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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1199/91.

Dt. of Decision: 7-2-94.

Y.K.Srinivas

...Applicant

Vs.

Union of India rep. by

1. The Chairman,
Telecom. Commission,
New Delhi.
2. The Chief General Manager,
Telecommunications, AP Circle,
Hyd.
3. The Chief Superintendent,
Telegraph Traffic Division,
C.T.O., Hyd.

...Respondents

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

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

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O.A.NO.1199/91

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN)

Heard Shri KSR Anjaneyulu, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The applicant joined service as Telegraphist on 16.8.1982. The promotion to the post of Assistant Superintendent of Telegraph Traffic (ASTT) is on the basis of competitive examination from Telegraphists. The applicant appeared for the said examination which was held on 09.1.1990. The results for the same were announced on 21.5.1990 only in regard to the 36 vacancies (OC 27, SC 6, and ST 3) which were notified for the said post. The name of the applicant was not in the said list.

3. Shri A.Surya Rao, HG Telegraphist, Visakhapatnam was one of the candidates selected for the 36 vacancies referred to. When the said Shri Surya Rao was required to undergo the training for the said post, he sent a representation praying for daily allowance during the period of training. The same was rejected by the letter dated 27.11.1990. Then Shri Surya Rao declined to undergo the training.

4. Para 2(i) of the DGP&T letter No.1-53/78-NCG (Pt.I), dated 19.1.1979 lays down that, "the select list should only be made to the extent the vacancies ~~xxxx~~ are announced. A waiting list may be prepared for contingencies like drop out. But this should not be announced."

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5. The applicant was informed by the letter dated 6.11.1991 that no supplementary result on the examination held in 1990 ~~should be~~ declared. This OA was filed praying for declaring that the said order as per the said letter dated 6.11.1991 is arbitrary, illegal and untenable ~~for~~ and for a direction to the 2nd respondent to consider the applicant from the waiting list that is required to be maintained under the rules, against the declared vacancies of 1989 and 1990 and in place of the drop out candidate and to send him for ASTT training and to appoint him after the training in the said post with all consequential benefits.

6. In the reply which was filed in April 1993 ~~by the~~ Assistant General Manager (Admn.) in the office of the Chief General Manager, Telecom, A.P.Circle, Hyderabad, it was stated that the Directorate had clarified by the letter dated 31.1.1991 that the next candidate ~~can be~~ selected from the merit list, but subsequently the D.O.T., New Delhi by the letter dated 13.8.1991 stated that no new appointment in ~~ASTT~~ cadre should be issued and no action need be taken on declaration of the results/recruitment/training of ~~ASTTs~~ till further orders.

7. Now, it is submitted for the respondents that Shri A.Surya Rao submitted a representation on 7.10.1993 requesting for his promotion to ASTT as his request for payment of daily allowance during the period of training is acceded to and that the representation of Shri Surya Rao is still under consideration.

contd....

30/9/93

To

1. The Chairman, Union of India,
Telecom Commission, New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle, Hyderabad.
3. The Chief Superintendent, Telegraph Traffic Division,
C.T.O. Hyderabad.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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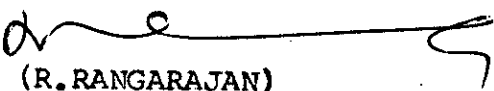
8. In the circumstances, the only directions that can be given in this OA are as under:-

(a) It is needless to say that the representation of Shri A. Surya Rao has to be considered in accordance with the rules.

(b) If his representation is acceded to, then this OA stands dismissed. Ofcourse, it is open to the applicant if so advised, to challenge the order in favour of Shri A. Surya Rao on the basis of his representation.

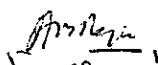
(c) If the representation of Shri A. Surya Rao is going to be negatived and if ultimately the DGP&T finally decides to fill up the existing post, then the claim of the applicant for the vacancy in regard to which Shri A. Surya Rao was declined to go for training in the first instance has to be considered if he is first in the waiting list, as the Directorate clarified by the letter dated 31.1.1991 that the next candidate could be selected from the merit list and as the said clarification is ~~not~~ in conformity with the Para 2(i) of the DGP&T letter dated 19.1.1979.

9. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 7th February, 1994.
Open court dictation.


Deputy Registrar (D) cc


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