

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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C.A.1419/96.Dt.of Decision : 22-09-98.

1. M.Chengal Rayulu
2. B.Chandra Reddy
3. G.Parasuramaiah
4. T.Siddappa
5. B.Siddaiah
6. M.Chandrababu
7. N.Venkataramana
8. K.Nagaraj
9. N.Raghunatha Reddy
- 10.D.Nagaraj
- 11.S.Khadar Basha

..Applicants.

Vs

1. The Telecom District Manager,  
Tirupathi.
2. The Chief General Manager,  
A.P.Telecom, Hyderabad-1.
3. The Union of India, rep. by  
the Director General,  
Telecommunications, New Delhi.

..Respondents.

Counsel for the applicants : Mr.R.Yoginder Singh

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

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

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

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ORDER

ORAL ORDER [PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr.R.Yoginder Singh, learned counsel for the applicants and Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are 11 applicants in this OA. They submit that they were not aware of the screening test held for recruitment of Phone Mechanics during the year 1994. Hence, they could not appear for the screening test held in the year 1994. It is stated that some of the juniors <sup>had</sup> ~~are~~ appeared for the said test and were appointed as Phone Mechanics with restructured post. Subsequently, another screening test was conducted and the result of the screening test was issued by memorandum No.TA/RE/32-9/94/II dt. 14-03-96 (Annexure-2). In that the applicants names have been shown as passed the screening test. Subsequently, another memorandum was issued bearing No.7-27/94-NCG. dated 11-7-96 (Annexure-3) whereby a combined seniority list of qualified candidates both on the basis of ~~main~~ screening test and supplementary ~~qualifying~~ screening tests was issued keeping in view their original seniority for deputing them for pre-appointment training in the restructured cadres of TTA/Phone Mechanics. Against that order OA.49/96 was filed in this Tribunal. An interim order was passed in OA.49/96 on 25-1-96 whereby it is directed that "until further orders in this OA (i.e., O<sup>A</sup>.49/96) the integrated seniority of those who passed in the qualifying examination at different times shall not be prepared".

3. In view of the above interim order the impugned order No.7-27/94-NCG dated 9-9-96 (Annexure-4) was passed by the respondents authorities which is enclosed at Annexure-4 to the OA. By this impugned order the integrated seniority list issued vide order dated 11-07-96 was withdrawn. The OA.49/96 was also disposed of subsequently on 10-06-98, as the prayer in OA.49/96 has been

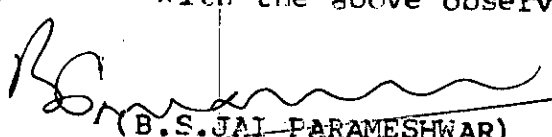
fulfilled by the respondents themselves by withdrawing the letter 11-7-96 in view of the interim order in OA.49/96 dated 25-1-96. The OA was disposed of on 10-6-98. It is now stated that those who <sup>were</sup> screened in 1994 are ranked senior to those <sup>were screened</sup> who ~~are ranked~~ in 1996.

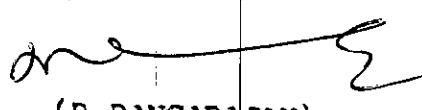
4. This OA is filed for a direction to the respondents to depute senior officials to Phone Mechanics training by simultaneously holding another batch or batches containing the applicants for training them as Phone Mechanics.

5. It is now stated by the learned counsel for the respondents that those who <sup>were</sup> ~~are~~ selected in the year 1996 by screening will also be sent for training after the 1994 candidates are trained.

6. The withdrawal of the letter dated 11-7-96 arose because of the interim order in OA.49/96. The OA itself was disposed of as infructuous because of the withdrawal of the letter dated 11-7-96. If the applicants are aggrieved by the order ~~in~~ in OA. 49-96 in disposing of the OA.49/96 as infructuous then the remedy lies normally to challenge the judgement or <sup>to</sup> file a review petition in that OA so as to hear the OA once again and pass suitable order on the basis of the submission to be made by the aggrieved parties. But that judgement in OA.49/96 has become final. Nobody challenged that order nor any review petition was filed <sup>to review</sup> the judgement in that OA. Hence, the applicants cannot question the withdrawal of the letter 11-7-96 when such a withdrawal was done on the basis of the orders of this Tribunal. They are left with no other alternative <sup>application to review the</sup> to file either a review in judgement in OA.49/96 or appeal against it. The applicants can take such action as deemed fit in their case.

7. With the above observation the OA is disposed of. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

22/9/98  
Dated : The 22nd Sept. 1998.  
(Dictated in the Open Court)

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## Copy to:

1. The Telecom District Engineer Manager, Tirupathi.
2. The Chief General Manager, A.P. Telecom, Hyderabad.
3. The Director General, Telecommunications, New Delhi.
4. One copy to Mr. R. Yeginder Singh, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One copy to HBSJP(M), CAT, Hyderabad.
8. One duplicate copy.

YLKR

26/10/98  
(8)

II COURT

TYPED BY  
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CHECKED BY  
APPROVED 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/R.A/C.P.NO.

in

G.A.NO. 1419/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS ✓

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

