

FORM NO. 21 (Sec. Rule 114,
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No.

12557

1997

K A. Babu

Applicant(s)

Versus

The Secretary, D/O Teluom, N. Delhi & anote

Respondent(s)

INDEX SHEET

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Signature of dealing Head
in Record Section.

Signature of S.O.

OA 1255/97

Date	Office Note	ORDER
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31-11-98 None present.
Call on 9-6-98
for memo and reply.
D.R.

16/12/98

List it on 21/02/98.

HBSP
M(1)HARRIS
M(1)

16/6/98

None present. Call
on 21/7/98 for
memo & reply.

D.R.

11/1/99

List on 29/1/99.

HBSP
M(1)HARRIS
M(1)

21-7-98

None Present.
Call on 25-8-98
for memo & Reply.

D.R.

2/2/99

List it on 25/2/99.

1-9-98

None Present.
Call on 6-10-98
for memo & Reply.

D.R.

HBSP
M(1)HARRIS
M(1)

26.2.99

List this OA for orders
on 1.3.99.HBSP
M(1)HARRIS
M(1)

27-10-98

None present.
Include it in
Ready list of 1999.

D.R.

List this OA for orders on 4/3/99. NO
further adjournment will be given
at the request of the Respondents Council

HBSP
M(1)HARRIS
M(1)

1/3/99

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1255 of 1997.

K. Ashok Babu. Applicants(s).

VERSUS.

The Secy. Dept. of Tele com.
Min. of Communication, New-Delhi 2 as
(Respondents).

Date	Office Note	ORDER
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25.9.97 Mr. NR. Srinivasan, for the applicant and Mr. Phalguna Rao for Mr. JR. Gopal Rao, for the respondents.

The OA is filed for rejecting the candidature of the applicant for the post of JTO against 15% quota earmarked for Technicians. His submission is that he was a Technician on the date of issue of the notification on 1.7.93 and rejection of the candidature for the examination is illegal.

Admit.

17/3/98

Before Dy. Regr.

Nohe present. Notice served on R.2. In respect of R.1 notice not yet returned served but seemed to have been served. Call on 21/4/98 for memo & reply.

Jai
HGSTP
H D 259

HRRN
H (A)

Admit
11.10.97

Served
21/10/97

DRS

Dy. Regr.

OA 12556.7

3

A-3-29

OA is ordered.

Order in separate sheets.

No cost

1

IL
HBSP
MIT

HRM
MIT

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDER

ORIGINAL APPLICATION NO. 1255 OF 1997.

K. Ashok Babu

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Secretary, Dept of Telecom, Min. of

Communication, New Delhi & another

Respondent(s).

The application has been submitted to the Tribunal by
Shri N.R. Srinivasan Advocate/party in
~~person~~ Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure).
Rules 1987.

The application is in order and may be listed for
Admission on 9.9.97

As
12/9/97
Scrutiny Asst.

Asst. Registrar
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. Yes
12. Has the applicant exhausted all available remedies. Yes
13. Has the Index of documents been filed and pagination done properly. Yes
14. Has the declaration as required by item No. 7 of form. I been made. Yes
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. Yes
16. (a) Whether the relief sought for, arise out of single cause of action. -
(b) Whether any interim relief is prayed for, Yes
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. -
18. Whether this cause be heard by single Bench. -
19. Any other points. -
20. Result of the Scrutiny with initial of the scrutiny clerk. May be filed

As
12/1/1992
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

.....

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH: HYDERABAD.

Inquiry No. 2927/97

Report in the Scrutiny of Application.

Presented by Mr. N.R. Srinivasan Date of Presentation.

Applicant(s) K. Ashok Babu

Respondent(s) The Secretary, Dept of Telecom, Min. of Communications
N. Delhi or another

Nature of grievance Promotion

No. of Applicants 1 No. of Respondents 2

CLASSIFICATION.

Subject.....No Department.....Telecom.....(No)

1. Is the application in the proper form,
(three complete sets in paper books form
in two compilations). Yes
2. Whether name description and address of all the
parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes
(b) Has the copies been duly signed.
(c) Have sufficient number of copies of the application
been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language
other than English or Hindi been filed. -
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation
been filed. Yes
8. Is the application maintainability.
(U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DD, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible
copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH, HYDERABAD

I N D E X S I D E

O.A.NO. 1255 of 1997.

CAUSE TITLE

K. Ashok Babu

V S A S U S

The Secy. Dept. of Telecom,
Min. of Communications, New-Delhi &c

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7. Reply Statement filed by Mr. J.R. Gopal Rao
on 22/1/99

8. Reply filed by Mr. N.R. Srinivasan on 19/2/99

Regl. - To declare the impugned order dt 22.9.96 and 22.7.97, rejecting the applicant's request for promotion to the cadre of J.T.O against 15% Departmental quota of vacancies pertaining to the year 1993 as illegal U/S 19 of the A.T. Act, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Hyderabad Bench :: hyderabad

Bench case

O.A. No. 1255 of 1997

Promotion
Telecom (C)

BETWEEN

K. Ashok Babu

.....

Applicant

AND

The Secretary, Dept. of Telecom, MOC,
New Delhi (Rep. UOI) and Another

.....

Respondents

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3.,	11-7-95	TDM, KHM letter circulating R-2's circular calling for application for JTO examination	A-3	21-22
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Hyderabad,
13-8-97.

N. R. Srinivasan
(N.R.SRINIVASAN)
Counsel for Applicant

Recd
11.9.97
for N.R. Srinivasan



U/s 19 of A.T.Act, 1985
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD

O.A.No. 1255 of 1997

BETWEEN

K.Ashok Babu, s/o K.Nagabhushanam,
aged about 36 years, Telecom Technical
Assistant, O/o SDE Phones, Telephone
Exchange, Kothagudem 507101

..... Applicant

AND

1) The Secretary,
Department of Telecom,
Ministry of Communications,
(Representing Union of India)
Sanchar Bhavan, 20, Asoka Road,
New Delhi 110001.

2) The Chief General Manager, Telecom,
A.P.Telecom Circle, Doorsanchar Bhavan,
Abids, Hyderabad 500001.

..... Respondents

(The address of the applicant for service of notice, etc. is that of his Counsel
Mr.N.R.Srinivasan, Advocate, 6-1- 132/54/G-3, Karthikeya Apartments,
Skandagiri, Padmarao Nagar, Secunderabad 500061.)

DETAILS OF APPLICATION

1) Particulars of the order against which the application is being made:

This application is being made against the Second respondent's letter No.TA/RE/3-5/94/II dated 22/7/97, communicated to the applicant under Telecom District Manager, Khammam endorsement No.E-17/53/II/97-98/73 dated 1/3/97 (vide Annexure A-9) rejecting the applicant's request for promotion to the cadre of Junior Telecom Officer against 15% Departmental Quota of vacancies pertaining to the year 1993 on the ground that under DoT New Delhi letter NO.5- 20/95-NCG dated 02/2/96 (vide Annexure A-10) the Telecom Technical Assistants including the applicant are not eligible for being considered for promotion to the cadre of JTO under the said 15% quota.

2) Jurisdiction of the Tribunal:

The Applicant declares that the subject matter of the application is covered by Section 14(1) of the A.T.Act, 1985.

3) Limitation:

The applicant further declares that the impugned letter, Annexure A-10, is issued on 22/7/97 by the second respondent and therefore the application is within the limitation prescribed under Section 21 of the A.T.Act, 1985.

4) Facts of the Case:

(4.1) The applicant submits that he joined the Tele- com Department as a Technician in the scale of Rs.260-480 (revised scale of Rs.975-1660) on 19/10/84. Subsequently, he was appointed in the restructured cadre of Telecom Technical Assistant (TTA for brevity) with effect from 10/9/94 under Telecom District Manager, West Godavari SSA, Eluru letter No.E.844/TTAs/G-C/94-95/11 dated 25/11/94 (vide Annexure A-1).

(4.2) (a) The applicant submits that the Junior Tele- com Officers (JTOs for brevity) Recruitment Rules, 1990 circulated under DoT New Delhi letter No.5-11/89-NCG dated 15/6/90 (vide Annexure A-2) provide that the Departmental Quota of 35% vacancies will be regulated as follows:

- i) 15% by Promotion of Departmental Candidates in the cadre of Technicians/ Telephone Operators/Telecom Office Assistants, etc. through a competitive examination.
- ii) 10% by promotion of Transmission Assistants (TAs)/ Telephone Inspectors (TIs)/Wireless Operators (WOs)/Auto- Exchange Assistants (AEAs) with five years service through a competitive examination.
- iii) 10% by promotion of TAs etc. with ten years of service through a qualifying examination.

(b) The applicant further submits that under the Departmental instructions such of those officials who were promoted to the cadres of TAs/TIs etc. in the scale of Rs.1320-2040 and have not completed five years service in the said promoted cadres but have ^{not} availed all the available four chances to appear in the competitive examination for promotion to JTO cadre under the 15% competitive quota are eligible to appear for the said quota even though they are actually working in the cadres of TA/TIs etc.

(c) Subsequently the Departmental quota available for the officials in the cadres of TA/TIs etc. was increased by the Department to 35% and the selection is to be made through a qualifying screening test. The cadre of TTAs, which is a new restructured cadre was also subsequently made an eligible cadre along with the said cadres of TAs/TIs etc. for the purpose of appearing in the qualifying screening test. The said qualifying screening

test under the revised selection procedure was conducted in January, 1995 in which the applicant also appeared and qualified himself.

(4.3) (a) Under his letter No.R&E/3.3/VIII/12 dated 11/7/95 (vide Annexure A-3), the Telecom District Manager, Khammam circulated a copy of CGMT A.P. Hyderabad letter No.TA/RE/3-5/94 dated 5/7/95 under which the 2nd respondent notified that the Departmental competitive examination for the 15% quota of vacancies in the JTO cadre would be held on 9th and 10th of September, 1995. Admittedly the notification was issued after the qualifying screening test was held in January, 1995.

(b) Under para (2) of the said letter dated 5/7/95 it was stated by the second respondent that the competitive examination would be held "as per the Recruitment Rules circulated vide DoT letter No.5-11/89-NCG dated 15th June, 1990" (i.e. Annexure A-2 of this O.A.).

(c) Under para (3) of the above said letter dated 5/7/95 the second respondent made it clear that the examination is being held for the vacancies meant for 1993 and 1994 and the eligible applicants were directed to apply separately in respect of the vacancies of the two years.

(d) Under para (7) of the above said letter dated 5/7/95 a total number of 53 vacancies for the year 1993 and nil vacancies for 1994 were announced by the 2nd respondent.

(e) Under para (5) of the above said letter dated 5/7/95 the second respondent made it clear that "The age and eligible service will be reckoned as on 1/7/93 and 1/7/94 as the case may be."

(f) The applicant submits that since he fulfilled the above conditions he applied for to appear for the said competitive examination. His application was approved and he was allotted the Hall Ticket No.APT/82/93/398 by the second respondent.

(4.4) (a) The applicant submits that the above examination scheduled to be held on 9th and 10th September, 1995 was initially postponed to 2nd and 3rd December, 1995 and was subsequently again postponed and was scheduled to be held on 10th and 11th of February, 1996.

(b) Under Sub-Divisional Engineer, Phones, Kothagudem letter NO.E/95-96/KGM dated 8/2/96, vide Annexure A-4 the applicant was relieved on the A/N of 8/2/96 at

Kothagudem to attend the competitive examination being held at Hyderabad. The applicant took the examination.

(4.5) The applicant submits that only 23 officials excluding the applicant qualified in the said examination and the remaining 31 vacancies under 15% quota pertaining to the year 1993 remained vacant. Thereafter the applicant applied for communication of his marks and the same were communicated to him under TDM Khammam letter No.R&E/3-1/Rlgs/III/196 dated 27/8/96 vide Annexure A-5. The applicant scored a total of 228 marks in four papers.

(4.6) The applicant submits that in view of the large number of unfilled vacancies in all the Circles throughout the country, the Department of Telecom has relaxed the qualifying standards for the examination held on 11th and 12th February, 1996. As a consequence of the said relaxed standard, the 2nd respondent published a list of 31 qualified candidates under his letter No.TA/RE/3-5/94/II dated 19/6/97 (vide Annexure A-6).

(4.7) The applicant submits that his name did not find place in the said qualifying list Annexure A-6 though he scored a total of 228 marks where as the list included the name of one Sri A.Subrahmanyam of Hyderabad who scored only ²194 marks, i.e. ⁵34 marks less than that of the applicant. The marks memo of the said Shri A.Subrahmanyam is annexed as Annexure A-7. On enquiry the applicant learnt that his name was not considered on the plea that being a TTA he is ineligible to take the said competitive examination under 15% quota. Thereupon the applicant represented to the 2nd respondent, vide his letter dated nil vide Annexure A-8 that his non-selection against the 15% quota of vacancies pertaining to the year 1993 on the ground that he became a TTA in the year 1994 and appeared in the qualifying screening test is unsustainable as the vacancies of 15% quota for which he took the examination pertained to the year 1993 and that since he was a Technician on the crucial date, i.e. 1/7/1993, he is eligible to appear in the said examination as he fulfilled the eligibility condition relating to age, service and cadre as per the statutory recruitment rules Annexure A-2 and thus eligible for selection and therefore requested the 2nd respondent to review the selection and select him as JTO.

(4.8) The 2nd respondent rejected the above request of the applicant under his letter No.TA/RE/3-5/94/II dated : 22/7/97 communicated to the applicant under TDM Khammam Endorsement No.E.17-53/II/97-98/73 dated 1/8/97 vide Annexure A-9. In the said impugned letter the 2nd respondent stated that as per DoT New Delhi letter No.5-20/95-NCG dated 2/2/96, TTAs are not eligible for JTO competitive examination (15% quota)

for the recruitment year 1993 held on 10/11-2-1996 since they have been allowed to appear in the qualifying screening test against 35% quota of vacancies and they have also appeared in the last examination held on 29/1/95. The 2nd respondent further stated

"Despite of (sic) above instructions, he appeared for the said examination. As per recruitment rules, age and service conditions only will be seen as on 1/7/93 but not the cadre as mentioned in the representation of the official,"

(Emphasis not in original.)

and rejected the applicant's representation on the ground that the applicant was a TTA at the time of calling for the applications and at the time of examination and therefore ineligible for consideration for promotion under 15% quota.

(4.9) (a) The applicant submits that the letter of Department of Telecom, New Delhi dated 2/2/96 referred to by the 2nd respondent in the impugned letter Annexure A-9 is annexed to this O.A. as Annexure A-10. Even assuming, but without admitting, that the clarification given therein that TTAs are ineligible to participate in the examination against 15% quota because they have earlier been allowed to appear in the qualifying screening test held in January, 1995 is valid and sustainable under the law, the applicant submits that the said letter Annexure A-10 did not state that the clarification mentioned above is applicable in respect of 1993 vacancies as the 2nd respondent claimed in the impugned letter Annexure A-10. Therefore, the rejection of the applicant's representation by the 2nd respondent is based on a wrong understanding of the DoT's instructions and therefore not valid.

(b) The applicant submits that the vacancies of JTO for the year 1993 are governed by the statutory recruitment rules Annexure A-2 as held by the Ernakulam Bench of this Hon'ble Tribunal in K. Radhakrishnan Nair and others Vs. Union of India and others, (1997) 35 ATC 612 and that the executive instructions of the 1st respondent contained in Annexure A-10 cannot override these statutory rules to enable the 2nd respondent to declare the applicant as ineligible to appear in the competitive examination on the ground that subsequent to 1993 he became a TTA. The applicant further submits that as per the law established by the Supreme Court and followed by this Hon'ble Tribunal in several cases even such of those executive instructions which are not contrary to any statutory provisions have only prospective effect and not retrospective unless an intention to make the instructions retrospective is clearly stated in them. The applicant therefore submits that the letter Annexure A-10 dated 2/2/96 is not applicable in his case.

(c) The applicant further submits that since he was a Technician as on 1/7/1993, which was the crucial date for reckoning the eligibility to appear in the examination against 15% quota of vacancies pertaining to the year 1993, he was eligible to appear in the said competitive examination. Even the letter Annexure A-3 dated 11/7/95 has clearly admitted that the age and the service will be reckoned as on 1/7/1993 and 1/7/1994 as the case may be, for 1993 and 1994 vacancies. The applicant submits that the term "Service" means service in one of the eligible cadres, which includes the cadre of Technician and therefore the statement of the second respondent that only age and service will be seen as on 1/7/1993 but not the cadre is not only fallacious but also violative of the statutory recruitment rules, Annexure A-2. The applicant submits that the 2nd respondent having declared that the age and service will be reckoned as on 1/7/93 and 1/7/94 as stated above, cannot be now allowed to turn around and say that the applicant is not eligible on the ground that he had subsequent to 1/7/1993 become a TTA and remained so at the time of the examination held in February 1996. The applicant submits further that the crucial date being 1/7/1993, any change in the cadre of the applicant subsequent to this date does not entail attachment of any ineligibility to him. Therefore, the action of the 2nd respondent treating him as ineligible on the above ground is not valid.

