

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.608/2002.

Friday this the 23rd day of August 2002.

CORAM:

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

1. P.M.George,
HSG Transmission Assistant, Microwave Maintenance,
Telephone Exchange, Palarivattom,
Cochin-682 025.
2. Mr.T.K.Rajan Babu,
Transmission Assistant,
Transmission Maintenance,
Telephone Exchange, Perumbavoor.
3. Mr. K.C.Pappukutty,
Auto Exchange Assistant,
O/o SDE, Installation Kadavanthara,
Cochin. Applicants

(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 K.R.Rajkumar, ACGSC)

The application having been heard on 23rd August, 2002
the Tribunal on the same day delivered the following:

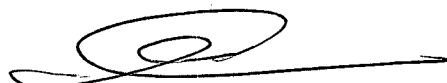
O R D E R

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

The applicants 1 and 2 are presently working as
Transmission Assistants and the 3rd applicant is working an Auto
Exchange Assistant. The first applicant has joined the services
of the Department in 1965 as Telephone Operator and has come over
to the cadre of Transmission Assistant in the year 1974. The



second applicant has joined the services of the department in 1977 as Technician and he has been appointed to the cadre of Transmission Assistant after qualifying the competitive examination and the 3rd applicant who is a Diploma holder has joined the services of the department as a Technician in the year 1979 and has come over to the cadre of Auto Exchange Assistant in the year 1981. The next avenue of promotion available for the applicants is the post of Junior Telecom Officer (JTO for short). The promotions 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. They have appeared for the qualifying examination conducted for the 35% quota on 29.1.1995. The results were declared on 4.10.1996 and they were not declared as qualified. On enquiry the applicants were found to fail due to shortage of very few marks. Since they had performed very well in the examination and were hopeful of passing it easily, the applicants have 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 as 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-2 is the copy of the said order. The applicants also submitted A-4, A-5 and A-6 representations to the Chief General Manager (3rd respondent). 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



applicants, after awarding 7 grace marks. As per Memo No.Rectt/30-6/2002/Review dated 17.5.2002 (Annexure A-3) the employees who have declared as qualified were deputed for training on 15.7.2002. The applicants 1 & 2 sent representations A-4 A-5 on 31.7.2002 and the 3rd applicant sent on 29.7.2002. Aggrieved by the inaction on the part of the respondents the applicants have filed this O.A. seeking the following reliefs.

To declare that the applicants are entitled to be granted grace marks as has been granted as per Annexure A-3 and to direct the respondents to immediately review the results and award 7 grace marks to the applicants also and to declare them 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 applicants are also entitled to be treated in the same manner as the applicants of Annexure A-2 judgement of this Hon'ble Tribunal and to direct the IIIrd respondent to consider Annexure A-4, A-5 and A-6 representations immediately and to declare the applicants also as passed and to send them 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 Application.

3. When the matter came up for hearing, Shri Shafik M.A. appeared for the applicants and Shri K.Rajkumar, Additional Central Government Standing Counsel, appeared for the respondents. Learned counsel on both parties agreed that this application may be disposed of by directing the 3rd respondent to consider and dispose of A-4, A-5 and A-6 representations made the applicants, if they were found similarly situated as the persons whose names are shown in A-3 and who were the applicants in O.A. 552/99 and to extend the applicants also the same benefit 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, this application is disposed of with a direction to the 3rd respondent to consider and dispose of A-4 A-5 and A-6 representations made by the applicants, if they are found similarly situated as the persons whose names are shown in O.A.552/99. The respondents shall extend to the applicants also the same benefit if they are 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

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A P P E N D I X

Applicants Annexures:

1. A-1 : True copy of the representation dated 5.10.96 submitted before the 3rd respondent.
2. A-2 : True copy of the Order dated 7.9.2001 in O.A 552/99 of this Hon'ble Tribunal.
3. A-3 : True copy of the Memo No.Rectt/30-6/2002/Review dated 17.5.2002 issued on behalf of the 3rd respondent.
4. A-4 : True copy of the representation dated 31.7.2002 submitted by the 1st applicant before 3rd respondent.
5. A-5 : True copy of the representation dated 31.7.2002 submitted by the 2nd applicant before the 3rd respondent.
6. A-6 : True copy of the representation dated 29.7.2002 submitted by the 3rd applicant before the 3rd respondent.

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