

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.35/98

Monday this the 12th day of January, 1998.

CORAM

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

Johny Issac,
Telegraphman,
Central Telegraph Office,
Cochin.

...Applicant

(By Advocate Mr. G.D. Panicker)

Vs.

1. Union of India, represented by its
Secretary, Telecommunications,
Sanchar Bhavan, New Delhi.

2. Director General,
Telecommunications,
Sanchar Bhavan, New Delhi.

3. Chief General Manager,
Telecommunications,
Vikas Bhavan, Trivandrum.

...Respondents

(By Advocate Mr. George Joseph)

The application having been heard on 12.1.98, 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 Telegraphman appeared for a test
for selection and appointment as Telegraphist/Telegraph
Assistant pursuant to a notification dated 9.12.96 towards
the vacancies of the year 1989. After the test a list of
persons qualified for deputing for training was published
on 26.9.97. In supersession of this list another list was
published on 30.9.97 by which, inter alia, the position of
one Shashidharan, which was indicated under the
Telegraphists' list has, in the revised list, been shown
under the Telegraph Assistants' list and the inter se
position of an S.C. candidate called Sreedharan has been
changed. The applicant's name xxxxxxxxxxxxxxxxxxxxxxxxx

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was not included either in the 1st list or in the revised list. The applicant has filed this application stating that he believed that some manipulation would have been made but for which his name would have been included in the list of selected candidates as he had done well in the examination. It has also been alleged that it is not uncommon in the department that such manipulation being made and also referred to an order of the Tribunal in O.A.1759/94 wherein it is alleged that the manner in which the examination was conducted for promotion as J.T.O.s had been criticised. Therefore, the applicant strongly feels that the non-inclusion of his name in the select list and not sending him for training is the result of manipulation.

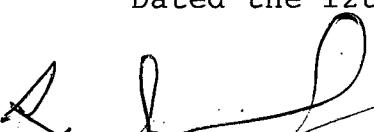
With the above allegations the applicant has filed this application for a declaration that A.3. list is illegal and unsustainable and for a direction to the respondents to revalue the answer book of the applicant afresh.

2. We have perused the application and the annexures appended thereto and have heard Shri G.D.Panicker for applicant and Shri George Joseph, ACGSC for respondents at considerable length. Apart from expressing a feeling in the mind of the applicant that there must have been some manipulation, the applicant has not been able to bring to our notice any material which would even remotely suggest that the selection process was vitiated. The allegation that in an order of the Tribunal some comments had been made in regard to an examination held for selection to the post of J.T.Os is no reason to jump into the conclusion that the

impugned selection in this case also is vitiated, without even any specific allegation of malafide or colourable exercise of power.

3. We find nothing in this application which needs further deliberation. Therefore, we reject the same under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 12th day of January, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A3: Letter No. Rectt/TA/TL/96 dated 30.9.97
from the 3rd respondent.

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