

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.498/2000

Thursday this the 25th day of July, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. Chandrasekhara Pillai
S/o R.Gopalakurup
Telecom Mechanic
Telephone Exchange
Paravoor, Kollam District.
2. J.Syamkumar
S/o S.K.Janardhanan Pillai
Telecom Mechanic
Office of the District Telecom
Training Centre
Kollam.

Applicants

(By advocate Mr.M.R.Rajendran Nair)

Versus

1. The Director General
Telecom, Sanchar Bhavan
New Delhi.
2. The Chief General Manager
Telecom Circle
Trivandrum.
3. Union of India rep. by
The Secretary
Ministry of Communications
New Delhi.

Respondents.

(By advocate Mr.P.J.Philip, ACGSC)

The application having been heard on 25th July, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

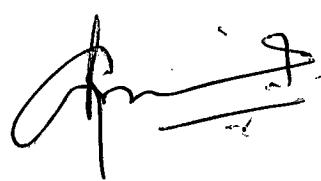
Applicants, two in number, aggrieved by A-1 Telecom Technical Assistant (Amendment) Rules, 1999 dated 25.10.99 to the extent it excluded the category of Phone Mechanics as well as erstwhile Wireman from being recruited as TTA, filed this Original Application seeking the following reliefs:



- i. To declare that the Annexure A1 recruitment rules to the extend it excludes the category of wirmen/phone mechanics from being considered for absorption as Telecom Technical Assistants is ultravires the Constitution of India.
- ii. To direct the respondent to consider the applicants for absorption as Telecom Technical Assistants from the date on which they became eligible for the same.
- iii. Grant such other reliefs as may be prayed for and the Court may deem fit to grant and
- iv. Grant the cost of this Original Application.

2. According to the averments of the applicants in the OA, they commenced service as Wiremen. Both were I.T.I.Certificate (2 year course) holders after matriculation. At the time of filing the OA, they were working as Phone Mechanics which was a Group-C post. They assailed A-1 Recruitment Rules on the ground that non-inclusion of erstwhile Wiremen who later became Phone Mechanics as one of the categories eligible for recruitment as TTA was not based on any intelligible differential having a reasonable nexus with the object sought to be achieved and hence violative of Articles 14 & 16 of the Constitution.

3. Respondents filed reply statement resisting the claim of the applicants. According to them, Telecom Mechanic was the lowest technical restructured cadre to which access was to cadres like Cable Splicer, Wirman, Lineman, Group-D and Casual Mazdoor having temporary status. Among them, Cable Splicers and Lineman and Wireman with qualification of matriculation formed walk-in-group and the others had to qualify in a screening test. According to them, Wireman never had any advantage over the Technicians and they did not have it then. They distinguished between the category of Wireman/Telecom mechanic and Technicians.



4. Heard the learned counsel for the parties. After making submissions for some time, learned counsel for the applicants submitted that the applicants would be satisfied if they were permitted to make a representation apart from the one already made by them, in the light of the changed circumstances, addressed to the competent authority and the competent authority is directed to consider the said representation within a reasonable time. Learned counsel for the respondents submitted that there was no objection in adopting such a course of action.

5. In the light of the above submissions, we dispose of this OA permitting the applicants to make a representation to the competent authority within one month from today with a copy to the 3rd respondent through proper channel. On receipt of such a representation through proper channel, the 3rd respondent Secretary, Ministry of Communications - shall direct the appropriate competent authority to consider the same and pass appropriate orders within a specified time and communicate the result to the applicants.

6. The OA is disposed of on the above terms. No order as to costs.

Dated 25th July, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER

aa.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

APPENDIX

Applicants' Annexures:

1. A-1: True copy of the Telecom Technical Assistant (Amendment) Rules 1999 No.NCG 7-35/99 NCG, dated 25.10.1999.
2. A-2: True copy of the representation dated 6.9.1999 submitted by the 1st applicant to the 3rd respondent.

Respondents' Annexures:

1. R-1: A true copy of the relevant portions of Posts and Telegraphs Department Technician (Telephones, Telegraphs, Carrier and Wireless) Recruitment Rules, 1975, issued by the Government of India, Ministry of Communication (P&T Board).
2. R-2: True copy of the Posts and Telegraphs (Wireman) Recruitment Rules, 1968 issued by the Government of India, Department of Communications, (Posts & Telegraphs Board).

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