(d) The applicant further submits that as stated above, the said examination was scheduled to be held in September, 1995 at which point of time admittedly the applicant was eligible to appear in the examination as per Annexure A-3. Even after the postponement and rescheduling of the examination for December, 1995, the applicant continued to be an eligible candidate for the said examination. The letter Annexure A-10 dated 2/2/96 is clearly an afterthought as evidenced by the fact that the letter Annexure A-3 calling for applications and also prescribing eligibility conditions did not state that TTA cadre is an ineligible cadre for the purpose of the 15% quota vacancies of 1993 or 1994, though the qualifying screening test against 35% quota of vacancies for TAs/TIs and TTAs etc. was already held in January, 1995. Therefore, the order Annexure A-10 dated 2/2/96 is arbitrary and violative of the statutory recruitment rules and therefore the same cannot be acted upon by the respondents to deny the applicant a chance for being considered for promotion to the JTO cadre against 15% quota of vacancies for 1993.

(e) The applicant further submits that the officials in the cadre of PI/TA/WO/AEA who are in the pay scale of Rs.1320-2040, i.e. the same pay scale as that of TTA and who were also allowed to appear in the qualifying screening test against 35% quota of vacancies held in January, 1995 along with the TTAs are not made ineligible though the grounds on

which the TTAs are now sought to be made ineligible are equally applicable to these cadres also. In fact, one Shri D.Radhakrishnan, Transmission Assistant (TA), Mangalagiri and Shri A.Adishesu Varaprasad, Telephone Inspector (TI), Nakrekal were included in the selection list Annexure A-7 at Sl.Nos. 5 and 14 respectively by the 2nd respondent though under the new criteria and logic applied by the respondents, they ought to have been declared ineligible. The action of the respondent in selectively applying the ineligibility criteria smacks of arbitrariness, ^{i/o} discriminatory and therefore violative of Art. 14 and 16 of the Constitution of India and therefore illegal and not valid.

(f) Under the circumstances, the applicant has no other alternative or equally efficacious remedy except to approach this Hon'ble Tribunal in the exercise of its jurisdiction under Sections 19 and 22 of the A.T. Act for the redressal of his grievances.

5. Grounds with legal provisions:

(5.1) The 1993 vacancies against 15% quota in the cadre of JTOs are governed by the statutory recruitment rules 1990 Annexure A-2 as held by the Ernakulam Bench of this Hon'ble Tribunal in T.Radhakrishnan Nair & others Vs. Union of India & Others, (1997) 35 ATC 612, and the applicant was eligible to appear in the competitive examination as per the said statutory rules.

(5.2) The order Annexure A-10 dated 2/2/1996 clarifying that TTAs are not to be permitted to appear in the competitive examination against the 15% quota of vacancies on the ground that the TTAs were earlier allowed to appear against 35% qualifying screening quota cannot be made applicable in respect of 1993 vacancies as the said instructions being administrative in nature cannot override the statutory provisions and in any case cannot have retrospective effect in the absence of any specific wording to that effect. Therefore the non-selection of the applicant on the basis of a wrongful interpretation of order Annexure A-10 by the 2nd respondent giving a retrospective effect to the same is not valid. The applicant is therefore entitled to be considered as eligible to appear in the said competitive examination as he continued to be a Technician as on the crucial date for 1993 vacancies which was 1/7/93.

(5.3) The order Annexure A-10 issued by the DoT is discriminatory inasmuch as similarly placed officials in the cadres of Transmission Assistants, Telephone Inspectors, Wireless Operators and Auto Exchange Assistants, who are in the same pay scale of as that of TTAs and who were also permitted to appear in the qualifying screening test against 35% quota of Departmental vacancies were treated as eligible to appear in the competitive

examination against 15% quota of vacancies, whereas the TTAs were alone made ineligible on the ground that they have appeared for the above mentioned qualifying screening test. Therefore, the order Annexure A-10 is violative of Art.14 and Art.16 of the Constitution of India and hence the same is illegal and not valid. The applicant cannot be denied his promotion on the basis of such an illegal order.

(5.4) The respondents having declared that the age and service conditions will be reckoned as on 1/7/1993 and 1/7/1994 as the case may be for 1993 and 1994 vacancies respectively as per Annexure A-3, cannot be permitted to impose new criteria in violation of statutory rules.

(5.5) The applicant having obtained 34 marks more than Sri A.Subrahmanyam who was selected as JTO as per Selection List Annexure A-7 is more meritorious and hence according to the revised qualifying standards eligible to be promoted as JTO in preference to persons who scored less than 228 marks including the said Shri A.Subrahmanyam.

(5.6) The competitive examination against 15% quota of vacancies were scheduled to be held in September, 1995 and then subsequently postponed to December, 1995. At both points of time, there were no changes in eligibility criteria. But for the illegal order dated 2/2/1996 (Annexure A-10), the applicant would have been considered as eligible had the examination been held as per schedule. As held by the Hon'ble Tribunal in C.P.Gupta Vs. Union of India, (1991) 16 ATC 211 promotion should be made on the basis of criteria which was applicable at the time of occurrence of vacancy and not according to subsequently amended provision which had prospective effect only. Therefore, the non-selection of the applicant on the basis of a fresh criteria is illegal and not valid.

(5.7) The applicant may be allowed to urge other grounds at the time of final hearing.

6. Details of Remedies Exhausted:

The applicant submits that he has submitted a representation to the 2nd respondent herein under his letter Annexure A-8 dated nil, but the same was rejected by the 2nd Respondent under his impugned order Annexure A-9. Hence this O.A.

7. Matters not previously filed or pending with any other Court:

The applicant declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any

Court, or any other authority or any other bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought:

In view of the submissions made above, the applicant prays for the following reliefs:

- i) To declare that the order (Annexure A-10) dated 2/2/1996 is violative of the statutory recruitment rules (Annexure A-2) besides being violative of Articles 14 and 16 of the Constitution and therefore illegal and not valid.
 No. 5-25/95-NCH dt. 2.2.96 issued by the 1st Respondent
- ii) Consequently to declare that the impugned order annexure A-9 No. TA/RE/3-5/94/II dated 22/7/97, issued by the 2nd Respondent is also illegal and not valid.
- iii) To declare that the 15% quota of vacancies pertaining to the year 1993 are governed by the 1990 recruitment rules, Annexure A-2 and that the applicant who was a technician on the relevant crucial date, i.e. 1/7/1993 as per the said recruitment rules was eligible to appear in the examination held on 10th and 11th February, 1996 and the applicant having scored more marks than some of the selected candidates, is eligible to be selected as JTO under the above quota and consequently to direct the respondents to revise the selection list Annexure A-7 dated 19/6/1997 to include the name of the applicant therein on the basis of his merit and promote him as JTO after the required training as per rules applicable.
- iv) To grant such other or further relief or reliefs as this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

9. Interim Order:

Pending finalisation of the O.A. the applicant prays that this Hon'ble Tribunal may be pleased to direct the respondents to depute the applicant for training as JTO in the next batch of training which may be ordered by the respondents and to reserve one post of JTO for the applicant from among the vacancies of 1993. The applicant further prays that the O.A. may be heard expeditiously.

10. Particulars of the IPO in r/o application fee:

IPO No. 8, 12-231732 Dated

10/7/97

for Rs.50/-

5 Rs. 50/- A
 50.00.00.000000

11. List of Enclosures:

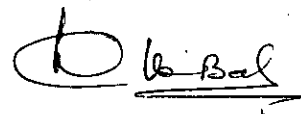
- a) IPO as mentioned above.
- b) Annexures as per Index
- c) Vakalat

VERIFICATION

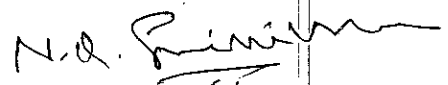
I, K.Ashok Babu, son of Nagabhushanam, aged about 36 years, Telecom Technical Assistant, O/o of SDE Phones, Telephone Exchange, Kothagudem, Khammam District, having temporarily come down to Hyderabad do hereby verify that the contents of paras 1 to 4, 6, 7 and 11 are true to my personal knowledge and those of the remaining paras are believed to be true on legal advice and that I have not suppressed any material fact.

Date : 13/08/97

Hyderabad



(K.Ashok Babu)
Signaute of the Applicant



(N. R. Srinivasan)
Counsel for the Applicant

TELECOMMUNICATIONS - ANDHRAPRADESH

% The Telecom District Manager, West Godavari, Eluru-534050.

Lr.No.E.844/TTAs/ G.C /94-95/11 dt @ Elr the 25th Nove 1994.

MEMO

In pursuance of orders contained in the CGMT - Hyderabad, A.P. Circle, Lr. No. TA/STB/6-5/Misc/dt 19-4-94, the Telecom District Manager, West Godavari, Eluru, is pleased to "APPOINT" the following officials as Telecom Technical Assistants on Successful completion of 13 weeks TTA training in the pay scale of 1320-30-1560-EB-40-2040., with effect from at the dates mentioned against their names.

S.L.No.	Name of the Official	Designation	Date of Appointment.
		Stn & DISTRICT	
1)	S/Sri B. Mallikharjun	TTA - NLG	10-09-94.
2)	" " D. Dharma Rao	TTA - KHM	10-09-94.
3)	" " K. Ashok Babu	TTA - KHM	10-09-94.
4)	" " K. Rajkumar	TTA - KVA	04-06-94.
5)	" " B. Kanakaramulu	TTA - KVA	10-09-94.

TELECOM DISTRICT MANAGER,
WEST GODAVARI DISTRICT,
ELURU - 534050.

- Copy to :-
- 1) The official through concerned T.D.Es.
 - 2) Telecom District Engineer, Nalgonda, With reference to the Lr.No. E.3-2/D/94-95/150 dt 1-10-94.
 - 3) Telecom District Engineer, Khammam, with reference to the Lr. No E17/51/III/94-95 /58 dt 22-10-94.
 - 4) Telecom District Engineer, Kareemnagar, with reference to the Lr.No E13-21/TTA/94-95/54 dt 27-10-94.
 - 5) G.M. Telecom, Warangal, for information.
 - 6) C.G.M. Telecom, Hyderabad -500001, for information.
 - 7) Spare.

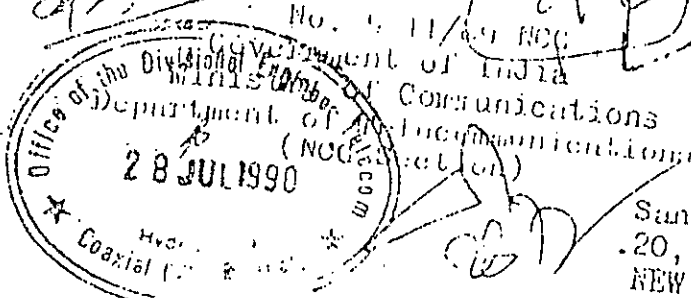
ENDT. NO. E. 17-51 / II. 94-95 20, dated at
KHM the 14-12-94.

Copy forwarded to:

- ① The officials
- ② Afs of the officials
- ③ SAs of the officials
- ④ The Ao (C), % TDE - KHM.
- ⑤ The SAs - KHM ⑥ The SAs - KHM.

Sub. Divisional Engineer (KHM) %
% Telecom District Engineer
KHAMMAM-507 050

True Copy
N.D. Prasad
Counsel for the Applicant



Dated 15th June 1990.

To,
All Heads of Telecom Circles/Districts
The CGM, MTNL Bombay/Delhi
The CGM ALITC Ghaziabad/TTC Jabalpur
All Heads of other Administrative Units

Subject - Rules for recruitment to the cadre of Junior Telecom Officers.

Kindly refer to this office letter No. 5-7/87-NCG Vol. II(Pt) dated 25.10.89 vide which it was intimated that the recruitment to the cadre of Junior Telecom Officers against the outsiders' quota of vacancies would be through a competitive examination w.e.f. the recruitment against the vacancies of the year 1990 and onwards.

2. The Recruitment Rules have accordingly been revised and an advance copy of the new set of rules notified under memo. of even number dated 15.6.90 is enclosed herewith. These rules supersede the Junior Engineer (Recruitment Rules 1980) notified vide No. 41-3/77-NCG(Pt) dated 26.12.80 read with amendment No. 5-7/87-NCG dated 9.12.88.

3. The new rules will come into force w.e.f. the date these are published in the official Gazette. The date of publication in the Gazette of India will be intimated to you in due course.

4. The syllabus for the competitive examination for recruitment against the 65% outsiders' quota of vacancies has already been sent to you vide this office letter No. 5-5/90-NCG dt. 19.3.90.

5. Action to announce the examination is being taken by the D.E. Section of the Directorate. You will be hearing from them in this regard shortly.

No. CGMP/RIOT/X/5-11/90 MS-105 me ...PTO

10 AC, Dm, C/Ac. Information & guidance

5/7
MS-105 me

6. The recruitment will continue to be done at Circle level. The select panel will be drawn up Circle-wise. As mentioned above, examination will be organised centrally by the D.E. Section of the Directorate.

Receipt of this letter may please be acknowledged.

(B. S. Verma)
Assistant Director General (STC)
Ph 3032468

Copy to -

1. Member(S)/Adv(HRD) Telecom Commission for kind information.
2. DDC(Pers)/DDC(E)/DDC(Trg)
3. ADGs STC/STG/STN/CSE/TRG/DE
4. STN/CSE/STG II/O&M/TRG/DE Sections of the Dte.
5. JTOs Association.
6. All other Staff Federations.

Office of the Director Telecom. Section Officer (NCG)
Encl. No. CXH/EST/RLG/II/65 dt. HD-1
Copy to: -
26-7-1990

1 & 2) The DET, C.C.P. HD/RMY } For information
3 & 4) The DET, M.S.P. HD/VJ } and guidance

लेखा अधिकारी / Accounts Officer,
निदेशक, दूरसंचार का कार्यालय
Office of the Director, Telecom,
प्रेषण परियोजनाएं / Transmission Projects,
हैदराबाद / Hyderabad-500 001.

No. 5-11/89-NCC
Government of India
Ministry of Communications
Department of Telecommunications
(N.C.G. Section)

Sanchar Bhavan, 20 Ashoka Road,
New Delhi - 110001.

Dated; the 15th June, 1990.

NOTIFICATION

G.S.R..... - In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Junior Engineers (Recruitment) Rules, 1980, except as respects things done or admitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment of Junior Telecom Officers in the Department of Telecommunications, namely :-

1. Short title and commencement :- (i) These rules may be called the Junior Telecom Officers Recruitment Rules, 1990.
(ii) They shall come into force on the date of their publication in the Official Gazette.

2. Number of posts, classification and scale of pay.- The number of the said post, its classification and the scale of pay attached thereto shall be as specified in Columns 2 to 4 of the Schedule annexed hereto.

3. Method of recruitment, age limit, qualifications, etc. The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in Columns 5 to 14 of the said Schedule.

4. Disqualifications.- No person -
(a) who has entered into or contracted a marriage with a person having a spouse living, or
(b) who, having a spouse living, has entered into or contracted a marriage with any person,
shall be eligible for appointment to the said post:
Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Bond and Training.- (a) All candidates provisionally recruited against the 65% quota of direct recruits shall execute a Bond in the format specified by the Department indicating their willingness to serve the Department for a period of at least five years from the date of their appointment as Junior Telecom Officers.

(ii) The candidates selected both against the 65% outsiders' quota of vacancies and 35% departmental quota of vacancies shall, before their appointment as Junior Telecom Officers, have to successfully undergo prescribed training as per the training plan laid down and amended by the Department from time to time.

(iii) During the period of training the direct recruited Junior Telecom Officers will be entitled to a stipend of Rs.1150/- plus dearness allowance admissible thereon or such stipend and allowance as amended by the Department from time to time.

6. Service under Territorial Army/Signal Units :- All candidates (both direct and departmental) shall if so required, be liable to serve in the territorial army/Signal Units for a period specified in the Territorial Army Act, 1948 (56 of 1948) and the rules made thereunder.

7. Power to relax: Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

8. Saving: Nothing in these rules shall affect reservations/relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

: 3 :-

SCHEDULE

Name of the post	Number of posts	Classification	Scale of pay	Whether selection or non-Selection post	Age for direct recruits	Whether benefit of added years of service is admissible under Rule 30 of the CCS(Pension Rules, 1972.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Junior Telecom. Officer	23,324 as on 31.12.83 (subject to variation dependent on workload)	General Central Service Group 'C' Non-Cazetted Non-Ministerial	Rs.1640-60-2600-EB-75-2900.	As explained under column 11 of the Schedule.	Between 19 and 27 years (Relaxable for eligible departmental candidates upto 40 years/45 years in case of SC/ST officials in accordance with the instructions or orders issued by the Central Government).	Not applicable.

Note: The crucial date for determining the age limit or service condition for both departmental and direct recruits, as the case may be, shall be 1st July of the year in which examination is held.

16

Educational and other qualifications required for direct recruitment.

Whether age and educational qualifications prescribed for direct recruits will apply in case of promotees.

Period of probation, if any.

Method of recruitment whether by direct recruitment or by promotion or deputation/transfer and percentage of vacancies to be filled by various methods.

(8)

(9)

(10)

(11)

Bachelor of Engineering/
Bachelor of Technology
in a recognised
University in any one of
the following disciplines:

- Mechanical Engineering,
- Electrical Engineering,
- Telecommunication Engineer-
ing,
- Electronics,
- Radio Engineering,
- Computer Sciences.

OR

Bachelor of Science or
Bachelor of Science(Hons.)
with Physics and Mathe-
matics as main/elective/
subsidiary/optional/
additional subjects with
at least 60% marks in
aggregate obtained in the
examination of the
Recognised University.

Not applicable.

Two years.

