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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 752/93.

Dt. of Decision : 4.11.94.

J. Venkateswarlu

.. Applicant.

Vs

1. Union of India rep. by
its Secretary, Ministry
of Communications,
New Delhi.
2. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.
3. The General Manager,
Telecommunications,
Visakhapatnam.
4. The Telecom District Manager,
Visakhapatnam.
5. The Assistant Engineer(Trunks)
Trunk Manual Exchange,
Visakhapatnam.
6. The Telecom District Manager,
Guntur District, Guntur.

.. Respondents.

Counsel for the Applicant : Mr. M.P.Chandramouli

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

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

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Copy to:

1. The Secretary, Union of India,
Ministry of Communications,
New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
3. The General Manager, Telecommunications,
Visakhapatnam.
4. The Telecom District Manager,
Visakhapatnam.
5. The Asst. Engineer, (Trunks)
Trunk Manual Exchange,
Visakhapatnam.
6. The Telecom District Manager,
Guntur District, Guntur.
7. One copy to Mr.M.P.Chandramouli, Advocate, CAT, Hyderabad.
8. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
9. One copy to Library, CAT, Hyderabad.
10. One spare copy.

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that the surplus TOA(P) were asked to give option to change over as TOA (Genl.), and that the remaining surplus candidates were shifted to the posts of TOA (Genl.) by picking up the junior most officials.

4. In view of the circumstances as brought out in the OA read with the counter affidavit filed by the respondents, there can be no dispute that the applicant will have no right to claim to continue as the Telephone Operator (Phones) even in the changed circumstances. At the same time what the respondents will have to bear in mind is that as the applicant did not volunteer for being shifted to the post of TOA (Genl.) he could be shifted as such only, if he is found to be ^{the} junior most. ^{other words} In ^{otherwise} if any one junior to him is being retained as TOA(P) at Visakhapatnam, it would not be fair to shift the applicant to the post of TOA (Genl.).

5. In this context the learned counsel for the applicant asserted that the applicant at no point of time made ^{any} ~~his~~ specific request to transfer ^{him} to Visakhapatnam and as such his posting to Visakhapatnam should not be treated as one done at his own request. Keeping this in view the seniority of the applicant has to be determined in accordance with the extant rules/instructions.

6. In view of the above, we dispose of this OA with the directions to the respondents to fix the seniority of the applicant in the cadre of TOA(P) in accordance with the extant instructions. [hereafter, if it is seen that any one junior to him is retained as TOA(P) at Visakhapatnam, the applicant also will be retained as such. If, however, he happens to be the junior most candidate to be shifted to the post of TOA(Genl.), the applicant cannot have any grievance.

7. No order as to costs.

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.....
Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

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D.A. 752/93.

Dt. of Decision : 4.11.94.

ORDER

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

The applicant while working as Telephone Operating Assistant (Phones) (TOA(P) for short) at Visakhapatnam was shifted from his post to the post of Telephone Operator (General) in the office of AE (MM), Visakhapatnam vide impugned order of the Telecom District Manager, Visakhapatnam dated 11.5.1993. Aggrieved by the same he filed this OA with a prayer to set aside the same. The main contention of the applicant is that he was not the junior most TOA(P) at Visakhapatnam and hence even if some of the employees in the cadre of TOA (P) were declared surplus, it was not the applicant but it would be somebody/else liable to be transferred to the post of TOA(Genl.).

2. As the applicant, while working as SOTO was not being regularly absorbed, ^{he} had approached the High Court of A.P. with writ petition No. 9751/84 which upon transfer to the Tribunal was heard and disposed of as T.A.No. 39/88. ^{Therein} Their in the respondents were directed to absorb the applicant as Reserve Trained Pool Telephone Operator before absorbing fresh candidates from open market. The respondents were also directed to fix the seniority of the applicant in accordance with the extant instructions.

3. Consequent to the automisation of Telephone exchanges a large number of Telephone Operators became surplus, as stated by the respondents in their counter affidavit. Such surplus TOA (^{Phons} Genl.) were therefore ^{required} forced to perform the duties of TOA (Genl.). The respondents further clarified

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. HARIDASAN : MEMBER (J)

AND

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

Dated: 4.11.94

ORDER/JUDGMENT.

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

D.A.NO. 752/93 in

T.A.NO. (W.D.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

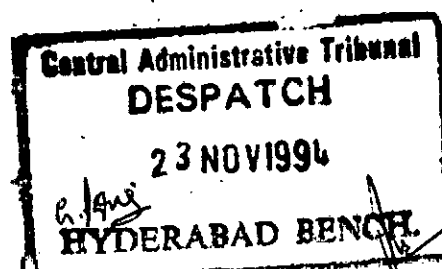
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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8/11/94