

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.496/2002 and OA No.524/2002

Monday this the 12th day of August, 2002

CORAM

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

O.A:496/2002:

M.Bhaskaran Nair
TTA, Telex Out Door,
Manjalikulam Road,
Trivandrum 1 residing at
TC 31/1045, Mangalam Lane,
MLR 45, Sasthamangalam
Trivandrum.

...Applicant

OA 524/2002:
C.Asokan, TA O/o the SDE
(External) Vellayambalam,
Trivandrum.3 residing at Mangalath,
TC 8/1138-8, Velliavila,
Thirumala PO,Trivandrum.

...Applicant

v.

1. Union of India, represented by the Secretary to Government of India, Ministry of Communications, New Delhi.
2. The Chief General Manager, Telecommunications, BSNL, Kerala Circle, Trivandrum.
3. The Principal General Manager, BSNL, Telecom District Trivandrum.

...Respondents in both cases

(By Advocate for applicants Mr.MR Rajendran Nair)
(By Advocate for respondents Mr.C.Rajendran,SCGSC

in OA 496/2002
Advocate Mr.TC Krishna for respondents in OA 524/2002)

The applications having been heard on 12.8.2002, the Tribunal on the same day delivered the following:

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O R D E R

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

The question involved in both these cases being identical, these cases are being disposed of by this common order.

2. The applicant in OA 496/02 completed his training for appointment as Telecom Technical Assistant (TTA for short) on 23.12.94. He commenced his career as a Technician in the Telecommunication Department in the year 1965. The applicant in OA 524/2002 has also commenced his career in the year 1965 and he also completed his training for appointment as TTA on 23.12.95. But the applicants had not been appointed as TTAs while the department called for applications for screening test for induction as JTOs to be held on 29.1.95. The applicants applied but their request was turned down by order dated 11.1.95 (A2 in OA 524/02 and A3 in OA 496/02). Both these applicants were later appointed as TTAs with effect from 19.1.95 by order dated 20.12.96 (A3 in OA 524/02). However, the applicants could not appear in the screening test which was held on 29.1.95. Both the applicants were screened in in a second screening test which was held on 30.4.00. Finding that those who were successful in the first screening test were being deputed for training for appointment as JTOs and the applicants were not being sent the applicants submitted representations. These representations were disposed of in obedience to the directions contained in the order of the Tribunal in OA 409/02 by Annexure.A9 in OA 496/02 and Annexure.A6 in OA 524/02. In the detailed impugned orders it had been stated that the first screening test was limited to persons who are TTAs as on 3.1.95 and as the

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applicants became TTAs only with effect from 19.1.95, they were not entitled to take the first screening test and the applicants who qualified in the second screening test would be sent for training in their turn.

3. Aggrieved by this the applicants have filed this applications seeking to set aside the impugned orders in these cases and for a direction to the respondents to consider the appointment of the applicants as JTOs as they had passed the screening test held on 29.1.95 declaring that they are entitled to be appointed as JTOs as if they had appeared in the screening test held on 29.1.95.

4. The respondents in their reply statement contend that there was no inaction on the part of the respondents in appointing the applicants as TTAs. The appointment was made immediately on vacating the interim order of the Tribunal in OA 428/96. Since the first screening test was limited to TTAs as on 3.1.95, the applicants were rightly denied permission to appear in the first screening test as they became TTAs with effect from 19.1.95 only. It has been indicated that the applicants would be sent for training in their turn as it is not feasible to impart training of these persons together.

5. We have heard the learned counsel appearing on either side and have gone through the pleadings and materials on record. We do not find any reason to interfere with the impugned orders in these cases. Since the applicants were not TTAs as on 3.1.95 in terms of Annexure.R.1 they could not have been sent for the first screening test and as a matter of fact they have not been sent for the first screening test also. Their claim for appearing in the first screening test was rejected by order

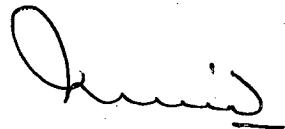
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dated 11.1.95 (A2 in OA 524/02 and A3 in OA 496/02). The applicants did not challenge these orders at the appropriate time. Under these circumstances, those who have been successful in the first screening test have got to be sent for training first and the applicants can be sent for training only in their turn.

6. In the light of what is stated above, we do not find any merit in these applications prima facie and the same are dismissed without any order as to costs.

Dated the 12th day of August, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

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APPENDIX

O.A.496/2002

Applicant's Annexures:

1. A-1: True copy of the letter No.E-183/6/94-95/18 dated 23.12.94 issued by Principal, CTTC, Trivandrum.
2. A-2: True copy of the application submitted by the applicant.
3. A-3: True copy of the letter No.ST-7/QE/94-91 dated 11.1.1995 issued by the General Manager, Telecom District, Trivandrum.
4. A-4: True copy of the Memo No.ST 1034/TTA/Gen.IB/97 dated II/20-12-96.
5. A-5: True copy of the representation dated 5.5.97 submitted by the applicant to the 2nd respondent.
6. A-6: True copy of the representation dated 9.3.2002 submitted by the applicant to the 3rd respondent.
7. A-7: True copy of the final order dated 12.6.2002 in OA 409/2002 of the Central Administrative Tribunal, Ernakulam Bench.
8. A-8: True copy of the Memo No.ST 1034/TTA/Gen.I.VII/50 dated 28.6.2002 issued by Sub Divisional Engineer.
9. A-9: True copy of the Order No.OA 409/2002/11 dated 10.7.2002 issued by the 3rd respondent.

Respondents' Annexures:

1. R-1: True copy of letter No.12-1/94-DE dated 23.12.94 issued by the Dept. of Telecommunications.

O.A.524/2002

Applicant's Annexures:

1. A-1: True copy of the letter No.T.1072/10/69 dated 23.12.94 issued for Director, RTTC.
2. A-2: True copy of the letter No.ST-7/QE/94/91 dated 11.1.95 issued by the General Manager, Telecom District, Trivandrum.
3. A-3: True copy of the Memo No.ST 1034/TTA/Gen.IB/97 dated II/20-12-96.
4. A-4: True copy of the final order dated 12.6.2002 in OA 409/2002 of this Hon'ble Central Administrative Tribunal, Ernakulam Bench.
5. A-5: True copy of the representation dated 14.6.2002 submitted by the applicant to the 3rd respondent.
6. A-6: True copy of the Order No.OA 409/2002/12 dated 10.7.2002 issued by the 3rd respondent.

Respondents' Annexures:

1. R-1: True copy of the D.O.T letter No.12-1/94-DE dated 23.12.94.

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