

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.616/2000

Thursday, this the 11th day of April, 2002.

CORAM:

HON'BLE MR A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. P.K. Valsan,
Telecom Technical Assistant,
Telephone Exchange,
Kenichira, Waynad.
2. A. Ramachandran,
Telecom Technical Assistant,
Telephone Exchange,
Mananthavady, Waynad.
3. K.K. Ashok Kumar,
Telecom Technical Assistant,
Telephone Exchange,
Sultan Bathery, Waynad.
4. C. Vijayakrishnan,
Telecom Technical Assistant,
Telephone Exchange,
Parappanangadi,
Malappuram District.
5. Anitha Nirmal,
Telecom Technical Assistant,
OCS TA Exchange,
Vellayil, Calicut.
6. P. Thankamani,
Telecom Technical Assistant,
Trans Maintenance,
Vellayil, Calicut-32.

- Applicants

By Advocate Mr PP Jnanasekharan

vs

1. Union of India represented by
the Secretary,
Ministry of Communications,
New Delhi.
2. Director General,
Telecommunications,
Sanchar Bhavan, Asoka Road,
New Delhi.

3. The Chief General Manager,
Telecommunications,
Kerala Circle,
Thiruvananthapuram.
4. Ramachandran.P.
Telecom Technical Assistant,
Telephone Workshop,
Telephone Bhavan, Vellayil,
Calicut-32.
5. Vinodh Kumar.M.S.
Telecom Technical Assistant,
Telephone Bhavan, Vellayil,
Calicut-32.
6. Bhuvanraj.P..
Telecom Technical Assistant,
Central Telegraph Office,
Calicut-32.
7. Mohan.T.C.
Telecom Technical Assistant,
Central Telegraph Office,
Calicut-32.
8. Alavi.P..
Telecom Technical Assistant,
Telephone Exchange,
Kodenchery..
9. C.Mammed,
Telecom Technical Assistant,
Telephone Exchange,
Perinthalmanna-679 322.
10. P.K.Kishorekumar,
Telecom Technical Assistant,
Telephone Exchange,
Pandikkad.
11. C.V.Soman,
Telecom Technical Assistant,
OCB Exchange, Manjeri.
12. P.Mohammed,
Telecom Technical Assistant,
Telephone Exchange,
Manjeri.

- Respondents

By Advocate Mr C Rajendran, SCGSC(for R.1 to 3)

By Advocate Mr Sabu.B. (for R.4 to 12)

The application having been heard on 5.3.2002 the Tribunal on
11.4.2002 delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicants, six in number, are Telecom Technical Assistants(TTAs for short) working in the various Telephone Exchanges under the third respondent, viz, Chief General Manager, Telecommunications, Kerala Circle, Trivandrum. They have a common grievance arising out of the 2nd qualifying Screening Test against 35% quota for promotion to the cadre of Junior Telecom Officers(JTOs for short) earmarked for Phone Inspectors/Auto Exchange Assistants/Transmission Assistants/Telecom Technical Assistants etc. who possessed the qualifications and experience as prescribed in the new Recruitment Rules that came into effect during 1996. The 2nd qualifying screening test which had been postponed twice earlier was finally notified to takeplace on 30.4.2000. The applicants are mainly aggrieved by what they consider to be non-objective type of questions asked, inspite of the fact that the model questions contained mainly multiple choice, objective type questions which could be answered within the allotted time. The questions asked were largely descriptive, with the result that the applicants found it difficult to answer such questions, particularly with reference to the allotted time of 2 1/2 hours. They also found that certain questions were unrelated to the announced syllabus, and the areas of work they were expected to perform. Those questions were either from the field of experience which they were not exposed to or certain other fields of expertise which have become obsolete or are not yet introduced in the

