

Central Administrative Tribunal  
HYDERABAD BENCH : AT HYDERABAD

O.A. Nos. 147/90 and 485/90  
Tax No.

Date of Decision : 7.10.91

Mr. P.Safiulla Khan and others Petitioner.  
S/Shri A.Bhaskar Chari & K.Siva Reddy Advocate for the  
petitioner (s)  
Versus  
The G.M., Gelecom, Hyderabad and others Respondent.  
Mr. N.V.Ramana, Addl. CGSC Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian, Member (Admn.)

THE HON'BLE MR. S.Santhanakrishnan, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *YM*
2. To be referred to the Reporter or not ? *YM*
3. Whether their Lordships wish to see the fair copy of the Judgment ? *ND*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *ND*
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

*HRBS*  
M(A)

*HSSK*  
M(J)

O.A.NO.485 of 1990

Mr. D.V.Sekhanna

..

Applicant

AND

1. The Telecom District Engineer,  
Kurnool-518050.

2. The Deputy General Manager,  
Telecom,  
Tirupathi.

3. Mr. P.Safiullah Khan

..

Respondents

COUNSEL FOR THE APPLICANTS: Mr. A.Bhaskara Chari in O.A.  
No.147 of 1990 and

Mr. K.Siva Reddy in O.A.No.  
485 of 1990. (Not present)

1 and 2 in O.A.

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl. CGSC

*Counsel for the Respondents not  
3 to 12 in  
OA 147/90.* Mr. C.Suryanarayana, Advocate.

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri S.Santhanakrishnan, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI S.SANTHANAKRISHNAN, MEMBER (JUDL.)

The applicants in the above two applications  
under Section 19 of the Administrative Tribunals Act, 1985  
challenge the orders passed by the 2nd respondent.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.147 of 1990

AND

ORIGINAL APPLICATION NO.485 of 1990

COMMON  
DATE OF JUDGMENT: 7<sup>th</sup> OCTOBER, 1991

BETWEEN:

O.A.NO.147 of 1990

Mr. P.Safiulla Khan

..

Applicant

AND

1. The General Manager,  
Telecommunications,  
Hyderabad.

2. The Telecom District Engineer,  
Kurnool-518050.

3. Mr. M.Sudhakar

4. Mr. S.Venkataramana

5. Mr. P.Venkataramanaiah

6. Mr. U.Rangaswamy

7. Mr. B.Vijayabhaskar

8. Mr. Sk.Osman Basha

9. Mr. Sk.Ayub Basha

10. Mr. Sk.Mastan Vali

11. Mr. S.Mohammad Rafi

12. Mr. G.S.Basheer Ahmad

..

Respondents

(Respondents 3 to 12 were impleaded as  
per orders in M.A.No.251/90, dt:8.5.90)


*[Signature]*

the 2nd respondent and the applicant in O.A.No.147/90 who is junior to him and worked only 609 days was selected and hence the order dated 8.1.1990 is to be set-aside. He also made his representation and his claim was rejected as per the communication dated 21.3.1990. Hence, he challenges both the orders and prays to appoint him forthwith and send him for trade test.

3. The respondents filed a reply disputing the allegations made in the applications and also averred in detail about their stand.

4. Heard the learned counsel for the applicant ~~and~~ as well as the respondents in O.A.No.147/90. The counsel in O.A.No.485/90 is absent. Heard the counsel for the respondents. Records were also perused.

5. The applicant in O.A.No.147/90 as well as the applicant in O.A.No.485/90 question the orders passed by the 2nd respondent. The facts in these two applications are connected with one another. Hence, they are taken together and disposed of by this common Judgment.

6. It is seen from the arguments advanced by both the parties that the applicant in O.A.No.147/90 was working under the respondents as casual mazdoor from 1976 till 1984. The fact that he had only 609 

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2. The applicants in their applications claim that they were working as casual mazdoors under the 2nd respondent from 1976 onwards. The applicant in O.A.No.147/90 worked till 1984. The respondents in 1983 conducted Linemen test. A written and practical test was conducted and 23 candidates were qualified in the test, announced in the year 1984. Out of the above 23 candidates, 10 were appointed in the year 1987. Thereafter, a Selection Committee convened a meeting on 5.1.1990 for final selection of the qualified candidates and selected 11 candidates and intimations were sent to them. The applicant in O.A.No.147/90 found his name ~~xx~~ at Sl.No.11 in Annexure-I, but subsequently the selection was stayed by the Telegram dated 8.2.1990. In this petition, he challenges this order and requires the 2nd respondent to appoint the applicant to the post of Lineman. On the other hand, in O.A.No.485/90, the applicant claims that he had appeared for the test conducted by the 2nd respondent and originally 10 people were selected. When the respondents failed to make further selection, this applicant along with 8 others filed O.A.No.61 of 1987 and by the orders dated 6.6.1989, the Tribunal directed the 1st respondent <sup>to</sup> declare the select list comprising 20 names and take the select list valid till all the candidates were appointed. His grievance is that he had worked 614 days under

*[Signature]*

take the select list valid till all the candidates were appointed. The Tribunal further directed the respondents to complete the select list upto the number of 20 vacancies as notified by considering the applicants in that application and if there is nothing adverse which renders them ineligible for inclusion, they shall be included.

7. In pursuance of the above said order, a DPC was convened on 5.1.1990 to select 11 Linemen learners for 11 posts. The DPC considered the case of 11 candidates in the order of merit and the applicant in O.A.No.485/90 is one among them. He claims that he had worked 614 ~~days~~ mazdoor days. He did not submit the original record for the entire period. The applicant in O.A.No.485/90 could submit the original records only for 608 mazdoor days. Hence, the applicant in O.A.No.147/90 who had satisfied the respondents that he had 609 mazdoor days was selected and the order dated 8.1.1990 was issued including his name at Sl.No.11 and omitting the name of the applicant in O.A.No.485/90. There-after the applicant in O.A.No.485/90 gave a representation but the same was rejected as referred above.

