

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.280/1995.

Date of decision: 31st December, 1997.

Between:

1. M. Kasinath. .. .
2. K. Shankar. .. .
Applicants.

And

1. The Director General Telecommunication, Sanchar Bhavan, New Delhi.
2. The Chief General Manager Telecommunications, Door Sanchar Bhavan, Nampally Station Road, Hyderabad.
3. The Telecom District Engineer, Nizamabad.

Respondents.

Counsel for the applicants: Sri K. Venkateswara Rao.

Counsel for the respondents: Sri N.R. Devaraj.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble B.S. Jai Parameshwar, Member (J))

Heard Sri K. Venkateswara Rao, the learned counsel for the applicant and Sri N.R. Devaraj, the learned counsel for the respondents.

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The applicants have filed this O.A., questioning the Order No. 27-2/94-TE-II dated 18-4-1994 (Annexure I Page 6 to the O.A.) whereby the cadres of PIS/AEAs/WOS/TAS ~~in~~ were given 35% quota for promotion to the cadre of JTOs. They are questioning the promotional opportunities of the other employees. They have filed this O.A., to declare that the applicants are entitled to be treated as a walk-in-group along with PIS/AEAs/WOS/TAS and entitled to be sent for JTOs' training for promotion to the Posts of Junior Telecom Officers with all consequential benefits by holding the action of the respondents in excluding them from treating as walk-in-group along with PIS/AEAs/WOS/TAs vide letter No. 27-2/94-TE-III dated 18-4-1994 of the Department of Telecommunications as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

During the course of arguments, the learned counsel for the respondents brought to our notice/^{that} this O.A., is covered by the decision of this Tribunal in O.A. 298/95. In the said O.A., this Bench observed as under:

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"The Recruitment Rules have been introduced by the Government on the basis of the work involved, the nature of duty to be performed and the responsibilities to be shouldered. The feeder categories for consideration for promotion are to be done on the above classification. If there are more than one feeder category then it is for the departmental authorities to decide the appointment of vacancies to each group/category by earmarking certain percentage for each group/category. The Departmental authorities also have got the right to fill up the vacancies then without earmarking any percentage to any particular feeder category. The decision taken in this connection has to be treated as a policy decision as held by the other Benches of this Tribunal. Hence, we refrain from making any observations or any directions in this connection. We feel that there is no arbitrariness in providing the benefit of walk-in-group to certain categories of officials who were actually in the higher cadre than the cadre in which the applicants are working."

Since we have formed an opinion that there is no arbitrariness or irregularity in the impugned letter dated 18-4-1994, we do not feel it proper to consider whether the O.A., is bad for non-joinder of necessary parties."

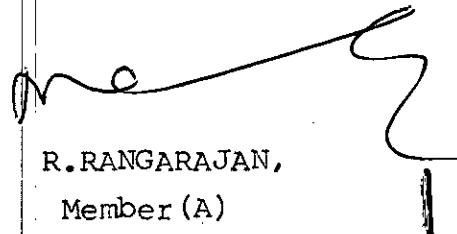
In this view of the matter, there are no grounds in this O.A., to interfere with the

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impugned order. Hence, the O.A., is dismissed.

There will be no order as to costs.


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


R.RANGARAJAN,
Member (A)

Date: 31--12--1997.

Dictated in open Court.

SSS.

Copy to:

1. The Director General, Telecommunications,
Sancha Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications,
Deorsancha Bhavan, Mampalli Station Road,
Hyderabad.
3. ~~One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyderabad.~~
4. One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to HBSJP (M)(J), CAT, Hyderabad.
7. One copy to D. R. (A), CAT, Hyderabad.
8. One duplicate copy.

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16/1/95

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II Court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. ~~SHRI~~ ~~SHRI~~ PREM (A)

And
the Hon'ble Mr. B S Vai Parameshwar

H(J)

DATED: 31-12-1997
ORDER/JUDGMENT:

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

in

O.A. No. 280/95

T.A. No.

Q.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

