

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :

AT HYDERABAD

DA NOs. 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761,
1762, 1763, 1764, 1765, 1766, 1767 of 1998, DA 55, 56,
57, 58, 59, 190, 142, 409 & 410 of 1999.

DATE OF ORDER : 19th March, 1999.

DA 1754/98

Between:-

- | | |
|----------------------|-----------------------|
| 1. S.Raja Babu | 7. Jayantha Rao |
| 2. G.S.Chalam | 8. A.H.Suribabu |
| 3. S.Veeranna | 9. P.Baburao |
| 4. K.Subbarao | 10. K.Arunakumar |
| 5. P.V.V.Subbarayudu | 11. M.Hanuma Reddy |
| 6. N.V.V.S.Murthy | 12. D.V.S.S.R.Patnaik |

... Applicants

And

1. Union of India, rep. by its Chairman, Telecom Commission, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
3. The General Manager, Telecom District, Guntur, Chandramouli Nagar, Guntur.
4. The Telecom District Manager, Rajahmundry.

... Respondents

** ** *

DA 1755/98

- | | |
|----------------------------|-------------------------|
| 1. M.Kesava Kumar | 11. P.Narotham Reddy |
| 2. Bommareddy | 12. V.Sudhakara Babu |
| 3. Y.Subhash Chander Reddy | 13. M.Narasimha-II |
| 4. C.V.Ratnam | 14. G.Janardhan |
| 5. M.Nageswar Rao | 15. C.Pandu |
| 6. G.N.R.Mani | 16. M.Prameela |
| 7. G.Surender | 17. K.Anant Raj |
| 8. N.S.S.Rangarao | 18. Ch.Ram Sai |
| 9. T.V.N.Pavan Kumar | 19. D.Manjuba |
| 10. P.Devender | 20. Y.V.Nagabhushanarao |

(A-1, A-2, A-3 etc. numbered within brackets refer to the 'Annexures' accompanying the D.As.)

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- | | |
|---------------------------|-----------------------------|
| 21. C.Laxman Dass | 59. P.Shanker |
| 22. Shaik Mohiuddin | 60. Dasarath. |
| 23. Y.Madhusudhan Rao | 61. A.Mohan |
| 24. P.Naga Satya Mani | 62. Raheemuddin |
| 25. Md.Abdul Rafseq | 63. A.Dayanand |
| 26. A.Prem Anand | 64. V.Hanumanthu |
| 27. Smt.R.Sadhana | 65. K.Subbarao |
| 28. A.Chandra Mouli | 66. J.Ranganayakulu |
| 29. Ch.Rajasekhara Reddy | 67. R.V.Bhanu Prasad |
| 30. S.Somaiah | 68. R.Subbadra |
| 31. P.Sarojini | 69. Ch.Radha Krishna Murthy |
| 32. T.N.D.Malleswari | 70. A.V.Subrahmanyam |
| 33. G.Radhakrishnareddy | 71. D.Manohar |
| 34. Ch.Siva Satyanarayana | 72. M.Durga prasad Reddy |
| 35. K.Shankaraiah | 73. A.Raghupathi Reddy |
| 36. Y.Mallikarjunarao | 74. G.Yesuratnam |
| 37. P.Anjireddy | 75. D.Ramesh Sabu |
| 38. Jagannath | 76. M.Venkateswarlu |
| 39. P.V.Indira Ramana | 77. R.Subbaiah |
| 40. G.Bhoomaiah | 78. M.Subramanyeswari |
| 41. K.L.Mallesham | 79. Md.H.Ahmed Siddiqui |
| 42. P.Eela Jayasri | 80. D.Kusuma Kumari |
| 43. B.Nageswara Rao | 81. G.Sarala |
| 44. J.Giridhar Raj | 82. B.Gopi Krishna Rao |
| 45. G.Ramulu | 83. A.Srihari |
| 46. G.N.Arun Kumar | 84. C.Krishnarao |
| 47. Md.Iftakaruddin | 85. Ch.Murali Krishna |
| 48. M.Surender Reddy | 86. Smt.Sowbhagyam |
| 49. S.Shakira Begam | 87. A.S.H.Prasad |
| 50. V.Lakshmi Prasanna | 88. M.Venkateswararao |
| 51. V.Thandava Krishna | 89. Sk.Masum |
| 52. Smt.M.Rajani Kumari | 90. K.Prasad |
| 53. Smt.K.Padmasree | 91. T.Radha Raman |
| 54. S.Rama Kumar | 92. Md.Nisar Ahmed |
| 55. A.Peraiah | 93. R.B.Ravishankar |
| 56. Y.Nagaiah | 94. S.Venkateswaramma |
| 57. G.Suryaprakash | 95. M.Sreenivasa Reddy |
| 58. G.Rajeshwar | 96. T.K.Sreedharan |

- | | |
|---------------------------|--------------------------|
| 97. Y.S.Ashok Kumar | 128. Y.Ramakrishnarao |
| 98. Vijayakumar Pillala | 129. J.Sreenivasulu |
| 99. T.A.S.Sundaram | 130. R.Sudershan |
| 100. K.Srihari | 131. T.N.Mallikarjunarao |
| 101. A.Satyanarayana | 132. S.Nageswararao |
| 102. Sangsetha Ghosh Roy | 133. T.Prabhakar |
| 103. P.Nagamani | 134. N.Kabeer Das |
| 104. A.V.Vijayalakshmi | 135. V.Srikanth |
| 105. B.Ramesh Babu | 136. G.Kumar |
| 106. R.Bhagyavathi | 137. S.A.Quadri |
| 107. D.Hanuma Das | 138. Ch.Janardhan Reddy |
| 108. P.Srinivas | 139. K.Lakshmi Vandhani |
| 109. I.Vijayakumar | 140. YAVKRS Sai Prasad |
| 110. R.S.Narehari Rao | 141. TBVS Devasahayam |
| 111. P.Bala Veerananayana | 142. T.Malleswararao |
| 112. K.Lakshminarayana | 143. Ch.Ramalingaiah |
| 113. A.Padmaja | 144. Ch.V.Sastry |
| 114. G.Ratna Kumari | 145. K.Kishor Kumar |
| 115. S.Naga Malleswari | 146. M.Rajendra Reddy |
| 116. G.Lakshamma | 147. Md.Ankushawali |
| 117. G.V.Hanumantharao | 148. D.Sanjeeva |
| 118. K.Samba Murthy | 149. D.Lingamaiah |
| 119. T.Prakash Rao | 150. S.Jayaram |
| 120. K.Sambasivarao | 151. K.Ramesh |
| 121. A.Ananthaiah | 152. G.Srinivas Rao |
| 122. N.Kanaka Durga | 153. P.Krishnaiah |
| 123. K.Prafulla Kumari | 154. M.Sudheer |
| 124. K.Seetaramulu | 155. A.Vijayabhaskararao |
| 125. N.Lakitha | 156. R.Satyanarayana |
| 126. M.Shakuntala | 157. A.Vijayakumar |
| 127. K.Srinivasa Rao | 158. R.Nagabhushanam |
| | 159. K.V.Rama Prasad |

.. Applicants

And

1. Union of India rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The Principal General Manager, Telecommunications,
Hyderabad.