- i) 65% by direct recruitment through a competitive examination in accordance with the instructions issued by the Department in this behalf.
- ii) 35% by promotion of departmental candidates through competitive/qualifying examination as indicated under column 12 of the schedule.

17

Note 1 -- The applicants should be registered with the Employment Exchange located in the territorial jurisdiction of the recruitment unit.

Note 2 -- Educational and other qualifications are relaxable at the discretion of the Union Public Service Commission/competent authority.

Educational and other qualifications regarding experience etc. are relaxable at the discretion of the Union Public Service Commission/competent authority.

2

transfer to be made by promotion/deputation/transfer, grades from which promotion/deputation/

12

1. 35% recruitment by promotion of departmental candidates referred to in item (2), of column 11 will be regulated as under:-

- i) 15% by promotion of departmental candidates through a competitive examination;
- ii) 10% by promotion of Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators through a competitive examination; and
- iii) 10% by promotion of Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators on seniority-cum-fitness basis through a separate qualifying test, the inter-se-seniority of the officials being decided on the basis of length of service in the grade.

2. Against 15% quota of vacancies referred to in Serial No. (i) above, the following Group 'C' employees in the Department whose scale of pay is less than that of Junior Telecom Officer, shall be eligible:-

- i) Those borne on regular establishment and working in Telecom Engineering Branch of the Department including those working in the office of Chief General Manager, Telecom Circles/Districts:
 - Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators;
 - Group 'C' employees of the Telegraph Traffic Branch of the Department, and
 - Plumbers/Sanitary Inspectors/Conservancy Inspectors,
- ii) Those working in Telecom Factory, other than those borne on industrial establishments.
- iii) Those borne on the regular establishment and working as Accounts Clerks in the Accounts Wing under the Telecommunication Circles.
- iv) Those borne on the regular establishment and working as Works Clerks, Grade I and II, Work Assistants, Draftsman, Junior Architects and Electricians in the Civil Wing under Telecom Circles ::-

Provided that.--- (a) they have passed High School/Matric Examination or its equivalent,

(b) they have put in at least five years of continuous satisfactory service in one or more eligible cadres. These employees who hold the qualifications as prescribed in Column 6 of the Schedule will be eligible to appear in the competitive examination after three years of continuous satisfactory service in one or more eligible cadres. The length of service for the purpose of eligibility will be determined on the crucial date referred to in Note under Col.6 of the Schedule.

18

27

(c) they are not above the age of 40 years (45 years in the case of Scheduled Caste/Scheduled Tribes candidates) on the crucial date referred to in note below Column 6.

Against the quota of 10% referred to in item I(ii) above, Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators, who have rendered 3/5 years continuous satisfactory service as explained in 2(b) above in any of the aforesaid four cadres as on the crucial date defined in note below Column 6 will be eligible to appear in the competitive examination for promotion to the cadre of Junior Telecom Officers:

- Provided -
- (a) they have passed the High School/Matriculation examination or its equivalent examination.
 - (b) they are not above the age of 40 years (45 years in case of Scheduled Caste/Scheduled Tribe candidates) on the crucial date defined in note below Column 6.

Against the quota of 10% referred to in item I(iii) above, Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators, who have put in ten years of continuous satisfactory service in any of the aforesaid four cadres as on the crucial date referred to under Column 6 will be eligible to appear in the qualifying examination for promotion to the cadre of Junior Telecom Officers:

- Provided -
- (a) they have passed the High School/Matriculation examination or its equivalent examination.

NOTE: There shall be no upper age limit in their case. They shall, however, have to undergo a simple medical test to ensure that they are physically fit and mentally alert to perform the duties expected of a Junior Telecom Officer.

EXPLANATION: i) The service for the purpose of eligibility in case of Rule-38 transferees would count from the date they joined the new unit.
 ii) The candidates who once pass the qualifying examination need not appear again in the examination held subsequently.

(5)

If a Departmental Promotion Committee exists, what is its composition.

Circumstances in which U.P.S.C. is to be consulted in making recruitment.

(Continued)

NOTE : No candidate other than those belonging to Scheduled Castes and Scheduled Tribes Communities shall be granted more than four chances to appear in the competitive examination. But those candidates who secure more than 70% marks in the 4th chance but are not selected for appointment as Junior Telecom Officers may be allowed one more chance as a special case. The restriction in respect of number of chances is not applicable to members of Scheduled Caste and Scheduled Tribe communities. They will be eligible to appear in the Departmental examination till they reach 45 years age under provisions of extended age limit applicable to such communities.

Group 'C' Departmental Promotion Committee (for considering confirmation of direct recruits) consisting of -

1. An Officer of Group 'A' in the Junior Administrative Grade of Indian Telecommunication Service Chairman.
2. Two Officers of Group 'A' in the Senior Time Scale of Telecom Engineering Service..... Members.

Not applicable.

To

The Manager,
Government of India Press,
Mayapuri Industrial Area,
NEW DELHI.

*True Copy
N.D. Pinniv
Counsel for the Applicants*

(Signature)
(B.S. VERMA)
Assistant Director General (ST-C)
Tele No. 3032468

TELECOMMUNICATIONS: ANDHRA PRADESH

OFFICE OF THE TELECOM DISTRICT MANAGER, KHARSA

Tr.No.R&E/3.3/VIII/12

Dated at KHM the 7.1995

To

1. The SDOP/SDOT, Kharasa/Kothagudem
2. SDE (Groups) Kharasa/SIP/RCM
3. SDE (Constn) Kharasa
4. SDE MOB I & II, Kharasa
5. SDE(A)/Plg/Est/Opn/IT/PAER % DOT-KHM
6. Sr. AO (Constn)/(LR) DOT-KHM

Sub:-Departmental competitive examination
for promotion as J.E.Os - 15% quota
to be held on 9th & 10th September 1995-
reg.

A copy of DOT-ND letter No.12-8/95-DR dated
7.6.95 communicated under COM-ND letter No.4A/RE/3-5/94
dated 5.7.95 is reproduced below for circulation among staff
concerned.

Applications if any received from eligible
officials may be forwarded alongwith your recommendations
so as to reach this office by 16.7.95 positively for onward
transmission to SDO office within the due date.

Sub/Divisional Engineer (d/n)
Telecom District Manager
Kharasa-507 050

Copy to:-

All Divisional Secretaries of recognised unions.

Sub:-Departmental Competitive Examination for
promotion as Junior Telecom Officers - 15%
quota - to be held on 9th & 10th September
1995 - reg.

The DOT-ND vide letter No.12-8/95-DR dated 7.6.95,
has announced that the above mentioned exam is scheduled to be
held on 9th & 10th Sept.95 as per the following time table.

(22)

Paper	Subject	Day and Date	Hours (Hrs.)
I	English & General Knowledge	Saturday, the 9th September, 95	10.00 AM to 12.00 Noon
II	Physics	-do-	2.00 PM to 5.00 PM
III	General Science	Sunday, the 10th September, 95	10.00 AM to 1.00 PM
IV	Mathematics	-do-	2.00 PM to 5.00 PM

2. The above mentioned examination will be held as per the Recruitment Rules circulated vide DO. Lr. No. 5-11/PQ-MCG dated 15th June, 1990 and available through vide Tr. No. 12-13/66-119 dated 25th February, 1969.
3. The vacancies vacant for the year 1993 & 1994 will be filled through this examination. The applications may be called for from the eligible candidates, separately in respect of the vacancies of the two years. The candidates who are eligible in the both the years should file two separate applications. Last date for receipt of applications is 20th July 1995.
4. Merit lists will be drawn first for those candidates who are eligible in respect of 1993 vacancies. The second merit list will be drawn in respect of the candidates eligible against the vacancies of the year 1994. However, their seniority will be regulated in accordance with the extent rules on the subject.
5. The Divisional/Unit heads will forward the applications to this office by 20.7.95 positively. It may be made clear to the candidates that applications not in the prescribed proforma will not be accepted. Before forwarding the applications to this office, the Divisional/Unit heads should verify the entries and give necessary certificates. All the applications should be date stamped to show the date of receipt of applications on the Division/Unit offices. CRs should be sent in respect of cases Not Recommended due to unsatisfactory record of service etc. The age and service will be reckoned as on 1.7.93 and 1.7.94 as the case may be.
6. Candidates may be directed to bring their own pencil or pen. The use of mathematical tables will be permitted for answering papers II, III and IV. The use of battery operated scientific calculators with trigonometric functions, exponential logarithms etc. in lieu of log tables may be permitted to answer papers II, III and IV.
7. The vacancy position for the exam is as follows.

	CC	SC	ST	Total
For the year 1993	41	8	4	53
For the year 1994	27			

8. Contents of this letter may please be brought to the notice of all concerned. Please acknowledge receipt.

Incl: as above
---Sd---
(Ch. Rameshwarthy)
AE (Rect) MCGM-UD

True Copy
N. D. Sharma
Counsel for the Applicant

Apt. Suben 13/07/94 at 17:45

(23)

Ann. A-4

27

TELECOM ANDHRA PRADESH.

com

SUB DIVISIONAL ENGINEER

HYDERABAD - 507-101

TO Sd/- V. Balakrishna, T.O. KGM.

" G. Sathyanarayana, SDO P. "

" K. Ashok Babu, TTA "

" B. Nehru, TTA "

" N. Sadasiva Rao, TTA "

E/95-96/KGM. SDE. Phones KGM. dt. 08-02-1996.

Sub: Competitive examination for promotion as JTOS (15% Quota) to be held on 10th and 11th February, 96 - Relieving Orders. - Reg.

Ref: SDOP. KGM. No. E-C/1 7/1/96-KGM CP/16. dt. at KGM. 01-02-96.

-x-

In accordance with the orders contained in the Lr. Cited above, you are hereby relieved on the afternoon of 08-02-96 to attend the above said examination with the instructions to report to the O.I.C of the examination hall at Hyderabad by 1000 Hrs on 10-02-96

Copy to The SDO P. KGM.
" T.D.M. KGM.

SUB DIVISIONAL ENGINEER

Phones

HYDERABAD - 507-101

True Copy
N. S. Divina
Counsel for the
Applicant

From

To

Ann

A-5

Telecom District Manager
KHAMMAM-507 050

Shri K.Ashok Babu

T.T.A.,

Telephone Exchange,

Kothagudem.

R&E/3-1/Rlqs/III/196

Dt. at Khammam the 27.8.96.

Sub: Communication of Marks obtained in
J.T.O. Competitive Exam--- Regarding

The marks secured by you in the Departmental
Competitive Examination for promotion to the cadre of
Junior Telecom Officer (15%) which was held in the
month of February '96 are given below:-

	I	II	III	IV
APT/82/93/398	47	77	27	77

Sub-Divisional Engineer(Admin)

% Telecom District Manager,

Khammam-507 050

True Copy

*N.R. Prasad
Counsel for the Applicant*

Cont. 2.2.2.-

Sl. No.	Roll Number	Name of the candidate	Place of working
1.	APT/31/93/1661	K. Srinivasa Rao	Secunderabad.
2.	APT/88/93/1649	A. Adusumanthi Reddy	Hyderabad.
3.	APT/81/93/984	P. Sankarabharana	Tirupathi.
4.	APT/89/93/1319	G. Nishantha Reddy	Hyderabad.
5.	APT/30/93/1337	P. Maheshwari	Hyderabad.
6.	APT/83/93/877	P. Maheshwari	Hyderabad.
7.	APT/80/93/531	P. Maheshwari	Hyderabad.
8.	APT/84/93/1190	P. Maheshwari	Hyderabad.
9.	APT/33/93/1543	P. Maheshwari	Hyderabad.

In continuation of this office letter of even no dated 10-3-95 & 3-10-95 and as per the qualifying standards relaxed in DOT Lt. No. 12-29/94.PE(Pt. I) dated 5-8-97, the following candidates have been declared qualified in the above said exam held on 10th & 11th Feb, 1998. The names are arranged in the order of merit.

10th Annual Camp Exam. For the purpose of 9195 for
10th Annual Camp Exam. For the purpose of 9195 for
10th Annual Camp Exam. For the purpose of 9195 for

The General Manager Telecom Area Secunderabad / VM / WGR
The General Manager Telecom District HYD/GTR/RMY/ELR/VJ/M.
The Telecom District Engineer, DB / SKL / VZN.
The Director H.T.T.C. Bachubowli Hyderabad.
The Director (Hco) S.T.S... Hyderabad / Vijayawada.
The Director Telecom Quality Assurance Circle HCL Compound, Hyd.
The D.G.M. (Swg Instn) Suryalak Complex Hyderabad.
The D.P.M. (Trans Instn) Trivent Complex Abids Hyderabad;
The D.E.T. N.Y.C. C.T.O. Compound Secunderabad - 3.
The D.E.T. and Line Maintenance-Hyderabad / Vijayawada.
The C.E. (Civil), Door No. 9-1-805, Koti, Hyderabad.
The Supdy Engineer (Elect) Telecom Electrical Circle, 5-6-363,
The Dy. Director H.N.L. T.E.C. Taramandal Comlex Hyderabad.
The Sr. Architect (Telecom), 1-4-175, Secunderabad.
The B.E.T. (A/T) W.P. Circle Hyderabad, Hyderabad-50.

Office of the Chief General Manager, Telecommunications A.P. Hyderabad-1.
TELECOMMUNICATIONS :- ANDHRA PRADESH
T/4/ME/3-5/94/II.
Dated at Hyd the 18-5-97.

W.C.C.

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Copy to:-
1. Mr. W. D. (Secty), Chief Office.
2. The Police Board, Chief Office.
3. All District Secretaries of recognised Unions.

(Ch. Rama Murthy)

• ρεθυλενοκηποσ σε λυμ τοποστ επιφ το γειτορυν

2. The above mentioned candidates who are selected on the basis of the relaxed standards will be sent for training after those candidates who have already been selected as per normal standards and whose results were announced on 10-0-96/8-10-96.

10.	APT/80/93/160	N. Venkata Reddy	Pippara
11.	APT/84/93/254	Ch. Raghava Rao	Guntur
12.	APT/79/93/1553	S. Srinivasa Achary	Kaantapur
13.	APT/81/93/322	P. V. Manga Reddy	Karimnagar
14.	APT/83/93/471	A. Sri Seshu Vara Prasad	Nakrekal
15.	APT/88/93/821	P. Sallam Reddy	Nallapalle
16.	APT/83/93/306	N. Muga Prakash	Nellore
17.	APT/81/93/280	N. Krishna Murthy	Macherla
18.	APT/88/93/1937	B. Jayalaxmi	Hyderabad
19.	APT/81/93/1529	Syed Jameed	Hyderabad
20.	APT/83/93/1776	G. Subramanyam	Hyderabad
21.	APT/80/93/1535	U. Venkateswara Rao	Zaherabad
22.	APT/82/93/1757	G. Dattakrishna	Hyderabad
23.	APT/89/93/1729	K. K. Ravindra	Hyderabad
24.	APT/83/93/485	M. Yadagiri Reddy	Hyderabad
25.	APT/79/93/557	T. Venkateswara Rao	Hyderabad
26.	APT/73/93/552	N. Sathian (SC)	Hyderabad
27.	APT/85/93/1551	P. Chinn Bhaskara Rao (SC)	Hyderabad
28.	APT/82/93/1009	I. S. Naik (ST)	Hyderabad
29.	APT/80/93/547	T. Venkateswara Rao (ST)	Hyderabad
30.	APT/74/93/544	P. Ravindra Babu (ST)	Hyderabad
31.	APT/81/93/1159	G. Jagannath (ST)	Hyderabad

[illegible]

(27)

Ann A-7 31

CCI
DEPARTMENT OF TELECOMMUNICATIONS
Office of The Chief General Manager Telecom, Hyderabad

To

APR 3.5/94/11/KW dated 30.7.76

Communication of marks obtained in
JTO (15%) Comp Exam
examination held on 10th & 11th Feb. 76
of Sr. Lr. No. SP-121/C/94/SD.dtd. 30.7.76

The marks obtained by the following officials
in the above examination are given below.

Sl. No.	Roll No.	Name of the candidate	I	II	III	IV	V	VI
1)	APR/83/94/1776	A. Subramanyam	59	53	21	61		

The official may be informed accordingly.

(Ch. Ramamurthy)
Joint Director (Recd)
For C.S.I. Telecom.,
... Circle, Hyderabad.

True copy
Nid. Pravin
Counsel for the Applicant

From

K. Ashok Babu, T.T.A.,
Telecom Exchange,
K O T H A G U D E M.

To

The Chief General Manager Telecom,

M Y D E R A B A D.

Sir,

Sub:- Selection as J.T.O., under 15% competitive quota.
: : O : :

I beg to submit that in response to the departmental examination circular No. R&E/3.3/VIII/12, dt. 7.95, I appeared for J.T.O., competitive examination held on 10.11 February, 1996 for the vacancies of 1993 and I secured the following marks.

Paper - I	-	47
Paper - II	-	77
Paper - III	-	27
Paper - IV	-	77
		<u>228</u>

I appeared for the above examination as a Technician (not as T.T.A.) under 15% competitive quota. In this connection I submit that my junior ranker, namely subrahmanyam, who secured 197 marks was given J.T.O., selection vide your circular No. TA/RE/3-5/97/II, dt. 19-6-97, whereas I have secured 228, was not given selection, mere on the score that I became T.T.A., in the year, 1994 and appeared for screening test. This contention is not sustainable, because the vacancies belonged to the year 1993 and I, as a Technician under 15% competitive quota was allowed for the examination in accordance with the DOT No. 12-8/95-DE, dated: 7-6-95 that the age, service and the cadre as on 1-7-93 should be taken as the base for eligibility.

