

CENNRTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision 18.12.1989

Present

Hon'ble Shri NV Krishnan, Administrative Member
and

Hon'ble Shri AV Haridasan, Judicial Member

DA 567/89

KC Jose : Applicant
Vs.

1. Telecom District Manager
Dept. of Telecommunications,
Kottayam.

2 Divisional Engineer Phones
(Plg & Admn), Office of the
Telecom District Manager,
Kottayam.

3 Deputy General Manager,
Telegraphs, Kottayam.

4 Office Engineer, Telegraphs,
Changanacherry.

5 Junior Telegraphs Officer,
Telephone Exchange, Ettumanoor.

6 PA Jabbarkutty, Lineman(Phones)
Telephone Exchange, Changanacherry.

7 EP Narayanan Nair, Lineman(Phones)
Telephone Exchange, Ayarkunnam,
Kottayam.

8 MA Sulaiman, Lineman(Phones)
Telephone Exchange, Kangazha,
Kottayam.

9 AM Madhavan, Lineman(Phones)
Telephone Exchange, Kanjikuzhy,
Kottayam.

10 VK Rajendran, Lineman(Phones)
Telephone Exchange, Changanacherry.

11 PR Kumaran, Regular Mazdoor,
Telephone Exchange, Kottayam. : Respondents

M/s Joseph A Vadakel, George K Varghese,
MA George & PA Joy : Counsel of Applicant.

Mr PVM Nambiar, Sr CGSC : Counsel of Respondents.

ORDER

Shri NV Krishnan, Administrative Member.

The applicant is aggrieved by the fact that he
has not been selected for promotion to the cadre of

Group D (Test Category) Cable Splicer under the
Telecom District Manager, Kottayam i.e., Respondent-1,
though persons junior to him i.e., Respondent 7 & 8, have
been selected for this purpose by the Annexure-IV
order dated 4.9.89.

2 This grievance has arisen in the following
manner. -4

2.1 The applicant being a Lineman, his next grade of promotion is that of Cable Splicer. He had necessary qualifications to be considered for promotion as he has satisfied all the conditions mentioned in the notice dated 11.4.89 of Respondent 1 (Annexure III).

2.2. He, therefore, submitted his application through the proper channel. Handwritten. when he made inquiries about *the on which the Examination will be held*, the days/he was informed from the office of Respondent-2 that the Hall Ticket/Admission Ticket will be issued to him in due course.

2.3 However, while he did not receive these documents, he came to know from Respondent-2's office on 16.9.89 that the written test had already been held on 13.8.89 and the oral aptitude test on 2.9.89. It is on the basis of these tests that the selection was made as mentioned in Annexure IV, the impugned order. Under the category of Cable Splicer, the applicant is aggrieved by the inclusion of the names of the persons at Sl.No 2 & 3, only impleaded as Respondents 7 & 8, because the other persons, though impleaded, are either senior to him or have been selected against reserved vacancies. It is stated that

the selected candidates are to be sent for training and then will be appointed to the higher post.

2.4 The applicant has, therefore, prayed to quash the impugned order (Annexure IV) and direct the Respondents to hold a fresh test and interview for selecting candidates to the post of Cable Splicers.

3 The Respondents have filed a statement stating that there was no intention to prevent the applicant from appearing in the test. The facts mentioned are generally admitted and it is stated that the applicant did not appear for the test and when he made a complaint in the matter which was received on 18.9.89 (i.e., some time before this application was filed), it was found that the hall permit had not been received by the applicant, though it was sent by the Sub Divisional Officer, Telephones, Chemganacherry to the Junior Telegraph Officer, Telephone Exchange, Ettumanoor, Respondent -5, under whom the applicant was working.

4 When the matter was heard finally it was indicated that, in the circumstances, the applicant would have to be given an opportunity to appear in the test so that his case could also be considered like the case of Respondents 7 & 8 or for that matter, others who appeared in the examination. When the matter was put to the counsel of applicant, he felt that the applicant would not like to sit in a special examination where he could be singled out. He, therefore, preferred to sit at the next general examination that may be conducted for the purpose of

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selecting Cable Splicers from linemen. He also ~~also~~ pointed out that as he would be attaining the age of 40/shortly, and as the Recruitment Rules/specify that the age for departmental candidates should not exceed 40 years on the 1st of July of the year of selection, therefore, He/represented that he should be given exemption from this provision.

5 Having heard the counsel and considering the matter we are of the view that the submissions made by the counsel of applicant are reasonable. Accordingly, this application is allowed with the following directions.

(a) The applicant should be considered for promotion alongwith other officials who may be considered for promotion to the post of Cable Splicers.

(b) If, at the time of such consideration the applicant becomes age barred in accordance with the stipulation regarding age given in the Annexure R1(b), Rules, the applicant shall be deemed to have/exempted from the operation of such rule by the competent authority.

(c) Such facility shall be given to the applicant ie, only once/in respect of the next examination ~~xxxx~~ to be held for such selection after the issue of this order.

6 There will be no order as to costs.

AV Haridasan
(AV Haridasan)
Judicial Member

NV Krishnan
(NV Krishnan)
Administrative Member

18.12.1989.