organisation. Mainly raising their contentions against these, the applicants have challenged the notification dated 8.3.2000 in respect of the 2nd qualifying screening test for promotion to the cadre of JTOs against 35% quota held on 30.4.2000 (A-4). The applicants ground rests on the following main contentions: The model questions circulated prior to the conduct of examinations were questions in the objective mode with multiple choice straight answers. The questions as displayed in the model question papers could thus be answered in full within the limited time of 2 1/2 hours while the questions which were asked were mostly descriptive and involved elaborate logical reasoning. Hence those could not be covered within the permitted time. While A-1 dated 19.9.94 issued by the second respondent contains the syllabus, model question papers and other related matters categorically stated that the questions would be objective type except the paper on English, the question paper appearing in A-4 would show that the questions are mostly in the descriptive type even with reference to Mathematics and Physics. There are impermissible deviations from the syllabus and model questions adopted for the purpose of qualifying screening test. Part-D of the syllabus is regarding Departmental Practices. The avowed purpose of this part is to test the candidates' awareness about the departmental practices relating to the system/equipment normally handled by the candidate, the problems and fault clearance procedures as well as other related matters. But contrary to this, several questions on irrelevant and obsolete systems were asked. For instance, 5 questions were asked in relation to X-bar Exchange which did

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not exist in the Circle at present and was not covered by the syllabus either. Not one question from the new generation Stored Programme Control was asked though the applicants were expected to handle the related systems and equipment. Similarly, not a single question was asked from Computer in Telecommunication system. The new types of Exchanges such as, AXE, E10B, OCB etc. which are part of the systems/equipment normally handled by the applicants in recent times have also been omitted. Another problem was that the size of question papers and the size of the print and letter types used therein were not suitable to the majority of the candidates belonging to the special category of employees who were over 50 years of age. The 2nd qualifying screening test pertaining to the vacancies of the years 1996, 1997 and 1998 turned out to be the last chance available to the category of employees to which the applicants belonged for a promotion to the next cadre. Having regard to this fact and also the fact that their qualification was much less as compared to the other categories for which the 50% and 15% vacancies were earmarked, the 2nd qualifying screening test was held in a very indifferent and arbitrary manner. The applicants therefore, seek the following reliefs:

- i) Call for the records leading to A-4 and quash the same.
- ii) Declare the 2nd qualifying screening test (35% quota) held on 30.4.2000 as null and void.

iii) Direct the respondents to conduct the 2nd qualifying screening test (35% quota) afresh strictly adhering to A-1.

2. In their reply statement the respondents have stoutly opposed the application by contending that the 2nd qualifying screening test (35% quota) was held on 30.4.2000 as per the syllabus, that the questions were not descriptive in nature, but required straight answer, and that not a single out of syllabus question was asked. The allegation that the questions were not objective type and deviated from the model question papers was incorrect inasmuch as the expression "objective" does not mean multiple choice type question alone and the model questions also contained several questions without multiple choice answers. Questions beyond or outside areas of work experience have not been asked. It was a screening test and as such the candidates were expected to show certain standard of performance with reference to their experience and exposure and questions were formulated accordingly. It cannot therefore be argued that such questions were beyond their capacity and educational qualifications. The whole process was necessary to identify the eligible persons among the subordinate cadres possessing the standard suitable for promotion and placement in the JTO cadre. Complaint about the size of the question paper and the letter type used was untenable as the screening test was intended for those who could successfully overcome age based disabilities like sight defects and other ailments. The O.A. is therefore, liable to be dismissed, according to the respondents.

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3. The applicants have filed a rejoinder statement seeking to rebut the averments in the reply statements and to further fortify their case that several questions were asked either in relation to system and equipment with which the applicants were not familiar or system and equipment which had become obsolete. For instance, certain questions asked on X-bar system/equipment which are no longer in existence in the Circle would show the irrelevance of those questions. Similarly, the Penta Conda X-Bar system was in use only in the southern part of Kerala from Trichur southwards whereas, Indian Cross Bar Project was in vogue in the northern side of the Circle. The applicants could not, therefore, answer questions from Penta Conda X bar system since that was not part of their field work or experience. The applicants cited several questions in order to support their contention that the questions were not objective type as the expression 'objective' type was understood.