I, therefore request you sir, kindly to review the selection list and award me the J.T.O., selection at par with my junior ranker.

Encl.: 3.

Yours faithfully,

Copy to:

1. The Sub Divisional Officer Phones,
Kothagudem.
2. The Telecom District Manager, Khammam.
3. The General Manager Telecom, Warangal.

[K. ASHOK BABU]

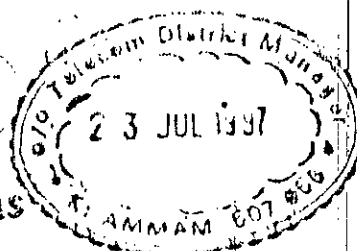
True Copy
N. R. Srinivas
Counsel for the
Applicant

Submitted 2/7/97 at SDOP office.

दूर संचार विभाग

Department of Telecommunications

22



A-9 35

The Chief General Manager
Telecommunications
Doorsanchar Bhavan
Nampally Stn Road
Hyderabad 500 001.

The Telecom District Manager
Khammam.

TA/RE/3-5/94/II

विनिर्दिष्ट Dated at Hyd the 22-7-97.

Sub: Selection as JTO under 15% comp Quota of vacancies for the year 1993 - Reg.

.....

A representation dated Nil has been received in this office from Sri K. Ashok Babu, TTA/ Kothagudem to consider his selection as JTO under 15% competitive quota of vacancies for the year 1993 held on 10/11-2-96.

The above mentioned official appeared for JTOs Screening Test as TTA held on 29-1-95 and qualified.

The JTO competitive examination for promotion from Tech./TOAs etc. to the cadre of JTOs under 15% quota of vacancies for the year 1993 was held on 10/11-2-96.

As per DOT Lr. No. 5-20/95-NCG dated 2-2-96 circulated vide this office letter of even no dated 8-2-96, TTAs are not eligible for JTO competitive examination (15% quota) for the rectt year 1993 held on 10/11-2-96 since they have been allowed to appear in the qualifying screening test against 35% quota of vacancies and they have also appeared in the last examination held on 29-1-95.

Despite of above instructions, he appeared for the said examination. As per recruitment rules, age and service conditions only will be seen as on 1-7-93 but not the cadre as mentioned in the representation of the official.

The official was a TTA at the time of calling for the applications for 15% quota at the time of examination also. Hence the candidature of the official could not be considered.

The official may please be informed accordingly.

(CH. RAMA MURTHY)
Assistant Director (Recrtt)
for C.G.M.T. A.P. Hyd-1.

मल्ल. नं. 212-83/II 97-98 22 Dated at Khammam 1-8-97

1) Sri K. Ashok Babu, TTA, Telephone Ense., Kothagudem
2) The SDO, Kothagudem

Sub Divisional Engineer (Admin.)
% Telecom District Manager
KHAMMAM-507050

True copy

N.D. Pravin

Counsel for the Applicant

(20)

Ann. A-10 34

Copy of DOT, New Delhi Lr. No. 5-20/95-NCG dt. 2-2-1996

.....

Sub:- Eligibility for TTAs to appear
for the departmental competitive
examination for promotion to JTO
cadre - 15% quota - clarification
reg.

....

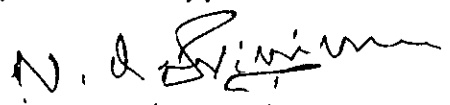
I am directed to refer to your letter No. Rectt/30-4/93 dated 29-12-1995 on the subject noted above and to say that after merger of ASTT's cadre with that of JTOs the cadres who were eligible to participate in the departmental examination for ASTT cadre were made eligible to participate in the departmental competitive examination (15% for promotion to JTO cadre vide notification No.6-11/90-NCG dated 12.1.95.

Since TTAs have been allowed to participate in the qualifying screening test against 36% quota of vacancies and they have also appeared in the last examination held on 29-1-95 hence they cannot be allowed to participate against 15% quota of vacancies.

Sd/-

(J.P.Srivastava)
Asst. Director Gen. (ST-C)
Ph. 3032468

//TRUE COPY//


(N.R.SRINIVASAN)
Counsel for the applicant

35

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1255 of 1997

Between:

K. Ashok Babu,

...Applicant

And

The Secretary, Department of Telecom,
Ministry of Communications,
(Rep. Union of India)
Sanchar Bhavan, 20 Asoka Road,
New Delhi-110 001 and Another.

...Respondents

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENTS

I, G.V.R.Setty, S/o G.Govinda Setty aged 51 years R/o. Hyderabad solemnly affirm and state on oath as follows.

1. I am working as Assistant General Manager(Legal) in the office of the Chief General Manager Telecom., A.P.Circle,Hyderabad. I am well acquainted with the facts of the case. I am filing this affidavit on behalf of the respondents and I am authorised to do so. All the material averments save those that are expressly admitted herein are denied and the applicants are put to strict proof of the same.

2. It is submitted that the applicant filed this OA seeking a relief of (i) declaring that the order issued by DOT, New Delhi (Respondent No.1) vide Lr.No.5-20/95-NCG dated 22.2.96 is violative of the statutory recruitment rules of Junior Telecom Officer (JTO for brevity) cadre dated 15.6.90 besides being violative of Articles 14 & 16 of the Constitution and they are illegal and not valid (ii) consequently to declare that the impugned order of the Chief General Manager AP Telecom (Respondent No.2) issued vide Lr.No.TA/RE/3-5/94/II dated 22.7.97 also as illegal and not valid and (iii) to declare that the 15% quota of vacancies pertaining to the year 1993 are governed by the 1990 Recruitment Rules and that the applicant, who was a technician at the relevant crucial


ATTESTOR

विधि अधिकारी

LAW OFFICER

मु. म. प्र. दूरसंचार खा.प्र. का कार्यालय
O/o, C. G. M. Telecom, A. P.
हैदराबाद/Hyderabad-500 001


DEPONENT

G. V. R. SETTY
A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

date viz.: 1.7.93 as the said recruitment rules, was eligible to appear in the examination held on 10th & 11th February'96 and the applicant having scored more marks than some of the selected candidates, is eligible to be selected as JTO under the above quota and consequently to direct the respondents to revise the selection list at Annex.A-7 dated 19.6.97 to include the name of the applicant on the basis of his merit and promote him as JTO after the required training as per rules applicable.

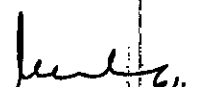
3.1 It is submitted that the applicant joined the department as a Technician on 19.10.84 in the scale of pay of Rs.260-480 (revised scale of Rs.975-1660). As per Junior Telecom Officer Recruitment Rules, 1990 (Annex.A-2 of the OA) the method of recruitment to the cadre of JTO is (I) 65% by direct recruitment (ii) 35% by promotion of departmental candidates through competitive/qualifying examination as indicated under Column 12 of the Schedule. As per this column, the 35% quota will be regulated as - (i) 15% by promotion of certain specified departmental candidates through competitive examination (ii) 10% by promotion of Transmission Assistants/Telephone Inspectors/Auto Exchange Assistants and Wireless Operators (TAs/TIs/AEAs/WOs for brevity) through a competitive examination and (iii) 10% by promotion of TAs/TIs/AEAs/WOs through a separate qualifying test. As per the above, the Technicians are eligible to 15% quota of JTO posts. While the matters stood so, the department has introduced restructuring of some Group 'C' cadres in the department of Telecom vide its letter dated 16.10.90 to meet the challenges of new technology in DOT. One among the newly created cadres out of the restructuring is the cadre of Telecom Technical Assistant (TTA for brevity) in the pay scale of Rs.1320-2040. The applicant was appointed in the restructured cadre of Telecom Technical Assistant on 10.9.94.

The department has brought the following modifications in the recruitment rules of JTOs 1990. The departmental quota has been increased from 35% to 50% vide DOT orders dated 2.12.1991 (enclosed as Annexure R-1). Out of the 50% for departmental quota, 15% applicable to certain Group 'C' cadres such as Technicians/Telephone


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मु. म. प्र. दूरसंचार आ.प्र. का. कार्यालय
O/o. C. G. M. Telecom, A. P.
हैदराबाद/Hyderabad-500 001.


DEPONENT
G. V. R. SETTY
A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

Operators/Telecom Operating Assistants remained the same and the quota for TAs/PIs/AEAs/WOs has been increased from 10% to 20% for competitive examination and 10% to 15% for qualifying examination vide DOT orders dated 2.12.91.

The TA/PI/AEA/WO have been declared as equivalent to the newly created restructured cadre viz.: Telecom Technical Assistant (para 2(ii) of the above orders). In view of the increase in the quota of TAs/PIs/AEAs/WOs to 35% for the promotion to the cadre of JTO, there has been a demand from TTAs for their promotion to the cadre of JTOs at par with TAs/PIs/AEAs/WOs in the 35% quota. The applicant appeared in the JTO screening test held on 29.1.95 under 35% quota availing the provisions of the said order for the Qualifying Screening Test and qualified in the said test vide TA/RE/5-57/93 dated 19.9.96 (enclosed as Annexure R-2).

As the TTAs are already allowed to appear for the JTO screening test under 35% quota alongwith TAs/PIs/AEAs/WOs, the department of Telecom has decided vide its order dated 2.2.96 (Annex.A-10 to the OA) not to allow TTAs for the competitive examination under 15% quota meant for Technicians/Telephone Operators/Telecom Operating Assistants etc.. The departmental competitive examination for promotion to the cadre of JTO against 15% quota of vacancies for the year 1993 was held on 10th & 11th Feb., 1996. The Hall permits to the eligible candidates for the said examination were issued well in advance for all the candidates including TTAs before the order of DOT was received. Immediately on receipt of the DOT orders dated 2.2.96, all the SSA Heads/In-charges of Units were informed. Displays were made at all examination centres stating that TTAs are not eligible. Despite such efforts some of the TTAs appeared for the examination without disclosing their identities, and applicant is also one among them. In view of the above applicant's name was not considered for the 15% quota meant for cadres such as Technicians/Telephone Operators/Telecom Operating Assistants i.e., other than TAs/PIs/AEAs/WOs.

ATTESTOR

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LAW OFFICER

डु. म. प्र. दूरसंचार आ. प्र. कार्यालय

O/o. C. G. M. Telecom, A.P.

हैदराबाद/Hyderabad-500 071

DEPONENT

G. V. R. SETTY

A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

3.2 It is submitted in reply to Para 5.1 of the OA that the department is not disputing the legal position that the 1993 vacancies of JTOs against 15% quota have to be filled by the JTO Recruitment Rules, 1990. However, it is submitted that the restructuring of the cadres in Dept. of Telecom vide DOT, ND letter dated 16.10.90 has created a new cadre called Telecom Technical Assistant in a higher scale of Rs.1320-2040. The applicant has opted for restructuring cadre of TTA and accordingly promoted to TTA cadre as on 10.9.94. The said cadre of TTA was equated with the cadres of TAs/PIs/AEAs/WOs and accordingly allowed to appear for the 35% quota meant for them. The applicant was no more a Technician and as such he cannot compete in the quota of 15% of JTO post meant for Technicians/Telephone Operators/Telecom Operating Assistants. As such there is no violation of Recruitment Rules.

3.3 It is submitted in reply to Para 5.2 of the OA that the applicant has availed the facility of appearing for the screening test held on 29.1.95 for 35% quota under administrative instructions only. The applicant cannot be allowed to approbate and reprobate the same administrative instructions as per his convenience. Such a kind of position cannot be allowed legally. It is submitted that there is no wrongful interpretation of the said DOT order dated 2.2.96 which is clear and unambiguous.

3.4 It is submitted in reply to Para 5.3 of the OA that it is true that some of the TAs/PIs/AEAs/WOs were allowed to sit for the competitive examination under 15% quota in view of the DOT order dated 1.6.82 (enclosed as Annexure R-2) subject to certain conditions. By virtue of this order the officials who are still temporary in the cadres of TAs/PIs/AEAs/WOs but who fulfil the service condition of 3 to 5 years service as the case may be in their previous cadres of Technicians/Telephone Operators/Time Scale Clerk etc., were made eligible to sit for departmental competitive quota against 15% quota. It is submitted that such kind of reasonable classifications are permissible under Articles 14 & 16 of the Constitution.

ATTESTOR

विधि अधिकारी

LAW OFFICER

डॉ. म. प्र. दूरसंचार आ.प. - रा.ग.म.म.

O/o, C. G. M. Tel.

हैदराबाद/Hyderabad-500 001.

DEPONENT

G. V. R. SIVU

A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

3.5 It is submitted that the applicant's interpretation to the condition that the age and service will be reckoned as on 1.7.93 and 1.7.94 as the case may be is incorrect. As the Recruitment Rules, 1990 laid down at Para(2) below Column 12 that - (b) they have to put in atleast five years of continuous satisfactory service in one or more eligible cadres (eligible cadres are certain Group 'C' cadres such as Technicians/Telephone Operators/ Telecom Operating Assistants etc.,) or 3 years in case of those who possess the qualifications as stated in Col.(8) and age as contained in Col.(6) i.e., 19 and 17 years of age in case of direct recruits and 40/45 years in case of departmental candidates. It is in this respect that the crucial date will be reckoned with i.e., on 1.7.93 or 1.7.94 as the case may be provided he belongs to one of the eligible cadres. The applicant was a TTA and as such availed the 35% quota meant for the cadres to which he belongs to and qualified in the said examination. His interpretation of age and service condition are incorrect interpretation of law and facts.

3.6 In reply to Para 5.5 of the OA it is submitted that when the cadre to which the applicant belongs to does not fall under the cadres eligible to appear for the said examination, the question of meritorious performance does not place him above Sri A.Subrahmanyam or above anybody for that matter.

3.7 It is submitted that according to the Junior Telecom Officer Recruitment Rules, 1990, the eligible cadres for 15% departmental quota are Technicians/Telephone Operators/Telecom Operating Assistants etc.,. On introduction of new cadre called Telecom Technician Assistant vide DOT orders dated 16.10.90 the new cadre of TTA is placed under the list of eligible cadres for 35% quota. The applicant has become a TTA on 10.9.94. As the cadre of TTA itself was a new cadre, not listed in the recruitment rules of 1990, there was a necessity to define the eligibility of the employee for promotion to the cadre of JTO. It is submitted that is a settled legal position that administrative instructions cannot replace statutory rules but can substitute the same.


ATTESTOR

विधि अधिकारी

LAW OFFICER

मु. म. प्र. दूरसंचार आ.प्र. का कार्यालय

O/o, C. G. M. Tel-com, A. P.

हैदराबाद/Hyderabad-500 001


DEPONENT

G. V. R. SETHY

A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

The DOT order dated 13.12.94 allowing the TTAs under 35% quota and the order dated 2.2.96 making TTAs ineligible for 15% quota are only to supplement the statutory recruitment rules when statutory rules are silent. Sant Ram Sharma Vs. State of Rajasthan 1967 SLR 906(SC); AIR 1967 SC 1910 followed in S.K.Sharma Vs. Union of India (1971) 1 SLR 395 (406)(Delhi).

3.8 It is submitted that the respondents may be permitted to urge other grounds, if any, at the time of final hearing of the OA.

In view of what is stated above, it is prayed that the applicant did not make any case either on law or on facts and it is prayed that the Hon'ble Tribunal may be pleased to dismiss the OA as having no merits.

Solemnly sworn and signed
before me on this 6th day
of January, 1999 at Hyderabad.

DEPONENT

G. V. R. SETTY
A.G.M. (C.M.)
for C.G.M. Telecom. A.P., Hya

ATTESTOR

विधि अधिकारी

LAW OFFICER

मु. म. प्र. दूरसंचार अ.प्र. का कार्यालय
O/o. C. G. M. Telecom. A. P.
हैदराबाद/Hyderabad-500 001.

competitive examinations open to all cadres and from those officials who possess a three-years Engineering Diploma after 10th standard or 1st class in B.Sc with Physics and Mathematics. This arrangement will be during transitional phase. However, departmental examinations for five years ie. 1990,1991,1992,1993 & 1994, the existing recruitment rules for JTO's for departmental employees will be followed". With the following modifications:-

- (3)(b) Percentage of departmental quota for the cadres of PI/TA/WO/AEA for this recruitment to the cadre of JTO will be as follows for the 5(five) recruitment years 1990, 1991,1992,1993 & 1994.
- (i) Existing quota increased from 10% to 20% through competitive examination.
 - (ii) Existing quota increased from 10% to 15% through qualifying examination.
 - (iii) For other Group 'C' employees who are eligible to compete in departmental examination for JTO as per provision in the existing recruitment rules for JTOs, the 15% quota will remain unchanged.
3. This issues with the concurrence of Finance Advice vide their U.O.No.2987-FA.I/91,dated 29-11-1991.

SD/-
(BUDH PRAKASH)
Asst.Director General (TE)

Copy for kind information to:-

1. Chairman, Telecom Commission, New Delhi.
2. All Members, Telecom Commission, New Delhi.
3. All Advisors, Telecom Commission, New Delhi.
4. Additional Secretary(T), Deptt. of Telecom, New Delhi.
5. Sr.DDG(TEC), New Delhi.
6. Dir.(ST.I)/ST.II/F.I/DE/TSO, Telecom Directorate, New Delhi.
7. ADG(F.I)/ADG(TE), Telecom Directorate, New Delhi.
8. PAT/TE.I/SEA/NCG/STN/TES/FA.I/T.I/T.II Sections, DOT, New Delhi.
9. CGM Telecom, Kerala Circle.
10. The Registrar, CAT, Ernakulam, W.r.t. the OA No.764/90 and OA No.976/90 in CAT, Ernakulam.
11. Spare Copies - 20.

