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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 648/96

Date of Order : 9.12.98

BETWEEN :

A.R.K.Sharma

.. Applicant

AND

1. The Chief General Manager,
Telecom, A.P.Circle,
Hyderabad.

2. The General Manager,
Hyderabad Telecommunications
District, Suryalok Complex,
Hyderabad.

.. Respondents.

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Counsel for the Applicannt

.. Mr.V.Jagapathi

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM :

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

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



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O R D E R

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

Mr. M.C.Acharya, for Mr.V.Jagapathi, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA was reemployed as Technician from 30.5.80 in the Department of Telecommunications at Hyderabad against the ex-servicemen quota. Earlier to that he had served for 15 years in the Indian Air Force from 1963-78 in the trade of Wireless Operator which was redesignated as Radio Technician. Subsequently the applicant also submits that he had completed the course of Radio Technician (Wireless Operator) for 64 weeks in Air Force covering the subjects as given in para-1 of the affidavit.

3. The Department of Telecommunication had introduced a scheme called Walk-in-Group ^{for promotion} to the cadre of Junior Telecommunication Officer (JTO). According to which those who had put in 5 years of regular service in the cadre of Phone Inspector/Transmission Assistants/Wireless Operators/Auto Exchange Assistants would be treated as Walk-in-Group and would be sent for JTO training provided they possess the requisite educational qualification prescribed for direct recruitment to the post of JTO.

4. By circular No.TA/STA/2-Misc/94/KW/4 dated 28.8.94 all General Managers of Telecom Districts in P.A.P. Circle were advised to bring it to the notice of all concerned about the walk-

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in-group scheme. It is also stated that the eligible and willing candidates should submit their applications along with true copies of the educational qualifications duly attested through the proper channel to R-1 herein.

5. The applicant submits that a certificate dated 9.8.78 (A-4 page-12) was issued by the Indian Air Force to the effect that the applicant may be considered as a Graduate for Group-C posts for which the prescribed qualification is Degree. He has also possessed a certificate of National Trade Certificate (NTC) and National Apprentice Scheme. His experience as Radio/Tech. for 15 years is seen as per the certificate at A-5 dated 5.3.78.

6. The applicant submitted his application for the post of JTO against the walk-in-group stating that he possessed the required degree qualification and as he worked as Technician in Wireless Wing he is eligible for consideration against that post as a graduate with Science qualification. His application was forwarded by R-1 by his letter No.TA/STA/337/HTD/KW/HD-1 dated 13.6.95. R-2 was informed that the applicant may be intimated that he had joined the department as Technician which will not come under the list of cadres eligible for JTOs walk-in-group

7. This OA is filed praying for a direction for the respondents to include the name of the applicant in the list of walk-in-group for JTOs by holding that the applicant is eligible for walk-in-group.

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8. Before we analyse this issue it is necessary to bring on record the qualification required for consideration for the post of JTO ~~under the walk-in-group~~ ^{scheme}. It is stated that the applicant applied in response to the notification issued in the year 1994. The qualification required for the walk-in-group is same as the candidate to be appointed directly to the post of JTO. The qualification reads as below :-

"Degree in Mechanical/Electrical Engineering/ Telecommunications/Radio/Electronics/Computer Science Engineering from a recognised University or equivalent qualifications or AMIE Degree/Degree equivalent there to in the above disciplines. Or B.Sc., B.Sc., (Hons) with Physics and Mathematics as Main/Elective/Subsidiary/ Optional/Additional subjects with at least 60% marks in aggregate obtained in the examination of a recognised university".

9. The applicant contends for consideration of walk-in-group as follows :-

(a) He has to be given relaxation of qualification as he had experience in the trade of Wireless Mechanic for 15 years.

(b) He possesses the degree qualification as prescribed in the recruitment rule in view of the certificate at Annexure A-4.