** ** *

.. Respondents

... 4 ...
DA 1756/98

1. B.Venkata Raju
2. A.M.Samad
3. S.M.Gaffoor

... Applicants

And

1. Union of India rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
3. The General Manager, Warangal Telecom
Area, Podduturi Complex, II Floor,
Hanumakonda.
4. The Telecom District Manager, Nizamabad.

... Respondents

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DA 1757/98

1. D.Venkateswararao
2. A.Mohan Reddy
3. P.R.Madhusudhan
4. N.Koteswararao
5. G.Sestharamaiah
6. P.Ramu Reddy
7. P.R.K.Mohan Rao
8. M.Setyam
9. K.Ramamohendarao
10. P.Satyanarayana
11. T.Vasudevarao
12. K.Satyanarayana
13. V.Venkateswararao
14. T.L.Narayana
15. NSC Bose
16. A.Madhavarao
17. P.Purnima
18. G.Mani
19. M.Sharvar Ali
20. I.Chenchuramaiah
21. K.V.Krishnaji Rao
22. P.Venkateswararao

23. M.Vicor Babu
24. K.Sreerama Murthy
25. Ch.Srinivasarao
26. Md.Ibrahim Salim
27. D.Gopal Rao
28. N.G.Raghavendarao
29. K.Jyothirama
30. R.Narasimharao
31. V.Dwarakanath
32. V.Hemachandrarao
33. V.S.Naik
34. P.Veeraiah
35. K.Changal Rao
36. N.Nageswararao
37. Sk.Dastagiri Basha
38. M.Sudhasekhara Chowdary
39. J.Chandra Mohan
40. D.Nagi Reddy
41. J.Subbaiah
42. S.V.K.Viswanath
43. K.Love Kumar

... APPLICANTS

... 5/-

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. General Manager, Telecom District,
Chandramouli Nagar, Guntur.
4. The Telecom District Manager, Guntur.

... Respondents

DA 1758/98

- | | |
|-----------------------|------------------------|
| 1. V.Manikyalareo | 22. S.Krupakar |
| 2. D.Kameswararao | 23. B.Balanagaraju |
| 3. M.Venkataiah | 24. V.Srinivasarao |
| 4. P.Prasadarao | 25. N.Jayasree |
| 5. S.V.Ramana Naik | 26. K.Adinarayana |
| 6. K.M.Sankaraiah | 27. A.Issac |
| 7. B.Vijaya Lakshmi | 28. P.Nagendram |
| 8. M.Santha Kumeri | 29. M.Ch.Khasim Peeran |
| 9. S.Md.Hameef | 30. M.Rangaiah |
| 10. S.Ranga Swamy | 31. N.Nagabhushanam |
| 11. P.Krishna Murthy | 32. K.Ranganna |
| 12. K.Nagabhushanam | 33. S.Soukat Ali |
| 13. M.Rajagopalachari | 34. J.Padmaja |
| 14. D.Venkateswarlu | 35. M.Obaiah |
| 15. P.Rangaswamy | 36. M.Ranga Reddy |
| 16. U.Ranga Swamy | 37. K.Rameswarappa |
| 17. P.Kasaiah | 38. S.A.Sammad |
| 18. M.Madhavaraj | 39. G.Mahendra |
| 19. A.Siva Nagaiah | 40. Y.Shyam Prasad |
| 20. K.Veeranna Setty | 41. Ch.Venkata Rathnam |
| 21. T.Anganeyulu | |

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Hyderabad Telecom Area,
II Floor, CTO Compound, Secunderabad.
4. Telecom District Manager, Kurnool.

... Respondents

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DA 1759/98

- | | |
|--------------------------|--------------------------------|
| 1. M.Jagadeeshwar | 17. M.Eswaraiah |
| 2. M.Lingaiah | 18. Shaik Tafazzul Hussain |
| 3. K.E.Vijay Sankar | 19. K.Ram Mohan Rao |
| 4. G.Kumar | 20. Nagelli Mohan Raj |
| 5. R.Venumedhav | 21. V.Cheralu |
| 6. B.Raji Reddy | 22. Chintam Madhu Sudhan |
| 7. Ch.Somaiah | 23. Kokkonda Sri Ramamohan Rao |
| 8. A.Manohar Rao | 24. G.Samuel |
| 9. P.Salman | 25. S.Ravindar |
| 10. H.Anandam | 26. G.Sarangapani |
| 11. Yakkanti Konda Reddy | 27. S.Sankaraiah |
| 12. U.Subbarao | 28. P.Isaiah |
| 13. Gulam Ghouse | 29. M.Raghupathi |
| 14. P.Kumaraswamy | 30. A.Kingaiah |
| 15. A.Sree Rengarao | 31. K.Raja Ratnam |
| 16. D.Swamy | |

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager,
Telecommunications, AP Circle,
Hyderabad.
3. The General Manager, Warangal Telecom
Area, Podduturi Complex, II Floor,
Hanumakonda.
4. Telecom District Manager, Warangal,
Near KMC

... Respondents

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DA 1760/98

- | | |
|-----------------------|----------------------|
| 1. N.Venkateswararao | 13. G.Ramadhira |
| 2. Y.Jalandar Reddy | 14. Md.Saleem |
| 3. M.Srinivas Gupta | 15. D.Bharat Kumar |
| 4. N.Vesuram | 16. A.Chandramouli |
| 5. A.Narasimha | 17. B.Krishnarao |
| 6. K.Prasadarao | 18. P.Prabhakararao |
| 7. Gulam Mustafa | 19. P.Mallaiah |
| 8. M.Venkataram Reddy | 20. P.Srinivas Rao |
| 9. S.V.Ramaniaiah | 21. K.Rajababu |
| 10. B.Narasimharao | 22. S.Yadagiri |
| 11. K.Kotswararao | 23. K.Lingaiah |
| 12. T.Sreenivasu | 24. Rebelli Srinivas |

... 7/-

- | | |
|----------------------------|------------------------|
| 25. M.Hari Sagar | 33. K.Srinivasa Murthy |
| 26. K.Lakshmi Kantha Reddy | 34. K.Gelval Reddy |
| 27. N.Sarveswararao | 35. A.Anjaiah |
| 28. D.Rasooli | 36. B.Ramulu |
| 29. S.Shukur | 37. K.A.Ramarao |
| 30. R.Chakrapani | |
| 31. V.Venkataswarlu | ... Applicants |
| 32. G.Ganesh | |

And

1. Union of India, rep. by its Chairman, Telecom Commission, Sanchar Bhavan, New Delhi.
 2. The Chief General Manager, Telecommunications, AP Circle, Hyderabad.
 3. The General Manager, Warangal Telecom Area, Podduturi Complex, II Floor, Hanumakonda.
 4. The Telecom District Manager, Nalgonda.
- ... Respondents

