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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.254/97.

Date of decision: 18-1-1999.

Between:

S. Seshatalpa Sai. .. Applicant

And

- i) The Union of India represented
by the Director General,
Telecommunications, New Delhi -110 001.
- 2) The Chief General Manager, Telecom Andhra Circle,
Abids, Hyderabad - 500 001.
3. The General Manager, Telecom,
Vijayawada Division, Vijayawada.
4. The Director, Maintenance,
Southern Telecom Sub-Region,
Vijayawada. Respondents.

Counsel for the Applicant: Sri J.V.Lakshmana Rao.

Counsel for the Respondents: Sri B.Narasimha Sarma.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

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JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri Yogindra Singh for Sri J.V.Lakshmana Rao for the Applicant and Sri Jacob for Sri B.Narasimha Sarma for the respondents.

The brief facts of the case are as follows:

The applicant in this O.A., was originally appointed as Technician with effect from 5.11.1981 at Telecom Division, Khammam and later transferred to the Microwave Maintenance Telecom, Vijayawada from 1.7.1994. He is presently working in Vijayawada. The applicant is a B.Sc. Degree holder with Physics and Mathematics. A Circular was issued on 21-10-1995 (Annexure 2 Page 12 to the O.A.) 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 ^{under} ~~in~~ category ~~A~~(1) along with 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. Another Notification dated 22.7.1991 was issued called "The Department of Technical Assistants Recruitment Rules, 1991". As there were Telecommunications, Telecom/Technology upgradation in the Telecom Department, the restructuring of the cadres were necessitated. Hence, the posts of Technicians,

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Linemen and other technical categories were re-structured and were named as Telecom Technical Assistants governed by the rules referred to above. It is also stated that the cadres ~~of~~ Technicians, Line-men etc., ^{who} ~~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 Assistants. But it is stated that the post of Telecom Technical Assistant if not filled by the diploma holders, will be thrown open to others with lesser qualification. ^{As} /the applicant was not a Diplomaholder he was not initially considered for the post of Telecom Technical Assistant.

This O.A., is filed to cancel the impugned recruitment rules issued under letter No.7-58/90/NCG dated 22.7.1991 communicated under the Chief General Manager, Telecom, Hyderabad letter No. TA/TRA/TTA/PM/Rulings dated 13.10.1995 besides ordering deputation to training and appointment of selected officials as Telecom Technical Assistants as per original seniority as Technicians.

The prayer and the contentions raised in this O.A., are similar to those raised in O.A.1392/96 which was disposed of on 26.11.1998. In that O.A., No.1392/96 it appears that the applicant ^{therein} was promoted as Telecom Technical Assistant. It was apprehended by the applicant in that O.A., that his promotion as Telecom Technical Assistant was only on adhoc basis and hence he filed the O.A.1392/96 with the same prayer as prayed in the present O.A.

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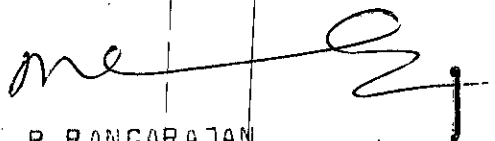
The respondent in that O.A.1392/96 submitted that the applicant therein was promoted as a Telecom Technical Assistant on regular basis and therefore, there was no need for the applicant therein to have any apprehension that he ^{would} ~~will~~ be reverted from that post if the degreeholders are posted as Telecom Technical Assistants. Hence, it was held that the prayer has been complied with. Further the question of seniority was kept open for the reasons stated in para 6 of the judgment ~~in~~ in O.A.1392/96.

As the O.A., is similar to that of O.A.1392/96, the applicant should also be promoted as Telecom Technical Assistant as he ~~is has~~ ^{has} possessed the requisite qualification as the applicant in O.A.1392/96. If the applicant had not been promoted ^{before} as Telecom Technical Assistant he should be promoted in the next vacancy after deputing him for necessary training, if required, before giving him such promotion.

For the reasons stated in para 6 of O.A.1392/96 the seniority question of the applicant is kept open and it will be decided as indicated therein.

With the above directions the O.A., is disposed of. No costs.


B.S. JAI PARAMESHWAR,
Member (J)


R. RANGARAJAN,
Member (A)

18.1.99

Date: 18th January, 1999.

Dictated in open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

DATED: 18/1/99

ORDER/ JUDGMENT

M.A./R.A./E.P.NO.

O.A. NO.

In

254/97

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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