IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1374/95.

Between: Date of Order: 17-11-95.

A.Sree Rama Rao.

and .. Applicant.

1. The Union of India,
rep. by the Director-General,
Telecommunications, New Delhi-1.
2. The Chief General Manager, Andhra Circle,
Telecommunications, Abids, Hyderabad-1.
3. The Telecom District Engineer,
Sanchar Bhavan, Srikakulam-1.

.. Respondents.

For the Applicant: Mr. T.V.V.S.Murthy, Advocate for Mr.J.V.Lakshmana Rao Advocate.

For the Respondents: Mr. N.R.Devraj, Sr.CGSC.

CORAM:

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

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

The Tribunal made the following Order:-

Notice before admission.

2. Instruction (iii) of the Director General, Posts and Telegraphs in regard to the conduct of Departmental Examination for appointment as Junior Accounts Officers, Telecummunications Wing and Junior Accounts Officers, Postal Wing (circulated vide DGP & T lt.No.17-1/77-SEA dt.6-5-1977) stipulates that a candidate will be entitled to a maximum number of six chances to appear at Part-I of JAO(Postal)/Telecom) Examination. It also refers to the indefinite chances in regard to the candidates who satisfied the conditions referred to therein. There is no need to refer to them at this stage and hence, we are not referring to those conditions.

3. Part I consists of six papers with four subjects. Instruction(v) of D & T referred to herein before stipulates that any candidate failing in a Departmental Examination, but passing in any subject, viz., the written and practical with at least 40% of the marks in each paper and 50% of the marks in the aggregate of the two will not be required to appear again in that subject at any of the three consecutive Departmental examinations if the candidate is otherwise eligibel to appear in those subsequent Departmental Examinations.

3a) It is submitted for the respondents that it had become necessary to conduct the examination again in regard to Paper-VI of which the main examination was held in January, 1994, due to some irregularities. The said examination for Paper VI is termed as 'Special Examination.'

4. It is not in controversy that the applicant appeard in the Part-I JAO Examination held in January, 1994. When the applicant found that his name was not included in the list of eligible candidates for 'Special Examination', he made representation on 11-11-95 and the same was not responded. Hence, the applicant filed this OA praying for a direction to the respondents to include his name in the list of eligible candidates for JAO Pt.I 'Special Examination' scheduled to be held on 25-11-95.

5. The learned Standing Counsel for the respondents submitted that he was instructed to state that as the applicant failed in Paper IV & V his name was not included in the list of eligible candidates for 'Special Examination.'

6. The learned counsel for the applicant states that if he gets more than 60% or more in Paper VI, he will get an exemption and hence if he is debarred from appearing for the 'Special Examination, he will be deprived of that benefit. We cannot, prima-facie say that there is no force in the said contention. The balance of convenience is in permitting the applicant to appear for the 'Special Examination' of paper VI to be held on 25-11-1995 or any later date if it is going to be postpones.

7- In the result it will be just and proper to pass the following interim order:-

The respondents have to make arrangements to allow the applicant to appear for the 'Special Examination' of Paper-VI scheduled to be held on 25-11-95 or any later date if it is going to be postpones. The said paper of the applicant has to be valued and the result of the same has to be announced. But, the question whether he will get the exemption as contemplated under Instruction(v) referred to herein before, will be considered at the time of final hearing of this O.A. in case he gets 60% or more.

8. List the O.A. on 29-12-1995. For reply in the meanwhile.

Deputy Registrar(J)CC

To

1. The Director General, Union of India,
   Telecommunications, New Delhi-1.
2. The Chief General Manager, Andhra Circle,
   Telecummunications, Abids, Hyderabad-1.
3. The Telecom District Engineer,
   Sanchar Bhavan, Srikakulam-1.
4. One copy to Mr.J.V.Lakshmana Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. Onespare copy.

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C.C. today
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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(A)

DATED: 17/11/-1995

ORDER/~~JUDGMENT~~

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

in

O.A.No. 1374/95

T.A.No. (W.P.No.)

Admitted and Interim directions Issued.

list on 29/12/95

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

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