CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.602/2002.

Tuesday this the 20th day of August 2002.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

B.Rajendran,
Telecom Technical Assistant,
O/o the Sub Divisional Engineer,
SSA Installation, Palghat. Applicant

(By Advocate Shri Shafik M.A.)

Vs.

1. Union of India represented by
Secretary to the Government of India,
Department of Telecommunications,
Ministry of Communications,
New Delhi.

2. The Chairman cum Managing Director,
Bharat Sanchar Nigam Limited,
Sanchar Bhavan, New Delhi.

3. The Chief General Manager, Telecommunications,
Kerala Circle, Trivandrum. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 20th August 2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who is presently working as a Telecom Technical Assistant (TTA for short) having come over to the said cadre in the year 1994 from the cadre of Technician. The applicant, a Diploma holder in Electrical Engineering, has joined the services of the Department in 1985 as a Technician and since been inducted into the cadre of Telecom Technical Assistant. The next avenue for promotion available to the applicant is the post of Junior Telecom Officer (JTO for short). The promotion to the post of JTOs are made based on the departmental examination of qualifying and competitive nature and specific quotas are also fixed for the said purpose. He has appeared for the qualifying examination conducted for the 35% quota on 29.1.1995. The

results were declared on 4.10.1996 and he was not declared as qualified. On enquiry the applicant was found failed due to shortage of very few marks. Since he had performed very well in the examination and was hopeful of passing it easily, the applicant has immediately sought for a revaluation. Some of the employees similarly situated have also failed in the said examination and approached this Tribunal in another O.A.552/99 which was disposed of by this Tribunal as per order dated 7.9.2001 permitting the applicants therein to submit a representation in that regard and further directing the 2nd respondent to consider and pass orders afresh. A-5 is the copy of the said order. The applicant also submitted a representation on 31.7.2002 to the Chairman Cum Managing Director (2nd respondent) which is Annexure A-7. The respondents have in furtherance of the Court's order decided to award seven marks as grace marks for the questions which were asked from out of the syllabus. As a result the IIIrd respondent has now declared the results of 28 candidates as passed who have failed earlier just like the applicant, after awarding 7 grace marks. As per Memo No.Rectt/30-6/2002/Review dated 17.5.2002 (Annexure A-6) the employees who have declared as qualified were deputed for training on 15.7.2002. The applicant sent a representation A-7 dated 31.7.2002. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs.

1. To declare that the applicant is entitled to be granted grace marks as has been granted as per Annexure A-6 and to direct the respondents to immediately review the results and award 7 grace marks to the applicant also and to declare him as passed in the qualifying screening test conducted on 29.1.95 for the 35% quota for promotion to the cadre of Junior Telecom Officer.

ii) To declare that the applicant is also entitled to be treated in the same manner as the applicants of Annexure A-5 judgement of this Hon'ble Tribunal and to direct the IInd respondent to consider Annexure A-4 and A-7 representations immediately and to declare the applicant also as passed and to send him for training in preference to any persons who have qualified in the later examination.

iii) To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case and

iv) To grant the costs of this Original Appliction.

3. When the matter came up for hearing, Shri Shafik M.A. appeared for the applicant and Shri C. Rajendran, Senior Central Government Standing Counsel, appeared for the respondents. Learned counsel on both parties agreed that the application may be disposed of by directing the 3rd respondent to consider and dispose of A-7 representation made by the applicant, if he was found similarly situated as the persons whose names are shown in A-6 and who were the applicants in O.A. 552/99 and to extend the applicant also the same benefit if he is eligible and to issue an appropriate order within a reasonable time.

4. In the light of the above submissions made by the learned counsel on either side, the application is disposed of with a direction to the 3rd respondent to consider and dispose of A-7 representation made by the applicant, if he is found similarly situated as the persons whose names are shown in O.A.552/99. The respondents shall extend to the applicant also the same benefit if he is found eligible by issuing an appropriate order within three weeks from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 20th August, 2002.

K.V.SACHIDANANDAN
JUDICIAL MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the representation dated 9.2.96 submitted by the applicant to the Chairman Telecom Commission.
2. A-2 : True copy of the Judgement dated 14.1.98 in O.A No.62/98 of this Hon'ble Tribunal.
3. A-3 : True copy of the Order No.12-9/98-DE dated 19.5.98 issued on behalf of the Chairman, Telecom Commission.
4. A-4 : True copy of the representation dated 12.3.99 submitted by the applicant before the 3rd respondent.
5. A-5 : True copy of the Judgement dated 7.9.2001 in O.A. No.552/99 of this Hon'ble Tribunal.
6. A-6 : True copy of the Memo No.Rectt/30-6/2002-Review dated 17.5.2002 issued on behalf of the 3rd respondent.
7. A-7 : True copy of the representation dated 31.7.2002 submitted before the 2nd respondent.

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