

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

FREE COPY U/R 22
OF C.A.T. (PROCEDURE) RULES

O.A.No.1639/97 and O.A.321/98

Friday, this the 20th day of March, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

O.A.1639/98

1. PS Shaji,
Telephone Operator,
Office of Sub Division Engineer,
Telecom, Kaniyapuram Sub Division,
Thiruvananthapuram.
2. Jalajamony Amma.T.
Telephone Operator,
Office of Sub Division Engineer,
Telecom, Kaniyapuram Sub Division,
Thiruvananthapuram. - Applicant

By Advocate Mr Sathikumar

vs

1. Union of India,
represented by the Secretary,
Ministry of Communications,
New Delhi.
2. The Director,
Department of Telecom,
Dak Bhavan, Sansad Marg,
New Delhi.
3. The Chief General Manager,
Kerala Telecom Circle,
Thiruvananthapuram. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

O.A.321/98

1. Thomas A.D.
Stenographer,
Office of General Manager,
Telecom, Department of Telecom,
Kottayam.
Prakasan.G.
Telecom Office Assistant,
Office of General Manager, Telecom,
Department of Telecom, Kottayam. - Applicants



3. Raju Sebastian,
Senior Accountant,
Office of General Manager, Telecom,
Department of Telecom,
Kottayam.
4. PK Surendran,
Stenographer,
Office of the Chief General Manager,
Department of Telecom,
Kerala Circle,
Thiruvananthapuram.
5. S Sureshkumar,
Telephone Operator,
Staff No.5193,
Kariavattom Telephone Exchange,
Remote Line Unit,
Department of Telecom,
Thiruvananthapuram.

- Applicants

By Advocate Mr Sathikumar

vs

1. Union of India represented by
the Secretary,
Ministry of Communications,
New Delhi.
2. The Chairman,
Telecom Commission,
Department of Telecom,
New Delhi.
3. The Director,
Department of Telecom,
Dak Bhavan, Sansad Marg,
New Delhi.
4. The Chief General Manager,
Kerala Telecom Circle,
Thiruvananthapuram.

- Respondents

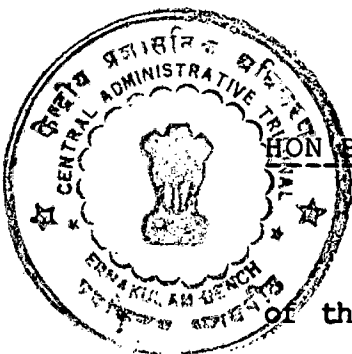
By Advocate Mr TPM Ibrahim Khan, SCGSC

The applications are having been heard on 20.3.98, the
Tribunal on the same day delivered the following:

O R D E R

HON. MR AV HARIDASAN, VICE CHAIRMAN

These two applications are similar in nature in respect
of the grievances projected as also the reliefs sought. Hence
they are being heard and disposed of by this common order.



2. In O.A.1639/97 there are two applicants and in O.A.321/98 there are five applicants. The applicants are Telephone Operators. They have filed these applications for the following reliefs:

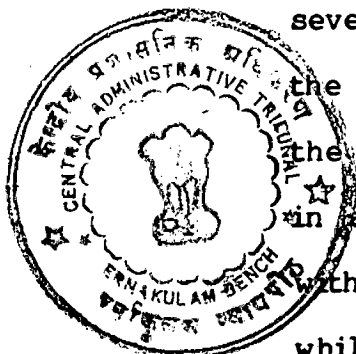
"(i) to issue a direction directing 1st and 2nd respondents to conduct a fresh Junior Accounts Officer(Part-I) examination in all telecom circles of India including Kerala Circle with one and the same set of question papers by one examination. In the alternate to fix a quota for the Kerala Circle candidates of Junior Accounts Officer(Part-I) examination 1996.

(ii) to issue a direction, directing 2nd and 3rd respondents not to conduct a separate Junior Accounts Officer(Part-I) Examination in the Kerala Circle as scheduled from 27th December, 1997 with a different sets of question papers.

(iii) to issue a direction directing the 2nd respondent not to publish the results of Junior Accounts Officer(Part-I) examination conducted all telecom circles of India in the month of September, 1996, and

(iv) to issue a direction directing the 2nd and 3rd respondents not to postpone the departmental examinations unnecessary without any valid and justifiable reasons."

It is alleged in the application that the Junior Accounts Officer(Part-I) examination for the year 1996 was postponed several times and was finally scheduled to be held throughout the country on 13th, 14th and 15th of September, 1997, that the examination had to be held with the same question papers in all the centres, that as the scheduled examination coincided with Onam festival in Kerala alone the examination was postponed while it was held in all other circles, that the respondents have scheduled to hold the examination in Kerala circle from



27th to 29th December, 1997 with separate question papers, that if the examination is held with separate question papers in Kerala Circle alone it would be impossible to prepare a common merit list, that it would be discriminatory causing hardship to the applicants and that therefore it is necessary to direct the respondents to hold the examination afresh in all the circles with common question papers or to fix a separate quota for Kerala circle.

2. We have perused the O.A. and the reply statement filed by the respondents. The examinations had to be postponed and separately held in Kerala because the schedule of examination in September coincided with the Onam festival. While the examination for all other circles had been held in September as scheduled, a different question paper had unavoidably to be set up for the examination of Kerala circle. The same moderations for the examination held in September have been drafted to moderate the Kerala examination also. The examination in question is only qualifying and therefore there is no question of rank list being prepared. These are the facts and conclusions emerging from the pleadings. Under these circumstances, we do not find any legitimate grievance of the applicant, which needs consideration. It is unreasonable to demand that the entire examination in all other circles held in September, 1997 have to be cancelled. As the applicants have not been subjected to any prejudice or discrimination, they ^{have} ~~no~~ justifiable reason or cause of action to file this application.

3. In the result finding no merit at all in this application, we dismiss the same leaving the parties to bear their respective costs.

Dated, the 20th March, 1998.

Sd/-
S K GHOSAL
ADMINISTRATIVE MEMBER

Sd/-
A V HARIODASAN
VICE CHAIRMAN



CERTIFICATE OF TRUE COPY

Date 26-3-98

Deputy Registrar