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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1078/96

DATE OF ORDER : 19-09-1996.

Between :-

G.Nagabhushana Chary

... Applicant

And

1. The Department of Telecommunications,
Government of India, Central Secretariat,
New Delhi rep. by the Director General.
2. The Chief General Manager (Telecom),
A.P.Circle, Dept. of Telecommunications,
Govt. of India, Hyderabad.
3. The Telecom District Manager,
Dept. of Telecommunications,
Govt. of India, Karimnagar District,
Karimnagar-505 002.

... Respondents

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Counsel for the Applicant : Shri P.Naveen Rao

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

Oral (Orders per Hon'ble Justice Mr.G.M.G.Chaudhari, :VC).

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Mr.Meherchand Noori for Mr.P.Naveen Rao for the applicant. Mr.V.Bhimanna, counsel for the respondents.

2. The applicant has been working as Regular Mazdoor under the control of Telecom District Manager, Karimnagar. He appeared at the qualifying screening test for Phone Mechanics held on 25-6-94 and his name was included thereafter in the list of ~~eligible~~ eligible candidates. The respondents however drafted candidates

full

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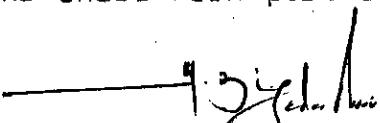
who appeared and qualified at the supplementary screening test held in January, 1996. The grievance of the applicant therefore is that since his consideration for promotion will be postponed, the action of the respondents is arbitrary and illegal. He therefore seeks that the respondents be directed to rank him for pre appointment training in accordance with the eligibility list prepared after the test that was held in June, 1994. Mr. V.Bhimanna, the learned additional standing counsel for the respondents submitted that the respondents have acted on the basis of the departmental instructions under which a decision was taken to prepare combined seniority list and since it is an administrative decision, it is not open to challenge. We do not agree with these submissions for the reasons given by us in the order passed on OA 992/96 with OA 1007/96 decided yesterday i.e. on 18-9-96 wherein identical question arose relating to employees in Tirupati Telecom District. We see no reason to take any different view. Hence similar order is appropriate to be passed in this case treating the applicant as the candidate qualified at the main screening test held on 25-6-94. Hence the following order :-

- (1) The official respondents are directed that process of appointment to the posts of Phone Mechanics for which the main qualifying screening test was held on 25-6-94 and the supplementary qualifying screening test was held on 21-1-96, shall be undertaken only after all the candidates who qualify at both the above tests have been sent for pre-appointment training and a merit list is drawn of all these candidates on the basis of the successful completion of the training and merit rating awarded thereat irrespective of the fact

as to which of the candidates have been sent for training and in whatever order they are sent in batches. Consequently the appointments to the post of Phone Mechanics for which the above screening tests were held shall not be undertaken until steps are taken in accordance with the above direction.

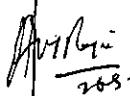
(2) It is however made clear that this direction will not apply to the 5 batches who have already completed the training and will be applicable from the 6th batch onwards till the list of candidates is exhausted. It is also made clear that it will be open to the official respondents in view of this decision to revise the list of candidates to be included in the 6th batch and further if so advised.

3. O.A.1078/96 accordingly allowed. No order as to costs.
A copy of the order in OA 992/96 shall be placed on record of this DA and shall form part of this order.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 19th September, 1996.
Dictated in Open Court.


M.G.C.
9/9/96
DA/96

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O.A.1078/96

To

1. The Director General,
Dept. of Telecommunications,
Govt. of India, Central Secretariat,
New Delhi.
2. The Chief General Manager (Telecom)
A.P. Circle, Dept. of Telecommunications,
Govt. of India, Hyderabad.
3. The Telecom District Manager,
Dept. of Telecommunications,
Govt. of India, Karimnagar Dist. Karimnagar-2.
4. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm.

~~only 20/10/96~~
alw. 9/2/96

I COURT

TYPED BY

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 19-9-1996

~~ORDER~~ JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1078/96

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