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DA 1761/98

- | | |
|------------------------|---------------------------|
| 1. B.Mallaiiah | 22. V.Neeraja |
| 2. A.Anjaiah | 23. R.Chander Rao |
| 3. S.Satyanarayana | 24. Md.Maqqdoom Mohiuddin |
| 4. K.Rajender | 25. M.Suryachander Rao |
| 5. Md.Vazeer | 26. K.Bhavani |
| 6. G.Manohar | 27. V.Srinivas Reddy |
| 7. G.Laxminarasaiiah | 28. B.Rajaiah |
| 8. S.P.Mahabbob | 29. Y.Narasimhaswamy |
| 9. T.Bhaskar Reddy | 30. T.Kishore Kumar |
| 10. M.Narasiah | 31. K.Josna Grace |
| 11. B.Ramaprasad | 32. K.Venkateswararao |
| 12. A.Venkataiah | 33. T.Kashaiiah |
| 13. G.Gangadhar | 34. D.Laxmaiah |
| 14. Ch.Srinivas Gandhi | 35. K.R.Ratnakar Raju |
| 15. Md.Yousuf | 36. G.Satyanarayana |
| 16. S.Dayanand | 37. G.Thirupathi Reddy |
| 17. G.Rajaiah | 38. S.Mallesham |
| 18. P.Prahlad | 39. K.Narasimha Reddy |
| 19. T.Anjanayulu | 40. R.Mallesham |
| 20. D.Mallesham | 41. G.Lalitha |
| 21. K.Sri Uma Devi | 42. Sd.Sirajuddin |

... Applicants

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And

1. Union of India rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi.
2. The Chief General Manager,
Telecommunications, AP Circle,
Hyderabad.
3. The General Manager, Warangal Area,
Telecom Podduturi Complex, IInd Floor,
Hanumakonda.
4. The Telecom District Manager,
Ashoknagar, Karimnagar.

.. Respondents

** ** *

DA 1762/98

- | | |
|------------------------------------|------------------------------|
| 1. D.Ravindra Babu | 12. D.P.Prabhudas |
| 2. M.Sambaiah | 13. Y.Prakash Rao |
| 3. B.Nageswararao | 14. P.Prabhakar Babu |
| 4. M.Enock | 15. NVSN Acharyulu |
| 5. K.Boaz | 16. N.V.Ram Rao |
| 6. B.Subbarao | 17. P.Niranjana Kumar |
| 7. V.Chenchuramaiah | 18. E.Hanumantharao Subbaiah |
| 8. A.Venkataraju | 19. N.Venkateswararao |
| 9. G.P.Ankaiah | 20. N.Shyam Sunder Rao |
| 10. E.Eddara Venkata Suryanarayana | 21. B.Venkateswarlu |
| 11. J.Abhishekam | |

.. Applicants

And

1. Union of India, rep. by its Chairman,
Sanchar Bhavan, New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Visakhapatnam Telecom
Area, 10-1-32A, Asaelmetta, Visakhapatnam.
4. The Telecom District Manager, Ongole.

.. Respondents

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DA 1763/98

- | | |
|-----------------------|---------------------|
| 1. G.Jaya Ramulu | 8. Abdul Jalbel |
| 2. S.Ram | 9. S.Khasim Peeran |
| 3. B.Vijaya Kumar | 10. B.Prakash |
| 4. Smt.K.V.Arundhathi | 11. S.Narasimharao |
| 5. V.Anjanayulu | 12. G.Onamappa |
| 6. S.Chinnaiah | 13. N.Bala Subbaiah |
| 7. Lohin | 14. G.Gopal Reddy |

... 9/-

- | | |
|-----------------------|------------------------|
| 15. D.Shanker | 21. C.Shiva Kumar |
| 16. K.Venkataramulu | 22. S.Prakash Babu |
| 17. G.Ahjan Gowd | 23. Kalappa |
| 18. Sgt.Honmamma | 24. C.Ram Reddy |
| 19. Ch.Devadnam | 25. V.Shyam Sunder Rao |
| 20. - T.Raghuma Reddy | 26. M.Jagadesh |

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Hyderabad Telecom Area,
II Floor, CTO Compound, Secunderabad-3.
4. Telecom District Manager, Municipal
Complex, Building, Mahabubnagar.

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... Respondents

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DA. 1764/98

- | | |
|------------------------|-----------------------|
| 1. S.Ampaiah | 12. S.Kotesararao |
| 2. P.Sambamurthy | 13. G.Bala Soury |
| 3. J.Prabhuchitham | 14. S.Balabasvi Reddy |
| 4. M.Adam | 15. S.Ramanarayana |
| 5. K.Chandrasekhararao | 16. Boddi Nehru |
| 6. A.Raja Babu | 17. Chilukuri Ramarao |
| 7. Ch.Raghu Ramulu | 18. G.Suryanarayana |
| 8. G.Krishna Reddy-II | 19. T.Usha Rani |
| 9. A.Seshagirirao | 20. K.Rajeshwar Rao |
| 10. P.Muthaiah | 21. G.Krishna Reddy |
| 11. T.Venkataramo | |

... Applicants

And

1. Union of India rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Warangal Telecom Area,
Podduturi Complex, II Floor, Hanumakonda.
4. The Telecom District Manager, Khammam.

... Respondents

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DA. 1765/98

- | | |
|--------------------|---------------------|
| 1. M.Raghuramaiah | 6. M.Ramachandraiah |
| 2. G.Penchalaiah | 7. G.Thippa Reddy |
| 3. S.Rama Subbaiah | 8. R.Sivaramaiah |
| 4. K.Simharayulu | 9. P.Gandhrakumar |
| 5. P.Venkata Sopal | 10. Ch.Jayaraju |

... 10/-

11. S. Nageswara Rao
12. Smt. D.P. Mahadevi
13. B. Siva Subbaraju
14. A. Sreenivasulu

15. C. Balagovindappa
16. C. Eswara Reddy
17. K.P. Kulleyappa
18. D. Jagannatham

And

... Applicants

1. Union of India, rep. by its Chairman, Telecom Commission, Sanchar Bhavan, New Delhi - 110 001.
2. The Chief General Manager, Telecommunications, AP Circle, Hyderabad.
3. The General Manager, Hyderabad Telecom Area, IInd Floor, CTO Compound, Secunderabad-3.
4. The Telecom District Manager, Maruthinagar Cuddapah.

... Respondents

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OA 1766/98

- | | |
|--------------------------------|--------------------------------|
| 1. Thota Sai Kumar | 13. Bheemaraju Kishore |
| 2. Lalapeta Venkataiah | 14. Immadisetty Jaya Prasad |
| 3. Murarisetty | 15. Vemuri Prabhakar |
| 4. Manmohan Balaji Lal | 16. Thota Krishna Murthy |
| 5. Jakkala Venkata Ramana | 17. Tirupathi Nageswararao |
| 6. Nuthalapati Lokeswararao | 18. D. Obaiiah |
| 7. Perumalla Sai Prabhakar | 19. Sk. Abdul Rasheed |
| 8. K. Rama Gopal | 20. Voodaragonta Vasundra Dass |
| 9. C. Janaki Ramaiah | 21. L.V. Bhavanacharyulu |
| 10. A. Pullaiah | 22. L.V. Sreedharacharyulu |
| 11. Annevarapu Venkataramamiah | 23. Jalakam Chalapathi |
| 12. Jadapalli Muniraja | |

... Applicants

And

1. Union of India, rep. by its Chairman, Telecom Commission, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, AP Circle, Hyderabad.
3. The General Manager, Visakhapatnam Telecom Area, 10-1-32A, Asselmetta, Visakhapatnam.
4. The Telecom District Manager, Nellore.

