

Oct 16/98/28/98
CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NOS.: 86/98 AND 202/98.

Dated this Monday, the 24th day of August, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Shri R. Bangarajan,
Section Supervisor (O),
O/o. the General Manager,
Telecom, W.T.R.,
Mumbai.

Residing at -

C-1-D/11 P & T Colony,
Sahar, Mumbai - 400 099.

.. Applicant in
O.A. No. 86/98.

Vinod Balachandra Chandratre,
Sr. Telecom Operating
Assistant (P),
Telephone Exchange,
Amalner, Dist. Jalgaon.

Residing at -

Near Ram Mandir,
Raj Holi, Amalner,
Dist. Jaigaon - 425 401.

.. Applicant in
O.A. No. 202/98.

(By Advocate Shri S. S. Karkera).

VERSUS

1. Union Of India through
The Director General,
Department of Telecommunications,
Sanchar Bhavan, Ashoka Road,
New Delhi - 110 001. .. As Respondent
Nos. 1 and 2 in
both the O.As.
2. The Chief General Manager,
Telecom Maharashtra Circle,
Fountain Telecom Bldg. -II,
M.G. Road, Fountain,
Bombay - 400 001. .. As Respondent
Nos. 1 and 2 in
both the O.As.
3. The Chief General Manager,
Western Telecom Region,
V.S. Road, Mumbai - 400 028. .. As Respondent
No. 3 in O.A. No.
86/98.
4. The General Manager,
Telecom, Jalgaon Telecom
District, Jalgaon - 425 401. .. As Respondent
No. 3 in O.A. No.
202/98.

By Advocate Shri V.S. Masurkar

OPEN COURT ORDER

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

In both the O.As. the applicants are praying for quashing the order dated 13.08.1997 and for a direction that they should be absorbed in J.T.O.'s cadre. Respondents have filed reply opposing both the O.As. We have heard both counsels regarding admission.

In both the O.A.s respondents have filed miscellaneous petition no. 509/98 and 510/98 respectively for permission to file sur-rejoinder. The M.Ps. are hereby allowed and the sur-rejoinders are taken on record.

2. The applicants are aggrieved by the action of the respondents for not giving them promotion to the J.T.O. cadre and not even considering them for 35% departmental quota to the post of J.T.O. cadre.

The promotion to J.T.Os. cadre is governed by the 1996 Recruitment Rules. 35% quota is ~~meant~~ for departmental candidates for promotion which is given to technical people like Transmission Assistant/ Telephone Inspectors/Auto Exchange Assistants and Wireless Operators but no quota is provided for applicants' cadre, who are in a clerical cadre. In our view, the applicants have no right to promotion as per the recruitment rules and therefore, their request before this Tribunal that they must be declared to be absorbed in J.T.Os. cadre cannot be acceded to. We cannot go beyond the recruitment rules and under the recruitment rules, the applicants' cadre is not entitled for

promotion to the post of J.T.Os. cadre.

3. The Learned Counsel for the applicant submitted that the Government has powers to relax the rules under Rule 27 and the Government may be asked to relax the rules and promote the applicants. In our view, such a power cannot be exercised by this Tribunal. It is open to the applicants to make a request to the Government or appropriate authority to relax the rules by giving all the circumstances. If the Government relaxes the rules and promotes the applicants, then the matter comes to an end. But that is not a thing which the Tribunal can do having regard to the recruitment rules. In our view, there is no merit in both the O.As. and are liable to be rejected. However, it is open to the applicants to make representation to the competent authority with a request for relaxing the rules.

4. In the result, both the O.As. are rejected at the admission stage. No costs.

(D. S. BAWEJA)
MEMBER (A).

(R. G. VAIDYANATHA)
VICE-CHAIRMAN.