4. Additional respondents 4 to 12 who have been impleaded in this case have also filed a reply statement. They are also aggrieved that the representation made by their Union has not been considered. They also confirm that the question papers prepared and issued by the third respondent were greatly different from the model question papers. Had the questions been formulated on the basis of the model question papers, they would have been able to do much better in the screening test. These respondents have further confirmed their pleadings by filing additional reply statements.

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5. We have heard Shri P.P.Jnanasekharan, learned counsel for the applicants, Shri C Rajendran, learned SCGSC and Shri Sabu B, learned counsel appearing on behalf of party respondents.

6. Drawing our attention to the fact that the participants of the qualifying screening test (35% quota) were from the lower categories in the Telecom Department, Shri Jnanasekharan, learned counsel for the applicants, would state that the question papers for such screening test ought to have been strictly in adherence to the model question papers. It was not considered to be a test for judging deeper or extensive knowledge of the candidates, nor was it a test for the ability to express in narratives. The whole idea was to identify the best among the lower categories of experienced employees who had the technical skill and who should be able to express themselves to a satisfactory degree. With that idea in view, the model questions were formulated. Further, this was practically the last chance for the elderly employees of lower categories like the applicants who are only Matriculates and not Engineering Degree holders as in the case of 50% category and the 15% category of employees aspiring to get promotion of JTOs. The learned counsel would point out that the applicants being from northern part of Kerala and having worked there, were not familiar with the Penta Conda X-bar system which is no longer in vogue and in any case, it was applied only in southern part of Kerala. Questions from such system or equipment would naturally baffle those who never had handled such system. Since the questions were asked

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on the basis of regions such questions ought to have been avoided. By asking such questions, the candidates from Calicut and other areas were greatly inconvenienced. Pointing to the major contention regarding non objective type of questions which were asked, Shri Jnanasekharan invited our attention specifically to Mathematics and Physics questions which, according to him, contained several questions far from the concept of objective type of questions. It is maintained that answering these questions involved detailed reasoning and analysis and required descriptive narrations to bring out the intended answers. The model questions are quite different and distinct in this aspect from those questions which were actually asked. More than 90% of the model questions are multiple choice questions with straight answers. It involves quick and sharp analysis and co-relation but did not involve elaborate description and hence the time required would be less and the chance of making mistakes also would be much less, more especially because of the lower educational achievement and standard of the candidates like the applicants, learned counsel would maintain. The whole conduct of the 2nd qualifying test was, therefore, vitiated and the candidates were put to unmerited hardship having regard to their legitimate expectations in the qualifying test on the basis of the syllabus and the model question papers.

7. Shri C Rajendran, learned SCGSC would contend that the applicants' concept of objective type question paper was erroneous and misconceived inasmuch as they expected only multiple choice format. Objective type questions only meant

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that the answers were to be brief, to the point and there was no scope for unnecessary elaborations or illustrations. No questions of essay type were asked except for the paper in English. The purpose of the 2nd qualifying screening test was to bring out the best among the lower cadres and naturally the process required insistence on certain standard of work experience, expertise, power of reasoning and certain minimum power of expression. The important question to be considered was, whether the questions asked were on the same standard and format generally reflected in the model papers and in this matter, the official respondents have taken utmost care without any malice or special interest, learned SCGSC would urge.

8. We have gone through the material on record and have carefully considered the submissions made on behalf of the applicant and the respondents. At the outset, we should express our intention not to tread upon areas in respect of which we have neither the expertise nor the competence to handle. With regard to the allegation that certain types of equipment or system with which the candidates were not familiar figured in the questions asked in the 2nd qualifying screening test or certain questions were asked about obsolete system or equipment or there were variations in technical expertise and experience in relation to the various areas of work in the Telecom department with reference to the northern and the southern regions of Kerala are beyond the scope of our scrutiny. Suffice it to say that the officers and technical

