

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.312/98

Wednesday this the 10th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

K.A.Jose, S/o K.C.Antony,
Group 'D' employee, Telecom Phone Depot,
Gandhinagar, Kochi.20.
residing at Kannikkattil House,
Cheppanam, Panangad Post,
Kochi.682506.

...Applicant

(By Advocate Mrs. Sumati Dandapani)

Vs.

1. Government of India, Department of Telecom,
represented by Secretary,
Ministry of Communications,
New Delhi.
2. Chief General Manager,
Department of Telecommunications,
Kerala Circle, Thiruvananthapuram.
3. Principal General Manager, Telecom,
Panampilly Nagar, Ernakulam.
4. Assistant General Manager (Admn)
Office of the General Manager,
Telecom District, Ernakulam,
Kochi.31.
5. T.K.Lonappan,
Industrial Mazdoor,
Circle Telecom Store Depot,
Gandhi Nagar,
Kochi.20.

...Respondents

(By advocate Mr.S.Radhakrishnan (rep.) (R.lto4)

The application having been heard on 10.6.98, the tribunal
on the same day delivered the following:

O R D E R

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

The applicant a Group 'D' employee under the
Telecom Phone Depot, Gandhi Nagar has filed this
application challenging the action of the respondents 1 to
4 in sending the 5th respondent for training for absorption
as Phone Mechanic. The applicant who figures at Sl.No.621
in the gradation list of Group 'D' employees in the
Ernakulam Secondary Switching Area appeared in the

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screening test for absorption to the post of Phone Mechanic. His case is that only those who are in the gradation list of Secondary Switching Area as Group 'D' employees are eligible for screening and absorption as Phone Mechanic and Industrial Mazdoors like the 5th respondent who stand posted in the Circle Telecom Depot is not eligible. The avenue for promotion for Industrial Mazdoors are to Packer, Marker, Tindal and Sircar and they are not entitled for absorption as Phone Mechanic, contends the applicant. Finding that the 5th respondent and another person have been screened for training as Phone Mechanic, the applicant made a representation, which was replied to by the respondents by the impugned order dated 20.2.98 (A5). The applicant is aggrieved by that and has filed this application for setting aside A5 so far as it relates to the 5th respondent and for a declaration that the 5th respondent is not eligible to be considered for the post of Phone Mechanic since he is an Industrial Mazdoor coming within the Circle Telecom Stores Depot.

2. The respondents 1 to 4 have filed a reply statement in which they contend that though the employees are working in different units for the purpose of convenience the Group 'D' employees of the department are eligible for screening and absorption as Phone Mechanic to the posts which arose on account of the restructuring of the cadre of Group 'D' posts. They further contend that there is no rule prohibiting the Industrial Mazdoor being screened and absorbed as Phone Mechanic and therefore the action of the respondents 1 to 4 in screening the 5th respondent and sending him for training as Phone Mechanic is unexceptionable. They further state that the applicant

would also be sent for training during this year in his turn.

3. On a perusal of the pleadings and the materials placed on record, we do not find any illegality or impropriety in the 5th respondent being screened and sent for training as Phone Mechanic. The 5th respondent is undoubtedly a Group 'D' employee. The term regular mazdoor in contradistinction to casual mazdoors should normally include the regular mazdoors in the industrial establishments also. According to eligibility conditions to appear in the qualifying screening test as mentioned in A2, all Group 'D' employees as also casual labourers with temporary status working in sections other than telecom, such as Telegraph Traffic, Telecom Civil wing, Accounts etc. are eligible. There is nothing to indicate that those Group 'D' employees working in Stores Depot are excluded.

4. Under these circumstances we do not find any justification for the applicant to make a claim for a declaration that the 5th respondent is not eligible to be included in the category of those who are eligible for screening and absorption as Phone Mechanic. It is curious to note that while the applicant has sought a declaration that the 5th respondent is not eligible for screening and absorption as Phone Mechanic, the applicant has not sought in this application any relief for himself. It shows that the applicant is not an aggrieved party. In any case, we do not find any merit at all in this application. The application is therefore dismissed in limine. No order as to costs.

Dated the 10th June, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A5: Communication STR/55-3-97 dated 20.2.98 issued from the Office of the 2nd respondent addressed to the 3rd respondent.

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