... Respondents

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OA. 1767/98

- | | |
|------------------------|----------------------|
| 1. T.S. Prakasarao | 7. G. Suryarao |
| 2. B. Srisaile Prasad | 8. S. Ratnakararao |
| 3. P. Sita Rama Murthy | 9. A. Vijaya Krishna |
| 4. G. Gouri Sankar | 10. M. Maridi Babu |
| 5. P. Atchanna | 11. K.V. Ramana |
| 6. Korlapu Bhaskararao | 12. K. Surappadu |

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- | | |
|-------------------------------|--------------------------|
| 13. Vesturi Sri Rama Murthy | 17. Vanapalli Venkatarao |
| 14. M. Srimannarayana | 18. Dantuluri Umadevi |
| 15. Y. Syamal Rao | 19. M. Jagadeswari |
| 16. Parasurampuram Sai Prasad | 20. P. Vasudevarao |

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission Sanchar Bhavan,
New Delhi.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Visakhapatnam Telecom
Area, 10-1-32 A, Ascolmetta, Visakhapatnam.
4. The Telecom District Manager, Telecom
Bhavan, Vizianageram.

** ** *

... Respondents

DA.55/99

- | | |
|------------------------------|----------------------------|
| 1. C. Yernama Reddy | 27. B. Narayana Reddy |
| 2. K. Munirathnamachari | 28. G. Ramakrishnaiah |
| 3. K. M. Krishnappa | 29. M. Chandrasekhar |
| 4. A. Tiruppani | 30. Shaik Iqbal |
| 5. M. Subramanyam | 31. T. Karunakara Reddy |
| 6. N. Chandraseiah Chetty | 32. G. V. Ramana |
| 7. A. Venkatesulu | 33. P. Nagaraju |
| 8. G. Sriyamulu | 34. S. C. Subrahmanyam |
| 9. G. Nagulaiah | 35. T. Kannaiah |
| 10. T. Rajaganapathi Reddy | 36. E. V. Padmanabha Reddy |
| 11. D. Thengerej | 37. P. Ranganadha Reddy |
| 12. K. Lokarajan | 38. S. Allabakshu |
| 13. M. Venkateswara Naidu | 39. G. Kuppa Swamy |
| 14. K. Mohana Murali Pillai | 40. P. Subrahmanyam |
| 15. Sk. Gaffar Shariff | 41. S. Munirathnam |
| 16. S. Gopi Kumar | 42. M. Vemanacharyulu |
| 17. V. Prabhakara Reddy | 43. G. Sreedhar |
| 18. S. V. Chokkalingam | 44. K. Subramanyam |
| 19. K. S. Raveendranath | 45. T. Chengalrayalu |
| 20. T. V. Krishnareo | 46. P. Govinda Raju |
| 21. Y. Ramanjulu | 47. V. Venkataramana |
| 22. G. Chandrasekhara Chetty | 48. B. Manjunadham |
| 23. V. Manohar | 49. S. K. Anantakumar |
| 24. K. Guru Moorthy | 50. K. Sankarajah-II |
| 25. G. Sivakumar | 51. C. Subbarayudu |
| 26. K. Sudhakar Naidu | |

... Applicants

And

1. Union of India, rep. by its Chairman,

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Telecom Commission, Sanchar Bhavan, New Delhi.

2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.

3. The General Manager, Chittoor Telecom District,
Head Post Office, Compound, Tirupathi.

4. The Telecom District Manager, Tirupathi.

... Respondents

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DA. 56/99

1. K.Krishna

2. N.R.Madhukar

3. Y.Rajanna

4. M.Reju

5. R.Chandrasekhar

6. N.Hanmandlu

7. L.Sundar

8. Venkateswararao

9. N.Apparao

10. Y.Radhakrishnan

11. N.Narayana

12. M.Devadas

13. B.Bagaiah

14. T.Bepuresddy

15. Shajida Faruqine

16. R.Narasimha Reddy

17. M.Yellaiah

18. K.Balaraju

19. J.Bhoomaiah

20. J.Srinivas

21. Dinesh Kalgikar

22. M.Vijender

23. K.Ch.V.Subbaiah

24. M.B.Kavi Raju

25. P.Vittal Reddy

26. R.Dathatri

27. Lemminarsingh

28. K.Narayana

29. Abdul Latheef

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi.

2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.

3. The General Manager, Hyderabad Telecom
District, IIInd Floor, CTO Compound, Sec'bad.

4. Telecom District Manager, Sanchar Bhavan,
Sangareddy.

... Respondents

** ** *

DA. 57/99

1. K.K.Kameswararao

2. Sk.Valli

3. R.Srinivasa Rao

4. B.Isac Babu

5. K.B.G.Tilak

6. Nakka Madhusudhana Babu

7. Parupudi Appanna Sastry

8. Maddali Surya Rao

9. S.Suryanarayana Murthy

10. Y.Subbarao

11. D.Narasimharaju

12. S.Rajendra Prasad

13. Didla Ratna Raju

14. Shaik Mahaboobvali

15. S.Venkateswararao

16. G.S.S.Ramarao

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- | | |
|----------------------------------|------------------------------|
| 17. B. Srinama Murthy | 47. V. Appalacharyulu |
| 18. G. Lakshmanarao | 48. A. Venkata Krishnaiah |
| 19. K. V. V. N. Hanumantharao | 49. G. Apparao |
| 20. M. V. S. Rayudu | 50. K. Venkata Satya Prakash |
| 21. N. V. Rama Raju | 51. R. Krishna |
| 22. M. Bhaskararao | 52. T. S. Reddy |
| 23. K. L. Katyayini | 53. Ch. Tatabbai |
| 24. P. Lakshmanarao | 54. M. Madhusudhanarao |
| 25. U. Jhansi Lakshmi Rani | 55. E. Venkateswararao |
| 26. B. Venkata Lakshmi Hemalatha | 56. V. Prabhakararao |
| 27. R. V. Prasadarao | 57. Shaik Majuruddin |
| 28. L. Satyanarayana | 58. P. V. Mohanarao |
| 29. Md. Ali | 59. V. V. Swamy |
| 30. N. Suryanarayana Murthy | 60. K. Jayaraju |
| 31. V. Venkateswararao | 61. D. Suryanarayana Raju |
| 32. V. J. R. Elive | 62. K. Satyanarayana |
| 33. Ch. Tatacharyulu | 63. T. N. B. Gangadharam |
| 34. C. S. R. Murthy | 64. V. Ramalingeswararao |
| 35. Ch. Augustin | 65. G. Lakshmayya |
| 36. R. Ravi Prasad | 66. J. Venkatarao |
| 37. P. Janardhanarao | 67. V. Pullam Setty |
| 38. Y. V. R. K. Murthy | 68. K. Naganna |
| 39. K. Narandrababu | |
| 40. L. Vishnu Vardhanarao | |
| 41. K. Ch. M. Tilck | |
| 42. G. V. M. Nagendran | |
| 43. P. Venkata Ratnam | |
| 44. V. Bhujangarao | |
| 45. N. Bhaskararao | |
| 46. P. Kanaka Murthy | |

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Telecom District,
West Godavari Collectorate Compound,
Eluru.
4. The Telecom District Manager, Eluru.

