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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.1392 OF 1996.

DATE OF ORDER:26-11-1998.

Between:

C.Kuppuswamy.

.. Applicant

a n d

1. The Union of India, represented
by Director General, Telecom,
New Delhi-110 001.
2. The Telecom District Manager,
Tirupati.
3. The Chief General Manager,
Telecom, Hyderabad-500 001.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.J.V.Lakshmana Rao

COUNSEL FOR THE RESPONDENTS:: Mr.V.Vinod Kumar

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.J.V.Lakshmana Rao, learned Counsel for the Applicant and Mr. V.Vinod Kumar, learned Standing Counsel for the Respondents. Mr.Kanakaiah, the Law Officer of the Respondent Organisation was present, who explained this case.

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2. The short facts of the case are as follows:-

3. The applicant in this OA is a B.Sc., passed graduate with Physics and Mathematics. He was initially appointed as Technician in/Telecom Department with effect from 27-2-1981. A Circular was issued on 21-10-1975, (Annexure.2, page.11 to the OA) whereby the qualification for recruitment of Technicians is given. As per that Circular, apart from degree holders and diploma holders of Engineering, B.Sc., degree holders will also be considered in category a(i) ~~only~~ ^{the} alongwith degree holders and diploma holders if they have studied both Physics and Mathematics ^{subjects} in B.Sc.,. In view of the above stipulation for qualification, the applicant was appointed as a Technician in the year 1981. Subsequently in 1991, another notification was issued dated 22-7-1991 called "The Department of Telecommunications, Telecom Technical Assistants Recruitment Rules, 1991". As there was technology upgradation in the Telecom Department, the restructuring of the cadres ~~are~~ ^{were} necessitated. Hence, the posts of Technicians, Line-men and other technical categories were re-structured and ~~are~~ ^{were} named as Telecom Technical Assistant governed by the rules referred to above. It is also stated that the cadres Technicians, Line-men etc., was treated as a dying cadre and those who are possessing diploma in Engineering in those cadres were given preference to come to the cadre of Telecom Technical Assistant. As the applicant was not a diploma holder, he was not ~~initially considered for the~~ post of Telecom Technical Assistant. But it is stated that the post of Telecom Technical Assistant if not filled by the diploma holders, will be thrown open to

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others with lesser qualification. The applicant was not considered initially. However, later he was promoted as Telecom Technical Assistant. This is evident from para.6 of the OA. However, the applicant in para.6 submits that his promotion is only on adhoc basis and he would be reverted when the trained diploma holders are posted.

4. In view of the above apprehension that he is only an adhoc Telecom Technical Assistant and is likely to be reverted when diploma holders are posted, he has filed this OA for the following reliefs:-

The applicant prays for setting aside the impugned Order dated:22-7-1991 communicated under C.G.M., Hyderabad, Letter No.TA/TRA/TTA/PM/Rulings, dated:13-10-1995(Annexure.3, page.12 to the OA) and for a consequential direction to depute him for training and appoint him as Telecom Technical Assistant as per the original seniority of Technicians.

5. When the OA was taken up for hearing, we enquired from the learned Counsel for the Respondents, whether the promotion of the applicant presently as Telecom Technical Assistant is on adhoc basis or on regular basis. The learned Counsel for the Respondents informed under instructions that the promotion of the applicant as Telecom Technical Assistant is a regular appointment on promotion and the applicant need not have the apprehension that he will be reverted when diploma holders are posted as Telecom Technical Assistants. In view of the above, the prayer in the relief column has been complied with substantially. It is not necessary for

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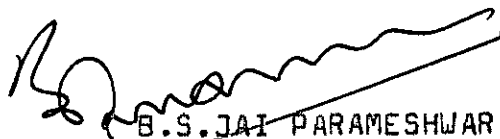
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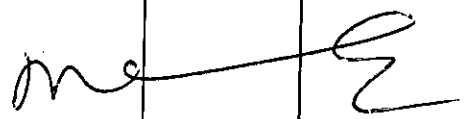
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us to further go into the merits of the case as the relief has been already accepted by the respondent-Organisation.

6. The learned Counsel for the Applicant submits that he ^{has to} ~~will~~ get the seniority when his juniors, who are diploma holders in the cadre of Technician were given the post of Telecom Technical Assistant. To give that relief ^{sufficient} ~~the~~ material should be available in the OA, ^{at} the date when his junior was promoted, ^{how} many juniors were promoted and also ^{the} details connected with the seniority rules.. But we find that the OA is silent about those details. Hence, no direction can be given in regard to the fixation of seniority of the applicant at this juncture without the materials available on record. Hence, the applicant, if so advised, may approach the Department suitably for granting him the seniority as he desires. We have ^{no doubt} ~~noted~~ in our mind ^{that} if such a representation is made, the Department will deal with that in accordance with the rules.

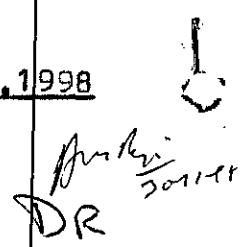
7. In view of the above, noting that the promotion of the applicant as a Telecom Technical Assistant is on regular basis and he will not be reverted when the diploma holders are posted as Telecom Technical Assistants, the OA is disposed of. No costs.


B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
26.11.98


(R. RANGARAJAN)
MEMBER (ADMN)

Dated: this the 26th day of November, 1998
Dictated to stenog in the Open Court

DSN


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Copy to:

1. The Director General, Telecom, New Delhi.
2. The Telecom District Manager, Tirupathi.
3. The Chief General Manager, Telecom, Hyderabad.
4. One copy to Mr. J.V. Lakshmana Rao, Advocate, AT, Hyderabad.
5. One copy to Mr. V. Vinod Kumar, Addl. GSC, AT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

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8/12/98

JII COURT

TYPED BY
CORRECTED BY

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: 26/4/98

ORDER/JUDGMENT

M.A/R.A/C.P.NC.

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in

G.A. NO. 1392/96

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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(HPI)

केन्द्रीय प्रशासनिक अप्रिकरण Central Administrative Tribunal प्रेषण / DESPATCH - 4 DEC 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH
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