

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.500/2002

Tuesday this the 16th day of July, 2002

CORAM

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

1. M.S.Vijayakurup, Telecom Tech.Assistant,
Transmission Maintenance,
Telephone Bhavan, Alappuzha
residing at Saroj,SD Ward ,
Alappuzha.
2. Madhusoodanan Pillai,
Telecom Tech.Assistant,
Telephone Exchange,Vallikavu
Kollam residing at Chempakasseril
Padayanarkulangara,
Karunagapally.
3. Basheer Khan, PS
Telecom Tech.Assistant,
Telephone Exchange, Pandalam,
residing at Sheena Manzil
MM Junction, Pandalam.

..Applicants

(By Advocate Ms.K.Indu)

V.

1. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.
2. The Chairman, Telecom Commission,
Bharath Sanchar Nigam Limited,
New Delhi.
3. The Chief General Manager,
Telecom, Kerala Circle,
Bharath Sanchar Nigam Limited,
Thiruvananthapuram.

...Respondents

(By Advocate Mr. C.Rajendran, SCGSC)

The application having been heard on 16.7.2002, the
<Tribunal on the same day delivered the following:

O R D E R

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

The applicants, Telecom Technical Assistants
are aggrieved that they were not being extended the
benefit of grace mark as has been given to the 28 persons

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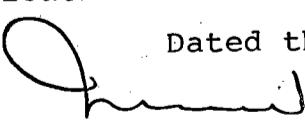
whose names are mentioned in Annexure.A3 for promotion to JTO cadre. The applicants have therefore, filed OA 415/2002 for a direction to the respondents to extend the benefit to them also and to review the marks awarded to the applicants for screening test held on 29.1.95 declaring that the claims of the applicants for relaxation of minimum qualifying marks for passing the screening test for absorption to the post of JTO from 40% to 30% in the screening held on 19.1.95 the result of which was declared on 4.10.96 is liable to be considered by the respondents and for a direction to the respondents to consider the representations. The above OA was disposed of on agreement by the counsel on either side permitting the applicants to make a detailed representation to the second respondent ie., the Chairman, Telecom Commission for grant of grace marks within one week and with a direction to the second respondent that if such a representation is received the same should be considered and disposed of keeping in view Annexure.A3 order and to give the applicants appropriate replies within a period of one month from the date of receipt of the representation. The application was disposed of by order dated 20.6.2002. The above representation has not been disposed of and there is yet time for disposal of the representation in terms of the directions of the Tribunal. Finding that apart from 25 persons already sent for training with effect from 15.7.2002 another batch of 24 persons are being sent for training on 22.7.2002 and all the 49 vacancies would thus get exhausted depriving the applicants of their right for training and eventual appointment, the applicants have

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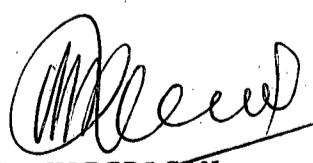
filed this application for a direction to the respondents to send the applicants also for training for promotion to the post of JTO alongwith the candidates in Annexure. A3 subject to final orders in Annexure.A5 representation.

2. When the application came up for hearing Shri C.Rajendran,SCGSC under instructions from the respondents stated that it is not possible to send all the candidates for training in a batch. The training is being imparted by batch by batch, that the applicants' ~~being~~ not included in the second batch would not in any way affect the right of the applicants, if any, on thebasis of the disposal of the representation and that if the applicants are successful and are qualified, they would be imparted training on the basis of their placement in the overall merit list and that the fact that they be sent for training subsequently would not in any way affect their chances for appointment as JTO or their seniority. We take note of this undertaking by the respondents and find that the apprehension in the minds of the applicants that they would lose their chance is misplaced. Their claim for being sent for training would arise only on their being placed in the panel if qualified as a result of the decision taken in the representation Annexure.A5. In case they are successful, they would get the benefit and would not lose their chance for appointment or seniority merely because they would be sent for training subsequent to the second batch. With the above observation the application is closed. No costs.

Dated the 16th day of July, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of the order No.12-9/98-DE dated 19.5.1998 issued by the Director (DE&VP), Department of Telecom, New Delhi.
2. A-2: True copy of the order in O.A.No.552/99 dated 7.9.2002 of this Hon'ble Tribunal.
3. A-3: True copy of the Memo No.Rectt/30-6/2002/Review dated 17.5.2002 issued by the 3rd respondent.
4. A-4: True copy of the order in O.A.No.415/2002 dated 20.6.2002 of this Hon'ble Tribunal.
5. A-5: True copy of the representation dated 20.6.2002 submitted by the applicants to the 2nd respondent.

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18.7.02