

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 471 of 1999

Wednesday, this the 16th day of January, 2002.

CORAM

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

1. P. Jyothi,
Senior Telecom Operative Assistant (Phones),
Cochin Digital Trunk Manual Exchange,
Ernakulam.Applicant

[By Advocate Mr. Shafik M.A]

Versus

1. The Chairman,
Telecom Commission,
Sanchar Bhavan, New Delhi.
2. The Chief General Manager Telecom,
Trivandrum.
3. Union of India, represented by the
Secretary, Ministry of Communications,
New Delhi.Respondents

[By Advocate Mr. P. Vijayakumar, ACGSC]

The application having been heard on 16-1-2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant working as a Senior Telecom Operating
Assistant (Phones), Cochin Digital Trunk Manual Exchange,
Ernakulam is aggrieved that her candidature for appointment to
the post of Hindi Translator Grade-II on deputation has been
rejected on the ground that she did not have the required
service in the eligible pay scale and is also overaged. The
applicant is a Postgraduate in Hindi with First class and has
completed a course, Diploma in Hindi Translation under the

Cochin University. She has been serving the Department of Telecommunication since 10-8-1978. According to the recruitment rules, 50% of the posts of Hindi Translator Grade-II are to be filled by direct recruitment and the remaining 50% by promotion from amongst Hindi Translator Grade-III failing which by transfer on deputation from amongst persons holding analogous posts or other posts in the relevant grade. According to the circular issued by the Department of Telecommunications dated 12-6-1994, efforts are to be made to fill up the posts expeditiously granting relaxation, if felt necessary in regard to age etc. at the discretion of the competent authority. Alleging that such relaxation had been granted in other circles and the respondents have discriminated against the applicant by not granting relaxation, the applicant has filed this application seeking to set aside Annexure A1 and for a direction to respondents 1 and 2 not to fill up by direct recruitment the vacancies of Hindi Translator Grade-II of the year 1998 earmarked for departmental staff and for another direction to respondents 1 and 2 to consider the claim of the applicant for appointment as Hindi Translator Grade-II by transfer on deputation against the vacancies earmarked for departmental staff in relaxation of the eligibility conditions in the Recruitment Rules.

2. Respondents seek to justify the impugned order rejecting the candidature of the applicant for appointment to the post of Hindi Translator Grade-II on the ground that apart from having crossed the upper age limit prescribed for serving candidates the applicant did not have the required service in the eligible grade and therefore, she is not eligible to be appointed. It is also contended that the competent authority

on a consideration of the relevant factors, in the interest of efficiency of service, has decided not to consider the applicant for appointment as Hindi Translator Grade-II for the reason that the applicant does not have the required service in the eligible grade.

3. When the application was heard in part on 6-12-2001, the counsel on either side were not in a position to state what actually was the grade in which the five years service was required as per the recruitment rules. Therefore, the learned counsel of respondents undertook to produce a copy of the recruitment rules. Today the learned counsel of respondents has produced a copy of the recruitment rules called Department of Telecommunications Hindi Translators Grade-I, Grade-II and Grade-III Recruitment Rules, 1996. In Column No.12 of the Recruitment Rules under the caption 'Transfer on deputation' it is stated as follows:-

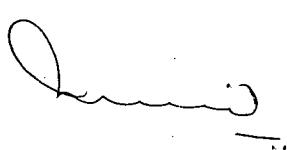
"From amongst persons holding analogous posts on regular basis or posts in the pay scale of Rs.1200-2040 or equivalent with 5 years regular service in the grade in the Circle or field offices of the Department of Telecommunications. Candidate for appointment on deputation should possess the qualifications as prescribed for direct recruits."

4. The applicant is a Senior Telecom Operating Assistant in the pay scale of Rs.975-1660. Therefore, it is evident that the applicant does not have the required service in the eligible grade apart from being overaged. Relaxation in the matter of qualifications prescribed for the recruitment is to be granted in regard to a class of persons by the competent authority. Relaxation, therefore, cannot be claimed as of right. Under these circumstances, the decision of the competent authority contained in the impugned order A1 that the

applicant is not eligible for consideration since she does not possess the required service in the eligible grade cannot be faulted.

5. In the light of what is stated above, the application which is devoid of any merit is dismissed leaving the parties to bear their costs.

Wednesday, this the 16th day of January, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

ak.

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.LCI/STA-250/98 dated 11.1.99 issued by the 2nd respondent.
2. A-2 : True copy of the Order No.E.11012/13(12-a)/94-OL-STG III dated 12.6.1994 of the Deputy Director General (Personal), Department of Telecommunication, New Delhi.
3. A-3 : True copy of the letter No.Rectt/34/3/93 dated 15.2.1996 issued by the Sub Divisional Engineer (Rectt.), office of the C.G.M.T., Trivandrum.
4. A-4 : True copy of the letter No.ST/EK-259/B/II/48 dated 1.7.96 issued by the Asst.General Manager, Telecom (Admn.), office of the G.M.T., Ernakulam.
5. A-5 : True copy of the representation dated 26.9.98 submitted by the Applicant to 1st respondent.
6. A-6 : True copy of the judgment dated 28.10.98 passed by this Hon'ble Tribunal in O.A 1535/98.

npp
22-1-02