

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A. 33/95  
in  
O.A.1409/93.

Dt. of Decision : 25.1.95.

B. Alfred

.. Applicant/  
Applicant.

Vs

1. The Chief General Manager,  
Telecom, A.P.Circle,  
Hyderabad-1.
2. The General Manager, Telecom.,  
Warrangal Area, Warrangal.
3. The Telecom, District Engineer,  
Nalgonda.
4. The Sub Divisional Officer,  
Telephones, Bhongir-503 166,  
Nalgonda.

.. Respondents/  
Respondents.

Counsel for the Applicant : Mr. V.Venkateshwara Rao

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

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN  
THE HON'BLE SHRI K. RAMAKRISHNAN : MEMBER (ADMN.)

P. J.

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I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,  
VICE-CHAIRMAN I

O R D E R

Dt. 25-1-95

Heard Shri V. Venkateshwara Rao, learned counsel for the applicant and also Shri V. Bhimanna, learned standing counsel for the Respondents.

2. The applicant was selected as Phone Inspector while he was working as Telecom. Operating Assistant. He was sent for the prescribed training on 15-1-91 and the training was over on 28-9-91. But it is stated for the applicant that a charge memo. dated 10-7-91 was issued to him. He was not given promotion as Phone Inspector and he is still working as Telecom. Operating Assistant (TOA).
3. The further case ~~for the~~ applicant is that after the enquiry in pursuance of the charge memo. dated 10-7-91 was over, show cause notice was given to him basing upon the report of the enquiry officer and he submitted written brief about 8 months back and the final order is not yet passed.
4. The qualifying examination for the vacancy in the cadre of JTOs is going to be held on 29.1.95. DOT No. 27-2/94 TE II dated 18-4-94 lays down that 35% quota in the cadre of JTOs ear-marked for Phone Inspectors/AEs/WOs/TAs has to be filled as under:-

All those Phone Inspectors and other category prescribed for outsiders for recruitment to the cadre of JTOs and have completed 5 years of regular service in the cadre of Phone Inspectors would be ~~treated~~ *taken*

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as JTS without being subjected to any selection and would be sent for JTO training. The remaining vacancies have to be filled amongst the above categories through qualifying examination irrespective of their length of service.

5. As sufficient number coming within the category are not available, qualifying examination is going to be held.

6. Admittedly, the applicant was selected for the post of Phone Inspector as early as in 1991 and he also completed the training. He was not given the promotion as Phone Inspector as disciplinary action is pending against him. If ultimately the applicant is going to be exonerated, he has to be promoted as Phone Inspector by giving him seniority as per his ranking. Though the applicant submitted his written brief more than 8 months back, the final orders are not yet passed.

7. There is force in the contention for the applicant that if he is not permitted to appear for the examination on 29-1-95 or on a later date if it is going to be adjourned, prejudice will be caused to the applicant if he is ultimately exonerated.


8. So in these circumstances, it is just and proper to pass the following order in this M.A.

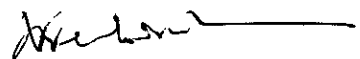
R2 has to make arrangements to allow the applicant to appear for the qualifying examination for the promotion to the cadre of JTOs to be

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held on 29-1-95 or on a later date if it is going to be postponed, at Warrangal Centre. But the result in regard to the applicant should not be published until further orders. The applicant should submit a copy of this order in the office of R2 by 10-30 on 27-1-95. /

  
(R. RANGARAJAN)  
Member (Admn.)

  
(V. NEELADRI RAO)  
Vice-Chairman

(Open court dictation)  
Dt. 25-1-95

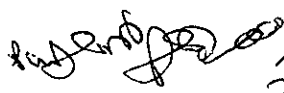
NS

  
Deputy Registrar(J)CC

To

1. The Chief General Manager, Telecom, A.P.Circle, Hyderabad-1.
2. The General Manager, Telecom, Warangal Area,
3. The Telecom District Engineer, Nalgonda.
4. The Sub Divisional Officer, Telephones, Bhongiri-503 166, Nalgonda.
5. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
7. One spare copy.

pvm

  
25/1/95

*C.C. today*  
*25/1/95*  
TYPED BY

CHECKED BY

COMPARED 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. R. RANGARAJAN : M(ADMN)

DATED: 25/1-1995

ORDER/JUDGEMENT

M.A./R.A/C.A.No. 33/95

in

O.A.No. 1409/93

T.A.No. (w.p.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions  
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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