashtra Circle could not be excluded for the purpose of eligibility for appearing in the Screening Test. Further in OA 47/2000, we have held after considering the provisions of the Recruitment Rules R1(a) that for recruitment against 35% quota selection for JTO, only educational qualifications and length of service have been specified for eligibility and had not given any criteria of seniority. Therefore, even though the applicant is junior in the Kerala Circle, as the applicant has six years of service specified in the Recruitment Rules, we are of the considered view that she cannot be prevented from the Screening Test on the ground that she does not have the required service in Kerala Circle.


8. In the light of the above, we set aside and quash that portion of Annexure A3 order in which the applicant's application

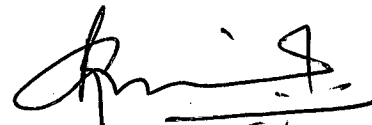


for participating in the Screening Test had been rejected on the ground that "no required service in Kerala Circle". Respondents are directed to take consequential follow-up action on the basis of the above declaration.

9. The original application stands disposed as above. No costs.

Dated the 29th August, 2002.

  
K.V. SACHIDANANDAN  
JUDICIAL MEMBER

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

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#### A P P E N D I X

##### Applicant's Annexures:

1. A-1: True copy of the relevant portion of the Letter dated 12.3.99 No.5-11/99-NCG issued by the 3rd respondent.
2. A-2: True copy of the Letter dated 18th November, 1999 issued by the 3rd respondent No.12-44/98-DE.
3. A-3: True copy of the Order NO.STA-I/EK-214/2(a)/XI/82 dated 30th March, 2000 issued by the Asst. General Manager (R&E), Office of the PGMT, Ernakulam.
4. A-4: True copy of the representation dated 12.4.2000 submitted by the applicant before the 2nd respondent.
5. A-5: True copy of the Order No.STA-I/EK-214/2(a)/XI/82 dated at Kochi-31, dated 13.3.2000 issued by Asst. General Manager (R&E).

##### Respondents' Annexure:

1. R-2A: Photo copy of the order No.5-17/99-NCG dated 8.4.99 issued by the Asst. Director General
2. R-2B: Photo copy of the order NO.5-17/99-NCG dated 23.3.2000 issued by Asst. Director General.

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