

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 599 of 1995

Thursday this the 27th day of July, 1995.

CORAM

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.Achuthan-I,  
Junior Telecom Officer,  
Office of the Sub Divisional  
Engineer, Trunks, Telephone Exchange,  
Kozhikode res.at 23/199, Aniland,  
Kozhikode.3.

... Applicant

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

V.

1. The Union of India represented by  
Secretary to Government,  
Ministry of Communications,  
New Delhi.
2. The Chairman,  
Telecom Commission,  
New Delhi.
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
4. P.Sobhana, Junior Telecom Officer,  
Officiating Sub Divisional Officer,  
Telegraphs, Kozhikode.
5. P.V.Sheela Devi,  
Sub Divisional Engineer (Computer)  
Office of the General Manager,  
Telecommunications,  
Kalathiparambil<sup>Rd</sup>, Kochi.16.
6. P.K.Jose,  
Sub Divisional Engineer Phones  
(Officiating), Office of the  
Sub Divisional Engineer (Phones)  
Kothamangalam.

Impleaded vide  
order dated 24.7.95  
in MA 784/95.

... Respondents

(By Advocates Mr. TPM Ibrahim Khan (for R.1to3)  
Mr. OV Radhakrishnan (for R.5&6)  
Mr. N.Sugathan (for R4)(No representation)

The application having been heard on the 27th July, 1995 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who is a Junior Telecom Officer seeks promotion to the Telegraph Engineering Services Group 'B' and consequential benefits. Under the rules in force an official has to qualify himself in a qualifying examination for promotion. It is said that the department is contemplating an amendment to the rules omitting the requirement to pass the aforesaid examination. But it has not come into force. Applicant would say that the new rule is not promulgated and that the old rule is not being followed. The old rule is not being followed in the sense that the examination required to be held yearly is not being held. The statutory rules published in the Gazette of India Extra Ordinary dated 28.3.87 inter alia reads:

"There shall be normally one examination, consisting of two parts....for promotion to the service and shall be held atleast once in a calendar year..."

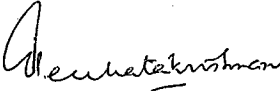
(emphasis supplied)

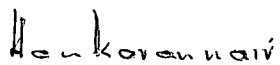
The rules now in force requires an yearly examination. Whether the applicant would pass or not is another matter. As long as the rule is in force, so long its requirements have to be adhered to. We direct respondents 1 to 3 to hold an examination in terms of the rules aforesaid.

It is for the applicant to take his chance at the examination. We see no justification for granting any of the reliefs prayed for. However, no regular promotions will be made unless the rules in force are fully complied with by holding an examination or unless the amended rules are brought into force and if so only in accordance with those.

2. Original application is disposed of as aforesaid. No costs.

Dated 27th July, 1995.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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