

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.357/97

Tuesday this the 27th day of May, 1997.

CORAM

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

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. S.Ajitha, Telegraphist,
Central Telegraph Office, Alleppey.
2. K. Sunanda,
Telecom Office Assistant,
Office of the General Manager,
Telecom District, Kollam.
3. Geetha G.P.
Telegraphist,
Telegraph Office, Mavelikkara. ... Applicants

(By Advocate Mr. G.D. Panicker)

Vs.

1. Union of India represented by
the Secretary to Government of India,
Department of Telecommunications,
New Delhi.
2. The Director General,
Telecommunications,
Sanchar Bhavan, New Delhi.
3. Chief General Manager,
Telecom, Kerala Circle,
Trivandrum. ... Respondents

(By Advocate Mr. KS Bahuleyan for TPM Ibrahim Khan, SCGSC)

The application having been heard on 27.5.1997, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who are working as Telegraphists/Telecom Assistant and were at present qualified for selection and appointment as Hindi Translators are aggrieved by the fact that the respondents are taking steps to fill up even the 50% quota of the vacancies of Hindi Translators to be filled up by

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promotion by direct recruitment. Initially as per the scheme for recruitment those who were eligible in the feeder category were allowed to appear for a competitive examination. Applicants 1 to 3 applied but as the first applicant was not possessing the requisite qualification she was not permitted to appear in the examination. The other two applicants along with others who responded to the notification appeared for the selection but applicants 2&3 and all other candidates excepting one failed. One candidate who succeeded in the qualifying examination was offered appointment. As there was no sufficient number of departmental candidates who were qualified to be promoted the respondents have notified the employment exchange sixteen vacancies for making recruitment by the next method of recruitment namely direct recruitment. The applicants aggrieved by this have filed this application. It is their case that if the departmental quota vacancies are also filled by direct recruitment there shall be no chance for them to advance their career. It is also the case of the applicants that as the first applicant had acquired the requisite qualification before a requisition was sent by the respondents to the employment exchange the respondents have gone wrong in not giving her a chance. With the above allegations the applicants have filed this application for the following reliefs:

(a) direct the respondents not to fill up the vacancies of Hindi Translators Grade II, available in Kerala Telecommunications circle, reserved for departmental candidates, with candidates selected from outside.

(b) direct the respondents not to fill up the vacancies of Hindi Translator Grade II available in

Kerala Telecommunication Circle, with candidates sponsored by the Employment Exchange.

(c) direct the respondents to conduct a departmental examination to select candidates for appointment as Hindi Translator Grade II, at an early date.

(d) pass such other orders as are deemed fit, fair, necessary in the circumstances."

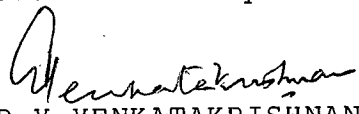
2. The respondents resist the claim of the applicants on the ground that they have resorted to the process of direct recruitment as the primary mode of recruitment has failed. As the applicants 2&3 failed in the departmental examination and as the first applicant was not qualified there is no merit in the contention of the applicants that the respondents are taking hasty steps to fill up the post by direct recruitment without giving adequate opportunities to the departmental candidates, contend the respondents.

3. Having perused the pleadings in this case and having heard the learned counsel, we are of the view that the action of the respondents in resorting to the direct recruitment cannot be held totally arbitrary. However as the applicant has acquired the requisite qualification to apply for promotion even before the process of direct recruitment was resorted to and as the applicants 2&3 may probably improve their performance, if given another chance, the second respondent may probably consider their case with due sympathy, argued the learned counsel for the applicant and he prayed that the applicants may be allowed to make a representation to the second respondent in this behalf with a direction to the second respondent to

consider the representation and to take an appropriate decision within a reasonable time directing that till such time a decision is taken and communicated to the applicants, the appointment to the departmental promotion quota of vacancies of Hindi Translators may be held up. When this suggestion was put to the learned counsel for the respondents, the counsel states that it is not possible for him to concede but the Tribunal may take an appropriate view in the matter. While expressing no opinion on the merits of the case, we consider it appropriate to give the applicants a chance to make a representation to the second respondent and direct the second respondent to take an appropriate decision in the matter taking into account the interest of service as also the rules and instructions on the subject.

4. In the result the application is disposed of with a direction to the applicants to make a representation to the second respondent projecting their grievances in regard to the method of recruitment within a period of two weeks from today and with a direction to the second respondent to consider their representation and to communicate to them a speaking order within a period of two weeks from the date of receipt of the representation. We also direct that while the respondents may if they so choose, proceed with the process of selection the appointments to the promotion quota of vacancies to the post of Hindi Translators may not be filled up till a decision on the representation is communicated to the applicants by the second respondent. No costs.

Dated 27th day of May, 1997,


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN