

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO. 743/99

DATE OF ORDER : 18-4-2000

Between :-

1. G.Sonaiah	11.A.Nageswara Rao
2. Ch.Vanasree	12.A.Sanjeeva Rao
3. M.L.Narasimham	13.Smt.B.Helan
4. B.P.Reddy	14.A.N.B.Charry
5. S.Rameshkumar	15.M.T.Charyulu
6. P.Venkateswarlu	16.T.Shankar Rao
7. V.Raghav Rao	17.R.B.Charry
8.G.Sreenivas Rao	18.P.Nageswara Rao
9. N.Narayana	19.Sk.Gousuddin Ahmed
10.G.Appa Rao	20.B.R.Veera Swamy

...Applicants

And

1. The Telecom District Manager, Khammam.
2. The Chief General Manager, AP Circle, Hyderabad.
3. Union of India, rep. by the Chairman, Telecom Commission, New Delhi.

...Respondents

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Counsel for the Applicants : Shri K.Venkateswara Rao

Counsel for the Respondents : Shri B.N.Sarma, Sr.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri K.Venkateshwar Rao, learned counsel for the applicant and Sri M.C.Jacob for Sri B.N.Sarma, learned standing counsel for the Respondents.

2. There are 20 applicants in this OA working as Sr.TOA<sup>s</sup> under the control of Respondent No.1. They have filed this OA praying for a declaration that they are entitled for appearing <sup>in</sup> JTO Screening Test against 35% quota on par with TTAs scheduled to be held on or after 23-4-2000 by holding the action of the respondents in not including the cadre of Sr.TOA<sup>s</sup> in JTO Recruitment Rules to appear for JTOs screening test under 35% quota as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

3. The applicants herein are not permitted to appear for the JTO Screening test against 35% quota as this category was not included by the Recruitment Rules as feeder category for promotion against 35% quota as JTOs.

4. The above has been rectified by the new Recruitment Rules to the cadre of JTO notified under Article 309 of Constitution of India in the Gazette<sup>s</sup> of India (Extraordinary) dated 31.8.1999 vide GSR No.620 (E). By that amendment to the Recruitment Rules, the Sr. TOAs were also made eligible for appearing competitive examination for JTOs against 35% quota on par with TTAs and other cadres. However, the Screening Test is replaced by a Competitive Examination vide schedule 12(1) of the JTO Recruitment Rules, 1999, the

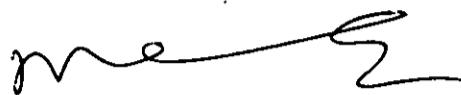
details of which are produced in para-5 of the reply. In that view the respondents submit that the OA does not survive. The learned counsel for the applicant submits that when it was decided to permit the applicants against 35% quota of JTOs, then there is ~~admit~~ no bar to ~~exempt~~ them from appearing to the examination scheduled to be held on 23-4-2000. Hence he requests to permit the applicants to sit for the examination scheduled to be held on 23-4-2000. Eventhough no remarks made in the reply, the learned standing counsel submits that the Sr.TOAAs are permitted to appear for the JTO examination against 35% quota by order dated 31.8.1999. Hence, ~~for the vacancies of JTOs~~ <sup>that</sup> arose on or after 31.8.1999 only the applicants are entitled to appear for the Screening Test/Competetitive Examination. The Screening Test scheduled to be held on 23-4-2000 is for the vacancies which arose earlier to 31.8.1999. Hence the applicants cannot sit for the examination.

5. We see a point in the submission of the Respondents. The applicants got the eligibility to sit for the examination for the JTOs against 35% quota only because of the order dated 31.8.1999. Earlier to that date they are not entitled. Hence they get the right to sit for the examination only for the vacancies arising on or after 31.8.1999. This contention is also in accordance with the Apex Court judgement in Rangaiah & Others Vs. State of A.P. & Others (AIR 1983 SC 852).

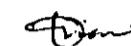
6. Hence if the selection to be held on 23-4-2000 is not for ~~the vacancies~~ <sup>that had arisen</sup> on or after 31.8.1999 then the applicants are not entitled for the selection. The Respondents may inform the applicants for which vacancies the Selection Test is being held on

23-4-2000 in writing. However, it is made clear that the applicants are entitled to appear for the selection test for the vacancies that arose on or after 31.8.99.

7. With the above observations the O.A. is disposed of.  
No order as to costs.



(R. RANGARAJAN)  
Member (A)

  
(D.H. NASIR)  
Vice-Chairman

Dated: 18th April, 2000.  
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

COPY TO:

1. HON. J.
2. HRRN (ADMN) MEMBER
3. HBJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

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

THE HON'BLE MR. R. RANGARAJAN  
MEMBER (ADMN)

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

DATE OF ORDER 18/4/2000

MA/RA/CP. NO.

IN

OA. NO. 743/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

(7 copies)

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्र सरकारी अधिकारण  
CENTRAL ADMINISTRATIVE TRIBUNAL  
हैदराबाद आयोग  
HYDERABAD BENCH

2 MAY 2000

Despatch No.

RECORDED

आपा निवास/पापल सेक्शन