Sd/-
(K.S.Bhatia)
Section Officer (TE.II)

Government of India
Department of Telecom
New Delhi - 110 001.

Lr.No.11-11/91-TE-II

Dated 2.12.1991.

To
All Heads of Telecom Circles/Metro Districts/
Maintenance Regions/Projects Circles/Heads of
All Administrative Units.

Sub:- Biennial Cadre Review and Restructuring Scheme for certain cadres in
Group 'C' & 'D' in the Department of Telecom.

Sir,

Kindly refer to the following letters issued by this office:-

Letter No. & Date

Subject

- | | | |
|----|--------------------------------------|---|
| 1. | 27-4/87-TE.II(1)
Dated 16.10.1990 | Biennial Cadre Review |
| 2. | 27-1/87-TE.II(2)
Dated 16.10.1990 | Introduction of new technical cadres
in Gr.'C' & 'D' in Department of Telecom. |
| 3. | 27-4/87-TE.OO
Dated 16.10.1990 | Recruitment in the cadre of JTO in the
Department of Telecom. |

2. I am directed to convey the approval of the Telecom Commission to revise the
above letters as follows:-

- (i) The pay scale of PI/TA/WO/AEA of OTBP is revised from existing scale of
Rs.1400-2600 to Rs.1600-2660. With this revision, the last line in sub-para
number (vi) of para number (2) of the letter No.27-4/87-TE.II(1), dated
16.10.1990 may be amended as follows:-

Basic Scale	Scale after OTBP on completion of 16 years of service in basis grade	Scale after Biennial Cadre review on completion of 26 years or more.
1320-2040	1600-2660	1640-2900 (10% of the posts in the pay scale of Rs.1640-2900 will be in the pay scale of Rs.2000-3200).

- (ii) Add the following sub-para number (3) after sub-para number (2) of para number
(5) of the letter No.27-4/87-TE.II(2) dated 16.10.1990.

“Sub-para (3) – The cadres of PI/TA/WO/AEA will be equivalent to the new
cadre of Telecom Technical Assistant. Any official belonging
to the cadres of PI/TA/WO/AEA can come over to the cadre of
TTA under the existing rules for change of cadres in the
Departmental Minimum educational qualification or
competitive exam for induction into the cadre of TTA will not
be applicable to the cadre of PI/TA/WO/AEA”.

- (iii) Substitute para number (3) of the letter No.27-4/87-TE.II, dated 16.10.1990
regarding recruitment in the cadre of JTO in the Deptt. of Telecom with the
following para (3) (a) and (3) (b):-

“(3)(a) It has now been decided that for the posts of Jr.Telecommunications
Officer, the departmental recruitment quota of 35% will be filled through

Annexure R-2

M.O.C.

G.C.I.

TELECOMMUNICATIONS : : ANDHRA PRADESH
O/o The Chief General Manager Telecom ., Hyderabad 500 001.

TA/RE/5-7/93

Dated at Hyd the 19-9-96.

To,
The General Manager Telecom District Hyderabad/Guntur/Rajahmundry/
Vijayawada/ Visakhapatnam.
The Telecom District Manager ATP/CDP/ELR/KAA/KHM/KNL/NGD/NZB/NLR/
TRP/SGD/WGL/ONG/MBN.
The Telecom District Engineer ADB/SKL/VZN.

Sub: Deptl Qualifying Screening Test for
promotion of PIs/TAs/AEAs/WOs & TTAs
to the cadre of JTOs held in Jan 95
Announcement of T.T.As results - Reg.

...

The Telecom Technical Assistants who have qualified in
the Deptl Qualifying Screening Test for promotion to the cadre of
Junior Telecom Officers held on 29-1-95 are given in the Annexure.

From the results declared in this Annexure, if any TTAs
(Officiating) as on 29-1-95 are noticed, the same may please be
brought to the notice of this Office, for deletion of the names
from the Qualified list.

Also if any mistakes in the names of the candidates
community etc., are noticed the same may be intimated to this
Office for necessary correction at this end.

The receipt of the letter may please be acknowledged.

DA: (As above)

Law
(CH RAMA MURTHY)
Assistant Director (Recdt)
for C.G.M.T. A.P. Hyderabad.

Copy to:

1. The G.M Telecom Area HYD/VM/WGL.
2. The G.M.Telecom Projects HYD.
3. The Director RTTC Secunderabad.
4. The Director Mtce, STSR, Hyderabad / Vijayawada.
5. Director Telecom Quality Assurance Circle HCL Hyd-31.
6. The D.G.M. (Swg Unstln) Suryalok Complex Hyd.
7. The D.G.M. (Trnsn Instln) Hyderabad-4
8. The DET NRC, CTO Compound Secunderabad.
9. The DET 2nd Line Mtce Hyderabad/Vijayawada.
- 10 The DET Instls I, II, III Suryalok Complex.
- 11 The DET Carrs VFT Instln Hyderabad.
- 12 The DET A/T Trnsn / A/T Swg Samrat Complex, Hyderabad.
- 13 The Asst Director Staff C.O.
- 14 The A.E. (Trg) C.O.
- 15 All Circle Secretaries of Recognised Unions.
- 16.The Notice Board, Circle Office.

K. Anil Kumar
73 Serial
R/w. 745

Despatched on 19-9-96.

1	2	3
36	APT/694/93	M. Vijaya Prasad (SC)
37	695	U. Mohana Rao
38	696	G.V. Ramana
39	697	Ch.V. Nancharaiiah (SC)
40	698	J.V. Ramana
41	699	P.V.V.S.L. Sarma
42	700	G. Pedakapu
43	701	M. Subba Rao
44	702	R. Subba Rao (SC)
45	703	M. Trimurthulu
46	704	A. Venkateswara Rao
47	705	K. Satyanarayana
48	706	D.V.V.T. Satyanarayana
49	707	S. Muralikrishna
50	708	B. Venugopal
51	711	V. Satyanarayana Raju
52	712	K. Viswanadham
53	713	K. Manibhushana Rao
54	719	V. Saibaba
55	726	Sk. Madar
56	727	S. Bhaskar Rao
57	728	K. Gurucharanam
58	729	B. Surender Singh
59	730	G. Prabhakar Rao (SC)
60	731	M. Muralidhar
61	732	K. Krishna Rao
62	733	M. Ramanaiah
63	734	D. Sampath Rao
64	735	K. Ramesh Reddy
65	736	M. Raju
66	738	Md. Khaja Moinuddin
67	739	M. Malsoor (ST)
68	740	R. Balashowry (SC)
69	741	T. Veerabhadra Rao
70	742	T. Prasad

contd p/3...

43
Departmental Qualifying Screening Test for promotion to the cadre of J.T.O. held on 29-1-1995 - Announcement of TTAs results.

ANNEXURE

Sl No.	Roll Number	Name of the candidate
1	2	3
1.	APT/651/93	K. Vivekananda Swamy
2.	655	M. Venkatachalam
3.	656	A.S.C. Lakshmana Kumar
4.	657	Ch. Ramakrishna
5.	658	D. Srinivasa Rao (SC)
6.	659	G.D. Jayakar (SC)
7.	661	S. Suresh
8.	662	M. Trimurthy Rao
9.	663	D.V.R.J. Subba Rao
10	664	V. Chitti Babu (SC)
11	665	V. Srinivas (ST)
12	667	D. Edukondalu (ST)
13	668	K. Rama Raju
14	670	A. Ramachandra Rao
15	671	P. Venkata Rao
16	672	Ch. Venkata Rao
17	673	D.V.R. Mohana Rao
18	674	K. Bapi Reddy
19	675	V. Rajasekhar Babu (SC)
20	676	K. Satyanarayana
21	677	D. Veerabhadra Rao
22	679	Y. Manikyala Rao
23	681	K. Appa Rao
24	682	R. Prasad
25	683	G. Nagaraju
26	684	B. Appa Rao
27	685	G. Kumar Ramesh (SC)
28	686	T.V.V. Satyanarayana
29	687	K. Hemesekhar
30	688	Ch. Ramagovinda Deekshitulu
31	689	G. Sambasiva Rao
32	690	L. Sankar Babji
33	691	G. Venkata Rao
34	692	A.S.V. Sarma
35	693	U. Lomeswara Rao

contdp/2...

1.	2.	3.	4.	5.
104	APT 778/93	M. Ramabrahmam	SC	80
105	779	R. Prathapababu	SC	81
106	780	D. Satyaprakash	SC	82
107	781	B. Kanaka Ramulu	SC	83
108	782	K. Raj Kumar	SC	84
109	783	D. Phani Kumar	SC	85
110	784	B. Srinivas Babu	SC	86
111	786	K.V. Anand	SC	87
112	787	Ch. Sanjoova Reddy	SC	88
113	789	B. Bali Babu	SC	89
114	790	K. Venkaiah	SC	90
115	791	B. Ranjithan	SC	91
116	792	Md. Mazharuddin	SC	92
117	800	S. Girija Kumari	SC	93
118	801	V. Butchi Babu	SC	94
119	802	P. Venu	SC	95
120	803	S. Ramesh	SC	96
121	804	V.N.V. Mohan Rao	SC	97
122	805	D. Ramakrishna Rao	SC	98
123	806	D. Nageswara Rao	SC	99
124	807	G. Suresh Babu (SC)	SC	100
125	810	A.R. Mohana Rao	SC	101
126	811	G. Surya Kumari	SC	102
127	812	B. Joseph Carlo	SC	103
128	813	P. Seetamma	SC	104
129	814	N. Venkateswara Rao	SC	105
130	815	M.V. Mohan	SC	106
131	816	K. Venkateswara Rao	SC	107
132	817	B.V. Narayana	SC	108
133	818	Ch. Rajendra Prasad	SC	109
134	819	M.V. Narayana Rao	SC	110
135	820	V. Navjeevan (SC)	SC	111
136	822	T. Pitchaswara Rao	SC	112
137	824	N.V.S.S.P.R.V. Prasad	SC	113

contd on p/5....

-3-

1	2	3
71	APT/743/93	T. Mohana Rao
73	744	N. Sadasiva Rao
73	745	K. Ashok Babu <i>KHM.Dm.</i>
74	746	M. Gopalakrishna Rao
75	747	D. Dharma Rao
76	748	S. Sahocda Bogum
77	749	K. Juggulal (SC)
78	750	G. Venkatanarayana
79	751	K. Solomon Raj
80	752	B. Shankar (SC)
81	753	P. Srinivas (SC)
82	754	V. Ramesh
83	755	C. Kaleswar Rao
84	756	R. Bhoomeswar
85	757	G. Srinivas Rao
86	758	Sd. Ghouse Mohiuddin
87	759	M. Satyanarayana Swamy
88	760	J. Satyanarayana Rao
89	761	B. Naresh Kumar
90	762	A. Chandrasekhar Rao
91	763	P. Bhyan Sunder Rao
92	764	T.V. Krishnaiah
93	765	M. Srinivasulu
94	766	G. Ramesh
95	767	Md. Shahabuddin
96	768	N. Chandrasekhar
97	769	M. Purushottam
98	770	G. Krishna Murthy
99	773	S. Raghunatha Babu
100	774	I. Laxma Reddy
101	775	V. Nagendar Rao
102	776	B. Mallikarjun
103	777	Ch. Sundar Rao (SC)

contd on p/4....

1.	2.	3.
176	APT/898/93	U. Brahmaiah
177	899	T. N. Govindarajan
178	900	A. Venugopal Raju
179	901	S. Kodandaram
180	902	P. Breedhar Babu
181	903	K. Dhananjayan
182	904	D.E. Murugan
183	905	C. Shankar Prasad
184	906	M.V. Ramana Babu
185	907	G. Subrahmanyam
186	908	P.C.R. Rana Devi (SC)
187	909	E. Prabhakar Chetty
188	910	P. Sesha Reddy
189	911	S. Anand
190	912	D. Siddaiah
191	913	B. Krishna Prasad
192	914	C.G. Rahim
193	915	M.A. Rahaman
194	916	R. Raghunadha Reddy
195	917	C.Y. Chandramouli
196	926	D. Srinivasulu
197	927	G. Sanjeeva Rao
198	928	V. Sobhanachalam
199	929	A. Ramesh
200	930	V. Radhakishan
201	931	D. Azamthuddin Doula
202	932	S. Devender Rao
203	933	M.B. Balaramulu
204	934	K. Anil Kumar
205	935	T. Manyam
206	936	D. Kishore Kumar
207	938	D. Syda Naik (ST)
208	939	J. Krishna Palaiah (SC)
209	941	J. Siddi Raju
210	943	N. Breekanth Rao

contd on p/7...

1.	2.	3.
138	APT/840/93	K. Seshagiri Rao (SC)
139	841	P. Venkata Prasad
140	842	Sk. Jani Sahab
141	843	S. Girish Babu
142	844	U.V. Mohan Rao
143	845	K. Jalaiah
144	849	S. Yanadi Reddy
145	850	M. Venkateswarlu (SC)
146	854	N.V.S. Prasad
147	855	I. Sivarama Prasad
148	856	K. Ludhuraaju (ST)
149	857	B. Veeranjanyulu
150	858	K.S.R. Prasad
151	859	G. Jyothisri (SC)
152	860	Ch. Sankar Rao
153	861	Ch. Rajeswar Rao
154	862	D. Kumaraswamy Reddy
155	865	J. Sudhakar Rao (SC)
156	866	M. Sivaiah
157	867	V. Rajasekhar Rao
158	868	T. Subrahmanyam
159	869	A. Srinivasa Rao (ST)
160	882	K. Sakuntala
161	883	P.V. Siva Prasad
162	884	K. Nagaraju
163	885	T. Ramachandra Rao
164	886	A.C. Kotakonda
165	887	G. Chandrasekhar
166	888	G. Syamala Devi (SC)
167	889	G. Jhansi Rani (SC)
168	890	G. Harinath Reddy
169	891	K. Venugopala Reddy
170	892	S. Abdul Karim
171	893	T. Balagangaiah
172	894	P. Venkateswarlu
173	895	V. Padmaja
174	896	C. Krishnaiah
175	897	A. Mahaboob Sharief

contd on p/6....

1.	2.	3.
246	APT/982/93	K. Krishna Murthy
247	983	E. Brinivasa Rao
248	984	G. Sachi Devi
249	985	S. Markandeya
250	986	J. Suresh Babu
251	987	C. Narasinha Rao
252	988	P. Narasinha Reddy
253	990	K. Sivaji Rao
254	991	A. Ramachander Rao II
255	992	K. Suresh
256	993	K. Kesar Raj
257	994	B. Divakar
258	995	A. Soetharama Rao
259	996	G. Pandu
260	998	G. Yadaiah
261	999	K.V. Raju (SC)
262	1000	P.N. Vittal Rao
263	1001	B. Sai Bhagavan
264	1017	B. Malleswara Prasad
265	1018	G. Bhairava Murthy
266	1020	V. Chandrasekhar
267	1023	T. Suryaprakasa Rao
268	1025	K. Subba Rao
269	1026	C. Suryanarayana
270	1028	Bh.V.V. Satyanarayana Murthy (ST)
271	1029	Ch. Sai Kumar (SC)
272	1030	G. Balasubrahmanyam
273	1033	D. Ch. Pullayya
274	1034	P.K.D. Prasad
275	1035	Y. Brinivasa Rao
276	1036	J.S.V. Prasada Rao
277	1037	G. Ramaswamy Reddy
278	1038	T. Preerana Murthy
279	1040	S. Nagaswara Rao
280	1041	B. Narasinha Murthy
281	1042	K.A. Manga Tayaru

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1.	2.	3.
211 APT/944/93		V. Sudhakar
212	945	P.V. Subba Rao
213	946	C.V.S. Murthy
214	947	Md. Abur Rasool
215	948	G. Gurunadham (SC)
216	949	J.B. Josephs
217	950	S.S. Hussain
218	951	G. Sumathi
219	952	K. Adarsh Kumar
220	953	B. Lakshmi Prasad
221	954	Ch. Usha sree
222	955	K. Narayan Rao
223	956	K. Bobha
224	957	D.J.D. Vara Kumar
225	958	K.M.M. Krishna Raju
226	959	J. Janaki
227	960	P. Nagoswara Rao
228	961	B. Sosharatnam
229	962	C. Sridevi
230	963	W. Seethapathi Rao
231	964	B.K. Annapurna
232	965	K. Vidyadhar Rao
233	966	G. Nagoswari
234	967	I.R.V. Raju
235	968	A. Satyanarayana
236	970	D. Sarada Devi
237	971	D. Mary Madhavilatha
238	972	G. Varaprasada Rao
239	973	P.S. Murali
240	974	A. Durga Rao
241	975	S. Onkaraswar Rao
242	976	N. Srikrishna
243	977	Md. Abdul Rahman
244	978	P. Onkar (SC)
245	979	C.V. Balaram (SC)

contd on p/8...

-2-

they would not have any claim for promotion in the same line in their previous cadres of TO/Technician/TS Clerk i.e. promotion to Higher grade technician or Lower selection grade etc.