... Respondents

** ** *

OA. 58/99

1. M. Prasad
2. M. A. Azam
3. M. Sammaiah
4. P. Bhaskar
5. K. Danaiah

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The General Manager, Warangal Telecom Area,
Poddaturi Complex, II Floor, Hanumakonda.
4. The Telecom District Manager, Warangal.

... Respondents

** ** *

OA. 59/99

1. D. Satyanarayana
2. Munir Ahmed
3. N. Yadagir
4. S. Ramachandrarachary
5. D. Balak Dass
6. P. Srivelli
7. A. Murali Krishna
8. A. Suguna
9. V. Sivananda Kumar
10. Ch. Savitri
11. L. Pandarinath
12. B. Govinda Rao
13. D. Sivananda
14. T. Venkateswarlu
15. Mohd. Abdul Khader
16. G. R. Laxmanarao
17. K. V. V. Raghavacharyulu
18. V. Gopala Krishnaiah
19. V. Narayanaswamy
20. K. S. Ashok Kumar

21. Smt. M. Vijayalaxmi
22. A. Jagdishwar
23. K. Satyanand
24. D. Purushothamarao
25. A. Venkatesachary
26. K. Gangaram
27. A. Yadaiah
28. P. M. Satyanarayana
29. M. A. Saleem
30. P. Ramesh
31. D. Padmaja
32. M. M. Saig
33. M. Rajender
34. K. V. G. Gupta
35. A. Eswaramma
36. D. Tirupatireddy
37. J. Anjireddy
38. V. Mariamma
39. D. Raja Ratnam

... Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi - 1.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The Principal General Manager,
Telecommunications, Hyderabad.

... Respondents

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OA. 190/99

- | | |
|---------------------------|--------------------------|
| 1. V.V.L.Narasimha Murthy | 18. P.Prabhakar |
| 2. T.Narsaji | 19. B.Sanjeevarao |
| 3. K.Sivaneegaswararao | 20. P.Tukaram Chari |
| 4. V.Raghorani | 21. B.Ramsingh |
| 5. A.Anuradha | 22. K.Samasivarao |
| 6. A.Uma Maheswari | 23. V.Hanumantha Rao |
| 7. M.Samuel Raju | 24. P.Ramesh |
| 8. V.Padmavathi | 25. M.Dayanand |
| 9. B.Radha Kirhan | 26. K.Venugopal |
| 10. P.Subbarao | 27. M.Laxmaiah |
| 11. M.Narsimha | 28. M.Sangaiah |
| 12. M.Balarajaiah | 29. JVS N Varma |
| 13. Ch.Suvarnakumari | 30. P.Venkatarao |
| 14. Ch.S.Johnson | 31. D.Ramesh Babu |
| 15. Munganda Samadhanam | 32. B.Venkateswara Reddy |
| 16. P.Paranjyothi | 33. Smt.N.Shashikala |
| 17. Amalkant Barua | ... |

Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, Sanchar Bhavan,
New Delhi.
2. The Chief General Manager, Telecommunications,
AP Circle, Hyderabad.
3. The Principal General Manager,
Telecommunications, Hyderabad.

.... Respondents

** ** *

OA. 142/99

- | | |
|-------------------|-----------------------|
| 1. G.Ramchandrar | 16. C.Vishnuvardhan |
| 2. Y.Rajalingam | 17. D.Gangadharan |
| 3. K.Ramalingam | 18. Raju N.Allakonda |
| 4. M.Anantha Rao | 19. S.Venkata Ramana |
| 5. G.Mohan Rao | 20. P.Chellappan |
| 6. M.Janardhan | 21. R.Ganapathi |
| 7. M.Anjanayulu | 22. S.Gamaliel |
| 8. Y.N.Deshpande | 23. Smt.J.Aruna |
| 9. B.Rama Raju | 24. V.Balakishthaiah |
| 10. K.Bhoomaiah | 25. S.Madhusudhan Rao |
| 11. M.Sayulu | 26. Y.Prakash |
| 12. G.K.Arifuddin | 27. G.Pandurang |
| 13. Shaik Ali | 28. G.Subbarayudu |
| 14. B.Ch.Puttaiah | 29. P.Hanumaiah |
| 15. M.A.Khalokh | ... |

Applicants

And

1. Union of India, rep. by its Chairman,
Telecom Commission, 20, Ashoka Road,
New Delhi - 110 001.
2. The Chief General Manager,
Telecommunications, A.P. Telecom
Circle, Nampally station Road,
Hyderabad - 1.
3. The Telecom District Manager,
Nizamabad - 530 050.

... Respondents

** ** *

DA. 409/99

- | | |
|------------------------|-------------------------|
| 1. D. Emmanuel | 6. B. Molchand |
| 2. G. Narasiah | 7. M. Samabasiva Reddy |
| 3. P. Perumandla Swamy | 8. B. Narasimha Chary |
| 4. Mohd Manzoor Ahmed | 9. Mirza Karimulla Baig |
| 5. M. T. Oblesham | 10. K. Neelambaram |

... Applicants

And

1. Union of India, rep. by Chairman,
Telecom Commission, New Delhi - 1.
2. The General Manager, Telecom Warangal.
3. The General Manager, Telecom, Warangal.
4. The Divisional Engineer Telecom, Warangal.

... Respondents

** *** **

DA. 410/99

- | | |
|------------------------|----------------------|
| 1. K. Krishna Reddy | 8. B. Mohan Rao |
| 2. R. V. Amarnath | 9. R. Sudhakar |
| 3. N. Jaya Prakash Rao | 10. D. Purushotham |
| 4. K. Harnad Baba | 11. L. Rajasekhar |
| 5. D. Erraiah | 12. A. Ganapathi |
| 6. K. Suryanarayana | 13. S. Venkaiah |
| 7. P. Parameswara | 14. Sk. Gulam Khader |

... Applicants

And

1. Union of India, rep. by the Chairman,
Telecom Commission, 20, Ashoka Road,
New Delhi - 110 001.
2. The Chief General Manager,
Telecommunications,
A.P. Telecom Circle, Nampally Station
Road, Hyderabad - 500 001.
3. The Telecom District Manager,
Nellore - 524 050.

... Respondents

** ** *

Counsel for the Applicants : Shri PNA Christian (in all other cases)
Shri NR Srinivasan (in OAs 142 & 410 of 99)
Shri JV Lakshman Rao (in OA 409/99)
Counsel for the Respondents : Shri V. Rajeshwar Rao, CGSC
Shri B.N. Sharma, Sr. CGSC

CORAM:

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

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

(Per Hon'ble Justice Shri D.H. Nasir, VC):

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O R D E R

This is a batch of 15 cases bearing OA Nos 1754 to 1766 of 1998, another batch of 6 cases bearing OA Nos. 55 to 59, 190, 142, 409 and 410 of 1999 in all covering 776 applicants.

2. The applicants claim to be entitled to appear for qualifying screening test to be held on 11.4.1999 for promotion to the posts of Junior Telecom Officers (JTO). The applicants allege that the respondents have wrongly interpreted the provisions of sub-para (b) of second proviso to para-12 of the Statutory Rules dated 8.2.1996 for recruitment to the post of JTO and refusing to accept and process the applicants' candidature for qualifying screening test for promotion to the posts of JTO. All the applicants are working as Telecom Technical Assistants (TTAs for short). Prior to their present assignment they were all working in the cadre of Technicians, Several other cadres some of which are relevant for the purpose of the present batch of cases are Phone Inspectors/Auto Exchange Assistants/Transmission Assistants/Wireless Operators.

