

(ZC)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 895/91.

Dt. of Decision : 28.10.94.

Mohammad Shamsheer

.. Applicant.

vs

1. Telecom District Manager,
Guntur.

.. Respondent.

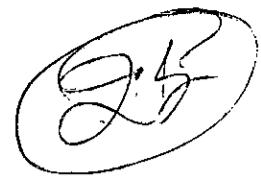
Counsel for the Applicant : Mr. VvV. Sarma

Counsel for the Respondent : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)



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O.A. 895/91.

Dt. of Decision : 28-10-94.

ORDER

¶ As per Hon'ble Shri A.V.Haridasan, Member (Judl.) ¶

Due to automation of Ponnur and Repalle exchanges and the closure of Trunk Centre at Ponnur about 20 posts of Telephone Operators were rendered surplus in Guntur Division. Therefore the Telephone District Manager, Guntur vide his order dt. 7.6.1991 approved the cadre conversion from the cadre of Telephone Operators. Option had already been asked from the Telephone Operators for appointment as TOAs by cadre change on 31.5.1990 under Rule 38 of P&T Man. Vol. IV. The applicant had opted to the cadre change as TOA vide his letter dt. 7.6.90. Therefore while the Telephone District Manager approved cadre conversion from Telephone Operators to TOAs vide his order dt. 7.6.91, the applicant was also deputed for pre-absorption training for a period of 3 months. While so the applicant submitted a representation dt. 21.8.91 for cancellation of the orders of cadre conversion as far as he was concerned in which he had stated that on 18.5.91 he had withdrawn his option. Finding that there was no response to this representation and as he was relieved from the post Telephone Operator the applicant has filed this application assailing the order dt. 2.8.91 Annexure-1, whereby the applicant was deputed for training for cadre conversion. The case of the applicant is that though he had exercised his option to go as TOA on cadre conversion, he had to change his mind on account of family circumstances and that he had withdrawn his option by a letter which was acknowledged by Jr. Telecom Officer.



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Alleging that the change of cadre and consequent deputation would cause undue hardship to him and his old parents, the applicant has filed this application praying that the order dated 2.8.91 may be setaside and that the respondents may be directed to allow the applicant to continue in the post of Telephone Operator.

2. The respondents in their reply have contended that in the letter calling for option to go as Telephone Office Assistant under rule 38 of P&T Man. Vol. VI, it was made clear that the options once exercised would be final, and that as the applicant had exercised the option, he is not entitled to claim that the order deputing him for training, has to be cancelled. The respondent have further contended that a letter dated 18.5.91 withdrawing the option as stated in the application was not received from the applicant.

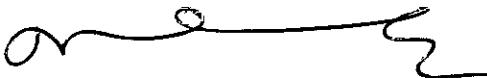
3. As neither the applicant nor his counsel is present, we did not have the privilege of hearing them. We have heard Mr. N.R. Devaraj, learned counsel for the respondents.

4. The first annexure to the reply statement filed by the respondents is a copy of the letter calling for options which reads as follows:

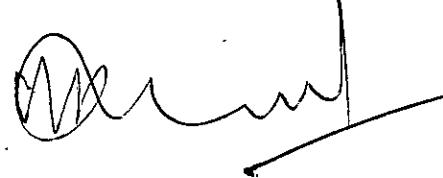
"Options are hereby called for from all Telephone Operators who are willing to take the conversion to the cadre of Telecom Office Assistants under Rule-38 of P&T Man. Vol. IV.

The options should be exercised on or before 15.6.90. Options once exercised will be final and the office should submit Rule-38 declarations as per the enclosure alongwith their option letter."

It was pursuant to this call letter, that the applicant has submitted his option. Even according to the applicant for the first time, when he thought of withdrawing the option was on 18.5.91, about a year after he exercised his option. Since the option exercised by the applicant knowing fully well, that option once exercised will become final, he should, before exercising the option, offered his mind to the entire facts and circumstances including his family background. Since the department has acted upon his option we find no reason to interfere with the order, deputing the applicant for training, for cadre conversion to the post of Telephone office Assistant. Therefore, we do not find ~~any~~ merits in this application and the same is hereby dismissed, leaving the parties to bear their own costs.



(R. RANGARAJAN)
MEMBER(ADMN.)



(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 28th October 1994.
Dictated in Open Court.


Deputy Registrar (J)

Copy to:-

1. Telecom District Manager, Guntur.
2. One copy to Sri. . . .Sarma, Advocate, CAT, Hyd.
3. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

spr

DA-895/91

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Checked by TYDING Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN : MEMBER(3)

AND
THE HON'BLE MR.A.S.GERTHI : MEMBER(4)

DATED: 28/10/94

ORDER/JUDGMENT.

M.A/R.C.C. No. 895/91

D.A.No. 895/91

T.A.No.

Admitted and Interim Directions
issued.

Allowed.

Disposed of with Direction.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