Hindi version will follow.

Yours faithfully,



(S.S. Ramachandran)
ASSTT. DIRECTOR GENERAL (STN)

Copy to:-

SPB.I/SPB.II/DE/TRG. Sections, P&T Directorate.

4-15 P&T Unions.

2 JUN 1984
GENERAL BANGALORE
ANDHRA PRADESH

Attachment 2-3

All Heads of Telecom. Circles/Telephone Districts;
Heads of all other Administrative offices
on Telecom. Wing.

Sub:-Eligibility of TA/PI/AEA/WO for departmental competitive examination for promotion to J.E. cadre against 15% competitive quota - Clarification regarding.

Sir,

Under this office circular letter of even number 8/2/82, it was clarified that the TA/PI/AEA/WO would not be eligible to sit in the departmental competitive examination against 15% departmental quota for promotion to the cadre of Junior Engineers. Subsequently, a telex was issued on 16/2/82 to the effect that they would be eligible to take examination against 15% quota if they are still temporary in the cadres of TA/PI/AEA/WO and no undertaking was obtained from them to sever all claims etc. as TO/Technician/TS Clerk etc. at the time of their training/appointment in the cadres of TA/PI/AEA/WO.

2. The matter has been reviewed and in supersession of the circular dated 8/2/82 and telex dated 16/2/82 cited above, it is hereby clarified that the officials who are still temporary in the cadres of TA/PI/AEA/WO but fulfill the service condition of 3 years/5 years as the case may be, in their previous cadres of TO/Technician/TS Clerk etc, taking into account the entire service in one or more such previous cadres of TO/Technician/TS Clerk and are otherwise eligible as per J.Es Recruitment Rules, would be eligible to sit in the departmental competitive examination for recruitment to JE cadre against 15% quota even though the undertaking was obtained from them at the time of sending them to the training of TA/PI/AEA/WO.

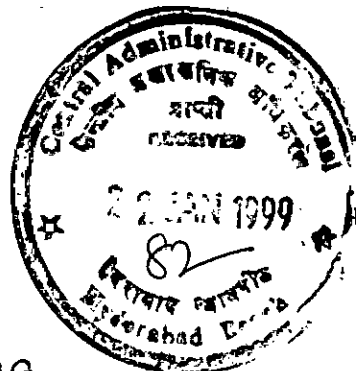
3. It is, however, reiterated that the undertaking to save all the claims etc. as TO/Technician/TS Clerk etc. before sending the officials to the training of TA/PI/AEA/WO should invariably be obtained and kept on record according to the general instructions contained in this office circular letter No.27-57/74-NCG dated 5/5/76. The very purpose of that undertaking would be that while working as TA/PI/AEA/WO

P.T.O.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O. A. NO. 1255 OF 1997

REPLY STATEMENT



FILED ON : 22-1-99

FILED BY :

SRI J.R. GOPALA RAO
STANDING COUNSEL FOR RAILWAYS &
ADDL. STANDING COUNSEL FOR
CENTRAL GOVERNMENT (CAT)
COUNSEL FOR RESPONDENTS.

1

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: HYDERABAD**

O.A. No. 1255 of 1997

Between

K. Ashok Babu

..... Applicant

And

The Secretary, Dept. of Telecom.
Ministry of Communications (rep. UOI) & Another


.... Respondents

APPLICANT'S REJOINDER FILED IN THE FORM OF REPLY-AFFIDAVIT

I, K. Ashok Babu s/o K. Nagabhushanam, aged about 38 years Telecom Technical Assistant having temporarily come down to Hyderabad do hereby solemnly affirm and state as follows:

1. I am the applicant in the above OA and am well acquainted with the facts of the case. All the material averments save those that are expressly admitted herein are denied and the applicant is put to strict proof of the same.
2. I submit that I have filed the above OA impugning the second respondent's letter dated 22/7/97 (vide Annexure A-9 of the OA) rejecting my request for promotion to the Cadre of Junior Telecom Officer against 15% Departmental quota of vacancies pertaining to the year 1993 on the untenable plea that under the departmental instructions the Telecom Technical Assistants are not eligible for the said quota.
3. I submit that notwithstanding the fact that the respondents have themselves in their reply-statement, which was served on me on 22-1-1999, admitted that the 1993 vacancies are regulated by the pre-amended recruitment rules viz. JTO Recruitment Rules, 1990, they baselessly averred that I am not eligible for the said promotion on the untenable plea that at the time of the conduct of the examination in 1995 I was holding the post of a Telecom Technical Assistant.
4. I submit that the averments of the respondents made in their reply-statement are negated and nullified by the 1st respondent's instructions contained in his letter No. 5-11/99-NCG dated 12/1/1999 (vide Annexure A-11). I submit that the 1st respondent under the above-mentioned letter reiterated the established position of law in

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respect of the applicability of the pre-amended Recruitment Rules for the vacancies pertaining to the year 1995 and has in para 2 thereof further stated that:

“TTAs will be eligible to appear in 15% competitive quota of JTO vacancies for the year 1995, however they will not be eligible for 15% competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt. 9-2-96.”

Thus, the 1st respondent has clearly admitted that for the 1993-year vacancies also the TTAs are eligible to appear in 15% quota of JTO vacancies inasmuch as these vacancies are also regulated under the same recruitment rules, viz. the 1990 Recruitment Rules, as in the case of 1995 vacancies. It is therefore further clear that the 1st respondent is in full agreement with my averments in the OA that the 1st respondent's letter Annexure A-10 dt. 2-2-1996 denying eligibility to the TTAs to participate for the examination conducted for the year 1993 vacancies was issued in flagrant violation of the Recruitment Rules and therefore the same is illegal and not valid and that my promotion to the JTO cadre against 1993 year vacancies cannot be denied on the basis of such an illegal order.

5. I submit that the averment of the respondents made in their reply-statement are contrary to the established position of law, baseless and lacks merit. **I respectfully submit further that the said averments of the respondents clearly indicate the brazen attempt made by the respondents to justify their illegal action before a Court of Law and also their contempt towards Rule of Law.** In view of the above submissions, I submit that the averments in the said reply-statement are liable to be rejected by this Hon'ble Tribunal and I pray accordingly.

6. Without prejudice to the above submissions, I further submit that the averment of the respondents that I have appeared for the examination held on 11/2/1996 without disclosing my identity is false and baseless inasmuch as the letter dated 8-2-1996 (vide Annexure A-4) issued by the Sub Divisional Engineer, Kothagudem relieving me to participate in the said examination, was issued 6 days after 2-2-1996 on which date the DOT issued the instructions (Annexure A-10) wherein my designation was correctly stated as Telecom Technical Assistant. Needless to say, the allegation is unfounded and made with a deliberate intention to mislead the Hon'ble Tribunal.

7. (a) In reply to para 3 of the reply-statement, I submit that the averments of the respondents are contradictory and therefore not valid. Even as the respondents admit that that the 1993 vacancies are regulated by the JTO Recruitment Rules, 1990, they ignored

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[Signature]

the fact that as on the crucial date of, viz. 1-7-1993, I was working as a Technician and continue to harp on untenable ground that since at the time of examination I was holding the post of Telecom Technical Assistant I am ineligible to appear for the said promotion examination.

(b) The respondents also have ignored the fact that as per the provisions of clause 2 of Column 12 of the JTO Recruitment Rules, 1990 all Group 'C' employees in the Telecom Department other than the excluded cadres mentioned thereunder whose scale of pay is less than that of Junior Telecom Officer, are eligible to appear against 15% quota of vacancies. It is submitted that inasmuch as the scale of pay of Telecom Technical Assistant, viz., Rs. 1320-2040 is less than that of the JTO scale of pay of Rs. 1640-2900 and further in view of the fact that the TTA cadre does not find a place in the list of the excluded categories mentioned therein, the Telecom Technical Assistants are eligible to appear for the said examination. Therefore, the contention of the respondents that I am ineligible to appear in the said examination is baseless and not valid,

(c) I further submit that the averment of the respondents that since I had appeared for the Screening Test held on 29-1-1995 for 35% quota, I cannot claim eligibility to appear for the 15% competitive quota for 1993 vacancies is baseless and without merit. The respondents have ignored the fact that the Screening Test and the Competitive Examination are two different methods for selection of officials for the respective quota of vacancies and the eligibility for the same is regulated by the rules/instructions applicable to each of these methods. The averment that I am approbating and reprobating the same administrative instructions as per my convenience is baseless, misconceived and therefore not valid.

(d) In reply to the averments made in para 3.4 of the reply statement that the two officials in the cadre of TAs/PIs (who are in the pay scale of Rs. 1320-2040) referred to in para 4 (9) (h) of the OA were allowed to participate both in the Competitive Examination and the qualifying Screening Test as per the instructions contained in DGP&T Lr. dt. 1/6/82, since they are temporary officials I submit that it is not factually correct to say the said Sri D. Radhakrishnan, Transmission Assistant, Mangalagiri and Shri A. Adishesu Varaprasad, Telephone Inspector, Nakrekal are not temporary officials. These two officials are promotee officials and have put in long years of service in the feeder cadres before their promotion as TA/PI respectively. The respondent's contention that the above-named officials are temporary officials is false and made with a deliberate intention to mislead the Hon'ble Tribunal. I further submit that the 15% quota of vacancies for the year 1993 is admittedly regulated by the JTO Recruitment Rules and in view of the fact that the administrative instructions contained in the letter dated 1/6/1982 with regard to permitting

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temporary officials in the cadres of TAs/PIs etc. do not find a place in the statutory recruitment rules issued in 1990, the averments of the respondents based on the said administrative instructions are baseless and therefore not valid. I further submit that the averment of the respondents that the discriminatory treatment meted out to me is based on a reasonable classification, which is permissible under the provisions of Articles 14 and 16 of the Constitution of India is illogical, baseless and therefore untenable.

(e) In reply to the averments made in para 3.5 of the reply-statement, I submit in view of the fact that the Telecom Technical Assistant cadre is a cadre having a lower scale of pay in comparison to that of the JTO and is a cadre which is not included in the list of excluded cadres mentioned under Col. 8 of the Recruitment Rules, Annexure A-2, I am eligible to appear in the competitive examination under these rules. Therefore, the contention of the respondents that the crucial dates of 1-7-93 and 1-7-94 are only with respect to the age and service and not with respect to the cadre is baseless and untenable

(f) In reply to the averments in para 3.6 of the reply statement are contrary to the provisions of Col. 8 of the JTO Recruitment Rules, 1990 and hence not valid.

(g) In reply to the averments made in para 3.7, I submit that the respondents have failed to explain how the administrative instructions that were admittedly issued to substitute the statutory rules can have retrospective effect. In view of the same the case law referred therein have no applicability to the present OA.

6. In view of the above submissions, I submit that the reply statement of the respondents is liable to be rejected by this Hon'ble Tribunal as baseless and I pray accordingly. I further pray that in view of the categorical and clear admission made by the 1st respondent that TTAs are eligible to appear even for the 1995 year 15% quota of JTO vacancies, the Hon'ble Tribunal may be pleased to allow the OA.



Deponent

Solemnly sworn and signed
Before me on this 14th day
of February, 1999 at Hyderabad

Advocate, Hyderabad.

(B.S.A. SATYANARAYANA)

Government of India
Ministry of Communications
Department of Telecommunications
(Personnel Branch)

No. 5-11/99-NCG

Dated : 12.1.99

To

All Heads of Telecom Circles
All Heads of telecom Districts
Heads of all other Administrative offices
CGM, MTNL, Delhi / CGM, MTNL Bombay

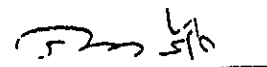
Subject : Eligibility conditions to appear in JTO Qualifying Screening and competitive examination.

We have received large number of requests for clarifications from various circles regarding eligibility of various cadres. Questions were raised as to whether these examinations will be conducted as per old R/Rs of JTOs or as per new R/Rs.

The case has been examined in detail. Following clarifications are hereby issued :-

1. The examination should be conducted as per the R/Rs existing for respective year of vacancies. That is to say that examination for the vacancies of the year 1995 will be conducted as per the JTO R/Rs notified in year 1990. Similarly examination for the vacancies of year 1996, 1997, and 1998 will be conducted as per the R/Rs notified on 9.2.1996.
2. TTAs will be eligible to appear in 15% competitive quota of the JTO vacancies for the year 1995, however they will not be eligible for 15 % competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt 9.2.96.
3. TTAs will be eligible to appear in 35% Qualifying screening quota of the JTO vacancies for the year 1996, 1997 and 1998 provided they have completed six years of regular service as TTA.

These instructions should be followed strictly.



(J.B. Jain)

Asstt Director General (STC)

Xerox copy given to

AD(R) pl.

5/8-1

True copy
N.D. Rishin

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
HYDERABAD BENCH: HYDERABAD

O.A. No. 1255 of 1997

Between

K. Ashok Babu

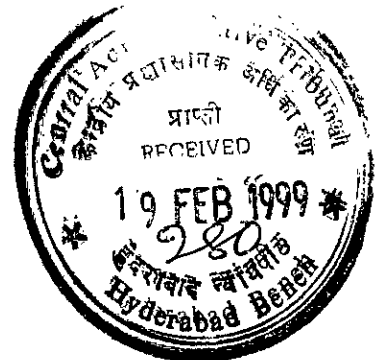
Applicant

And

The Secretary, Department of
Telecommunications and
Another

Respondents

Rejoinder of the Applicant to the reply statement
filed by the respondents



Received

[Signature]
20 IV 90
AP T
19/2/99

Filed by:

N.R. Srinivasan
Counsel for the Applicant

may be filed
on
19/2/99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1255/97.

Dt. of Decision : 4-3-99.

K.Ashok Babu

.. Applicant.

Vs

1. The Secretary,
Dept. of Telecom.
Min. of Communications,
(Rep. Union of India),
Sanchar Bhavan, 20, Ashoka Road,
New Delhi-1.

2. The Chief General Manager, Telecom,
A.P. Telecom Circle, Deersanchar Bhavan,
Abids, Hyderabad-1.

.. Respondents.

Counsel for the applicant : Mr.N.R.Srinivasan

Counsel for the respondents : Mr.J.R.Gopala Rao, Addl.CGS^C.

CORAM:-

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

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

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ORDER

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

Heard Mr. N. R. Srinivasan, learned counsel for the applicant and Mr. J. R. Gopala Rao, learned counsel for the respondents.

2. The applicant was in this OA was a Technician in the Telecom Department in the scale of pay of Rs. 260-480/- on 19-10-94. Subsequently he was appointed in the restructured cadre of Telecom Technical Assistant (TTA for short) w.e.f., 18-09-94 under the Telecom District Manager, West Godavari by order No. E. 844/TTAs/G-C/94-95/11 dated 25-11-94 (Annexure-I). The promotion to the post of Junior Telecom Officer (JTOs for short) was governed by the Recruitment Rules, 1990 circulated in DoT circular No. 5-11/89-NCG dated 15-06-90 (Annexure-2). As per that Recruitment Rules, the departmental quota of 35% of the vacancies will be regulated as follows:-

i) 15% by promotion of Departmental Candidates in the cadre of Technicians/Telephone Operators/Telecom Office Assistants, etc. through a competitive examination.

ii) 10% by promotion of Transmission Assistants (TAs)/Telephone Inspectors (TIs)/Wireless Operators (WOs)/Auto-Exchange Assistants (AEAs) with five years service through a competitive examination.

iii) 10% by promotion of TAs etc. with ten years of service through a qualifying examination."

3. The applicant is an aspirant for the promotion as Junior Telecom Officer against the 15% promotion of Departmental candidates in the cadre of Technicians/Telephone Operators/Telecom Office Assistants through a competitive examination. The examination for the year 1993-94 vacancies were notified by the memorandum No. R&E/3.3/VIII/12 dated 11-07-95 (Annexure-3).

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It has been clearly stated in para-3 of that memorandum that the vacancies to be filled are for the year 1993-94 by that examination. The applicant wrote the examination. However his candidature was not considered or cancelled in view of the memorandum No.5-20/95-NCG dt. 2-2-96 wherein TTAs are not allowed to sit for the 15% departmental quota as they have got opportunities to qualify against the screening test which is to be filled to the extent of 35% of the vacancies. The candidature of the applicant was cancelled as he was a TTA on the day when he sat for the examination i.e., after 2-2-96 and hence he has already qualified against the 35% quota without any reference to the vacancies arising in a particular year. The applicant submitted a representation to consider his selection for the post of JTO under 15% competitive quota vacancies for the year 1993-94 held on 10/11-2-96. That was rejected by the impugned order No.JA/RE/3-5/94/II dated 22-7-97 (Annexure-9).

4. This OA is filed to set aside the impugned order No.5-25/95-NCG dated 2-2-96 whereby TTAs were not allowed to sit against the 15% departmental quota vacancies and also the rejection letter No.TA/RE/3-5/94/II dated 22-07-97 of his request for considering his case for the promotion to the post of JTO under 15% competitive quota vacancies for the year 1993-94 and for a consequential direction to the respondents to consider his case in accordance with the rules for promotion against the 15% quota earmarked for the various categories of staff for the vacancies that had occurred for the year 1993.

5. In the reply it is stated that on the day of the examination the applicant was already working as TTA. Hence in view of the letter dated 2-2-96 his candidature cannot be accepted. Further it is also stated that the applicant had

-4-

already screened against the 35% quota for promotion to the post of Junior Telecom Officer. Hence, he cannot appear against the 15% quota.

