

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.297/90

Date of Order:12.10.93

N.V.Balarama Krishna

.. Applicants

Vs.

1. The J.T.O. Telephone, Ponmuri 522 121.
2. The S.D.O. Telecom, Tenali 522 201.
3. The Superintendent, Tele, Traffic, Guntur 522 007.
4. The Dy. General Manager, Telecom District, Guntur, Guntur 522 007.
5. The Chief General Manager, Telecom A.P., Hyderabad 500 001
6. Director General, Telecom, (Representing Union of India), New Delhi 110 001.
7. Pothuraju Srinivasa Rao, Telegraphman D.T.O., Guntur 522 002.
8. Nabi Ahmed Foroki, Telegraphman, D.T.O., Guntur 522 002.
9. G.V.S.L.Sharma, Telegraphman, D.T.O., Guntur 522 002.
10. T.Rajendrakumar, Telegraphman, D.T.O., Guntur 522 002.
11. D.Prabhudas, Telegraphman, D.T.O., Guntur 522 002.
12. M.Bhaskara Rao, Telegraphman, D.T.O., Guntur 522 002.
13. P.Gilani Khan, Telegraphman, D.T.O. Piduguralla 522 413.
14. K.Rajappa Sad, Telegraphman, D.T.O., Piduguralla 522 413.

.. Respondents

Counsel for the Applicant : Mr.C.Suryanarayana

Counsel for the Respondents : Mr.N.R.Devraj

CORAM:

THE HON'BLE MR.A.B.GORTHI : MEMBER (ADMIN.)

THE HON'BLE MR.T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A.No.297/90

Dt. of decision 12.10.93

Judgement

X As per the Hon'ble Shri A.B. Gorthi, Member, (Admn.) X

applicant

The ~~who was initially~~ engaged as Casual Mazdoor

under SDO Telecom, Tenali from 1-6-82 appeared and qualified at the Literacy Test held on 5-9-89 for selection to the cadre of Group-D Test Category. The applicant's grievance is that though he ~~was~~ qualified in the test and ~~placed~~ ^{placed} high in the order of merit, he was not finally promoted to the Group-D Test Category, but some others who were lower in the merit list in the selection test, ~~and~~ ^{even} a few others who did not appear for the selection test were promoted. Aggrieved by the same ~~he~~ ^{he} filed this application with a prayer for direction to be issued to the respondents to appoint the applicant as a Telegraphman in Group-D Test Category and to give him all the consequential benefits.

2. The respondents in the counter affidavit have clarified that the final selection of the candidates who qualify in the Literacy Test is to be done on the basis of their inter se seniority calculated on the number of days of service rendered by them, but due to an error the respondents initially selected candidates on the basis of their merit in the Literacy Test. Consequently, the initial list of selection ~~list~~ ^{list} had to be cancelled and a fresh list had to be prepared in accordance with the seniority of the candidates who qualify in the Literacy Test.

3. Mr. C. Suryanarayana, learned counsel for the applicant reiterated the contention raised in the applica-

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tion that the respondents promoted some candidates who did not even appear or qualify in the Literacy Test, specifically respondents No.8 to 14.

4. Mr. N.R. Devaraj, learned counsel for the respondents have drawn our attention to a copy of the DG P&T letter dated 29-8-79, which makes it clear that the old system of selecting candidates on the basis of marks obtained in the Literacy Test was given up. Under the revised system, the Literacy Test would continue to be a qualifying test, but the approved list to the extent of vacancies announced should be prepared not on the basis of marks secured in the Literacy Test, but on the basis of the total length of service in each category. We have also shown the relevant minutes of the DPC proceedings. They disclosed that initially the applicant was selected based merely on his performance in the Literacy Test. The proceedings of the said DPC were cancelled and the next DPC that considered the cases of the candidates selected 13 candidates on the basis of qualifying examination and the total number of days of service rendered by the candidates. Revised proceedings of the DPC would show that the applicant was not found selected. From the above it would be apparent that the basis for selection of candidates for recruitment to Group-D Test Category would be the length of service in each category of such candidates who qualify in the Literacy Test. As the initial selection of the applicant was thus clearly erroneous, the respondents are justified in cancelling the same and prepared a fresh selected list in accordance with the extant instructions under which seniority is an important factor for selection. We are, therefore, unable to accede to the request of the applicant to give a direction to the respondents to appoint him to the cadre of Group-D Test Category.

Copy to:-

1. The J.T.O.Telphones, Ponnur-121.
2. The S.D.O.Telcom, Tenali-201.
3. The Superintendent, Telecom, Traffic, Guntur-007.
4. The Dy. General Manager, Telecom District, Guntur,-007.
5. The Chief General Manager, Telecom, A.P.Hyderabad-001.
6. ~~XXXXXX~~ Director General, Telecom, (Representing Union of India), New Delhi-001.
7. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
8. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

Rsm/-

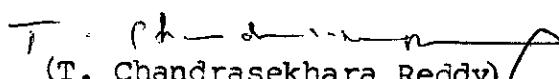
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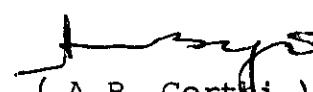
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5. As regards the contention of Mr. C. Suryanarayana, learned counsel for the applicant, that respondents No.8 to 14 did not even appear in the Literacy Test, we have perused the minutes of the DPC dated 17-11-89 wherein it was clearly recorded by the DPC that the list of the selected candidates was prepared "on the basis of qualifying examination and the total number of days of service rendered by the candidates". It would thus be apparent that respondents No.8 to 14 who were found selected by the DPC did appear for and succeed in the qualifying examination.

6. Before we dismiss the application, it would be just and proper to observe that since the applicant had already qualified in the Literacy Test duly conducted by the respondents, he may now be considered for appointment to Group-D Test Category and in accordance with the length of service rendered by him without again subjecting him to another Literacy Test. We also accept the request of the learned counsel for applicant to permit the applicant to make a representation to the competent authority for the purpose of ascertaining his correct seniority vis-a-vis respondents No.8 to 14.

7. Subject to the above observations, the application is dismissed, and there shall be no orders as to costs.


(T. Chandrasekhara Reddy)
Member (Judl.)


(A.B. Goranti)
Member (Admn.)

Dated the 12th October, 1993
Dictated in the Open Court

12/10/93
27. 10. 1993 (3)

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kmv

O.A. 297/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 12/10/1993.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No.

297/90

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

