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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.148 of 1997

DATE OF ORDER: 24th SEPTEMBER, 1998

BETWEEN:

K.S.SURESH

.. APPLICANT

AND

1. The Chief General Manager,
Telecommunications, Andhra Pradesh Circle,
Hyderabad 500001,
(Rep. Union of India)

2. The Telecom District Manager,
Anantapur 515 050.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.N.R.SRINIVASAN

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

JUDGEMENT

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

Heard Mr.N.R.Srinivasan, learned counsel for the applicant and Mr.N.R.Devaraj, learned standing counsel for the respondents. No reply has been filed in this OA.

2. The applicant in this OA was appointed as Technician in the Telecom Department by the Divisional Engineer, Telecom. Subsequently, on passing the departmental competitive examination, he was promoted to the cadre of Transmission Assistant in the scale of pay of Rs.1320-2040. He was posted at Anantapur Division by memo

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dated 7.2.91 as Transmission Assistant. He had successfully completed B.Tech Mechanical Engineering course and provisional certificate is dated 4.11.89. The Recruitment Rules for JTOs in the Telecom Department were amended by the letter No.TA/RE/5-1/Rlgs/VII, dated 23.2.96 (Annexure A-11 at page 35 to the OA). The applicant submits that there were vacancies earlier to the amendment of the rule and he was not promoted in those vacancies and when the further amendments came into force, he was not selected against walk-in group as per the earlier Recruitment Rules of 1990.

3. This OA is filed for declaration that the applicant is entitled to be included in the walk-in Group for promotion to the cadre of Junior Telecom Officer as per Annexure A-8 letter dated 18.4.94 under the pre-amended Recruitment Rules against the vacancies for the recruitment year 1995 since the new amended Recruitment Rules at Annexure A-11 which came into force from 8.2.96 cannot be made applicable to the vacancies pertaining to the period before these rules came into force and, hence, he is eligible to be deputed for training and appointed as JTO on priority basis before any official from the list of the successful candidates in the Screening Test are appointed as JTO.

4. The main contention of the applicant in this OA is that there were vacancies earlier to the issue of the amended recruitment rules for JTOs dated 8.2.96. Even those vacancies were filled as per the amended recruitment rules dated 8.2.96. Hence he prays for consideration of

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his case for the vacancies which were available earlier to 8.2.96 in accordance with the then rules and not as per the amended rules which were amended on 8.2.96. The applicant further submits that there were vacancies earlier to 8.2.96 due to various reasons such as resignation, death, promotions and retirement. Hence those vacancies which were available earlier to 8.2.96 should be filled in accordance with the old Recruitment Rules. If so, the applicant is entitled for promotion against walk-in vacancies fixed under the earlier Recruitment Rules.

5. A similar OA viz, OA No.919/96 was considered by this Bench which was disposed of on 24.8.98. We feel that the same order will hold good in this OA also. Hence following direction is given:-

(i) If vacancies for the year 1995 are available either by resignation, promotion, death, retirement or creation of posts, earlier to the crucial date of 8.2.98, then those vacancies should be filled on the basis of the old Recruitment Rules;

(ii) If the vacancies had occurred after 8.2.96, then the amended rule should be pressed for filling up those vacancies.

6. The respondents should examine the availability of vacancies and consider the case of the applicant if he is eligible to be considered for the vacancies earlier to 8.2.96 and decided his case for promotion against appropriate group.

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Copy to:

1. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
2. The Telecom District Manager, Ananthapur.
3. One copy to Mr.N.R.Srinivasan, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

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27/10/98
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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S.JAI PARAMESHWAR :
M(J)

DATED: 24/8/88

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in
O.A.NO. 148/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED X REJECTED~~

~~NO ORDER AS TO COSTS~~

YLR

