

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.225/98

Wednesday this the 22nd day of November, 2000

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI G.RAMAKRISHNAN, MEMBER (A)

T.Narayanan,
Driver,
Office of the Assistant Engineer,
Telex and Power Plant,
Central Exchange,
Calicut-1, residing at Thachilot House,
P.O.Olavanna,
Calicut.Applicant

(By Advocate Mr. M.R.Rajendran Nair)

vs.

1. General Manager, Telecom, Calicut.
2. Chief General Manager, Telecom,
Kerala Circle,
Trivandrum.
3. Union of India, represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi.Respondents

(By Advocate Shri James Kurien)

The Application having been heard on 7.11.2000, the Tribunal
on 22.11.2000 delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant a Driver in the office of the
Assistant Engineer, Telex and Power Plant, Central Exchange,
Calicut is aggrieved by the non-inclusion of the category of
Driver as one of the categories eligible to appear in the
screening test for absorption as Phone Mechanic. According
to the Department of Telecommunications Phone Mechanic
Recruitment Rules, 1991, the method of recruitment to the

post of Phone Mechanic was 100% by promotion, 50% by seniority cum fitness from among Lineman/Wireman belonging to Telecommunication Engineering Wing who possess tenth standard qualification and remaining 50% through competitive examination from amongst (a) Lineman/Wireman working in the Secondary Switching Area Units including those who are non-matrics (b) Regular Mazdoors and casual mazdoors working in the Secondary Switiching Area units provided they got tenth standard qualification. This Recuitment Rules was amended in the year 1996 by notification dated 11.4.96 (A6). The method of recruitment was changed to transfer/promotion. The categories which were eligible for transfer/promotion are (a) Lineman/Wireman belonging to Telecommunication Wing of the Departemnt (b) Cable Splicers (c) Regular Mazdoors or Group D officials of the Department (d) Casual Mazdoors/Casual Labourers who are covered under the temporary status scheme. The category of Drivers have not been included as feeder category. As no technical qualification is prescribed and even Cleaners under the Drivers and Group C employees like Cable Splicer are made eligible, the non-inclusion of the category of Driver in the feeder category according to the applicant an inadvertant omission and to that extent the Recruitment Rules (A6) being bad for non application of mind is liable to be set aside. The applicant made a request for permission to appear in the screening test which was not acceded to. The respondents have issued an order dated 7.4.99 permitting Drivers to seek

reversion if they had originally belonged to Regular Mazdoors/Lineman/Wireman or any Group D cadre for enabling them to appear for screening test for absorption to the post of Phone Mechanic. The applicant being a Driver recruited directly would not be entitled to seek reversion. The applicant allege that Annexure A7 order which excludes the applicant from its benefit is discriminatory and unjustified. According to the applicant the exclusion of the category of Driver lacks application of mind and is discriminatory. With these allegations, the applicant seeks to have the impugned orders A6 and A7 set aside and a declaration that Drivers in the Telecommunication Department are eligible to appear in the screening test for absorption as Phone Mechanic and for a direction to the respondents to permit the applicant to appear in the screening test for absorption as Phone Mechanic.

2. The respondents contend that as the post of Phone Mechanic was created abolishing the cadre of Lineman/Wireman etc. and as casual labourers and Group D employees were entitled to become Lineman/Wireman and Lineman/Wireman were being promoted as Cable Splicers all these categories were made feeder category for the post of Phone Mechanic taking into account the interests of service and requirement of the establishment and that the Drivers recruited with totally different Recruitment Qualification and in terms of a separate Recruitment Rules having separate avenue of

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promotion have no right to claim inclusion in the feeder category for promotion/absorption to the post of Phone Mechanic. The exclusion of the Drivers from the feeder category and inclusion of the other workers being a conscious decision taken by the government, the respondents contend that judicial intervention is not justified.

3. After hearing the learned counsel on either side and on a perusal of the pleadings and materials placed on record, we do not find any legitimate grievance of the applicant which calls for redressal. The applicant was recruited as a Driver in a Group C category. There is separate channel of promotion for the Drivers. The feeder categories for promotion as Phone [@]Mechanic as per the unamended Recruitment Rules for the year 1991 did not include Drivers. By amendment to the Recruitment Rules made by A6 notification, some more categories were included in the feeder grade taking into account the demand of the staff side as also the requirement of service. The administration after considering all the relevant aspects included certain categories in the feeder grade. As the recruitment qualification, duties or responsibilities of the Drivers had no nexus at all with the duties and responsibilities of Phone [@]Mechanic, we do not find any infirmity in excluding the category of Driver in the feeder category for promotion to the post of Phone [@]Mechanic, Annexure A7 order enabling

[@]corrected
as per
order dt.
27.2.2001
in MA-267/
2001. the Drivers who were earlier Regular Mazdoor, Lineman,

Wireman or Group D employees to seek reversion for being eligible for absorption as Phone Mechanic also cannot be faulted just because the applicant will not be eligible for such an option as he was directly appointed as a Driver.

4. In the result, in the light of what is stated above, we do not find any merit in this application and therefore, we dismiss the same leaving the parties to bear their costs.

Dated the 22nd day of November, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

S.

List of annexures referred to:

Annexure.A6:True copy of the 1996 Recruitment Rules to the category of Phone Mechanics issued by the Ministry of Communications.

Annexure.A7:True copy of the Order No.2-3/99-NCB(pt.I) issued by the Assistant Director General dated 7.4.1999.

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