

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.214/96

Friday, this the 8th day of March, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Vikraman Nair P,
Telephone Operator,
Central Telephone Exchange,
Trivandrum.
2. C Prakasan,
Telephone Operator,
Central Telephone Exchange,
Trivandrum.
3. M Sreekumaran,
Telephone Operator,
Central Telephone Exchange,
Trivandrum.
4. Asok Kumar V,
Telephone Operator,
Central Telephone Exchange,
Trivandrum.

- Applicants

By Advocate Mr MR Rajendran Nair

vs

1. The Assistant General Manager(Administration),
Telecom District, Trivandrum.
2. The Chief General Manager,
Telecommunications,
Kerala Circle, Trivandrum.
3. The Chairman,
Telecom Commission,
Sanchar Bhavan, New Delhi.

- Respondents

By Advocate Mr TPM Ibrahimkhan, Senior Central Government
Standing Counsel

The application having been heard on 8.3.96 the Tribunal
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Four Telephone Operators of the Central Telephone Exchange, Trivandrum are before us challenging their deployment as Telephone Office Assistants(A2, A3 and A7). According to applicants, there are enough positions in the Telephone Exchange to retain them and transferring them as Clerks would not be to their interest or in the interest of efficiency of public services.

2. In answer, respondents state that there is surplus in the cadre of Telephone Operators due to modernisation and introduction of latest technology. To obviate the hardship of retrenchment, the surplus hands are being deployed.

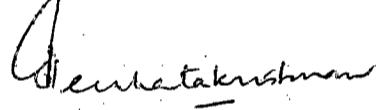
3. Counsel for applicants would submit that the guidelines in matters of deployment and retrenchment of surplus staff are contained in A4 and A5, and that in violation of these respondents are resorting to arbitrary choice, by picking and choosing employees for retention and deployment. They submit that juniors are retained in the cadre and seniors deployed. According to Senior Central Government Standing Counsel, seniority and lien of applicants will be protected in the light of R1. Hence it would make no difference, whether juniors or seniors are retained or deployed. He admits that certain juniors are retained at their present places, only to avoid uprooting their domestic lives. As far as applicants are concerned, they can move from one office to another in the same city or locality without uprooting their domestic lives. That would not affect their seniority and lien. We have no reason to doubt the

statement made by Shri TPM Ibrahim Khan, Senior Central Government Standing Counsel by a verified statement.

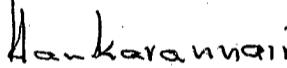
4. We do not consider it our responsibility to enforce administrative orders of the Government of India, but that is not to say that the Government themselves are not bound by their guidelines. We would only say that there should be no arbitrariness in following a principle. If there is arbitrariness inaction or disobedience of the guidelines set by the Telecom Commission, it is for applicants to bring it to the notice of the third respondent and it is for the third respondent to ensure fair action, if he feels that something wrong is done.

5. We dispose of the application as aforesaid. No costs.

Dated, the 8th March, 1996.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

trs/83

LIST OF ANNEXURES

1. Annexure A2: True copy of the Memo No. ST/TFR/XII/106 dated 11.1.1996 issued by the 1st respondent to the applicants.
2. Annexure A3: True copy of the Memo No. ST.17/Tir/XII/103 dated 15.12.1995 issued by the 1st respondent to the applicants.
3. Annexure A4: True copy of the letter No. 207/93/75-STB I dated 14.11.1975 issued by Director General, Post and Telegraph, New Delhi.
4. Annexure A5: True copy of the order No. 256-25/86-STN dated 27.6.1988 issued by Department of Telecommunication, New Delhi.
5. Annexure A7: True copy of the order No. LC/STA/91/96 dated 12.2.1996 issued by the 3rd respondent to the applicants.
6. Annexure R-1: True copy of the letter No. 256-26/86-STN dated 22.4.1994 of the Asst. Director General(STN), Govt. of India, Department of Telecom STN Section, New Delhi.

.....