

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.552/99

Friday this the 7th day of September, 2001

CORAM

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

Applicants:

1. P.M.Viswanathan, S/o.Late.A.K.Madhavan, aged 49 years, Telecom Technical Assistant, E10-B Exchange, Trichur-20, residing at Pullayil House, Pullazhi village, Trichur.
2. M.R.M.Namboothiri, S/o.Raman Namboothiri, aged 46 years, Telecom Technical Assistant, I.C.P Telephone Exchange, Tripunithura, residing at Mangalathu Mana, Thirumarady Village, Muvattupuzha Taluk, Ernakulam District.
3. C.K.Varghese, S/o. Late.C.D. Kochappu, aged 46 years, Telecom Technical Assistant, R.L.U. Exchange, Ollur, Trichur, residing at Chakola House, Trichur Taluk, Trichur District.
4. T.Rajeswari, W/o.P.N.Sankaran Namboothiri, aged 45 years, Telecom Technical Assistant, C.T.O, Trichur, residing at 'SREYAS', 25/977, Trichur Village, Trichur Taluk, Trichur District.
5. K.S.Prabhakaran Pillai, S/o.M.K. Sankara Pillai, aged 46 years, Telecom Technical Assistant, C-Dot Exchange, Thodupuzha, residing at Madathil House, Thodupuzha Village, Thodupuzha Taluk, Idukki District.
6. V.V.Vasanthakumari, W/o.E.C.Kochupapu, aged 48 years, Telecom Technical Assistant, RLU Exchange, Mannuthy, Trichur, residing at Edakkattu Parambil House, Kuttanellur Village, Trichur Taluk, Trichur District.
7. K.K. Nakulan, S/o. Late.K.G.Kuttan, aged 49 years, Telecom Technical Assistant, Telephone Exchange, Kalady, residing at Kozhikodathu House, Chelamattam Village, Kunnathunadu Village, Kunnathunadu Taluk, Ernakulam District.
8. K.Rajan, S/o.C.Govindan, aged 47 years, Telecom Technical Assistant, CTO, Telephone Work shop, Tellicherry, Batheri House, Manantheri Village, Thellicherry Taluk, Kannur District.
9. E.Mohan, S/o.N.K.Chandu, aged 48 years, Telecom Technical Assistant, Telephone Exchange, Mahe, Kuniyil House, Kotiyeri Village, Thallessery Taluk, Kannur District.
10. C.C.Premi, W/o. M.K.Varghese, aged 43 years, Telecom Technical Assistant, Telephone Exchange, Kolenchery, residing at Mappanalil House, Ikaranadu South Village, Kunnathunadu Taluk, Ernakulam District.

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11. M.K.Sivaraman, S/o. Chandrasekharan, aged 44 years, Telecom Technical Assistant, Telephone Exchange, Kaliyanthara, residing at Mankunnel House, Vayathur Village, Thaliparamba Taluk, Kannur District.
12. K.K.Ajithakumari, W/o.Kunju Kunju, aged 37 years, Telecom Technical Assistant, Telephone Exchange, Panampilly Nagar, Ernakulam, residing at Penattuparambil House, Kanayannur Village, Kanayannur Taluk, Ernakulam District.
13. T.N. Sasidharan, S/o. Neelakantan, aged 51 years, Telecom Technical Assistant, Telephone Exchange, Peravoor, Kannur, residing at Thadathil House, Kelakam Village, Thallassery Taluk, Kannur District.
14. Renuka Devi K., W/o. Pushpan P. B., aged 37 years, Telecom Technical Assistant, Telephone Exchange, Palarivattam, residing at 'Mini Bhavan', 33/433A, Punithura Village, Kanayannur Taluk, Ernakulam District.
15. A.Krishnan Namboodiri, S/o. Madhavan Namboodiri, aged 47 years, Telecom Technical Assistant, Telephone Exchange, Nileswar, residing at Puthilot Patinjarekara House, Kodakkat Village, Hosdurg Taluk, Kasargod District.
16. K.S.Radhesan, S/o.K.V.Subramanian, aged 47 years, Telecom Technical Assistant, Narakkal, residing at Kezhkedath House, Nayarambalam Village, Kochi Taluk, Ernakulam District.
17. O.Chandran, S/o. O.Chanthu, aged 45 years, Telecom Technical Assistant, D-Tax, Kannur, residing at Ramatheru Vadakkethala House, Puzhathi Village, Kannur Taluk, Kannur District.
18. C.K.Narendran, S/o.C.S.Kumaran, aged 47 years, Telecom Technical Assistant, Telephone Exchange, Cherai, residing at Cheerangatt House, Pallupuram village, Kochi Taluk, Ernakulam District.
19. V.P.Said Mohammad Koya Thangal, S/o. V.P.Attakoya Thangal, aged 48 years, Telecom Technical Assistant, I.C.P.Exchange, Tellichery, residing at 'Alssadath', Vadikakam Village, Thalassery Taluk, Kannur District
20. M.P.Komaladas, S/o.Late M.R.Prabhakaran, aged 40 years, Telecom Technical Assistant, External-II, Palaghat, residing at Mundankandath House, Malapuzha-II Village, Palaghat Taluk, Palaghat District.
21. Rajan Kottol, S/o. Andy C.H, aged 50 years, Telecon Technical Assistant, ICP Exchange, Thellicherry, residing at "Alaka", Pandakkal Village, Mahe Taluk, Mahe District.
22. K.Subramanian, S/o.Late.K.Komban, aged 50 years, Telecom Technical Assistant, Telephone Exchange, Chittur,

residing at Kallamkulamkalam House, residing at Peruvemba Village, Palaghat Taluk, Palaghat District.