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staff of the Telecom department in Kerala circle, according to us, should form one unit and should have a common pool of knowledge and therefore, it would be idle to contend that questions in proficiency test or qualifying screening test should be confined to the area which one happened to specialise on account of one's being posted in a particular region for a long period. Knowledge about the various technical aspects of the work in the Telecom Department irrespective of regions is necessary. In this respect, therefore, we do not propose to enter upon an adventure in adjudication. Whether or not the time allotted was sufficient, again, would depend upon the deftness and proficiency of each candidate. In any time bound test, there is certain challenge involving the management of time. How much time is required for answering the questions therefore also cannot be a matter which we can set a standard for. The only question that we can possibly look into in this case is whether the questions were asked on the basis of the model question papers, and whether great deviations were made which resulted in making the whole task unequal. It has to be remembered that the test was intended for the lower categories in the Telecom Department, almost as a last chance to expect a promotion to the cadre of JTO. While it is necessary to ensure standard, it is also necessary not to cause widespread deprivation and disillusionment on account of flagrant violation of the set norms regarding such standard. The objective type of questions as reflected in the model question papers even to an untrained eye would reveal that they are multiple choice questions with straight answers. As rightly pointed out by the learned counsel for the applicant, these

are questions calling for sharp and quick mental reasoning and correlation leading to choice of the right answer. The quick, intelligent process involved in answering the objective type questions might last a few seconds. Such process is possible only with sound knowledge and quick application of mind. When the questions deviate from the models and assume the nature of descriptive questions, the reasonable expectations of the candidate based on a promise given to him through the model question paper are belied. Naturally, it affects his performance and more so, in the case of individuals, on the wrong side of 40, who are Matriculates only and who are otherwise not exposed to taking such arduous, examinations like Engineering Degree.

9. We have the question papers set for the 2nd qualifying screening test for TTAs examinations held on 30.4.2000 in respect of the centres in Kerala, Gujarat and Karnataka circle, as furnished by the applicant for our perusal. We find that the question papers for Mathematics (Part-B) and Physics (Part-C) forming part of A-4 contain large number of questions which are different from the objective mode both in their form and content. If the explanation of the respondents with regard to what is "objective" mode is accepted, then there is no reason why any question in Mathematics or Physics in any examination should not be treated as "objective" since there cannot be any difference of opinion with regard to the answers. In other words, it is not like a literary appreciation or an analysis of a historical event which might

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be coloured by the subjective element of the writer and understandably by that of the valuer. Therefore, the expression "objective" might in ordinary parlance, as has already been stated, involve a straight identification of the answer with minimum recourse to any explanatory material or narrative. It is in a way pinpointing the right answer by the fastest possible mental process. We are afraid of the risk involved in entering into definitions of expressions which are not ordinarily within our realm of consideration. However, it is obvious that a large number of questions in Mathematics and Physics involved detailed demonstrative working and for that very reason, there would be greater strain and time constraint. However, quite distinct from the questions asked from Mathematics and Physics, particularly, question No.4-A of Mathematics and question No.5 of Physics, the questions contained in Part-D Departmental Practices are typically in the objective mode in so far as the questions relate to the TTAs (the applicants category). As already mentioned, we decline to enter into the technical question regarding the knowledge-inputs required for the areas of work which the examinees needed. In our opinion, a candidate participating in a qualifying screening test ought to have a brief idea of the technology employed and the technicalities involved in the various aspects of his work, viz, operations of the Telecom department. Coming back to the question in Mathematics and Physics, we hold that the questions asked are at variance with the concept of objective mode as it is understood by us. This could be demonstrated further with reference to the questions for the same examination in the Karnataka circle and the

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Gujarat circle. The questions which were asked for the same subjects, i.e. Mathematics and Physics for the same examination in Gujarat are extracted in A-16. We find that the questions in Mathematics bearing for more than 50% of the allotted marks are purely multiple choice objective type and the remaining questions required simple working. Similarly, in Physics also more than 50% of the questions are multiple choice questions of the simpler objective type and the other questions are ordinary objective type questions. The Karnataka situation is also the same as far as we can see. Thus, there is some force in the applicants's contention at least with reference to the qualifying screening test for Physics and Mathematics to the effect that the questions were substantially non-objective which prejudicially affected the candidates with the educational qualification and intellectual capabilities of the applicants' category. It is in this context that the representation of the Union assumes some importance. It is also significant to note that the respondents have emphatically stated that the representation A-5 made by the Rashtriya Telecommunication Employees Union has not been rejected or ignored and that it is under active consideration. We agree that it deserves to be considered seriously and the official respondents would do well to take a comprehensive view of the whole matter and take appropriate steps to remedy the hardships as discussed above. In this connection, we would be failing in our duty if we do not express our strong conviction that if the results of the second qualifying screening test (35%) held on 30.4.2000, are

