

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.434/97

Monday, this the 31st day of January, 2000.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR JL NEGI, ADMINISTRATIVE MEMBER

1. K.S. Sreekumar,
S/o.K. Sreedharan Nair,
Phone Inspector,
Ernakulam South-I,
O/o SDE Phones, South Karikkamuri,
Kochi - 11, residing at:
Kaniyattil House, Mamala P.O.,
Ernakulam District.
2. C.N. Yoghidasan,
S/o.Late C.K. Narayanan,
Phone Inspector,
Telephone Exchange, Adimaly,
residing at:Chengankal House,
Adimaly, Idukki District,
Kerala State.
3. P.M. John,
S/o. Ulahannan Markose,
Transmission Assistant,
P.C.M. Maintenance,
Telephone Exchange,
Muvattupuzha, residing at:
Koonampezhumkal House,
Marady Village,
Muvattupuzha Taluk,
Ernakulam District,
(Muvattupuzha P.O.)
4. K. Mohanan,
S/o. M.R. Nair,
Phone Inspector,
Telephone Exchange,
Widakkandney,
Trichur District, residing at:
Kazhupurath House, NIKONSAM,
Gandhi Nagar, Trichur.
5. K.J. Varghese,
S/o. K.A. Ouseph,
Phone Inspector,
Telephone Exchange,
Willington Island,
residing at: Kachappilly House.
6. Appukutty Jose,
S/o.Late Shri E.M. Joseph,
Phone Inspector,
Telephone Exchange,

contd..2/-

Ramapuram, Kottayam District,
residing at: Chandrankunel
House, Pravithanam P.O.

7. P.S. Sasidharan,
S/o.P. Sankaran Nair,
Phone Inspector,
Sreekrishnapuram,
residing at: Puthurath House,
Sreekrishnapuram,
Palakkad District.
8. Smt. Remadevi K.S.,
W/o.C.S. Bhuvana Chandra Menon,
Phone Inspector, O/o SDE External
North, Ernakulam, residing at:
13/165 A, Tripti, Kodamkulangara,
Tripunithura.
9. Ramachandran M.K.,
S/o. Late Sri.V.T. Karunakaran Nair,
Phone Inspector, Telephone Exchange,
Koduvally, Calicut District,
residing at: Thrithakkattu House P.O.,
Velimanna, Thamarassery.
10. A.T. George,
S/o. Late Thomas A.V.,
Phone Inspector, O/o General Manager,
Telecom, Calicut - 1, residing at:
Aimanachira, Nadavayal, Wayanad.
11. Viswamithran K.,
S/o. Thamun (Late),
Phone Inspector, Telephone Exchange,
Nilambur, Malappuram (District),
residing at: "Souhruda" Mayyanthani,
(P.O.) Chandakkunnu, Nilambur,
Malappuram District.
12. E.A. Chacko,
S/o. Chacko Aleayas,
Transmission Assistant,
Telephone Exchange, Thiruvalla,
residing at: Erattaplamottil House,
Pariyarattumala Road, Thukalassery,
Thiruvalla, Kerala.
13. M. Kishore,
S/o. M. Appu,
Phone Inspector,
O/o Assistant General Manager, Planning,
Telephone Bhavan, Calicut, residing at:
24/2141, Moottolikandy House, P.O.Mankave,
Calicut.
14. Smt. Sheela G.,
W/o. T.S. Mohanlal,
Phone Inspector, Cables East,
Panampilly Nagar, residing at: 64,
Journalist Colony, Kaloore, Cochin-17.

contd..3/-

15. Smt. K. Padmini,
W/o. Mr. K.S. Unni,
Transmission Assistant,
O/o General Manager, Telecom,
Catholic Centre, Ernakulam,
residing at: Kothappurath Madom,
Thiruvankulam.
16. Smt. Myrtle Joseph,
W/o. Shri M.J. Joseph,
Phone Inspector,
O/o Junior Telecom Officer,
External East, P.Nagar,
Kochi-36, residing at: Rose Bhavan,
Maringal, South Parur.

(Applicants 2 to 16 represented by their authorised agent-1st applicant-K.S. Sreekumar).

..Applicants

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
2. The Chairman,
Telecom Commission,
New Delhi.
3. Union of India represented by its
Secretary to Government of India,
Ministry of Communications,
New Delhi.

..Respondents

By Advocate Mr. Sunil Jose, ACGSC

The application having been heard on 31.1.2000, the
Tribunal on the same day delivered the following:


ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

Applicants seek the following reliefs:

- "(i) To declare that the applicants are entitled to
be deputed for Junior Telecom Officer training
and to be absorbed as Junior Telecom Officers
without any further delay and interference to
anyone recruited against any quota for the year
1994 and thereafter.
- (ii) To direct the respondents to depute applicants
for Junior Telecom Officers Training in
preference to any one recruited either against

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the outsider quota or against the competitive examination quota for the year 1994 and thereafter.

(iii) To direct the respondents to absorb the applicants as Junior Telecom Officers in preference to any one recruited either against the outsider quota or against the competitive examination quota for the year 1994 and thereafter.

(iii)(a) To declare that all the vacancies in the direct recruitment quota of Junior Telecom Officers which existed as on 13.7.93, were liable to be filled up by absorbing Phone Inspector/Auto Exchange Assistants/Wireless Operators and Telephone Inspectors, who were qualified in the examination against qualifying quota and direct the respondents accordingly.

(iii)(b) To declare that all the vacancies in the direct recruitment quota of Junior Telecom Officer which existed as on 24.8.94 were liable to be filled up by absorbing Inspector/Auto Exchange Assistant/Wireless Operators and Telephone Inspectors qualified in the competitive examination and to direct the respondents to carry out the declaration by allowing equal number of vacancies either by additional creation or by diversion of existing vacancies.

(iv) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and

(v) Grant the cost of this Original Application."

2. When the O.A. was taken up, the learned counsel appearing for the respondents submitted that the 4th applicant is no more.

3. The learned counsel appearing for the applicants submitted that the applicants have been subsequently deputed for Junior Telecom Officer Training in various batches and the last batch of December 1998 and they have been absorbed as Junior Telecom Officers. That being so, relief Nos.1&2 do not survive.

4. As far as relief Nos. (iii) (a) & (iii) (b) are concerned, giving applicants preference to any one recruited

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either against the outsider quota or against the competitive examination quota for the year 1994 and thereafter, that the vacancies in the direct recruitment quota of Junior Telecom Officers which existed as on 13.7.93 were liable to be filled up by absorbing Phone Inspector/Auto Exchange Assistants/Wireless Operators and Telephone Inspectors, who were qualified and the vacancies in the direct recruitment quota of Junior Telecom Officer which existed as on 24.8.94 were liable to be filled up by absorbing the said category of persons concerned, the applicants are permitted to submit a joint representation to the 1st respondent within three weeks from today. If such a representation is received, the 1st respondent shall consider the same and pass appropriate orders within three months from the date of receipt of the joint representation.

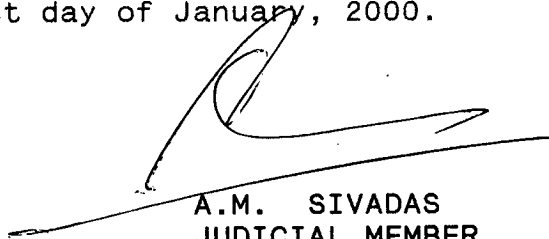
5. O.A. is disposed of as above. No costs.

Dated this the 31st day of January, 2000.



J.L. NEGI
ADMINISTRATIVE MEMBER

nv/122000



A.M. SIVADAS
JUDICIAL MEMBER