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10. The respondents submit that the applicant had already been appointed as TTA against ex-servicemen quota. Hence he cannot be considered for promotion as JTA against walk-in-group against the quota earmarked for ex-servicemen.
 //That point ~~has been~~ ^{was} considered in OA.330/95 and OA.818/96 for which the judgement was issued in April 1998. In that OA also it was held by us that once an employee has been taken ~~against~~ ^{as} ex-servicemen quota he cannot be considered once again for ex-servicemen quota after having already appointed against that quota. The relevant portion is... paras-9 and 10 of the said judgement. Hence the applicant can be considered for promotion as JTO against walk-in-group only against the general quota applicable for TTAs and other category for promotion to JTO ~~under~~ walk-in-group scheme.

11. As stated earlier the minimum educational qualification required to become eligible for walk-in-group is the qualification prescribed for direct recruitment. The qualification prescribed for direct recruitment had already been extracted above. applicant claims that in view of his degree certificate given by the Air Force enclosed as Annexure-4 ^{he} is to be treated as a degree holder of B.Sc. with Physics and Mathematics as main/elective subjects. The applicant submits that his experience in Air Force and TTA makes him eligible to treat him as a science graduate as prescribed in the recruitment

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rule. He further adds that minimum of 60% of marks in the aggregate as prescribed in recruitment rule need not be insisted upon as he possessed sufficient experience.

12. The point for consideration is whether the degree certificate issued by the Air Force enclosed as Annexure-4 is equivalent to a degree certificate in science.

13. The above point came ^{up} for consideration in OA.313/95 and OA.818/96 disposed of in April 1998. This point was considered elaborately in that OA. In that OA also the applicant was appointed as a Technician against Ex-servicemen quota. He applied for the post of JTO when an advertisement was issued in February 1996 for filling up the post of JTO. He ~~was~~ also a graduate/issued by Air Force as he ~~had~~ served 15 years in Air Force. The text of graduation certificate had also been extracted in para-31 of the judgement in that OA. The present certificate possessed by the applicant is also similar to the one possessed by the applicant in the above referred OAs. After perusing the certificate and other details it was held in that OA that the applicant in that OA cannot be equated to a graduate who had obtained university degree in B.Sc. with Physics and Mathematics as main/elective/subsidiary/optional/additional subjects with atleast 60% of marks in aggregate of a recognised university. It was also held that the certificate issued by the Air Force

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authorities is adequate only in Group-C post where experience of technical or professional nature is not essential. The post to which the applicant in that OA applied was also JTO and as that post was a technical post involving professional qualification the applicant therein was considered ineligible with the certificate ~~.....~~ possessed by him. That logic equally holds good in this case also. The relevant portion of the judgement in the referred OA may be seen in para-33 of that ~~judgement~~.

14. In view of what is stated above we are of the opinion that the applicant ~~is~~ not possess^{ing} the minimum educational graduation qualification with science. The above view of ours is also the view taken by the Director General Posts and Telegraphs as seen from memorandum dated 4.5.82, though in that letter of 4.5.82 the minimum service indicated is 10 years whereas the applicant is possessing 15 years. Even then the applicant cannot equate himself as graduate with science qualification.

14. In view of that the applicant is ineligible for consideration. The question whether he possessed the minimum percentage of 60% does not arise as that qualification itself is not equivalent to science graduation.

15. In view of what is stated above the rejection of the case of the applicant for consideration to the post of

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JTO against the walk-in-group scheme cannot be treated as irregular or unjustifiable.

16. In view of fore-going we find no merit in this OA. Hence this OA is dismissed. No costs.

B. S. JAI PARAMESHWAR

(B.S. JAI PARAMESHWAR)

Member (Jud1.)

9.12.98

R. RANGARAJAN

(R. RANGARAJAN)

Member (Admn.)

Dated : 9th December, 1998

(Dictated in Open Court)

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in COURT

Copy to : -

D.R. (A)

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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: 09-12-98

ORDER/JUDGMENT

MR.A. / C.P. No.

in

OA. NO. 648/96

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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