3. In order to meet the changing requirement of technology, the respondent Department by its letter dated 16.10.1990 (Annexure-1) stated that it was decided to introduce two new Cadres, namely (1) Phone Mechanics and (2) Telecom Technical Assistants (TTAs). It is further stated in the said circular dated 16.10.1990 that the cadres of (1) Lineman/Wireman (2) Cable Splicer (3) Technician (4) Transmission Asst./Wireless Operator/Auto Exchange Asstt/Phone Inspector were to be treated as wasting

cadres and that no direct recruitment would be made to the said existing cadres. According to the applicants, the next higher or higher cadre to the post of Technicians or to the post of Phone Inspectors was that of JTO. Another circular bearing No.27-4/87-TE-II dated 16.10.90 (A-III) was simultaneously issued in connection with recruitment to the post of JTOs; according to which 35% of the posts of JTOs were to be filled through a competitive examination open to all cadres and from those officials who possessed three year Engineering Diploma after Xth standard or 1st class in B.Sc. with Physics and Mathematics. It is further clarified in the said letter dated 16.10.1990 that after completion of two departmental examinations to be held during 1990 and 1991 the then existing recruitment rules for JTOs would be followed and thereafter such exercise would be kept in abeyance. Accordingly, the same was decided to be kept in abeyance till the year 2000 in order to facilitate promotion of Phone Inspectors and its allied cadres to the post of JTOs. By a further letter dated 18.4.1994 (A-IV) the Department decided to fill up 35% quota earmarked for PIs and its allied cadres firstly by promoting

- (a) P.I. and its allied cadres who held the qualification prescribed for outsiders for recruitment to the cadre of JTEs and completed 5 years of regular service in the cadre of PIs and its allied cadres and that they would be treated as walk-in-group and would be sent for JTO training and
- (b) The remaining vacancies would be filled by PIs and its allied cadres through qualifying examination irrespective of their length of service.

Further according to the applicants, the respondent Department by its letter dated 23.6.1994 (A-V) communicated their decision that the qualifying examination for promotion to the cadre of JTOs would be a qualifying screening test.

4. According to the rules in force, 15% of the vacancies of JTOs were to be filled up by the officials belonging to Group-C on successful completion of the competitive examination. PIs and its allied cadres as well as the Group-C employees were eligible to appear at the said test. The respondent Department by letter No.27-2/94-TE-II dated 18.4.1994 (A-IV) allowed all TTAs to appear at the qualifying screening test for the post of JTO along with PIs and its allied cadres, irrespective of their

length of service, against 35% quota meant for PIs and its allied cadres. By letter dated 23.12.1994 (A-VI) it was stipulated that the TTAs would be permitted to appear along with PIs and its allied cadres at the qualifying screening test which was decided to be held on 29.1.1995.

5. After the issuance of the letter dated 23.12.1994 the officials belonging to PIs and its allied cadres filed O.A. 37/95 before the Ernakulam Bench of Central Administrative Tribunal challenging the action of the respondent authorities permitting the TTAs to appear at the said test along with them. The said Bench refused to give any interim direction and ordered that the same would be considered at the time of final hearing. Thereafter the TTAs were allowed to appear at the qualifying screening test which was to be held on 29.1.1995.

6. The Diploma Engineers Association filed OA 207/95 before the Principal Bench of the C.A.T. for a declaration that the action of the respondents in not allowing the applicants therein (TTAs) to appear at the qualifying examination to be held on 29.1.1995 for the post of JTOs against 35% quota was illegal and void and for a consequential direction to the respondents to implement the policy for promotion to the post of JTO in terms of letter dated 16.10.1990. By an interim order dated 27.1.1995 the respondent - officials were directed to keep the answer scripts of the applicants (TTAs) in a sealed cover until further orders. Some of the TTAs whose answer scripts were kept in sealed cover in view of the aforesaid interim order, filed OAs 649/95 and 695/95 for a direction to be issued to the respondent - officials to assess the answer scripts of the applicants and to consider them for promotion along with PIs and its allied cadres to the posts of JTOs.

7. Pursuant to the order passed by the Ernakulam Bench of the Tribunal in O.A.37/95 the respondents issued an order No.22-22/95/TE-II dated 5.1.1996 (A-IV) in the following terms :

"The representation has been carefully considered by the Chairman, Telecom Commission. The cadre of TTAs has come about as a result of the scheme of cadre restructuring. The TTAs are at par with the PIs/TAs etc., in the matter of pay scale and are placed immediately below the cadre of JTOs. In fact the PIs/TAs etc. have been given the option to switch

over to the cadre of TTAs if they so desired. It was only after evaluating these developments properly that the department found it prudent to permit the PIs/TAs etc against the unfilled quota at 35% vacancies."

The above order was not challenged by the respondents according to the applicants and that the said order became final.

8. However, by a subsequent circular No.5-20/95-NCG dated 2.2.1996 (A-X) after recording that the TTAs were allowed to participate in the qualifying screening test against 35% quota of vacancies they could not be allowed to participate in the examination against 15% quota of vacancies.

9. Statutory rules for recruitment to the posts of JTOs were framed on 8.2.1996 (A-XII) in which the policy of the respondent department to fill up 35% of the vacancies in JTOs stood confirmed as reflected in column 12 of the Rules which reads as under :

"35% transfer/promotion shall be made from amongst -

(a) Phone/Inspector/Auto Exchange Assistant/Transmission Assistant/Wireless Operator who possess the qualification prescribed in Col.8 and have completed 5 years regular service in the cadre of Phone Inspector/Auto Exchange Assistant/Transmission Assistant/Wireless Operator.

(The minimum qualification being BSc. with Mathematics and Physics, as provided in Col.8).

(b) and from Phone Inspector/Auto Exchange Assistants/ Wireless Operators/Transmission Assistants/Telecom Technical Assistants who possess the High School/Matriculation qualification and who have completed 6 years of regular service through a qualifying screening test, unless he has already passed such test.

10. On 30.4.1996 OAs 649 and 695 of 1995 were disposed of by this Tribunal directing the respondents to assess the answer scripts of the applicants within three weeks and to declare the results within one week.

11. The respondent No.2 by a letter dated 10.12.1998 (A-XV) inviting applications from the eligible officers for appearing at the qualifying screening test to be held on 11.4.1999 directed his subordinates to receive applications before 30.12.1998 and forward the same to him before 6.1.1999. Respondent No.2 while circulating the prescribed application form through his letter

dated 10.12.1998 mentioned that -

"It may be ensured that the date of joining in the cadre of PI/RSA/WO/AEA/TTA should be indicated clearly (regular date of joining only should be taken and not the officiating date). The period of training along with the date of commencement and completion may also be mentioned and that the crucial date for the service condition of six years shall be taken as 1st July '98."