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decided and processed and published, the applicants who have been affected because of the highly descriptive and non-objective questions in Mathematics and Physics deserve to be awarded suitable additional marks by way of moderation, as determined by the competent authority in that regard. This aspect should be borne in mind while dealing with the representation of the Rashtriya Telecommunication Employees Union. We also consider it appropriate if the respondents consider any other fresh representation(s) that may be submitted within a time frame individually or collectively by the applicants.

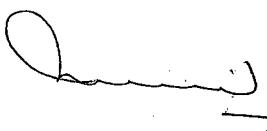
10. In the conspectus of facts and circumstances discussed above, we proceed to dispose of the O.A. with the following orders/directions:

The official respondents are directed to consider A-5 representation and any other representation(s) which the applicants herein may like to file within a period not exceeding 30 days from the date of receipt of copy of this order. After due consideration of all the relevant facts the official respondents shall pass appropriate orders thereon regarding grant of grace marks as indicated above or any other relief as the competent authority deems it fit to grant within a

period of two months from the last date for receipt of representation from the applicants.

11. Parties shall bear their respective costs.

Dated, the 11th April, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True photo copy of the communication No.12-14/94-DE dated 19.9.94 issued by the 2nd respondent
2. A-2 : True photo copy of letter No.5-11/99-NCG dated 12.1.99 issued by the 2nd respondent.
3. A-3 : True photo copy of the letter No.12-14/94-DE dated 10.5.99 issued by the 2nd respondent.
4. A-4 : True photo copy of the letter No.Rectt/30-6/99 dated 8.3.2000 issued by the 3rd respondent.
5. A-5 : True photo copy of the representation dated 10.5.2000 of the Circle Secretary of Rashtriya Telecommunication Employees Union (India) Group-C.
6. A-6 : True photo copy of the relevant extract from the Junior Telecom Officers Recruitment Rules, 1999.
7. A-7 : True copy of workout sheet of the questions in Part B Mathematics in Annexure A-4.
8. A-8 : True copy of workout of questions 1 to 4 in Part C Physics of the Annexure A-4 question paper.
9. A-9 : True copy of Handout of the syllabus on Cross Bar issued from the Regional Telecom Training Centre, Trivandrum.
10. A-10 : True copy of Handout (Switching) 13.25, 13.26 and 13.28 issued by the RTTC, Trivandrum.
11. A-11 : True copy of Handout 13.29 issued by the RTTC, Trivandrum.
12. A-12 : True copy of Handout 0.55 issued by the RTTC, Trivandrum.
13. A-13 : True copy of Handout 15.10, 15.11, 15.12 and 15.13 issued by the RTTC, Trivandrum.
14. A-14 : True copy of the Handout 15.8 and 15.9 issued by the RTTC, TVM.
15. A-15 : True copy of the Handout 20.0 issued by the RTTC, Trivandrum.
16. A-16 : True copy of question paper of the 2nd qualifying Screening Test conducted on 30.4.2000 by the Gujarat Telecom Circle.
17. A-17 : True copy of letter No.ES/1-1/R1gs/94 dtd.25.3.97 of the 3rd respondent.
18. A-18 : True copy of the Communication No.Rectt/29--4/93 dtd. 20.12.94 of the 3rd respondent.

Respondents' Annexures:

1. R-3A : Photo copy of the Syllabus for qualifying Screening to the Cadre of JTO.
2. R-3B : Photo copy of the Revised Syllabus for Induction of Telecom Technical Assistants.
3. R-3C : Photo copy of the Syllabus for Competitive examination for the departmental candidates for recruitment to the cadre of Engineering Supervisors.
4. R-3D : Photo copy of the Sample question paper for the Screening Test.