23. B.Rajendran, S/o. Bharat Krishnan Pillai, aged 36 years, Telecom Technical Assistant, Secondary Switching Area, Installation, Palaghat, residing at Palathully House, Peruvamba Village, Palaghat Taluk, Palaghat District.
24. K.Kaladharan S/o.Late M.Krishnan, aged 40 years, Telecom Technical Assistant, PCM Maintenance, Palaghat, residing at Ambad House, Pallenchathanur Village, Alathur Taluk, Palaghat District.
25. C.V.Kamalam, W/o.M.A.Chandran, aged 45 years, Telecom Technical Assistant, Telephone Workshop, Trichur, residing at Meleveetil House, Koorkanchery Village, Trichur Taluk, Trichur District.
26. C.T.Gracy, W/o.M.O.Kunjuvareed, aged 45 years, Transmission Assistant, PCM Maintenance-II, Trichur, residing at Manadan House, Peringavu Village, Trichur Taluk, Trichur District.
27. K.X. Joseph, S/o.Late.K.E.Xavier, aged 49 years, Transmission Assistant, O/O Sub Division Engineer, Installation, Telephone Bhavan, Calicut, residing at Karippel House, Tirur Village, Tirur Taluk, Malappuram District.
28. K.C. Balasubramanian, S/o.M.K. Sankaran, aged 46 years, Telecom Technical Assistant, Telephone Exchange, Palghat, residing at Kariparambil House, shornanur village, Ottapalam Taluk, Palghat District.
29. Narayanan.V, S/o.M.K.Kunhiraman, aged 46 years, Transmission Assistant, Telephone Exchange, Cheruvathur, residing at "Prasadam", Cheruvathur Village, Hosdurg Taluk, Kasargod District.
30. C.S. Madhusoodanan, S/o.Late.C.K.Sreedharan, aged 49 years, Telecom Technical Assistant, CDOT MB Exchange, Cherthala, residing at "Vrindavanam", Thanneermukkong North Village, Cherthala Taluk, Alappuzha District.
31. B.K. Sasidharan, S/o.Late.K.K.Krishnan, aged 47 years, Telecom Technical Assistant, Telephone Exchange, S.L. Puram, Cherthala, residing at "Brindavan", Thanneermukkong South Village, cherthala Taluk, Alappuzha District.
32. S.R. Sathyajith, S/o.Late.A.Raghavan, aged 34 years, Telecom Technical Assistant, Telephone Exchange, Kuthiyathodu, cherthala, residing at "Sreedevi Nilayam", Kodamthuruthu village, Cherthala Taluk, Alappuzha District.
33. R. Viswambaran, S/o.K.Raghavan Nair, aged 47 years, Transmission Assistant, C-DOT RRC, O/O Chief General

Manager, Telecom, Trivandrum, residing at "Geethanjali", T.C.13/682(3), Vanchiyoor Village, Trivandrum Taluk, Trivandrum District.

34. K. Prabhakaran, S/o.Late.A. Kesavan, aged 49 years, Telecom Technical Assistant, Telephone Exchange, Punnappa, Alappuzha, residing at "Anandalayam", Punnappa Village, Ambalpuzha Taluk, Alappuzha District.
35. K. Sivanandan, S/o.Late. Kunju Pillai, aged 50 years, O/O Sub Divisional Engineer, A.C and P.P Central Telephone Exchange, Trivandrum-1, residing at "S.V. House, Sreekariyam.P.O, Ulloor Village, Trivandrum Taluk, Trivandrum District.
36. Bennet.J.Andrade, S/o.Late.Maxwell Andrade, aged 51 years, Telecom Technical Assistant, O/O Sub division Engineer, a.C and P.P, Central Telephone Exchange, Trivandrum-1, residing at "Madona Chalet", Tangasseri Village, Kollam Taluk, Kollam district.
37. M.K. Siddarthan, S/o.M.A.Kunjitty, aged 49 years, O/O Sub Divisional Engineer, Special Service, Central Telephone Exchange, Trivandrum-1, residing at "Raji Bhavan", TC-16/440-3, Sasthamangalam Village, Trivandrum Taluk, Trivandrum District.
38. A. Abdul Vahid, S/o.Late.Abdul Rahiman, aged 45 years, Telecom Technical Assistant, Transmission Installation-I, Vazhuthacadu, Thirufananthapuram, Keezheperumparakkal House, Kizhuvilam village, Chierayinkeezh Taluk, Thiruvananthapuram District.
39. G. Sisupalan, S/o.Late.N. Gopalan, aged 49 years, Telecom Technical Assistant, O/O D.E Vigilance, Trivandrum, residing at "Kaviyanjali", Manchankuzhi Village, Neyyattinkara Taluk, Trivandrum District.
40. T.I. Radhakrishnan, S/o.T.A.Ikkanna, aged 49 years Telecom Technical Assistant, Telephone Exchange, Edavanakkad, Ernakulam, Tharamel House, Kuzhuppilly Village, Cochin Taluk, Ernakulam District.

