

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.30/94

DATE OF ORDER : 17-02-1997.

Between :-

K.Krishna Veni

... Applicant

And

1. The Director,
Telegraph Traffic
Telecommunications, AP Telecom,
Hyderabad-1.
2. The Chief Suptd., Central
Telegraphic Office, Hyderabad-1.

... Respondents

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Counsel for the Applicant : Shri S.D.Kulkarni

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Shri S.Ramakrishna Rao for Shri S.D.Kulkarni, counsel for the applicant and Shri W.Satyanarayana for Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. In this connection we would like to keep on record that the Assistance rendered by the standing counsel was not adequate.
3. A notification bearing No.RE/9/88/16 dt.30-9-88 was issued for filling up the departmental quota vacancies in the cadre of Telegraphist for the year 1988. As per the Recruitment Rule 25% of the Telegraphist posts will be filled by direct recruitment; 12½% by the promotion of Lower Grade Officials (herein after referred to as LGO) below the scale of Telegraphist through a Limited Departmental Competetive Examination. The applicant herein also applied for the Selection test for the 12½% ^{quota} ~~or more~~ ~~for the~~ promotion of L.G.O. of the Telegraph Traffic Wing below the scale of a Telegraphist. The Recruitment Rule also indicates that the 12½% by promotion earmarked for the LGO of the Telegraph Traffic Wing is through a limited departmental competetive examination and a test of the dictation cum hand-writting test. Pass in the dictation hand-writting test before they are declared selected is a must. ~~After~~ ^{is seen} the above recruitment rule ~~was seen~~ from the Government of India, Ministry of Communications (P&T) Board notification No.208/43/76-STN dt.16-2-81. The applicant ~~has~~ failed in the dictation cum hand-writting test though she qualified in the limited departmental competetive examination.

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4. This O.A. is filed praying for a direction to Respondent No.1 to consider the claim of the applicant for promotion to Class-III cadre in the light of the instructions issued.

5. There are ^{two} many contentions raised by the applicant in this O.A., which are as follows :-

(1) ~~Pass in the dictation-cum-hand-writing test is not mandatory;~~

(2) Even if it is mandatory, she could not have failed in that examination as she has successfully passed in the limited departmental competitive examination.

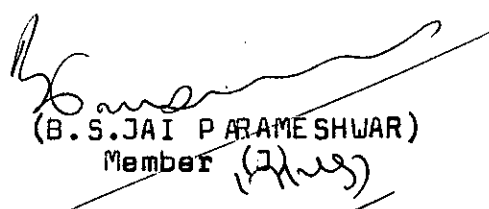
6. It is stated that in terms of OM dt.15-5-89 that there is no reservation in the category of Telegraphist as the Direct Recruitment is to the extent of 75%. ^{Min} It is not ^{rebuted} rebuted by the applicant in the rejoinder. Hence it is to be held that in the selection for the post of Telegraphist there is no reservation even if the applicant belongs to ST community. She can be empanelled for the post of Telegraphist only if she qualified both in the limited departmental competitive examination as well as in the dictation cum hand-writing test as provided for in the Recruitment Rules. As the applicant failed to qualify in the dictation-cum-Handwriting test, ^{She} She cannot demand the empanelment of her name for the post of Telegraphist even if she belongs to ST community in view of the rule position. In order to ascertain whether she ^{have} passed in the dictation cum hand-writing test we/called for the selection proceedings. The learned counsel for the respondents produced proceedings register of all the centres in A.P.Region. In the Hyderabad Centre the applicant appeared for the limited departmental competitive examination. She has passed that

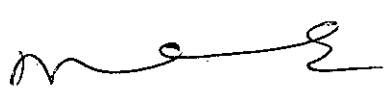
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examination obtaining a total of 62 marks. Thus she qualified in the limited departmental competitive examination, but in the dictation cum handwritting test she has obtained only 3 marks against the requirement of 20 marks. Hence it has to be held that she has not qualified in the dictation-cum-handwritting test, which is necessary for empanelling her for the post of telegraphist. Thus the applicant cannot claim empanelment of her name for the post of Telegraphist in view of the fact that she failed to comply with the mandatory requirement of passing both the competitive examination and the dictation cum hand writting seperately.

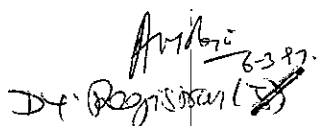
7. The applicant has^{also} not made out any case for depriving her of getting the requisite marks in dictation cum handwritting test due to a vindictiveness and bias of the Selection Committee. In view of that she cannot have any right for consideration to the post of a telegraphist against the quota earmarked for her category.

8. In view of what is stated above, we find that the applicant has not made out any case for empanelling^{by} to ~~the~~ the post of Telegraphist. Hence the OA lacks merit and is liable to be dismissed. Accordingly the OA is dismissed for want of merits. No costs.


(B.S.JAI PARAMESHWAR)
Member (J)


(R.RANGARAJAN)
Member (A)

Dated: 17th February, 1997.
Dictated in Open Court.


Dy. Registrar

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28/4/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 17/3/97

Order/Judgement
R.P/C.P/M.A.NO.

O.A.NO.

In

35/44

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
मेसज/DESPATCH

13 MAR 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH