

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.553/22

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

C.K.Ravi,
S/o. C.Kuttappan,
Telecom Technical Assistant,
Telephone Exchange, Chundkuzhy.

Applicant

(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 :

O R D E R

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

The applicant was appointed as Technician in the Telecom
Department on 25.1.93 and was confirmed on the post with effect
from 25.1.95. He was promoted as TTA with effect from 24.6.1996
but yet to be confirmed has filed this application for a
declaration that he is eligible to be considered for promotion as
JTO against 15% vacancies for the year 1996, 1997 and 1998
through a competitive examination and to direct the respondents
to consider the applicant for such promotion in accordance with
law.

(A)

2. In the application it has been stated that the applicant satisfies the criteria for being permitted to participate in the competitive examination. The applicant having not been confirmed in the post of TTA and he having been holding lien in the post of Technician the applicant should have been allowed to participate in the competitive examination. Therefore the applicant has filed this application for the following reliefs :

1. to declare that the applicant is eligible to be considered for promotion as Junior Telecom Officers against 15% vacancies for the year 96, 97 and 98 through a competitive examination and to direct the respondents to consider the applicant for such promotion in accordance with law.
3. An interim order was sought by the applicant for stay of the examination but that was not granted.
4. Respondents in their reply statement contend that after the issue of OM.No.18011/1/86-Estt, Government of India, Department of Personnel and Training dated 28.3.88 which is effective from 1.4.88 lien would represent only the right/title of a Government Servant to hold a regular post whether permanent or temporary either immediately or on termination of the period of probation. As the applicant was promoted as TTA with effect from 24.6.96 he does not hold a lien in the post of Technician and his eligibility has to be considered keeping in view the post which he is holding, namely, TTA which is excluded from the category under the 15% competitive examination quota. Hence the respondents contend that the applicant is not entitled to the relief.
5. The applicant did not seek an interim relief for being permitted to appear in the examination provisionally and subject

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to the outcome of this application but sought a stay of the examination, which was not granted. Examination has taken place at the proper time and those who were successful were promoted also. Those persons are not in the array of parties.

6. We have gone through the materials placed on record. We are of the considered view that there is no legitimate or subsisting grievance of the applicant which calls for redressal. If the applicant had a case that he was eligible to be considered, he should have sought an interim order directing the respondent to permit him to participate in the examination provisionally. He did not seek that order. On the basis of the examination persons had been appointed years back. They are not parties to this OA. Therefore, their appointment cannot be disturbed. Further the applicant has not stated in the application that he was not appointed on regular basis as a TTA in the year 1996. In view of the O.M. mentioned in the reply statement of the respondents the applicant having become a member of the cadre of TTA which is a category excluded from the purview of 15% quota, he is not entitled to participate in the examination. In the light of what is stated above, we dismiss the application. No costs.

(Dated 13th day of August 2003)



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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