

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 14 DEC 1994

APPLICATION NO: 1123 of 1994.

APPLICANTS:- Sri.B.V.Ashoka, Bangalore
V/S.

RESPONDENTS:- Chairman, Telecom Commission, New Delhi
and another.,

To

1. Sri.B.Veerabhadra, Advocate, No.126/2, Sixth Cross, Kadirappa Road, Doddiguntha, Cox Town, Bangalore-560 005.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C., High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above mentioned application(s) on 06-12-1994.

Copies Issued
(On 14-12-94)

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1123/ 1994

TUESDAY, THE 6TH DAY OF DECEMBER, 1994

SHRI V. RAMAKRISHNAN ... MEMBER (A)
SHRI A.N. VUJJANARADHYA ... MEMBER (J)

B.V. Ashoka,
S/o Shri B.T. Venkatappa,
26 years, W.C., Gr.II,
Telecom Electrical Division,
113/71, IInd Floor,
Subedar Chatram Road,
Bangalore. ... Applicant

(By Advocate Shri B. Veerabhadra)

vs.

1. The Union of India,
Ministry of Communications
represented by its
(Chairman Telecom Commission),
Sanchar Bhavan,
20, Ashoka Road,
New Delhi - 110 001.
2. The Chief General Manager,
Karnataka Telecom Circle,
No.1, Old Madras Road,
Bangalore - 560 008. ... Respondents

(By Advocate Shri M.V. Rao, Additional Central
Government Standing Counsel

ORDER

Shri V. Ramakrishnan, Member (A)

The applicant herein is aggrieved by the refusal of the
respondents to accept his option for conversion to TOA pattern.
The department of Telecommunications by their circular letter
dated 9.9.92 as at Annexure A-2 had communicated the government



decision to convert the existing LDC/ UDC cadres in Central Offices, Metro Districts etc. to TOA cadre on the line indicated in para 2 of this circular. This circular further stipulated that the present incumbents of LDC/ UDC cadre should give their options as to whether they would like to switch over to the TOA cadre within three months. The applicant who was an LDC states that he exercised the option even though it was not within the period of three months as stipulated in the circular. It is contended that he could not exercise the option within three months for the reason that the letter dated 9.9.92 as at Annexure A-2 was not brought to his notice. This position is also admitted by the department vide its letter dated 13.10.93 as at Annexure A-5, which is a letter from Executive Engineer to the Superintending Engineer and it states that the circular dated 20.10.92 calling for option, by oversight was not circulated to the official. It is further claimed by the applicant that he submitted a representation dated 20.2.93 exercising this option as is seen from his letter dated 4.10.93 addressed to the Executive Engineer as at Annexure A-4. He has however not produced a copy of the representation. The applicant's counsel further submits that he has not retained a copy of the representation. We had accordingly called for the relevant file from the office of the Chief General Manager. From the perusal of the file we notice that in October, 1993, the Superintending Engineer, Telecom, Karnataka Circle, Bangalore had informed the Chief General Manager, Karnataka Circle that the option of the applicant for ^{conversion} reversion to TOA pattern was forwarded to the CGM's office by the Superintending Engineer vide letter dated 31.3.1993. It is also seen from the letter of the Executive Engineer dated 13.10.93 as at Annexure A-5 that the applicant's option was sent earlier within 20 days of last date for receipt of option.

These communications make it clear that the applicant had exercised his option within a short period after expiry of the period of three months stipulated in circular letter dated 21.9.92. It is also admitted by the respondents that this circular calling for option, through oversight was not circulated to the applicant. The respondents, in fact, have taken the line that the local office have taken up the matter with the department of Telecom in New Delhi by their letter dated 17.1.94 as at Annexure A-6 requesting for taking action on the representation. The respondents have further stated that they have still to take a decision on the same.

2. Keeping in view the relevant facts of this case and taking into account the letter No. 9(4)/TCC/BGL/93 dated October, 1993 from the Superintending Engineer (Civil), Bangalore addressed to the Chief General Manager, Telecom, Karnataka Circle, Bangalore, we hold that the applicant had in fact exercised the option to come over/within a short time after expiry of the last date and the slight delay in exercising such option which was because of the non-intimation of the relevant circular to the applicant. We direct the department to allow the applicant to come over to TOA pattern with effect from the relevant date and in accordance with the provisions of circular letter dated 9.9.92 as at Annexure A-2 with consequential benefits. This should be done within three months from the date of receipt or a copy of this order. No costs.

Sd/-

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(A.N. VUJJANARADHYA)
MEMBER (J)

TRUE COPY

(V. RAMAKRISHNAN)
MEMBER (A)

14/12/94

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