6. It is a well settled rule that the vacancies arising in a particular year should be filled on the basis of the recruitment rules ^{at} in force at the time of accruing ^{of} the vacancies. The recruitment rule that governed for filling up for the vacancies that arose in the year 1993 is the recruitment rule dated 15-6-90 (Annexure-2). Hence, the respondents should follow the principle of allowing those employees who ^{are eligible} ~~are~~ under that rule for consideration for promotion against the 15% quota in the year 1993. If the applicant comes ~~with~~ under any one of the categories mentioned in the 1990 recruitment rule for appearing for the selection for the vacancies of 1993, ^{against the 15% quota} he should be allowed to sit for the examination irrespective of the fact that he had been promoted as TTA much later in the year 1996, ^{and hence ineligible} on the basis of the impugned letter dated 2-2-96. Vacancies arising after 2-2-96 ^{only} will be governed by the recruitment rule issued ^{by} ~~only~~ the impugned letter dated 2-2-96.

7. The second contention of the respondents is that the applicant had already been screened against the 35% departmental quota for promotion to the post of JTO. ~~It~~ It may be possible for the applicant by becoming JTO against the vacancy of 1993 ^{he} ~~he~~ may ^{higher} get seniority even though he had been selected against 35% quota against the later vacancies. Hence it is for the applicant to decide against which quota he should take the position as JTO.

8. In the result the following direction is given:-

The impugned order No.5-20/95-NCG dated 2-2-96 should not be followed for the vacancies that had ^{had} arisen in the year 1993-94. The impugned order No.TA/RE/3-5/94/II dated 22-7-97

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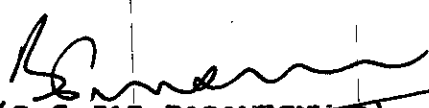
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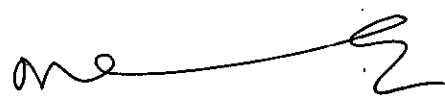
-5-

is set aside. The applicant is entitled for appearing for the examination for the vacancies that had arisen for the year 1993 provided he fulfills the conditions laid down in the recruitment rule dated 15-6-90 (Annexure-2). His promotion for the post of JTO should be considered on that basis in accordance with the rules.

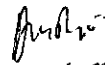
9. The OA is ordered accordingly. No costs.


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

4.3.99


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 04th March, 1999.
(Dictated in the Open Court)


12.3.99

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Copy to:

1. HDHNJ
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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:

4/3/99

ORDER/ JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO.

1255/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

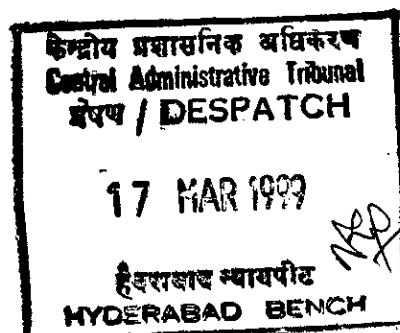
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

6 copies



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

TO BE HEARD ON TUESDAY THE 25th DAY OF MARCH, 1997
AT 10.30 A.M.

THE HONOURABLE MR. H. RAJENDRA PRASAD : MEMBER (ADMIN)

...
(SITTING IN THE I COURT).

FOR ADMISSION.

- | | | |
|---|--------------------------------|---|
| 1. OA. 240/97 | N. Seshagiri Rao
Telecom., | Mr. K. Venkateshwara Rao
Sr. CGSC. |
| 2. OA. 342/97 | Ch. Govindam
Postal | Mr. Krishna Devan
Sr. CGSC. |
| 3. OA. 280/97 | P. Balalingam
Postal | Mr. Krishna Devan
Mr. V. Bhimanna, Addl. CGSC. |
| 4. OA. 281/97 | N. Venkatarajiah
Postal | Mr. Krishna Devan
Mr. V. Rajeshwara Rao, Addl. CGSC. |
| 5. MA. 127/97
MA. 128/97
OA. SR. 282/97
(Notice) | Mr. Obulesham
Telecom., | Mr. P. Prabhakar Reddy
Mr. V. Vinod Kumar, Addl. CGSC.
RR-2 & 3-Served, -1-INSNR. |
| 6. MA. 260/97
OA. SR. 192/97 | DVS. Chandra Bose
Telecom., | Mr. K. Lakshminarasimha
Sr. CGSC. |
| 7. MA. 259/97
OA. SR. 730/97 | M. Srinivas
R.T.T.C., | Mr. P. Bhaskar
Sr. CGSC. |

FOR DIRECTIONS:

- | | | |
|-----------------------------|------------------------------|--|
| 8. MA. 228/97
OA. 170/94 | Smt. Ch. Kamala
Telecom., | Mr. N. Ram Mohan Rao
Mr. N. R. Devaraj, Sr. CGSC. |
|-----------------------------|------------------------------|--|

FOR RESTORATION AND CONDONATION DELAY PETITION:

- | | | |
|--|----------------------------|--|
| 9. MA. 247/97
MA. 1121/96
MA. 246/97
MA. SR. 551/97
MA. 248/96
MA. SR. 553/97
MA. 250/97
MA. SR. 555/97 in
OA. SR. 1948/97 | V. Rama Swamy
Telecom., | Mr. P. Prabhakar Reddy
Mr. N. R. Devaraj, Sr. CGSC. |
|--|----------------------------|--|

FOR FINAL HEARING.

PART-HEARD:

- | | | |
|----------------|--------------------------|--|
| 10. OA. 181/95 | Smt. Vasundara
Postal | Mr. P. V. Krishnaiah
Mr. N. R. Devaraj, Sr. CGSC. |
|----------------|--------------------------|--|

.....

OA 1255/97

Notice sent to RRs land 2 on 7.10.97

R₁ - NSMR

R₂ - SD

AN
16/3/98

Form No. 9.

BY.R.P.A.D.

(See Rule 29)

CENTRAL ADMINISTRATIVE TRIBUNAL- HYDERABAD BENCH AT HYDERABAD.

1st Floor, HACA Bhavan, Opp: Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO.

1255

OF 199 **7.**

Applicant(S)

K.Ashok Babu

V/S

Respondent(S)

By Advocate Shri:

The Secy. Dept. of Telecom, Min. of Communications, New Delhi & Ors.

N.R.Srinivasan (By/Central Govt. Standing Counsel)

To.

Sri.J.R.Gopala Rao, Addl. CGSC.

R-1. The Secretary, Department of Telecom, Ministry of Communications (Representing Union of India) Sanchar Bhavan, 20, Anoka road, New Delhi.

R-2. The Chief General Manager, Telecom, A.P. Telecom Circle, Deorani Bhavan, Abids, Hyderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon Preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the **Twentyfifth.** . . . day of **September.** . . . 199**7.**

// BY ORDER OF THE TRIBUNAL //



[Signature]
FOR REGISTRAR.

केन्द्रीय प्रशासनिक अधिकरण
Date: **10 OCT 1997.**
Central Administrative Tribunal
10 OCT 1997.
हैदराबाद ब्याच
HYDERABAD BENCH

In the Central Administrative Tribunal
HYDERABAD BENCH AT HYDERABAD

CP/RA No.

of 19

-in-

O. A. No.

of 1997

VAKALAT

ACCEPTED

N. R. Srinivasan
N. R. SRINIVASAN, B.A., LL.B.,

Advocates for Applicants / Petitioners
Respondents

Phone 7614666

Address for Service :

6-1-132/54/G3, Karthikeya Apartments,
Skandagiri, Padmarao Nagar,
Secunderabad - 500 061

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH AT HYDERABAD

CP/RA No-

of 19

O.A. No.

1255

of 1997

BETWEEN

K. Ashok Babu

Petitioners / Applicants / Respondents

AND

The Secretary, Dept. of Telecom,
MOC, New Delhi (Rep. UOI)
& Anomous

Respondents

W/o, K. Ashok Babu


Petitioners / Applicants / Respondents

in the above Application do hereby appoint and retain

SHRI N. R. SRINIVASAN, B.A., LL.B.,

Advocate, Hyderabad, to appear for me / us in the above Application and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including applications for return of documents or for the receipt of any moneys that may be payable to me/ us in the said Application and also to appear in all applications in the same including applications for review.




[K. ASHOK - BABU]

I certify that the contents of this Vakalat were read over and explained in ENGLISH / TELUGU / URDU in my presence to the executants who appeared perfectly to understand the same and made his/her/their signatures or marks in my presence after being identified by his/her/their Counsel.

Executed before me this the

13th

day

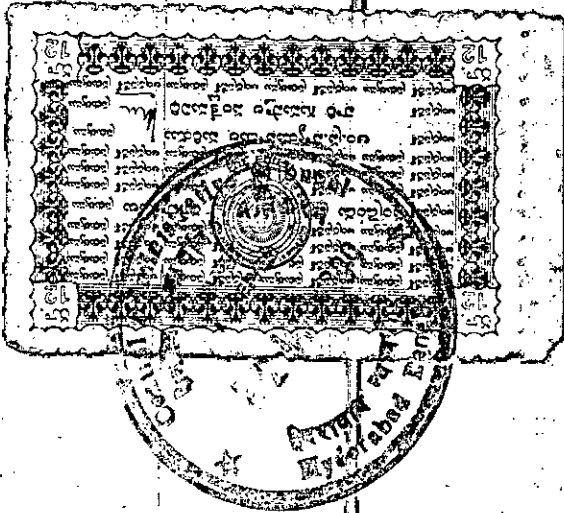
of Aug 1997


ADVOCATE, HYDERABAD.

.....District

CENTRAL ADMINISTRATIVE TRIBUNAL

AT HYDERABAD



MEMO OF APPEARANCE

Mr. *J. R. Gopale Rao*.....

Counsel for *Respondents*.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1255 OF 1997

K. Ashok Babu

....Applicant

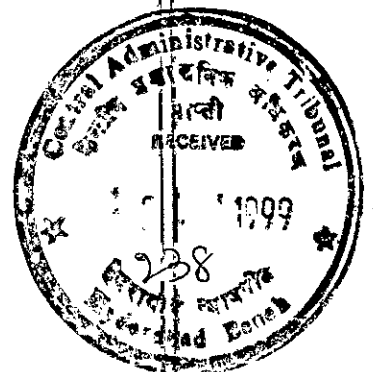
Vs.

The Secretary, Dept of Telecom,
Ministry of Communications,
Sanchar Bhawan, Asoka Road,
New Delhi and another

.....Respondents

To

The Registrar
Central Administrative Tribunal
Hyderabad



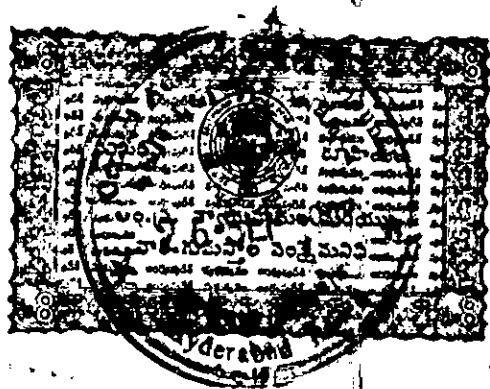
Sir,

Please enter my appearance in the above matter on behalf of
the Respondent/s.

M. Gopalakrishna
Counsel for Respondent/s

Hyderabad

Date: 22-1-99



O.A. NO. 1255 / 97

→ Memo of Appearance filed
on behalf of respondents

Mr. J. R. Gopal Rao
Addl. Standing Counsel
for C. G.

CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH

OA/BA/CP/MA.No. 1255

of 1997

12. Ashok Babu

... Applicant(s)

Vs.
The Secretary, Dept. of Telecom
author

... Respondent(s)

MEMO OF APPEARANCE

I, J.R.GOPALA RAO, ADVOCATE having been authorised by South Central Railway Represented by General Manager by the Central Government Authority notified under Sec. 14 of Administrative Tribunal Act, 1985 hereby appear for Respondents 1 & 2 and undertake to plead and act for them in all matters in the aforesaid case.

Hyderabad.

Dt. 25-9-97



Signature & Designation of the
Counsel

(J.R.GOPALA RAO, ADVOCATE)
Addl. S.C. for Railways. Central Government

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: HYDERABAD--**

O.A. No. 1255 of 1997

Between

K. Ashok Babu

..... Applicant

And

The Secretary, Dept. of Telecom.
Ministry of Communications (rep. UOI) & Another

.... Respondents

APPLICANT'S REJOINDER FILED IN THE FORM OF REPLY-AFFIDAVIT

I, K. Ashok Babu s/o K. Nagabhushanam, aged about 38 years Telecom Technical Assistant having temporarily come down to Hyderabad do hereby solemnly affirm and state as follows:

1. I am the applicant in the above OA and am well acquainted with the facts of the case. All the material averments save those that are expressly admitted herein are denied and the applicant is put to strict proof of the same.
2. I submit that I have filed the above OA impugning the second respondent's letter dated 22/7/97 (vide Annexure A-9 of the OA) rejecting my request for promotion to the Cadre of Junior Telecom Officer against 15% Departmental quota of vacancies pertaining to the year 1993 on the untenable plea that under the departmental instructions the Telecom Technical Assistants are not eligible for the said quota.
3. I submit that notwithstanding the fact that the respondents have themselves in their reply-statement, which was served on me on 22-1-1999, admitted that the 1993 vacancies are regulated by the pre-amended recruitment rules viz. JTO Recruitment Rules, 1990, they baselessly averred that I am not eligible for the said promotion on the untenable plea that at the time of the conduct of the examination in 1995 I was holding the post of a Telecom Technical Assistant.
4. I submit that the averments of the respondents made in their reply-statement are negated and nullified by the 1st respondent's instructions contained in his letter No. 5-11/99-NCG dated 12/1/1999 (vide Annexure A-11). I submit that the 1st respondent under the above-mentioned letter reiterated the established position of law in

respect of the applicability of the pre-amended Recruitment Rules for the vacancies pertaining to the year 1995 and has in para 2 thereof further stated that:

"TTAs will be eligible to appear in 15% competitive quota of JTO vacancies for the year 1995, however they will not be eligible for 15% competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt. 9-2-96."

Thus, the 1st respondent has clearly admitted that for the 1993-year vacancies also the TTAs are eligible to appear in 15% quota of JTO vacancies inasmuch as these vacancies are also regulated under the same recruitment rules, viz. the 1990 Recruitment Rules, as in the case of 1995 vacancies. It is therefore further clear that the 1st respondent is in full agreement with my averments in the OA that the 1st respondent's letter Annexure A-10 dt. 2-2-1996 denying eligibility to the TTAs to participate for the examination conducted for the year 1993 vacancies was issued in flagrant violation of the Recruitment Rules and therefore the same is illegal and not valid and that my promotion to the JTO cadre against 1993 year vacancies cannot be denied on the basis of such an illegal order.

5. I submit that the averment of the respondents made in their reply-statement are contrary to the established position of law, baseless and lacks merit. **I respectfully submit further that the said averments of the respondents clearly indicate the brazen attempt made by the respondents to justify their illegal action before a Court of Law and also their contempt towards Rule of Law.** In view of the above submissions, I submit that the averments in the said reply-statement are liable to be rejected by this Hon'ble Tribunal and I pray accordingly.

6. Without prejudice to the above submissions, I further submit that the averment of the respondents that I have appeared for the examination held on 11/2/1996 without disclosing my identity is false and baseless inasmuch as the letter dated 8-2-1996 (vide Annexure A-4) issued by the Sub Divisional Engineer, Kothagudem relieving me to participate in the said examination, was issued 6 days after 2-2-1996 on which date the DOT issued the instructions (Annexure A-10) wherein my designation was correctly stated as Telecom Technical Assistant. Needless to say, the allegation is unfounded and made with a deliberate intention to mislead the Hon'ble Tribunal.

7. (a) In reply to para 3 of the reply-statement, I submit that the averments of the respondents are contradictory and therefore not valid. Even as the respondents admit that that the 1993 vacancies are regulated by the JTO Recruitment Rules, 1990, they ignored



the fact that as on the crucial date of, viz. 1-7-1993, I was working as a Technician and continue to harp on untenable ground that since at the time of examination I was holding the post of Telecom Technical Assistant I am ineligible to appear for the said promotion examination.

(b) The respondents also have ignored the fact that as per the provisions of clause 2 of Column 12 of the JTO Recruitment Rules, 1990 all Group 'C' employees in the Telecom Department other than the excluded cadres mentioned thereunder whose scale of pay is less than that of Junior Telecom Officer, are eligible to appear against 15% quota of vacancies. It is submitted that inasmuch as the scale of pay of Telecom Technical Assistant, viz., Rs. 1320-2040 is less than that of the JTO scale of pay of Rs. 1640-2900 and further in view of the fact that the TTA cadre does not find a place in the list of the excluded categories mentioned therein, the Telecom Technical Assistants are eligible to appear for the said examination. Therefore, the contention of the respondents that I am ineligible to appear in the said examination is baseless and not valid,

(c) I further submit that the averment of the respondents that since I had appeared for the Screening Test held on 29-1-1995 for 35% quota, I cannot claim eligibility to appear for the 15% competitive quota for 1993 vacancies is baseless and without merit. The respondents have ignored the fact that the Screening Test and the Competitive Examination are two different methods for selection of officials for the respective quota of vacancies and the eligibility for the same is regulated by the rules/instructions applicable to each of these methods. The averment that I am approbating and reprobating the same administrative instructions as per my convenience is baseless, misconceived and therefore not valid.

