

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.164/99

Monday this the 30th day of July, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. N.K.Thankan  
Telecom Technical Assistant  
OCB Installation, D-Tax Building  
Ernakulam South.
2. T.P.Ayyappakurup  
Telecom Technical Assistant  
EE-10B Telephone Exchange  
Changanasseri.
3. K.Sivaprasad  
Telecom Technical Assistant  
RLU Telephone Exchange  
Ambalamukku, Trivandrum.
4. V.Sunilkumar  
Telecom Technical Assistant  
OKI-Telephone Exchange  
Kaithamukku, Trivandrum.
5. P.S.Padmaja Devi  
Telecom Technical Assistant  
Office of the Divisional Engineer  
Installation, Kaithamukku, Trivandrum.
6. S.Jayakumar  
Telecom Technical Assistant  
RLU Telephone Exchange  
Kaimanom, Trivandrum.
7. A.Robert  
Telecom Technical Assistant  
RSU Telephone Exchange  
Kaimanom, Trivandrum.
8. C.Sreekumar  
Telecom Technical Assistant  
Office of the Sub Divisional Engineer  
External, Panampilli Nagar  
Ernakulam.
9. Saji Uthup  
Telecom Technical Assistant  
RLU Telephone Exchange  
Kanjikuzhi, Kottayam.
10. Sabu M. Yohannan  
Telecom Technical Assistant  
E-10B Exchange, Kottayam.
11. Raju M.G.  
Telecom Technical Assistant  
Telephone Exchange  
Kumbanadu, Thiruvalla.

12. Marykutty Joseph  
Telecom Technical Assistant  
Telephone Exchange, Erattupettah.
  13. R. Prakash  
Telecom Technical Assistant  
D-Tax Telephone Exchange  
Chinnakkada, Kollam
  14. L. Sathyarajan  
Telecom Technical Assistant  
Telephone Exchange  
Mayyanadu, Kollam.
  15. G. Mohana Rajan  
Telecom Technical Assistant  
OCB-RLU Installation  
Chinnakkada, Kollam.
  16. Micheal P.M.  
Telecom Technical Assistant  
RLU-Telephone Exchange  
Puvathoor, Trichur.
- ...Applicants

By advocate Mr. Shafik M.A.

Versus

1. Union of India represented by  
the Secretary, Ministry of  
Communications, New Delhi.
  2. The Chairman  
Telecom Commission  
New Delhi.
  3. The Chief General Manager Telecom  
Kerala Circle  
Trivandrum.
- ...Respondents

By advocate Ms. S. Chithra, ACGSC

The application having been heard on 30th July, 2001,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek the following reliefs:

- (i) To call for the records relating to A-1 to A-6 and to declare that issuance of A-1 is illegal and arbitrary before complying with the directions in A-3 and promoting the applicants to the cadre of Junior Telecom Officers and to quash the same to that extent.
- (ii) To direct the respondents to comply with the directions contained in A-3 and to make necessary changes in the Recruitment Rules and to promote the applicants to the Cadre of Junior Telecom Officers at least with effect from 1.1.96 in preference to any other Departmental Candidates;
- (iii) To pass any other appropriate order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- (iv) To award costs of this proceedings.
- (v) To quash A7 along with A-1.

2. Applicants are working as Telecom Technical Assistants. They say that inaction of the respondents in amending the Recruitment Rules in order to accommodate Telecom Technical Assistants who hold the qualifications prescribed for direct recruitment as Junior Telecom Officers in the walk-in group category inspite of the clear directions of this Tribunal is illegal and the action of the respondents in issuing A-1 notification without complying with the direction in A-2 is a deliberate attempt to avoid granting of their inclusion in the walk-in group category.
3. Respondents have filed detailed reply statement.
4. None appears for the applicants even in the second call.
5. The first relief sought is to quash A-1.
6. A-1 is the notification dated 3rd of December, 1998. It says that the screening test will be held in accordance with the Recruitment Rules of the post of JTO notified vide DoT's letter dated 9.2.96.
7. On 10.2.99, this Tribunal granted an interim order to the effect that 16 vacancies in the 35% quota for promotion to the cadre of JTO shall be kept unfilled until further orders. That order was taken up before the High Court of Kerala and the High Court in OP filed before it <sup>as per</sup> order dated 11th May, 1999 stayed the interim order passed by this Tribunal.
8. Learned counsel appearing for the respondents submitted that in pursuance of A-1, the screening test was held. That being so, the relief to quash A1 has become infructuous.



9. The second relief sought is to direct the respondents to comply with the directions contained in A-3 and to make necessary changes in the Recruitment Rules and to promote the applicants to the cadre of JTO. It seems that A-3 mentioned therein is a mistake and from a reading of the OA it could only <sup>be</sup> the direction contained in A-2.

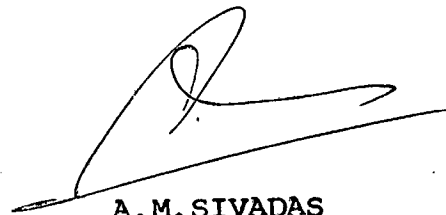
10. The learned counsel appearing for the respondents submitted that new Recruitment Rules have been introduced. That being so, this relief has also become infructuous.

11. Accordingly the OA is dismissed.

Dated 30th July, 2001.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-1 : True copy of the Notification No.Rectt/30-6/99 dated 3.12.98 issued by the 3rd respondent.
- A-2 : True copy of the order dated 9.6.98 passed by this Tribunal in OA No.101/97.
- A-3 : True copy of the letter No.1-1/97 PAT dated 24.10.97 of the 1st respondent.
- A-4 : True copy of the statement of fixation of pay dated 4.11.97.
- A-5 : True copy of the letter No.Rectt/30-9/96 dated 4.3.98 of the 3rd respondent.
- A-6 : True copy of the communication No.Rectt/30-4/93-4 dated 17.6.97 of the 3rd respondent.
- A-7 : True copy of the letter No.STA-1/ENK-214/(12(a)/XI/11 dated 25.3.99 issued on behalf of the 3rd respondent.