

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.564/90

Date of Order: 1.12.93

BETWEEN :

V.L.Perumallu

... Applicant.

A N D

1. The Secretary, to Govt.
and Chairman, Telecom
Commission, New Delhi.
2. The Chief General Manager,
Telecommunications,
Hyderabad.
3. Deputy General Manager,
Telecom, West Godavari District,
Eluru.
4. Sub Divisional Officer, Telecom,
Jangareddygudem. Respondents.

Counsel for the Applicant

.. Mr. K.S.R.Anjaneyulu

Counsel for the Respondents

.. Mr. N.V.Ramana



CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

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

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The simple prayer made by the applicant in this application is for a direction to the respondents to allow the applicant to complete J.T.O. training.

2. The applicant joined service as a Technician in the department of Telecommunications in 1974. He appeared for the RSA (Now called Transmission Assistant) in the year 1978 and also for the Junior Engineers Examination in the year 1979 and qualified in both. He was consequently ~~joined~~ ^{appointed} as RSA in 1979. For promotion to the next post of Junior Engineer one has to qualify in the Junior Engineers training. He was sent for the same in 1980 but due to sickness he could not complete the training and was sent back as RSA, Anantpur. He was once again deputed for training to Gaziabad but he could not attend the same as he was suffering from Schizophrenia and was under treatment at Eluru. He was on medical leave more than for a year. After he became physically fit he requested the authorities for sending him for the Junior Engineers training. He was asked to give his willingness to accept seniority along with whom he would undergo training. He gave his willingness for accepting bottom seniority of the batch of candidates with whom he would be sent for training. Despite such undertaking given by him the respondents did not agree to depute him for the training.

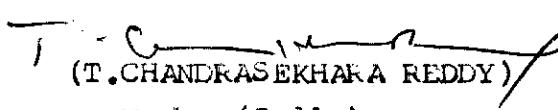
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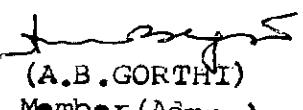
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3. : From the impugned order dated 5.5.1990 it cannot be ascertained why actually the applicant's case for being sent for training was rejected by the respondents. Learned Standing Counsel for the respondents clarified that the respondents took the decision for no other reason than the delay involved in deputing the applicant for the said training. No specific rule or instruction has ^{been} brought to our notice under which a candidate who qualified in the Junior Engineers examination in the year 1979 would become ineligible for being sent for training after a lapse of a particular period of time. In view of the categorical assertion made by the applicant that he is now physically fit to undergo the training, we see no reason why the respondents should not favourably consider his case. ^{it will be} It is unfortunate if the career of the employee who is about 45 years old now is halted at the stage of RSA only for the reason that he did not undergo ~~that~~ the Junior Engineers training for which he ^{became} is eligible. In view of this, we allow this application with the following directions to the respondents:

1. The applicant will be subject to proper medical examination.
2. In case he is found physically fit, will be detailed for the next Junior Engineers Training to be held.
3. Seniority of the applicant on conclusion of Junior Engineers training will be fixed in accordance with the undertaking given by him on 10.11.88.

No order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

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Dated: 1st December, 1993
(Dictated in Open Court)


Dr. Regimbal