(d) In reply to the averments made in para 3.4 of the reply statement that the two officials in the cadre of TAs/PIs (who are in the pay scale of Rs. 1320-2040) referred to in para 4 (9) (h) of the OA were allowed to participate both in the Competitive Examination and the qualifying Screening Test as per the instructions contained in DGP&T Lr. dt. 1/6/82, since they are temporary officials I submit that it is not factually correct to say the said Sri D. Radhakrishnan, Transmission Assistant, Mangalagiri and Shri A. Adishesu Varaprasad, Telephone Inspector, Nakrekal are not temporary officials. These two officials are promotee officials and have put in long years of service in the feeder cadres before their promotion as TA/PI respectively. The respondent's contention that the above-named officials are temporary officials is false and made with a deliberate intention to mislead the Hon'ble Tribunal. I further submit that the 15% quota of vacancies for the year 1993 is admittedly regulated by the JTO Recruitment Rules and in view of the fact that the administrative instructions contained in the letter dated 1/6/1982 with regard to permitting



temporary officials in the cadres of TAs/PIs etc. do not find a place in the statutory recruitment rules issued in 1990, the averments of the respondents based on the said administrative instructions are baseless and therefore not valid. I further submit that the averment of the respondents that the discriminatory treatment meted out to me is based on a reasonable classification, which is permissible under the provisions of Articles 14 and 16 of the Constitution of India is illogical, baseless and therefore untenable.

(e) In reply to the averments made in para 3.5 of the reply-statement, I submit in view of the fact that the Telecom Technical Assistant cadre is a cadre having a lower scale of pay in comparison to that of the JTO and is a cadre which is not included in the list of excluded cadres mentioned under Col. 8 of the Recruitment Rules, Annexure A-2, I am eligible to appear in the competitive examination under these rules. Therefore, the contention of the respondents that the crucial dates of 1-7-93 and 1-7-94 are only with respect to the age and service and not with respect to the cadre is baseless and untenable.

(f) In reply to the averments in para 3.6 of the reply statement are contrary to the provisions of Col. 8 of the JTO Recruitment Rules, 1990 and hence not valid.

(g) In reply to the averments made in para 3.7, I submit that the respondents have failed to explain how the administrative instructions that were admittedly issued to substitute the statutory rules can have retrospective effect. In view of the same the case law referred therein have no applicability to the present OA.

6. In view of the above submissions, I submit that the reply statement of the respondents is liable to be rejected by this Hon'ble Tribunal as baseless and I pray accordingly. I further pray that in view of the categorical and clear admission made by the 1st respondent that TTAs are eligible to appear even for the 1995 year 15% quota of JTO vacancies, the Hon'ble Tribunal may be pleased to allow the OA.



Deponent

Solemnly sworn and signed
Before me on this 14th day
of February, 1999 at Hyderabad

Advocate, Hyderabad.

*True copy
N.D. Prasad
Counsel for Appellant*

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
(PERSONNEL BRANCH)

No. 5-11/99-NCG

Dated : 12.1.99

To

All Heads of Telecom Circles
All Heads of telecom Districts
Heads of all other Administrative offices
CGM, MTNL, Delhi / CGM, MTNL Bombay

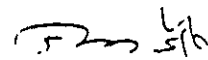
Subject : Eligibility conditions to appear in JTO Qualifying Screening and competitive examination.

We have received large number of requests for clarifications from various circles regarding eligibility of various cadres. Questions were raised as to whether these examinations will be conducted as per old R/Rs of JTOs or as per new R/Rs.

The case has been examined in detail. Following clarifications are hereby issued :-

1. The examination should be conducted as per the R/Rs existing for respective year of vacancies. That is to say that examination for the vacancies of the year 1995 will be conducted as per the JTO R/Rs notified in year 1990. Similarly examination for the vacancies of year 1996, 1997, and 1998 will be conducted as per the R/Rs notified on 9.2.1996.
2. TTAs will be eligible to appear in 15% competitive quota of the JTO vacancies for the year 1995, however they will not be eligible for 15 % competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt 9.2.96.
3. TTAs will be eligible to appear in 35% Qualifying screening quota of the JTO vacancies for the year 1996, 1997 and 1998 provided they have completed six years of regular service as TTA.

These instructions should be followed strictly.



(J.B. Jain)

Asstt Director General (STC)

Xerox copy given to

AD (R) pl.

5/8/1

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
HYDERABAD BENCH: HYDERABAD

O.A. No. 1255 of 1997

Between

K. Ashok Babu

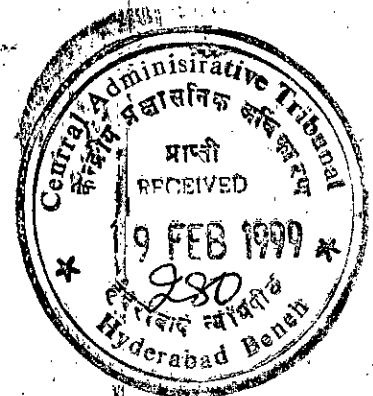
Applicant

And

The Secretary, Department of
Telecommunications and
Another

Respondents

Rejoinder of the Applicant to the reply statement
filed by the respondents



Filed by:

N.R. Srinivasan
Counsel for the Applicant

1

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH :: HYDERABAD**

O.A. No. 1255 of 1997

Between

K.Ashok Babu

..... Applicant

And

The Secretary, Dept. of Telecom.

Ministry of Communications (rep. UOI) & Another

..... Respondents

APPLICANT'S REJOINDER FILED IN THE FORM OF REPLY-AFFIDAVIT

I, K.Ashok Babu s/o K. Nagabhushanam, aged about 38 years Telecom Technical Assistant having temporarily come down to Hyderabad do hereby solemnly affirm and state as follows:

1. I am the applicant in the above OA and am well acquainted with the facts of the case. All the material averments save those that are expressly admitted herein are denied and the applicant is put to strict proof of the same.
2. I submit that I have filed the above OA impugning the second respondent's letter dated 22/7/97 (vide Annexure A-9 of the OA) rejecting my request for promotion to the Cadre of Junior Telecom Officer against 15% Departmental quota of vacancies pertaining to the year 1993 on the untenable plea that under the departmental instructions the Telecom Technical Assistants are not eligible for the said quota.
3. I submit that notwithstanding the fact that the respondents have themselves in their reply-statement, which was served on me on 22-1-1999, admitted that the 1993 vacancies are regulated by the pre-amended recruitment rules viz. JTO Recruitment Rules, 1990, they baselessly averred that I am not eligible for the said promotion on the untenable plea that at the time of the conduct of the examination in 1995 I was holding the post of a Telecom Technical Assistant.
4. I submit that the averments of the respondents made in their reply-statement are negated and nullified by the 1st respondent's instructions contained in his letter No. 5-11/99-NCG dated 12/1/1999 (vide Annexure A-11). I submit that the 1st respondent under the above-mentioned letter reiterated the established position of law in

respect of the applicability of the pre-amended Recruitment Rules for the vacancies pertaining to the year 1995 and has in para 2 thereof further stated that:

“TTAs will be eligible to appear in 15% competitive quota of JTO vacancies for the year 1995, however they will not be eligible for 15% competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt. 9-2-96.”

Thus, the 1st respondent has clearly admitted that for the 1993-year vacancies also the TTAs are eligible to appear in 15% quota of JTO vacancies inasmuch as these vacancies are also regulated under the same recruitment rules, viz. the 1990 Recruitment Rules, as in the case of 1995 vacancies. It is therefore further clear that the 1st respondent is in full agreement with my averments in the OA that the 1st respondent's letter Annexure A-10 dt. 2-2-1996 denying eligibility to the TTAs to participate for the examination conducted for the year 1993 vacancies was issued in flagrant violation of the Recruitment Rules and therefore the same is illegal and not valid and that my promotion to the JTO cadre against 1993 year vacancies cannot be denied on the basis of such an illegal order.

5. I submit that the averment of the respondents made in their reply-statement are contrary to the established position of law, baseless and lacks merit. I respectfully submit further that the said averments of the respondents clearly indicate the brazen attempt made by the respondents to justify their illegal action before a Court of Law and also their contempt towards Rule of Law. In view of the above submissions, I submit that the averments in the said reply-statement are liable to be rejected by this Hon'ble Tribunal and I pray accordingly.

6. Without prejudice to the above submissions, I further submit that the averment of the respondents that I have appeared for the examination held on 11/2/1996 without disclosing my identity is false and baseless inasmuch as the letter dated 8-2-1996 (vide Annexure A-4) issued by the Sub Divisional Engineer, Kothagudem relieving me to participate in the said examination, was issued 6 days after 2-2-1996 on which date the DOT issued the instructions (Annexure A-10) wherein my designation was correctly stated as Telecom Technical Assistant. Needless to say, the allegation is unfounded and made with a deliberate intention to mislead the Hon'ble Tribunal.

7. (a) In reply to para 3 of the reply-statement, I submit that the averments of the respondents are contradictory and therefore not valid. Even as the respondents admit that that the 1993 vacancies are regulated by the JTO Recruitment Rules, 1990, they ignored



the fact that as on the crucial date of, viz. 1-7-1993, I was working as a Technician and continue to harp on untenable ground that since at the time of examination I was holding the post of Telecom Technical Assistant I am ineligible to appear for the said promotion examination.

(b) The respondents also have ignored the fact that as per the provisions of clause 2 of Column 12 of the JTO Recruitment Rules, 1990 all Group 'C' employees in the Telecom Department other than the excluded cadres mentioned thereunder whose scale of pay is less than that of Junior Telecom Officer, are eligible to appear against 15% quota of vacancies. It is submitted that inasmuch as the scale of pay of Telecom Technical Assistant, viz., Rs. 1320-2040 is less than that of the JTO scale of pay of Rs. 1640-2900 and further in view of the fact that the TTA cadre does not find a place in the list of the excluded categories mentioned therein, the Telecom Technical Assistants are eligible to appear for the said examination. Therefore, the contention of the respondents that I am ineligible to appear in the said examination is baseless and not valid,

(c) I further submit that the averment of the respondents that since I had appeared for the Screening Test held on 29-1-1995 for 35% quota, I cannot claim eligibility to appear for the 15% competitive quota for 1993 vacancies is baseless and without merit. The respondents have ignored the fact that the Screening Test and the Competitive Examination are two different methods for selection of officials for the respective quota of vacancies and the eligibility for the same is regulated by the rules/instructions applicable to each of these methods. The averment that I am approbating and reprobating the same administrative instructions as per my convenience is baseless, misconceived and therefore not valid.

(d) In reply to the averments made in para 3.4 of the reply statement that the two officials in the cadre of TAs/PIs (who are in the pay scale of Rs. 1320-2040) referred to in para 4 (9) (h) of the OA were allowed to participate both in the Competitive Examination and the qualifying Screening Test as per the instructions contained in DGP&T Lr. dt. 1/6/82, since they are temporary officials I submit that it is not factually correct to say the said Sri D. Radhakrishnan, Transmission Assistant, Mangalagiri and Shri A. Adishesu Varaprasad, Telephone Inspector, Nakrekal are not temporary officials. These two officials are promotee officials and have put in long years of service in the feeder cadres before their promotion as TA/PI respectively. The respondent's contention that the above-named officials are temporary officials is false and made with a deliberate intention to mislead the Hon'ble Tribunal. I further submit that the 15% quota of vacancies for the year 1993 is admittedly regulated by the JTO Recruitment Rules and in view of the fact that the administrative instructions contained in the letter dated 1/6/1982 with regard to permitting




temporary officials in the cadres of TAs/PIs etc. do not find a place in the statutory recruitment rules issued in 1990, the averments of the respondents based on the said administrative instructions are baseless and therefore not valid. I further submit that the averment of the respondents that the discriminatory treatment meted out to me is based on a reasonable classification, which is permissible under the provisions of Articles 14 and 16 of the Constitution of India is illogical, baseless and therefore untenable.

(e) In reply to the averments made in para 3.5 of the reply-statement, I submit in view of the fact that the Telecom Technical Assistant cadre is a cadre having a lower scale of pay in comparison to that of the JTO and is a cadre which is not included in the list of excluded cadres mentioned under Col. 8 of the Recruitment Rules, Annexure A-2, I am eligible to appear in the competitive examination under these rules. Therefore, the contention of the respondents that the crucial dates of 1-7-93 and 1-7-94 are only with respect to the age and service and not with respect to the cadre is baseless and untenable.

(f) In reply to the averments in para 3.6 of the reply statement are contrary to the provisions of Col. 8 of the JTO Recruitment Rules, 1990 and hence not valid.

(g) In reply to the averments made in para 3.7, I submit that the respondents have failed to explain how the administrative instructions that were admittedly issued to substitute the statutory rules can have retrospective effect. In view of the same the case law referred therein have no applicability to the present OA.

6. In view of the above submissions, I submit that the reply statement of the respondents is liable to be rejected by this Hon'ble Tribunal as baseless and I pray accordingly. I further pray that in view of the categorical and clear admission made by the 1st respondent that TTAs are eligible to appear even for the 1995 year 15% quota of JTO vacancies, the Hon'ble Tribunal may be pleased to allow the OA.

Sd/-


Deponent

Solemnly sworn and signed
 Before me on this 14th day
 of February, 1999 at Hyderabad

Advocate, Hyderabad.

*True copy
 in id. binding
 Counsel for APPKad*

ST. P. 1110-1
STICK-500 001

Government of India
Ministry of Communications
Department of Telecommunications
(Personnel Branch)

No. 5-11/99-NCG

Dated : 12.1.99

To

All Heads of Telecom Circles
All Heads of telecom Districts
Heads of all other Administrative offices
CGM, MTNL, Delhi / CGM, MTNL Bombay

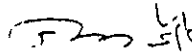
Subject : Eligibility conditions to appear in JTO Qualifying Screening and competitive examination.

We have received large number of requests for clarifications from various circles regarding eligibility of various cadres. Questions were raised as to whether these examinations will be conducted as per old R/Rs of JTOs or as per new R/Rs.

The case has been examined in detail. Following clarifications are hereby issued :-

1. The examination should be conducted as per the R/Rs existing for respective year of vacancies. That is to say that examination for the vacancies of the year 1995 will be conducted as per the JTO R/Rs notified in year 1990. Similarly examination for the vacancies of year 1996, 1997, and 1998 will be conducted as per the R/Rs notified on 9.2.1996.
2. TTAs will be eligible to appear in 15% competitive quota of the JTO vacancies for the year 1995, however they will not be eligible for 15 % competitive quota for the JTO vacancies of the year 1996, 1997 and 1998 as per the existing R/Rs dt 9.2.96.
3. TTAs will be eligible to appear in 35% Qualifying screening quota of the JTO vacancies for the year 1996, 1997 and 1998 provided they have completed six years of regular service as TTA.

These instructions should be followed strictly.


(J.B. Jain)

Asstt Director General (STC)

Xerox copy given to

AD(R) pl

5/8/1

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
HYDERABAD BENCH, HYDERABAD

O.A. No. 1255 of 1997

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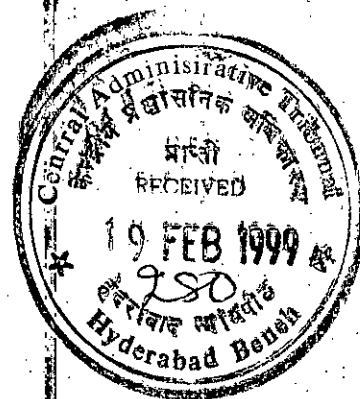
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3. I submit that notwithstanding the fact that the respondents have themselves in their reply-statement, which was served on me on 22-1-1999, admitted that the 1993 vacancies are regulated by the pre-amended recruitment rules viz. JTO Recruitment Rules, 1990, they baselessly averred that I am not eligible for the said promotion on the untenable plea that at the time of the conduct of the examination in 1995 I was holding the post of a Telecom Technical Assistant.
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Thus, the 1st respondent **has clearly admitted that for the 1993-year vacancies also the TTAs are eligible to appear in 15% quota of JTO vacancies** inasmuch as these vacancies are also regulated under the same recruitment rules, viz. the 1990 Recruitment Rules, as in the case of 1995 vacancies. It is therefore further clear **that the 1st respondent is in full agreement with my averments in the OA that the 1st respondent's letter Annexure A-10 dt. 2-2-1996 denying eligibility to the TTAs to participate for the examination conducted for the year 1993 vacancies was issued in flagrant violation of the Recruitment Rules and therefore the same is illegal and not valid and that my promotion to the JTO cadre against 1993 year vacancies cannot be denied on the basis of such an illegal order.**

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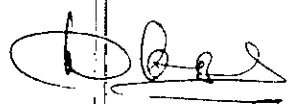
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[Signature]

Deponent

Solemnly sworn and signed
Before me on this 14th day
of February, 1999 at Hyderabad

Advocate, Hyderabad.

To me copy
N. S. Srinivas
Counsel for Applicant

ST. 9 * A P. IND-1 * 92
500 001

Government of India
Ministry of Communications
Department of Telecommunications
(Personnel Branch)

No. 5-11/99-NCG

Dated : 12.1.99

To

All Heads of Telecom Circles
All Heads of telecom Districts
Heads of all other Administrative offices
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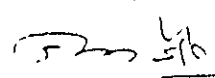
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