

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.471/2013

Friday, this the 11th day of April, 2014.

CORAM :

HON'BLE Mr. JUSTICE A.K.BASHEER, JUDICIAL MEMBER
HON'BLE Ms.MINNIE MATHEW, ADMINISTRATIVE MEMBER

Veneetha Anne George
W/o Francis O.S., aged 35 years,
Residing at Olathattupuram House,
Medical College P.O., Pariyaram,
Kannur District,
Pin -670 503.

(working as Telecom Technical Assistant,
Technical Exchange, BSNL, Mangattuprambu) Applicant
(By Advocate Shri V.N.Ramesan Nambisan)

Vs.

- 1 Union of India,
Represented by its Secretary,
Ministry of Communication and Information,
Department of Telecommunication
421, Sanchar Bhavan, 20 Ashoka Road,
New Delhi -110 001.
- 2 Chairman & Managing Director,
BSNL, Corporate Office,
Bharat Sanchar Bhavan, Janpath,
New Delhi- 110 001.
- 3 The Chief General Manager (Telecom),
BSNL, Kerala Circle
Thiruvananthapuram,
Pin - 695 001.
- 4 The General Manager (Telecom), BSNL
BSNL Bhavan, Kannur
Pin -670 101. Respondents
(By Advocate Shri Thomas Mathew Nellimoottil)

The Application having been heard on 11.04.2014, the Tribunal on the same day delivered the following :

ORDER

HON'BLE Mr. JUSTICE A.K.BASHEER, MEMBER (JUDICIAL)

The applicant is presently working as Telecom. Technical Assistant in Bharat Sanchar Nigam Limited. She is a Post Graduate in Electronics. Her grievance is



that she has been denied permission to participate in the selection process for promotion to the post of Junior Technical Officer under 35% quota through Limited Internal Competitive Examination from amongst Group -C employees in response to Annexure-A4 Notification.

2. Applicant seeks the following reliefs which are self explanatory :

- (i) set aside Annexure A2 Rule to the extent not included M.Sc.(Electronics) as one of the educational qualifications prescribed under 35% promotion quota through Limited Internal Competitive Examination from amongst Group -C employees;
- (ii) to declare that exclusion of qualification of M.Sc. (Electronics) as one of the essential qualification for Group-C employees under 35% promotion through Limited Internal Competitive Examination for the post of Junior Telecom. Officer is arbitrary, unconstitutional and violative of Articles 14 and 16(1) of the Constitution of India;
- (iii) to direct the respondents to consider the claim of the applicant to include the qualification of M.Sc. (Electronics) also as one of the educational qualifications under 35% departmental promotion quota through Limited Internal Competitive Examination from amongst Group -C employees for the post of J.T.O.; and
- (iv) to grant any other order or direction that the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.


3 The applicant has raised several contentions in support of her plea that the action of the respondents in refusing to allow her to participate in the selection process smacks of arbitrariness. Anyhow, an identical issue was considered by this Tribunal in OA 380/2011. Paragraph 11 & 12 of the Order passed by this Tribunal in the above case are extracted hereunder :

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" 11. Admittedly, when M.Sc. Electronics is included as one of the eligible qualifications for the post of TTA, if an individual is possessing the said qualification he is inducted as TTA subject to his fulfillment of other necessary conditions. Normally there must be certain promotional avenues. M.Sc. Electronics is generally equated with Bachelor of Engineering in electronics as well. This qualification of Bachelor of Engineering in Electronics has been included as an educational qualification for JTO. Even academic degree such as B.Sc. Mathematics or Physics has been included as a qualification for promotion to the post of JTO. A M.Sc. Electronics degree holder cannot be made worse than a diploma holder in Electronics. The omission in the Recruitment Rules is, therefore, required to be rectified by including M.Sc. Electronics as a permissible qualification for promotion.

12. In view of the above, the O.A. is allowed. The respondents are directed to take necessary action for amendment to the Recruitment Rules. As amendment is a time consuming process, by an administrative order the respondents shall also make M.Sc. Electronics degree holders as eligible for appearing in the Limited Internal competitive Examination of the Employees of BSNL. If the applicants have already applied for participating in the examination scheduled on 2.6.2013 they should be permitted to participate in the said examination. Ordered accordingly".

4 Learned Counsel for the applicant has invited our attention to Annexure -A10 - list of departmental candidates in Maharashtra Circle who had qualified for promotion under 35% quota under Limited Internal Competitive Examination of the Employees with educational qualifications of Diploma/ Degree in the very same examination in which out of 274 candidates, 120 were diploma holders in Industrial Electronics and Electronics Engineering. Applicant contends that the respondents in Kerala Circle are refusing to accept the higher qualification of Master's Degree in Electronics as a



requisite qualification. More importantly, M.Sc. Electronics is accepted as sufficient qualification for direct recruitment.

5. We are informed that the Original Petition (CAT) filed against the Order in O.A. 380/2011 was dismissed by the Hon'ble High Court on March 19, 2014 and that the applicants in the above case were allowed to participate in the training since they had passed the examination.

6. In the case on hand also, the applicant was allowed to write the examination provisionally. The respondents have produced the result of the applicant in a sealed cover as directed. On opening the sealed cover in the court it is found that the applicant has passed in the examination. The result sheet is taken on record and marked as Annexure - X.

7. We are informed that the training is scheduled to commence on April 14, 2014. Having heard the entire facts and circumstances, we do not find any reason to deny the applicant similar benefit as has been granted to the applicants in OA No. 380/2011.

8. The Original Application is allowed. The respondents are directed to allow the applicant to participate in the training scheduled to commence from next week.

(Dated this the 11th day of April, 2014)


(MINNIE MATHEW)


(JUSTICE A.K. BASHEER)

ADMINISTRATIVE MEMBER of the Judgment in O.A. No. 380/2011 dated 04.04.2014, the OA number referred to as 380/2011 stand corrected as 830/2011 vide Order in RA No.180/00006/2014 dated 17.06.2014.

jm

Registrar