(Applicants 2 to 40 represented by their authorised agent-1st applicant- P.M.Viswanathan, S/o.Late.A.K.Madhavan, aged 49 years, Telecom Technical Assistant, E10-B Exchange, Trichur-20, residing at Pullayil House, Pullazhy village, Trichur,)

(By Advocate Mr.MR Rajendran Nair & Mr.R.Sreeraj)

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1. The Chief General manager,
Telecom, Trivandrum.
2. The Chairman, Telecom Commission,
New Delhi.
3. Bharath Sanchar Nigam Limited,
represented by the Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
4. Union of India represented by the
Secretary to Government,
Ministry of Communications,
New Delhi.

(Respondents 3&4 impleaded vide order dated 20.2.2001)
Respondents

(By Advocate Mr.C.Rajendran,SCGSC)

The application having been heard on 4.9.2001, the Tribunal
on the same day delivered the following:

O R D E R

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

Applicants who are Telecom Technical Assistants appeared in a screening test for the 35% quota for appointment to the post of JTOs on 29.1.95. When the result was declared on 4.10.96 the applicants were not declared passed. Alleging that they were entitled to relaxation as was given in the case of competitive quota and that certain questions contained in the Mathematics question paper were out of syllabus, the applicants made representations (Annexures.A2 and A3). As these representations were not considered and the applicants were not given the benefit of relaxation in standard the applicants and similarly situated have filed OA 62/98. That application was disposed of as agreed to by the counsel on either side with a direction to the Chairman, Telecom Commission, New Delhi to consider the representations Annexures.A2 and A3 and to give the applicants a speaking order. Pursuant to the above direction the impugned order Annexure.A5 has been passed rejecting the claim made by the applicants.

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2. Agrieved the applicants have filed this application seeking to set aside the impugned order Annexure.A5 declaring that the claim of the applicants for relaxation of minimum qualifying marks for pass in the screening test for absorption in the post of Junior Telecom Officer, from 40% to 30% in the screening test held on 29.1.95, result of which was declared on 4.10.96, is liable to be considered by the respondents and to direct the respondents to consider the same and give the applicants the consequential benefits.

3. The respondents have filed a detailed reply statement. We have heard the learned counsel on either side. On a perusal of the impugned order, we find that the case of the applicants that certain questions in Mathematics were out of syllabus and that called for a relaxation has not been considered by the competent authority which issued the Annexure.A5 order. Noting this aspect learned counsel of the respondents agree~~s~~ that the application may be disposed of directing the second respondent to reconsider the issue and to issue a fresh order taking into account the contentions of the applicants that there were out of syllabus questions in Mathematics paper and that called for relaxation and grant of grace marks. Learned counsel for applicant submits that the applicants may be permitted to submit a supplementary representation giving details of out of syllabus questions to the second respondent.

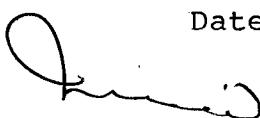
4. Learned counsel on either side agree that the application may be disposed of permitting the applicants to submit a detailed supplementary representation to the second respondent and directing the second respondent to dispose of the matter afresh by a speaking order within a reasonable time.

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5. In the light of the submission of the learned counsel on either side, we dispose of this application permitting the applicants to make a supplementary representation to Annexure.A3 to the second respondent within three weeks from today and directing the second respondent that on receipt of the supplementary representation, he would pass a fresh speaking order considering the aspect of out of syllabus questions in the mathematics paper and to give the applicants an appropriate reply within a period of three months from the date of receipt of the supplementary representation. Annexure.A5 is set aside. No order as to costs.

Dated the 7th day of September, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

1. Annexure A1 : True copy of the order DOT Memo No.12-28/94.DE(PF-1) dated 5.6.1997 Published in Telecom Labour Bullettin.
2. Annexure A2 : True copy of the representation dated 30.7.1997 submitted by the applicant No.1 to the 2nd respondent.
3. Annexure A3 : True copy of the representation dated 5.11.97 submitted by the 1st applicant to the 2nd respondent.
4. Annexure A4 : True copy of the final order dated 14.1.1998 in O.A.62/88 by this Hon'ble Tribunal.
5. Annexure A5 : True copy of the order No.12-9/98-DE dated 19.5.1998 issued by Director(DE&VP), Department of Telecom, New Delhi on behalf of the 2nd respondent to the applicants.
6. Annexure A6 : True copy of the Syllabus for qualifying screening test for promotion of PIs/AEAs/WOs/TAs to the cadre of JTOs issued by the Telecom Department.
7. Annexure A7 : True copy of the question paper for qualifying screening test for promotion to JTO from the cadre of AEA/PI/TA/WO/TTA issued by the Telecom Department.

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