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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1082/96

Date of Order : 22.9.98

BETWEEN :

T.V.K.Prasada Rao

.. Applicant.

AND

1. The Director General, Telecom,
(representing Union of India),
Sanchay Bhawan, New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.,
Hyderabad.
3. The General Manager,
Telecom District,
Rajahmundry.
4. The Sub-Divisional Engineer,
(Planning & Cables), Telecom,
Kakinada.
5. The Sub-Divisional Officer,
Phones (S), Kakinada.

.. Respondents.

Counsel for the Applicant

.. Mr.C.Suryanarayana

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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

ORDER

I As per Hon'ble Shri R.Rangarajan, Member (Admn.) I

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Mr.C.Suryanarayana, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant ~~in this~~ ^{has} OA filed the OA stating that he is a temporary status mazdoor in the office of SDOT, (South), Kakinada. The applicant submits that he is not considered for the post of Stenographer Gr-III against the notification dated 10.2.95 (A-6). His representation dated 11.7.95 for considering him for the Stenographer Gr-III post was rejected by the impugned order dated 14.9.95 (A-11) on the ground that the recruitment rules for Stenographers were framed in consultation with the Ministry of Law and that regular mazdoors are not eligible for Stenographers' examination. All India Telecom Employees Union line staff in Group-D has also submitted a memorandum addressed to R-1 for including the regular mazdoors also for the post of Stenographer Gr-III (A-8). Various officials ~~in~~ ^{before} the field office were informed by letter No.E-11/Steno/Ex/91-94/92, dated 6.3.95 (A-7) that 3 of the regular mazdoors ~~in~~ ^{in the} letter are not eligible for the Stenographer examination as they are regular mazdoors.

3. This OA is filed ~~to~~ to set aside the impugned order No. 206-7/90-STN dated 14.9.95 (A-11) read with Letter No.E-11/Steno/Ex/91-94/82 dated 6.3.95 (A-7) issued by R-3 by holding them discriminatory and violative of articles 14 and 16 of the Constitution of India and consequently to direct the

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respondent authorities to consider the applicant's case for recruitment by directing his admission to the test for selection as Stenographer with protection of his seniority and all other consequential benefits.

4. A reply has been filed in this OA. The main contention of the respondents is that the recruitment rule~~s~~ to the post of Stenographer Gr-III does not include the regular Group-D mazdoors in the feeder category for consideration. The relevant portion of recruitment rule Col.11 states that 25% of the posts of Stenographer Gr-III will be filled by direct recruitment, 50% by departmental competitive from amongst regular Group-C employees and 25% by competitive examination from amongst temporary status casual labourers of the department who fulfill the educational and other qualifications laid down for direct recruits failing which by direct recruits.

5. From the above recruitment rule it is evident that the a applicant being a regular mazdoor cannot aspire to appear for the post of Stenographer. The recruitment rule is not challenged in this OA. The case of the applicant was rejected on the basis of the recruitment rule~~s~~. Hence the relief asked in this OA cannot be given unless the proper recruitment rule is challenged.

6. Be that as it may. It is now brought to our notice that an amendment to the recruitment rule had already been issued that Group-D regular mazdoor can also appear for the

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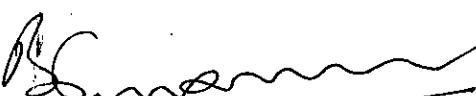
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Stenographer Gr-II examination. In this connection a letter of GMs/TDEs dated 1.6.98 is produced in the court. This letter is taken on record. From the letter it appears that the amendment ^{ed} rule has been incorporated by letter dated 12.5.98 of the DOT and it has been circulated to all concerned in the Andhra Pradesh by letter dated 28.5.98. In view of the amendment, no further direction is necessary in this connection.

However the applicant ^{shall be} ~~is~~ allowed to sit for the Stenographer examination in accordance with the amendment ^{ed} rule.

7. The OA is disposed of accordingly. No costs.


B.S. JAI-PARAMESHWAR
Member (Judl.)
22.9.98


(R. RAGARAJAN)
Member (Admn.)

Dated : 22nd September, 1998
(Dictated in Open Court)

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Copy to:

1. The Director General, Telecom, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, A.P., Hyderabad.
3. The General Manager, Telecom District, Rajahmundry.
4. The Sub Divisional Engineer, (Planning & Cables)
Telecom, Kakinada.
5. The Sub Divisional Officer, Phones(S), Kakinada.
6. One copy to Mr.C.Suryanarayana, Advocate, CAT, Hyderabad.
7. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, AT, Hyderabad.
8. One copy to D.R(A),CAT, Hyderabad.
9. One duplicate copy.

YLKR

23/10/98
II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPR VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/9/98

ORDER/JUDGMENT

~~M.A/2.A/C.P.NO.~~

in
C.A.NO. 1082/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