12. According to the learned counsel for the applicants Mr. Christian, the insistence on six years service in the cadre of TTAs was not in accordance with the statutory rules and therefore, the same was illegal and void ab initio. According to him, the letters dated 18.4.1994 (A-IV) and 23.6.94 (A-V) made it clear that regular service of six years or any length of service in the cadre of other PIs and its allied cadres or in the cadre of TTAs was sufficient for appearing at the qualifying screening test. Neither the statutory rules nor the policy of the department envisaged or stipulated that the condition of six years regular service as TTAs alone was necessary. According to Mr. Christian. If it was to be interpreted according to him, that six years of service as TTA alone was incumbent for TTAs to appear at the qualifying screening test, the respondent department would not have issued the circular dated 2.2.1996 (A-X) shutting the doors for the applicants belonging to the cadre of TTAs from competing for 15% of the posts of JTOs through a competitive examination as the department was aware that the recruitment to the posts of TTAs started only in 1993. If it is accepted that six years of service in the cadre of TTA was the basic eligibility criterion the applicants would be eligible only after 1999. But according to Mr. Christian that could not have been the intention of the department because it would result in closing all avenues to TTAs which was a technical cadre created to meet the changing requirement of technology. Placing the TTAs immediately below the JTO cadre and expecting them (TTAs) to assist the JTO in all jobs and functions, as per circular dated 11.7.1991, in preference to officials belonging to PIs and its allied cadres which were declared as wasting cadres and who were yet to become TTAs were clear manifestation of the department's intention : to save TTA's from fulfilling the eligibility criterion of six years' service.

13. Learned counsel Mr. Christian for the applicants further submitted that the statutory rules themselves did not expressly

or impliedly speak of this condition and on the other hand the circular dated 2.2.96 confirmed the policy of the department that the TTAs were eligible to become JTOs through qualifying screening test, the action of the respondent officials in rejecting the case of the applicants resulted in violation of the principles of natural justice in as much as no notice was even served on any applicant before resorting to take such extreme step of depriving the applicants from seeking redressal of their lawful grievance for promotion.

14. On behalf of the respondents reply affidavit has been filed by the Assistant General Manager, Legal, in the Office of the Chief General Manager, Telecom A.P. Circle, Hyderabad. While resisting the claims advanced by the applicants, the respondents submit that the tribunal had no jurisdiction to issue a writ of mandamus as prayed for by the applicants. If writ of mandamus had to be issued, it was incumbent upon the applicants to invoke the jurisdiction of the High Court under Article 226 of the Constitution of India, according to the learned Standing Counsel for the respondents Mr. V. Rajeshwar Rao.

15. The maintainability of OAs is also assailed by the respondents on the ground of multifarious nature of the reliefs sought by the applicants. It is also assailed on the ground that the OA. was instituted two years and 10 months after the notification with regard to JTO Recruitment Rules, 1996 published in the Gazette of India in February, 1996, without any valid ground for such belated challenge. The OAs were also barred by limitation and hit by the provisions of Section 21 of the Administrative Tribunals Act and on that ground alone, according to the respondents, the OAs were liable to be dismissed.

(i) While not disputing that consequent upon induction of modern technology in the department of Telecommunications, technical cadres of group C and Group D below JTO (emphasis supplied) were restructured creating two new cadres of Phone Mechanic and Telecom Technical Assistant and that all other cadres were declared as wasting cadres, it is contended that the duties performed by Technicians, Phone Inspectors (PI), Transmission Assistant (TA), Wireless Operator (WO) and Auto Exchange Assistant (AEA) were entrusted to the new cadre known as TTA (Telecom Technical Assistant). For the purpose of

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test and pro waiting for a certain period of time for completion of training and it was decided that the experience of officials in the cadre of PI/TA/WD/AEA, a provision was made in 1990 in the JTO Recruitment Rules enhancing the departmental quota of 20 per cent from those cadres of PI, TA, WD and AEA for recruitment to the cadre of JTO in 35% vacancies and further provision was made in 1994 substituting screening test in place of qualifying examination and competitive examination. The screening test was scheduled to be held on 29.1.1995 for promotion to the cadre of JTO from PI/TA/WD/AEA. The Telecom Commission decided to allow TTAs also to appear at the screening test. As PI/TA/AEA/WD were allowed to appear for screening test irrespective of their length of service, the TTAs were also allowed to appear for the screening test irrespective of their length of service. The DOT framed fresh rules for recruitment to the cadre of JTO under Article 309 of the Constitution of India and notified the same in the Gazette of India on 8.2.1996 in Column No. 12 of the said Rules provide for promotion upto 35 per cent from amongst

- (a) the PI/AEA/TA/WD who possess the qualification prescribed in Col. 8 and have completed 5 years regular service in the cadre of PI/AEA/TA/WD (The minimum qualification under Col. 8 is B.Sc. with Mathematics and Physics).
- (b) the PI/AEA/WD/TA/TTA who possess the High School/ Matriculation qualification and who have completed 6 years of regular service through the qualifying test unless he has already passed such test.

16. B.E./B.Tech or B.Sc. with Maths and Physics were stipulated as the minimum qualification for direct recruitment as shown in Col. 8. Thus 1996 Recruitment Rules specifically laid down that 35% departmental quota would be filled up as shown above in (a) and (b).

17. It is further pointed out by the Respondents that in accordance with the above two clauses the requirement of minimum regular service in the respective cadre was expected to be as follows :

- (a) PI/AEA/TA/WD with BSC/BE/B.Tech ... 5 years
- (b) PI/AEA/TA/WD/TTA with HSC/Matriculation - 6 years.

18... The learned standing counsel for the respondents submits that the condition of five years service in the cadre of PI/AEA/TA/WD possessing B.E./B.Tech/B.Sc. with maths and Physics was not questioned by the applicants and that there was also nothing illegal, unjust or unlawful in laying down a condition of completion of 6 years service in the cadre for PI/AEA/TA/WD/TTA possessing High School/Matriculation qualification.

19. Our attention is invited to the observations made by the Principal Bench of the Tribunal in OA No.1820/97 which was decided on 9.1.1998 which are as follows :

"10. ... The minimum condition of 6 years regular service in the sub-clause (b) is a categorical imperative and must be complied with; but there is no stipulation that the 6 years of service in clause (b) should be in the same cadre as mentioned in sub-clause (a). If a TTA has come out of any of the four cadres of PIs/AEAs/WDs/TAs, the length of service in those cadres can be aggregated into the service with TTA and if he has completed 6 years, he should be successful in that test whereafter he will undergo another medical test. Even in sub-clause (a) qualified persons are required to have 5 years of regular service in the respective cadres. It will be a gross perversity if we interpret the legislative intent as saying that 6 years of service was not required when it came to sub-clause (b)."

20. It is further submitted on behalf of the respondents that 77 officials belonging to the cadre of PI/TA/AEA/WD who passed in the screening test held on 29.1.1995 were waiting their turn for deputation to pre-promotion training, in addition to nearly 232 TTAs who passed the same screening test and are waiting for their turn for deputation to JTC training and it would take nearly 4 years for completion of training to all those already qualified officials of 35% of departmental quota. It is further submitted on behalf of the respondents that the vacancies of 35% quota upto 1998 were already filled up and all 309 candidates waiting for their turn for training and promotion were to be adjusted in future vacancies of 35% quota.

