

O.A.No.531/98

CORAM:

1. K.Abraham, .
Telecom Technical Assistant,
Office of the Sub Divisional Engineer,
External North, Kottayam.

2. K.J.Thomas,
Telecom Technical Assistant,
Office of the Sub Divisional Engineer,
External(C), Kottayam.

3. P.V. Mathew,
Telecom Technical Assistant,
Telephone Exchange, Pallickathodu.

4. M.J.Joseph,
Telecom Technical Assistant,
Office of the Sub Divisional Engineer,
Phones, Kanjirappally.

5. E.C.Somaraj,
Telecom Technical Assistant,
Secondary Switching Area Installation,
Kottayam.

6. P.T.Joy,
Telecom Technical Assistant,
Telephone Exchange,
Gandhi Nagar.

7. Cherian P.C.
Telecom Technical Assistant,
E-10 B Exchange (Power Room),
Changanacherry.

8. N.K.Ramachandran,
Telecom Technical Assistant,
Telephone Exchange,
Thalayolaparambu.

9. B.Sivaprasad,
Telecom Technical Assistant,
Office of the Sub Divisional Engineer,
External(West), Kottayam.

..Applicants

(By Advocate Shri Sasidharan Chempazhanthiyil(rep.)

vs.

1. Chief General Manager(Telecom),
Kerala Circle,
Thiruvananthapuram.
2. Director General, Telecom Department,
New Delhi.
3. Union of India, rep. by its Secretary
Ministry of Communication,
New Delhi. .. Respondents

(By Advocate Shri Sunil Jose, ACGSC)

The Application having been heard on 8.11.2000, the Tribunal on. 22. 11.2000 delivered the following:

O R D E R

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

The applicants who are diploma holders in Engineering while working as Technical Supervisors were inducted into the restructured cadre of Telecom Technical Assistants (TTAs for short) after a process of selection. While restructuring the technical cadre Transmission Assistants, Wireless Operators, Auto Exchange Assistants/Phone Inspectors/Technicians etc. who were treated as a dying cadre were allowed to come over to the restructured cadre of TTAs giving the exemption in the matter of educational qualification of diploma in Engineering. In the Recruitment Rules for appointment as Junior Telecom Officers (JTOs for short) on restructuring of the cadre the pre-existing 20% posts were marked for TAs/WOs/RSAs/PIs was enhanced to 35%. Technical Assistants were also allowed to appear in the screening test along with the TAs/WOs etc. held on 29.1.1995. The applicants participated in the tests and became eligible to be sent for training and appointment as JTOs. The grievance of the

applicants is that when TAs, WOs, RSAs, PIs and the TTAs who came from the cadre of TA/WO etc. alone were sent for training TTAs like the applicnats who were earlier Technical Supervisors were not sent for training. The injustice, according to the applicants is a result of a clause in the Govt. of India, Ministry of Communications letter No.27-2/94/T II dated 13.12.94 (Annexure.A6) which provides that length of service in the cadre of PIs/TAs, RSAs/WOs/TTAs would be the criteria for sending them for JTO Training. Since the applicants are diplma holders in Engineering and the pay scale of Technical Supervisors were similar to that of TTAs, the applicants contend that the clause in Annexure.A6 letter which provides that length of service in PIs etc. cadre will be the criteria for sending those qualified for training as JTOs is illegal and unjustified. The applicants have therefore, filed this application praying for the following reliefs:

(1) Call for the records and quash Annexure.A6 to the extend it provides that length of service in the cadre of Phone Inspector/Transmission Assistants/Wireless Operators/Auto Exchange Assistants (RSAs) will be the criteria for sending them for Junior Telecom Officer training.

(2) Declare that the applicnats who are diploma holder Telecom Technical Assistant recruited under Annexures.A4 are eligible to be treated alike Transmission Assistants/Wireless Opeators/Auto Exchange Assistants and Phone Inspectors in the matter of promotion to the post of Junior Telecom Officer against 35% quota, of vacancies of 1994 and 1995 and direct the respondents to take action accordingly.

(3) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

(4) Award the cost of these proceedings.

2. The respondents in the reply statement contend that the Original Application is barred by limitation, that neither the duties and responsibilities of Technicians or Technical Supervisors nor the recruitment qualification were the same or similar to that of TTAs, or PI/TA/RSAs/WO that the Technical Supervisors were not eligible to be promoted as JTOs, that only after becoming TTAs, they became entitled for consideration, that TTAs like the applicants were made eligible to appear in the screening test held on 29.1.95 irrespective of the length of service only by Annexure.A6 order and that therefore there is absolutely no merit in the claim of the applicants.

3. We have gone through the pleadings and materials placed on record. The applicants became eligible to be considered for promotion as JTOs only with effect from the date they became TTAs, for prior to that they were Technicians/Technical Supervisors which did not form feeder category for promotion as JTOs. The feeder category were TAs/PIs etc. The TTAs irrespective of their length of service were made eligible to appear in the screening test which was held on 29.1.95 alongwith PI/TA/RSA/WO etc. only by Annexure.A6 order. The applicants who were beneficiaries of that order cannot be heard to contend that the order would not apply to them in its entirety. Further there

is merit in the contention of the respondents that recruitment qualification and duties of PI/TA/WO/RSA on the one hand and Technical Supervisor on the other were totally different and not comparable. The applicants become eligible to be considered for promotion as JTOs only after they become TTAs. Their service as TTAs would be taken into consideration in determining the length of service. The Annexure.A6 order was issued with a view to give the category of TTAs some benefit. The policy decision was that the length of service as PI/TA/WO/TTA would be the criteria for sending for JTO training. We do not find anything arbitrary in the policy calling for intervention.

4. In the result, the application which is devoid of merit is dismissed. No costs.

22nd;
Dated this the/day of November, 2000


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A4: True copy of the Telecom Technical Assistant Recruitment Rules dated 22.7.91 issued by the third respondent.

Annexure.A6: True copy of the Order No.27.2/94.TE.II dated 13.12.1994 issued by the 2nd respondent.

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