

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.261/96.

Dt. of Decision : 01-01-99.

P.Visweswara Rao

..Applicant.

Vs

1. The Union of India, Rep. by the Director General, Telecommunications, New Delhi-110 001.
2. The Chief General Manager, Telecom., A.P.Circle, Hyderabad-500 001.
3. J.Thiavarayam

..Respondents.

Counsel for the applicant : Mr.J.V.Lakshmana Rao

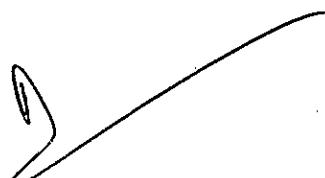
Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.T.V.V.S.Murthy for Mr.J.V.Lakshmana Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents. Mr.Kanekkiah, Law Officer of the department was present.

2. The post of Junior Telecom Officer was filed in accordance with the ~~Rules~~ Junior Telecom Officers, Recruitment Rules, 1990 published in the Gazette of India on 15-6-90. The percentage ~~as~~ fixed for the various groups are as follows:-

- "i) 65% by direct recruitment through a competitive examination.
- ii) 15% by promotion through competitive examination of departmental Group-C employees other than the cadres of TA/PI/AEA/WO.
- iii) 10% by promotion through competitive examination of departmental employees of the cadres of TA/PI/AEA/WO.
- iv) 10% by promotion through qualifying test and seniority-cum-fitness of the qualified candidates of the cadres of TA/PI/AEA/WO."

The applicant submits that he comes under the 15% quota for promotion through competitive examination of departmental Group-C employees other than the cadres of TA/PI/AEA/WO. He also submits that the quota prescribed for direct recruitment is reduced and the quota prescribed for the cadres of TA/PI/AEA/WO and seniority-cum-fitness quota of the same cadre has been increased i.e., the quota prescribed for item No.1 is reduced whereas the quota prescribed for items No.3 and 4 had been increased keeping the same percentage of promotion for item No.2 employees. The applicant further

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submits that in view of the above these who have got less marks than him in item No.3 and 4 were posted as JTO where-as the applicant who has got more marks is not promoted as JTO. He also submits that increasing in the quota for the examination in the year 1991, 1992, 1993 and 1994 is against the JTO Recruitment Rules, 1990 published in Gazette of India on 15-6-90. Hence he should also be promoted.

3. This OA is filed praying for a direction to the respondents to fill all the vacancies of Junior Telecom Officers including direct recruitment quota with all eligible candidates who have passed the JTO examination held on 14-3-92 and 15-3-92 irrespective of the cadre to which they belong and consequently direct the respondents to promote the applicant herein to one of the combined vacancies available as per merit of marks secured by him with attendant benefits.

4. The quota earmarked for the employees belonging to the group to which the applicant is also attached has not been reduced. He cannot compare himself with that of the employees in the other group viz., Group-3 and 4. If any of the employee is his group who had obtained less marks than him has been posted as JTO then the applicant has got a grievance. No such incidence has been brought to our notice. He only requests for combining of all the cadres and test all of them without differentiating them. This in our opinion is not essential and cannot be accepted in view of the JTO Recruitment Rules, 1990.

5. The second contention of the applicant is that the Recruitment Rules of the JTO, 1990 is varied by increasing the percentage for Group-3 and 4 employees. It has been stated in the reply that the cadres coming under Group-3 and 4 are dying cadres

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and as they are dying cadres they have to be absorbed to reduce surplus and hence little bit variation had been made by reducing the direct recruitment quota percentage and increasing the percentage earmarked for the dying categories. This submission appears to be in order. A surplus candidate cannot be paid without work. Hence, they have to be absorbed to the extent that adjustment the percentage of promotion prescribed for Group-3 and 4 has been enhanced. In our opinion this variation is not against the recruitment rules in the circumstances mentioned above. Hence, we do not see any infringement of the Recruitment Rules, 1990.

6. The third contention of the applicant is that his results for the examination conducted in the year 1992 is not published. In the reply in para-6 it is stated that in the quota earmarked to which the applicant belongs had 29 vacancies. Whereas the applicant ^{had} obtained 52nd rank. Hence, he was not promoted. When he is not even near the cut off thresh-hold of 29th vacancies he has no reason to state that his case was not considered. Hence, this contention is also rejected.

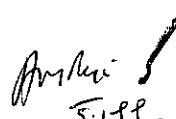
7. For the reasons stated above, the OA is dismissed as having no merits. No costs.


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


(R. RANGARAJAN)
MEMBER(ADMN.)

1.1.99

Dated : The 01st January, 1999.
(Dictated in the Open Court)


Amala
S. I. P.

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✓ 13/1/99
II COURT

TYPED BY
COMPARED 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 B.S.JAI PARAMESWAR :
M(J)

DATED: 1-1-99

✓ ORDER/JUDGMENT

MA/R.A./C.P. NO.

DA. NO. 281 in 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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