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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 879/94

DATE OF JUDGMENT: 16-8-95

BETWEEN:

J.Shankar Babu

Applicant.

and

1. Directorate of Telecommunications,
Sancharbhavan, New Delhi-1.
2. The Chief General Manager,
Telecommunications, A.P.
Telecom Circle, Hyderabad-1.

Respondents.

COUNSEL FOR THE APPLICANT: SHRI Venkata Rangadas Kanuri,

COUNSEL FOR THE RESPONDENTS: SHRI N.V.Raghava Reddy,
xx/Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri Venkata Rangadas Kanuri and Sri T. Lakshmi-narayana, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant herein is an ST candidate working as Telephone Operator. In pursuance of the notification for promotion to the post of Phone Inspector against the vacancies for the years 1987, 1988, and 1989, the applicant also applied for the said post and he appeared for the examination conducted on 14th and 15th June, 1989. But the applicant failed in the said examination.

3. The total vacancies in the post of Phone Inspector for which the above notification was issued were 60. Out of them 5 were available for STs. As only two ST candidates passed the examination they were promoted as Phone Inspectors.

4. It is even conceded for the respondents that the case of the applicant was reviewed by the High Power Committee, headed by the Chief General Manager, Telecom Hyderabad and grace marks were given to the applicant and his case was recommended to the Department of Telecom, New Delhi, for promotion to one of the remaining vacancies for ST in the cadre of Phone Inspectors for which vacancies were notified in 1989.

5. New Technical cadres in Group-C in the Department of Telecom ^{was} introduced by DOT vide No.27-4/87-JE.II dated 16-10-1990. Those new Technical cadres are Phone Mechanic in the pay scale of Rs.975-1540 and Telecom Technical Assistant in the pay scale of Rs.1320-2040. It is also stated in the said letter that the following cadres will be

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treated as wasting cadres :

- i) Lineman/wireman
- ii) Cable splicer
- iii) Technicians,
- iv) Transmission Assistants/Wireless Operators, ~~in the above categories~~
- v) Auto Exchange Assistants, and
- vi) Phone Inspectors.

6. It is further stated therein that thereafter no recruitment ~~will be~~ ^{in the above categories} but the extent posts exist, they will be filled only by internal selection and Departmental promotion (vide Para-6).

7. Those who are selected in pursuance of 1989 notification were promoted in 1991. It is stated for the applicant that thereafter there was another selection for promotion to the post of Phone Inspectors.

8. But the Recommendation of the High Power Committee was rejected on the ground that the cadre, Phone Inspector, is treated as wasting cadre and hence it cannot be filled up.

9. Para-6 of the DOT letter dated 16-10-1990 envisages selection for the post of phone Inspector etc. to the extent the vacancies exist. The applicant's case was recommended only in regard to the vacancy which existed even before 16-10-1990. Hence, the rejection by R-1 of the recommendation of High Power Committee in regard to the case of the applicant on the mere ground that the post of Phone Inspector cannot be considered is just.

10. Hence, R-1 ~~had to~~ ^{be required to} consider the case of the applicant as recommended by the High Power Committee on merits. If R-1 selects the applicant, he ~~had~~ to be promoted as Phone

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Inspector on notional basis from the date on which the last in the panel that was promoted in pursuance of 1989 notification assumed charge and he will get the seniority from that date. But the monetary benefit had to be given only from 18-7-1993 i.e. from one year prior to the filing

11. The OA is ordered accordingly. No costs //

(R. Rangarajan)
Member (Admn.)

(V. Neeladri Rao)
Vice Chairman

Dated : August 16, 95
Dictated in Open Court

for R. Neeladri Rao
Deputy Registrar (J)CC

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To

1. The Director of Telecommunications,
Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecommunications,
A.P. Telecom Circle, Hyderabad-4.
3. One copy to Mr. Venkata Rangadas Kanuri, Advocate
Advocates Association, High Court of A.P. Hyderabad.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN)

DATED 16/8/ 1995.

ORDER/JUDGMENT:

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

OA. No. in 879/94

TA. 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.

No Space for copy

Central Administrative Tribunal
DESPATCH

23 AUG 1995 AMY

HYDERABAD BENCH