

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 159/97

Wednesday, this the 13th day of October, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR G RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P. Sekharan Nair,
S/o. Kantappan Nair,
Senior Telephone Supervisor (Operative),
Trunks Exchange, Calicut,
residing at: 'Sreesha', P.O. Pavandar,
(Via) Nanminda, Calicut.
2. V. Balakrishnan Nair,
S/o. P. Narayanan Nair,
Senior Telephone Supervisor (Operative),
Telephone Exchange, Mananchira, Calicut,
residing at: 'Ushas', P.O. Medical
College, Calicut.
3. K. Moideen Koya,
S/o. K. Alikunju,
Senior Telephone Supervisor (Operative),
Telephone Exchange, (Mananchira), Calicut,
residing at: Kalathil House, Elathoor,
Calicut.
4. Syed Fazalulla,
S/o. Syed Khadar,
Senior Telephone Supervisor (Operative),
Test Disk, Indian Cross Bar Project
Exchange, Telephone Bhavan, Vellayil,
Calicut, residing at: Roshini, 33/3490,
P.O. Chevarambalam, Calicut - 17.
5. K. Santhakumari,
W/o. Sankaran Kutty,
Senior Telephone Supervisor (Operative),
Indian Cross Bar Project Exchange,
Vellayil, Calicut - 32,
residing at: Elayidathu House, 34/54,
P.O. Karaparamba, Calicut - 10.

...Applicants

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. The General Manager, Telecommunications,
Calicut.
2. Union of India represented by
The Secretary to Government of India,
Ministry of Communications, New Delhi.

...Respondents

By Advocate Mr. Varghese P. Thomas, ACGSC

The application having been heard on 13.10.99, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

Applicants seek to declare that they are entitled to be promoted to Grade IV against 10% vacancies on the basis of their seniority in A-1 seniority list which is the seniority list in the basic cadre and to direct the 1st respondent to give effect to such promotions with all consequential benefits.

2. Applicants commenced their service as Telephone Operators during different spells from March 1963 to October 1964. As per Rules, 10% of Grade IV posts are to be filled up by promotion from among Grade III employees on seniority basis in the basic cadre. On the basis of the judgement of this Bench of the Tribunal in O.A. 414/91, the revised Gradation List (A-1) was prepared on the basis of length of service. Applicants are ranked at serial nos. 208, 335, 339, 191 & 284 respectively in A-1. Applicants apprehend that instead of making promotions to Grade IV in accordance with seniority in A-1, respondents are attempting to make promotions to Grade IV on the basis of seniority based on date of confirmation. Applicants submitted representations and A-3 is the reply given to the representations.

3. Respondents resist the O.A. contending that 10% of officials in Grade III are to be promoted to Grade IV on the basis of seniority in basic cadre. Since promotion to Grade IV is confined within the Secondary Switching Area cadre, Divisional/Secondary Switching Area Gradation List is the basis for such promotions. On the basis of the judgement of this Bench of the Tribunal, a revised Gradation List of Telephone Operators of Kerala Circle was prepared on the basis of length of service. This does not change the posts of the officials in the Divisional Gradation List. Promotion to Grade IV from among

officials in Grade III on the basis of their seniority in basic cadre is as per Secondary Switching Area/Divisional Gradation List. The contention of the applicants that promotion to Grade IV has to be given as per the list A-1 is not correct. This was prepared based on the length of service for considering the promotion to Lower Selection Grade which was a circle cadre. The Circle Gradation List is not operative now. A-1 Gradation List was prepared on the basis of the length of service to consider promotion to Lower Selection Grade/Higher Selection Grade which were circle cadres. A-4 is a working list prepared for considering promotion to Grade IV from among Grade III officials.

4. The learned counsel appearing for the applicants submitted that any other basis apart from the basis of adopting A-1 for promotion is effected, it will affect the seniority of the applicants in the entry cadre at the circle level as well as their seniority in Grade III.

5. In paragraph 7 of the reply statement, it is stated that A-1 Gradation List is not operative now. On what basis it is stated is kept as a mystery. We asked the learned counsel for the respondents to enlighten us the basis on which this averment is made. We were not enlightened.

6. There is no dispute as to the fact that A-1 Gradation List has been prepared in compliance with the directions contained in O.A. 414/91. In the judgement in O.A. 414/91, it is declared that the applicants' seniority in the circlewise Gradation List of Telephone Operators for the purpose of promotion to Lower Selection Grade shall be determined on the basis of dates of commencement of continuous service as Telephone Operators keeping the Divisional inter se seniority intact and circlewise seniority list should be prepared on the above basis with

all consequential benefits to the applicants. The Gradation List to be prepared in compliance with the direction in the order in O.A. 414/91 is only for the purpose of promotion to Lower Selection Grade and not to Grade IV.

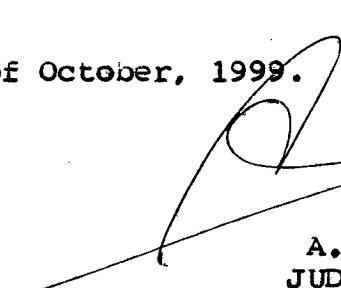
7. The learned counsel appearing for the applicants submitted that the applicants are satisfied if the respondents comply with A-3 dated 9th of January, 1997. Respondents in the reply statement have not made any attack against A-3. A-3 is the letter issued by the Assistant General Manager(Administration) attached to the office of the General Manager, Telecom, Calicut to the 1st applicant. Respondents cannot say that A-3 will not be acted upon since it is issued by an officer of the respondent department and especially when there is no challenge to A-3.

8. Accordingly, respondents are directed to consider the case of the applicants for promotion to Grade IV in accordance with A-3 letter dated 9th of January, 1997.

9. O.A. is disposed of as above. No costs.

Dated this the 13th day of October, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-1: A true copy of the relevant portion of the gradation list dated 11.4.94 issued by the Telephone Operators prepared as per judgement dated 24.7.92 in O.A. 414/91.
2. Annexure A-3: True copy of the Letter No.SGQ 0111/A/16 dated 7.1.97 issued by the respondent to the 1st applicant.