8. The learned counsel for the respondents 1 and 2 admits that the applicant in O.A.No.485/90 produced now further records to show that he had completed 614 mazdoor

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mazdoor days at his credit is not disputed. The applicant in O.A.No.485/90 was also working as casual mazdoor under the 2nd respondent. The respondents 3 to 12 in O.A.No.147/90 were also casual mazdoors working under the 2nd respondent. There was <sup>an</sup> entrance test for recruitment for 20 anticipated posts and the entrance test was conducted on 17.7.1983. 43 candidates were attended in the above entrance test. 23 were declared as qualified and the applicant in O.A.No.147/90 is one among them. The above 20 posts were <sup>not</sup> sanctioned as anticipated as the Government of India imposed 5% cut on the existing Linemen posts. Hence, the DPC for final selection could not be convened. After relaxation, the DPC was convened on 27.10.1986 for final selection of 10 candidates against 10 vacancies then existed. Out of 23 candidates qualified, 10 were selected but thereafter as one applicant furnished bogus educational certificate, only 9 were sent for training and appointed as Linemen. There was <sup>no</sup> dispute on this aspect between the parties.

7. Out of the remaining 13 qualified candidates, 9 candidates filed O.A.No.61/87 and the applicant in O.A.No.485/90 is one among them. This O.A. was disposed of on 6.6.1989 and the Tribunal directed the 1st respondent to declare the select list comprising of 20 names and

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in the State Bank of India at Guntakal and <sup>hence</sup> his claim should not be considered. This is not disputed by the applicant by filing any reply. As the applicant in O.A.No.485/90 now <sup>has</sup> established that he had 614 mazdoor days, he is entitled to claim for selection in preference to the applicant in O.A.No.147/90 who had completed only 609 mazdoor days. Hence, we find no substance in O.A.No.147/90 that the applicant should be selected to the post of Lineman Learner and that the telegram dated 8.2.1990 has to be set-aside. On the other hand, the applicant in O.A.No.485/90 has established that he is not only senior to the applicant in O.A.No.147/90 but he has now established that he has 614 mazdoor days and as such entitled to claim selection over the applicant in O.A.No.147/90.

10. In view of the above discussions, the applicant in O.A.No.147/90 is not entitled to <sup>claim</sup> any relief in this application and as such it is liable to be dismissed and the same is dismissed. The interim order if any stands vacated. We make no order as to costs.

11. Insofar as the applicant in O.A.No.485/90 is concerned, ~~he~~ has got merit and the orders passed by the respondents 1 and 2 dated 8.1.1990 <sup>so far as</sup> recruiting the 3rd respondent in this application ~~vis-à-vis O.A.No.147/90~~ and the further orders dated 21.3.1990 are liable to be set-aside and the present applicant is entitled to

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days and as such he has got ~~XXXXXXXX~~ better claim than the applicant in O.A.No.147/90 who had only 609 mazdoor days. Whereas the applicant in O.A.No.147/90 challenges the telegram dated 8.2.1990 keeping his selection in abeyance, ~~xx~~ the applicant in O.A.No.485/90 challenges the order dated 8.1.1990 and his subsequent rejection order dated 21.3.1990. The other respondents who were added as parties are now admittedly selected and therefore, there is dispute regarding their candidature.

9. It is now seen that there is only one post to be filled up and there are two claimants for the same viz., the applicant in O.A.No.485/90 and also O.A.No.147/90. The order dated 8.1.1990 was issued in favour of the applicant in O.A.No.147/90 as he was able to substantiate before the 1st respondent that he had 609 mazdoor days. At that time the applicant in O.A.No.485/90 could satisfy the 2nd respondent regarding his working days viz., 608 mazdoor days. It is now admitted that the applicant in O.A.No.485/90 subsequently produced a certificate for six mazdoor days as is seen from the para-8 of the reply statement filed by the respondents 1 and 2. The order in favour of the applicant in O.A.No.147/90 was issued as the applicant in O.A.No.485/90 failed to show better mazdoor days than the applicant in O.A.No. 147/90. For that, the learned counsel appearing for the respondents 3 to 12 in O.A.No.147/90 pointed out that the applicant in the above case worked only upto 1984 under the 2nd respondent and thereafter he left the service on his own accord and appointed himself

be appointed as Lineman Learner within three months from the date of receipt of this Judgment. We however direct the parties to bear their own costs.

*R. Balasubramanian*

(R. BALASUBRAMANIAN)  
Member (Admn.)

*S. Santhanakrishnan*

(S. SANTHANAKRISHNAN)  
Member (Judl.)

Dated: 7<sup>th</sup> October, 1991.

*21/10/91*  
Dy. Registrar (Jud)

To

1. The General Manager, Telecommunications, Hyderabad.
2. The Telecom District Engineer, Kurnool- 050
3. The Deputy General Manager, Telecom, Tirupathi.
4. One copy to Mr. A. Bhaskara Chari, Advocate. 1-8-44/1/A, 1st Floor, Hotel Gulshan, Chikkadapally, Main Road, Hyderabad.
5. One copy to Mr. K. Siva Reddy, Advocate, 3-4-873/2, Barkatpura, Hyderabad.
6. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
7. One spare copy.
8. Copy to All ~~Members~~ & Reporters as per standard list of CAT. Hyd.
9. one copy to Mr. C. Suryanarayana, Advocate for Appellate Nos. 3 & 12 in pvm OA No. 147/90, 1-2-593/50, Sri Nilayam, Sri Sankar, Aagam Mahal, Hyderabad.

vsn