

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.548/99

Wednesday this the 13th day of August 2003

C O R A M :

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

- 1.. D.Baijumon,
S/o. K.Damodaran
Telecom Technical Assistant,
O/o. the D.E.Installation,
E.L.U. Building,
Alappuzha.
- 2.. Santhosh Joseph,
S/o. P.T.Joseph
Telecom Technical Assistant,
O/o. the Sub Divisional Engineer,
Fault Control/MDF, E-10-B,
Telephone Exchange,
Telephone Bhavan, Alleppey - 11.
- 3.. C.V.Antony,
S/o. C.V.Varkey
Telecom Technical Assistant,
Telephone Exchange,
O/o. the Sub Divisional Engineer,
CDOT, Palarivattom.
- 4.. E.D.Susanthan,
S/o. E.S.Gopalan
Telecom Technical Assistant,
Telephone Exchange,
Irinjalakuda,
Sub Divisional Engineer,
OCB Maintenance.
- 5.. Nandakumar K.K.
S/o. K.S.Kunju
Telecom Technical Assistant,
Telex Workshop,
O/o. the Sub Divisional Engineer,
Telex, Trissur.
- 6.. K.A.Jesson,
S/o.K.L.Antony
Telecom Technical Assistant,
Telephone Exchange, Moorkanad,
O/o. the Sub Divisional Officer,
Kattor, Thrissur.

Applicants.

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

Versus

1. Union of India represented by
its Secretary to Government,
Ministry of Communications,
New Delhi.

2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
3. Bharath Sanchar Nigam Ltd.
represented by the Chief
General Manager, Telecom,
Kerala Circle, Trivandrum

Respondents

(By advocate Mr.C.Rajendran,SCGSC)

The application having been heard on 13th August 2003 the Tribunal on the same day delivered the following :

ORDER

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

The applicants six in number who were working as Telecom Technical Assistants have filed this application aggrieved by the exclusion of their category in 35% quota for transfer/promotion to the post of JTO in the Junior Telecom Officer Recruitment Rules, 1996, as also by their exclusion for being considered against 15% of JTO to be filled by competitive examination. It is alleged in the application that while they possess all the qualifications prescribed in the Recruitment Rules to the post mentioned in the column 8 of the Recruitment Rules, the TTA have been left out and this exclusion is totally arbitrary and irrational. Regarding their claim for 15% competitive examination quota also their exclusion is not justified, contend the applicants.

2. The respondents in their reply statement seek to justify the Recruitment Rules and they contend that the applicants are not entitled to be included in the walk-in-group of 35% as they do not possess degree in Engineering which is a requisite qualification prescribed in column 8 of the Recruitment Rules for the post of JTO and regarding exclusion of the applicants from 15% competitive examination quota it is contended that they do not have five years of regular service in the cadre of TTA. The

w

applicants have not filed any rejoinder refuting these contentions that they do not have the requisite qualification prescribed in the Recruitment Rules nor they have contended that they have the requisite length of service in the lower grade.

3. We have heard the learned counsel on either side. Applicants who do not possess a degree in Engineering nor do they have five years of service in the feeder cadre which is a requisite qualification required in the Recruitment Rules have no locus standi to challenge the vires of the Recruitment Rules with regard to 35% promotion/transfer quota. Therefore we do not find any infirmity in the exclusion of the category from the 35% work-in-group. Regarding 15% competitive examination quota also the applicants neither possess a degree in Engineering as prescribed in the Recruitment Rules nor have the requisite length of five years service in the cadre which are essential for inclusion in the category. Under these circumstances we do not found any infirmity in the impugned order or any merit in the application. The application is therefore dismissed. No costs.

(Dated the 13th day of August 2003)



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

asp