CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

..

O.A.No. 435 of 1993.

(PER HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE-CHAIRMAN,
ALLAHABAD BENCH.

DATE: AUGUST 29,1996.

Between:

 K.Hanumantha Rao. .. .. Applicant.

  And

Union of India represented by:

1. The Chief General Manager,
   Telecommunications, Hyderabad.

2. The General Manager, Telecommuni-
   cations, Suryalok Complex,
   Hyderabad.   .. .. Respondents.

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

Counsel for the Respondents: Shri V.Bhimanna, Additional
        Standing counsel for the Respondents.

CORAM:

HON'BLE SHRI JUSTICE B.C.SAKSENA, VICE-CHAIRMAN,ALLAHABAD BENCH.

HON'BLE SHRI R.RANGARAJAN? MEMBER (A)

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ORDER.

A selection to the posts of Junior Telecom Officers

(JTOs., for short) was notified to be held on 9th and 10th Nov.1991.

The detailed vacancy position against 15% Departmental Quota

for the Andhra Pradesh Circle and the Hyderabad Telecom

District was also notified separately. For the Andhra Pradesh

Circle, total vacancy position was indicated to be 29 against

Departmental 15% quota for O.Cs., and one O.C., for Hyderabad

Telecom District. The applicant was one of the candidates
at the selection. His grievance is that in the results
declared by means of letter dated 13-10-1992 (Annexure VI)
against the said 15% quota vacancies, names of 30 candidates
have been indicated. Amongst these 30 candidates, there are
two candidates at Sl.Nos., 10 and 11 who belonged to
Hyderabad Telecom District. The applicant has also indi-
cated that the marks secured by him as intimated to the
applicant shows that the applicant had secured 280 marks.
The applicant made a detailed representation copy of which
is Annexure-8. In the said representation as also in the
present O.A., the applicant has very clearly and categorically
stated that last candidate at Sl.No.30 had secured 281 marks.
His case is that if the result of the candidates against
29 ear marked vacancies for Andhra Pradesh Circle are taken
into consideration, the applicant's merit position would be
at Sl.No.29 that is to say the last vacancy ear-marked for
Andhra Pradesh Circle.

3. In the counter affidavit the respondents have
not disputed that after increasing the percentage, quota
ear-marked for the revised vacancy position was 29 posts
against 15% quota for the Andhra Pradesh Circle and one post
for the Hyderabad Telecom District against the said 15% quota
for O.C. candidates. This being so, there is a clear
illegality in excluding the name of the applicant from the
list of the selected candidates.

4. The learned counsel for Respondents submitted that selection was a combined competitive examination and consequently the list of selected candidates have been indicated on the basis of merit obtained by them. It has also been submitted that there was a merger of the Hyderabad Telecom District with the Andhra Pradesh Circle with effect from 1-11--1991 and for this reason there was only one gradation list for the entire Circle on the date of examination. This plea based on the factum of merger is wholly irrelevent since the vacancies as on 1--10--1991 that is to say prior to merger were separately notified for the Hyderabad Telecom District as also the Andhra Pradesh Circle. Combined examination would not alter the separately notified vacancies against 15% Departmental quota for O.C. candidates.

5. In the result we find merit in the O.A. It is allowed. The respondents are directed to treat the applicant as having been selected to the post of JTO against 29th vacancy for the Andhra Pradesh Circle at the examination in question in this case and the respondents shall assign seniority and give other consequential benefits in the matter of pay and allowances etc., due to the applicant on the footing that he had qualified against the 29th vacancy at the given selection.

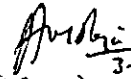6. With these directions, the O.A., is allowed. Each party do bear its costs.

Date: 29-8-1996:

Pronounced
in open Court.

sss

R.RANGARAJAN
MEMBER(A)

B.C.SAKSENA.J
VICE-CHAIRMAN,
ALLAHABAD BENCH