

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No 582/96

Thursday, this the 12th day of December, 1996.

C O R A M

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

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1. KA Gopi, Group D,
Telephone Exchange,
Chavakkad.
2. KA Aboobacker, Group D,
Telephone Exchange,
Chelakkara, Trichur.
3. G Gangadharan, Group D,
Pazhayannur Telephone Exchange,
Trichur.
4. VS Ramachandran, Group D,
Telephone Exchange,
Vadakkancherry.

....Applicants

By Advocate Shri MR Rajendran Nair.

vs

1. The General Manager,
Telecom, Trichur.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.

....Respondents

By Shri TPM Ibrahim Khan, Sr Central Govt Standing Counsel.

The application having been heard on 9th December, 1996,
the Tribunal delivered the following on 12th December,
1996:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are working as Group D employees in different telephone exchanges. They appeared for a written test for promotion as Lineman Learners held on 14.10.90, and after an aptitude test held on 21.3.96, were declared successful by A2 orders dated 22.3.96. They pray that they may be trained and appointed as Linemen in their due turn.

contd.

2. Respondents submit that applicants could not be trained and appointed because on 16.10.90, the Group C and Group D cadres in the Department were restructured, the cadre of Lineman was declared a wasting cadre and further recruitment to the cadre was stopped. Since applicants were being considered for the restructured post of Phone Mechanic and have now been included in the select panel of Phone Mechanic, further processing for appointing them as Lineman was cancelled. They also submit that there is no vacant post of Lineman to absorb applicants.

3. Applicants in their rejoinder submit that the restructuring on 16.10.90 should not affect recruitment already initiated and that the statutory rules were amended only in 1994. On 14.10.96, the Tribunal directed respondents to produce the order stopping further recruitment to the cadre of Lineman from 16.10.90 and to state whether appointments to the post of Lineman were made after 16.10.90 if not in this recruitment unit, in other recruitment units as alleged by the learned counsel for applicants.

4. Respondents now submit that 14 regular Mazdoors were appointed as Linemen after 16.10.90 in Quilon recruiting unit, three in Alleppey recruiting unit, six in Palghat recruiting unit and 38 in Ernakulam recruiting unit. However, 32 Linemen were surplus in Trichur SSA as on 31.3.90 and so no vacancies were available to absorb applicants.

5. Letter No.27-4/87-TE-II(2) dated 16.10.90 produced by the respondents shows that Lineman is declared a wasting cadre and that there would be no recruitment to that cadre from the open market after 16.10.90. But to the extent posts


contd.

exist, they would be filled only by internal selection and departmental promotions. Thus, there is no bar to appointing the applicants as Linemen even after 16.10.90 subject to availability of vacancies. The fact that such appointments have taken place after 16.10.90 as stated in para 4 above support this conclusion.

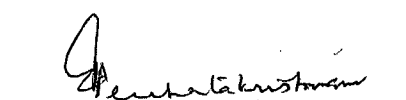
6. We accordingly direct respondents to ascertain the number of vacancies, if any, of Lineman which existed in 1990 and consider the appointment of applicants as Linemen against those vacancies on the basis of the select list A2 in accordance with the rules as they stood in 1990. Since the delay in holding the aptitude test was only because of a wrong interpretation by respondents that posts of Lineman could not be filled up after 16.10.90, the delay in passing the aptitude test will not be held against applicants and A2 will be operated as a valid select list for 1990.

7. Application is allowed as aforesaid. No costs.

Dated the 12th December, 1996.



AM SIVADAS
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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List of Annexure

Annexure A2: True copy of the letter No.STA/221-5/14 dated 22.3.1996 issued by Assistant General Manager (Administration) office of the 1st respondent to the applicants.