

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 18.6.1990

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 456/90

1. A. S. Abdul Rassac

2. Kum. A. Sreedevi,

3. Smt. M. Remadevi and

4. K. N. Sura

Applicants

Vs.

1. Chief General Manager
Telecommunications, Kerala
Circle, Trivandrum-33

2. Senior Superintendent of
Telegraph Traffic, Ernakulam
Division, Cochin-16

3. Supdt. Telegraph Traffic,
Ernakulam Division, Cochin-16

4. Supdt., Central Telegraph Office,
Cochin-16

5. Principal (AE Incharge) Circle
Telecommunications Training
Centre, Housing Board Building
Trivandrum

6. A. N. Kumaran, Telegraphist,
Central Telegraph Office, Cochin-16

7. Kum. K. Jayalakshmy, Telegraphist,
Central Telegraph Office, Cochin-16

8. Smt. Mary Abraham, Telegraphist,
Central Telegraph Office, Cochin-16

9. Kum. M. K. Shoba, Telegraphist,
Central Telegraph Office, Cochin-16

Respondents

M/s. P. V. Madhavan Nambiar
& C. S. Ramanathan

Counsel for the
applicants

Mr. P. Santhosh Kumar, ACGSC

Counsel for
R 1 to 5

JUDGMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

Four senior telegraphists working in the Central Telegraphic office, Cochin approached this Tribunal with the following prayers:

- (i) Declare that the applicants are entitled for Morse Telegraphy Training in Hindi as they are being senior telegraphists;
- (ii) Direct the second and third respondents to send up the names of the applicants for Morse Telegraphy Training in Hindi to the 5th respondent in the above matter, and also direct the 5th respondent to give training to them under his guidance and
- (iii) Issue such other orders or directions as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

2. They have also prayed for an interim direction to send them for the training for a period of three months which started on 4.6.90 at the 5th respondent's office. In support of their case for interim direction an affidavit was also filed on 8th June, 1990.

According to the applicants they are senior Telegraphists eligible to be deputed for training in preference to the persons already sent for the training. They have stated in the affidavit ~~xxxxxx~~ that there are enough space available for accommodating them even at this late stage because the rules provide that the person who is attending the training can absent for ten days. So the delay in joining the training cannot be a reason to deny permission to the applicants.

3. The respondents have filed a reply in this case on 13.6.90 producing Annexure R-1 dated 19.5.1990. and stating sufficient justification for overlooking

the seniority of the applicants and sending their juniors for the present training. According to Annexure R-1 letter of the General Manager Telecom. dated 19.5.1990, those who have already undergone training in Biscrptual Teleprinters can be preferred. In fact according to the respondents ~~xxxxxx~~ two of the applicants requested that they may be sent for the above training only at a later date. They have also submitted that there is no space for accommodating the additional candidates. From 1973 onwards, the number of trainees sent for this training never exceeded beyond twenty one. There will be administrative difficulty in accommodating the applicants in the present training which was started with the existing facilities. If an interim order is passed directing to accommodate the applicants also, the respondents will be compelled to appoint one more Instructor. They further submitted that the next training is to commence on 27.8.1990 for which the question of sending the applicants for training can be considered.

4. Having heard the arguments of the learned counsel appearing on both sides and perusing the relevant records we are satisfied that the grant of interim relief will in effect be granting the main relief prayed for in the O.A. itself. Hence, we have decided to hear the O.A. itself and pass final orders.


5. Admittedly the applicants are seniors to the persons already sent for the Morse Telegraphy Training which commenced on 4.6.1990. They are also fully eligible for being deputed to the present training. But according to the respondents they were not sent for the training in view of Annexure R-1, which as indicated above, gives justification for over-looking the right of seniors for sending to the three months training, when they had not undergone Biscrptual training. Since the training had already commenced and there are no adequate and sufficient facilities for accommodating the applicants for training in the present batch, we are of the view that the applicants cannot be granted the reliefs as prayed for in the O.A. But we think the case can be disposed of with the direction in the light of the counter affidavit that the respondents would consider the case of the applicants for the training in the next batch which commences on 27.8.90. Accordingly, we close the Original Application with the following directions:

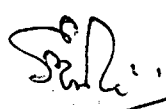
- i) The applicants shall be included in the list of candidates for Morse Telegraphy Training in Hindi to commence on 27.8.90, if they have no legal disqualification under rules.
- ii) The applicants shall have liberty to submit representation before the first respondent stating all details of their grievances

about the loss of monetary benefits and other
service benefits/which/are deprived ^{of} ^{they} ~~to them~~, on
account of the non-inclusion of their names in
the present batch which commenced on 4.6.90.

(iii) If such a representation is filed within a
week from today, the first respondent shall
dispose of the same as expeditiously as
possible at any rate within a period of six
weeks from the date of receipt of the same
after giving them an opportunity of being
heard.

6. The application is disposed of as above but
without any order as to costs.


(N. Dharmadan)
Judicial Member


(S. P. Mukerji)
Vice Chairman

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