21. The learned standing counsel Mr. V. Rajeswara Rao submitted that the rules made under Article 309 of the Constitution had to be followed strictly and that all PIs/AEAs/TAs/WOs and TTAs were allowed on 29.1.1995 for screening test irrespective of their length of service, as one-time measure (emphasis supplied) and that in view of the interpretation of sub-clause (b) made by the Principal Bench of the SC., in OA No.1820/97 decided on 1.9.1998, the present OAs were not maintainable.

22. Considering strictly the rules framed in 1996 together with subsequent amendment, there could be no escape from successfully undergoing the prescribed training before being selected for the post of JTO. Col-12 of the rules provides for recruitment by promotion/deputation/transfer of departmental candidates to the extent of 15% vacancies by promotion of departmental candidates through competitive examination, and 35% by promotion/transfer of Transmission Assistants/Wireless Operators/Auto Exchange Assistants/Phone Inspectors/Telecom Technical Assistants.

23. Group 'C' employees in the department whose scale of pay is less than that of Junior Telecom Officers are eligible under 15% quota. However, Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants, Wireless Operators and T.T.As. as well as Plumbers/ Sanitary Inspectors/Conservancy Inspectors have been categorically excluded from the employees borne on the regular establishment and working in the Telecom Engineering Branch including those working in the office of the Chief General Manager, Telecom Circles/Districts by using the term "other than" at the end of the 4th unnumbered para in Col-12 which is reproduced below for ready reference.

"15% promotion through competitive examination, the following Group 'C' employees in the Department whose scale of pay is less than that of Junior Telecom Officers shall be eligible, if such employees are :

- i. borne on the regular establishment and working in Telecom Engineering Branch of Department including those working in the office of the Chief General Manager, Telecommunication Circle/Districts other than -
 - a. Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators and TTAs.

b. Plumbers/Sanitary Inspectors/Conservancy Inspectors.

- ii. Working in Telecommunication Factory, other than those borne on industrial establishment.
- iii. borne on the regular establishment and working as Accounts Clerks in the Accounts Wing under the Telecommunication Circles.
- iv. 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."

24. When there is a categorical exclusion of the officials belonging to a particular class by using the term "other than" which is evident from the above rule position, there is no propriety or legality in allowing such incumbents to participate in the 15% quota.

Secondly, by a notification dated 14.10.1996 (Annexure-XIII) as stated in para-2 thereof, the schedule to the aforesaid Rules for 'entry' in the Explanation under Col-12 of the following 'entry' is directed to be substituted, namely;

"Length of service in the cadre of Phone Inspector/ Auto Exchange Assistant/Transmission Assistant/Wireless Operator/Telecom Technical Assistant Will be the criteria for sending them for JTO's training."

25. This amendment seems to have been made clearly for inclusion of TTAs within the requirement of "length of service" which prior to amendment did not exist.

26. The "length of service" as earlier provided in the Explanation to the provision for 35 per cent quota did not include length of service in the cadre of TTA along with other cadres to be a criteria for sending them for JTO training. It becomes abundantly clear from this amendment that the length of service as provided in Clause (a) under 35 per cent quota to be 5 years of regular service and under Clause (b) to be 6 years of regular service shows that such length of service has to be considered even in case of Telecom Technical Assistants to be spread over the entire period during which the incumbent was either serving in the cadre of Phone Inspector or Auto Exchange Assistant or Wireless Operator or Transmission Assistant or Telecom Technical Assistant or the like cadre and not in one particular position only. It is therefore not in order for the respondents to single out the TTAs for insisting upon 5 years' experience or 6 years' experience in one cadre alone. It is sufficient if the incumbent (TTA) possesses an aggregate of 6 years' experience spread over other cadres as stated earlier.

27. We have, therefore, no doubt in our mind firstly, of course, that the applicants being TTAs are not entitled to participate in the competitive examination under 15 per cent quota. But there is no constraint on their right to participate in the 35 per cent quota and the length of service as prescribed in the amended rules has to be considered not confined only to the cadre of TTA but it would be a sufficient compliance with the requirement of rules if such experience is spread over the different cadres eligible for consideration under 35 per cent quota.

28. In one of the cases in this batch of OAs a declaration is sought as an alternative remedy that the concerned rule should be declared as illegal and void in view of the fact that the eligible candidates would be subjected to discriminatory treatment as against the candidates belonging to PIs and allied cadres, in spite of being similarly situated officials. We do not find any substance in this argument advanced by Mr. Srinivasan in OA. No. 143/99. When the legality of a provision is challenged before the Tribunal, it is expected of the counsel not to give such provision a slipshod treatment by claiming such a relief as an alternative remedy. There has to be a substantive argument as to how the provisions of Articles 14 and 16 of the Constitution of India stand violated. If different treatment is meted out to different classes of officials, depending on their educational qualifications and length of service, it cannot be termed as discrimination at all. The language of the rules as far as these two essential requirements are concerned is quite eloquent and the same is not susceptible to more than one interpretation. The interpretation as sought to be made by the respondents, of the provisions of the amended rules in question, no doubt, raises in our mind a question whether any prejudice or discrimination is unjustly caused to any official or any class of officials and we are not at all oblivious to the necessity of weeding out the scope of any such proposition, but there is no material on record which could give any credence to the same and no case can at all be accepted that the rule in question is violative of the Constitution. We may add for reinforcing the conclusion arrived at by us that if it was the intention of the Government to exclude TTAs from consideration by overlooking their experience in the cadre of Phone Inspector/Auto Exchange Assistant/Transmission Assistant/Wireless Operator,

the description of these cadres would have been punctuated by the word "or" in between and "individually" at the end, but the manner in which it has been described gives a strong reason to believe that collective experience of all the eligible cadres is contemplated and not in only one cadre individually. This is the only interpretation which could legitimately and expediently be attributed to the rule in question and which could appeal to a man of ordinary prudence.

29. Several rulings were cited by the learned counsel for the rival parties and on close scrutiny we find that the views taken and conclusions arrived at by us in this order are not inconsistent with or repugnant to the principles emerging from the rulings cited before us.

30. The Supreme Court in *Nasiruddin V. State Transport Appellate Tribunal* (1) held that if there were two interpretations of the words in an Act, the Court would adopt that which was just, reasonable and sensible rather than that which was none of these things. If the inconvenience was an absurd inconvenience, by reading an enactment in its ordinary sense, where if it was read in a manner in which it was capable, though not in an ordinary sense, there would not be any inconvenience at all; there was no reason why one should not read it according to its ordinary grammatical meaning.

(1) AIR 1976 SC 331.

The Punjab and Haryana High Court in *Shri Ram Nath and another v. The Union Territory of Chandigarh and others* (2) held that the function of the Court was to find out what the law was and not what it should be and it was for the legislature and the delegated legislative authority to make the law and it was beyond the jurisdiction of the Court to change the law even slightly or even for the better by any process of interpretation.

The Supreme Court in *Union of India and another v. Deoki Nandan Aggarwal* (3) held that it was not the duty of the Court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision was plain and unambiguous. The Supreme Court further held that assuming that there was a defect or an omission in the words used by the legislature, the Court

could not go to its aid to correct or make up the deficiency. Court had to decide what the law is and not what it should be.

31. There can be no two opinions that the judicial authorities or quasi-judicial authorities cannot travel outside the limit and scope of the rules which have been prescribed for promotion to a higher cadre. Out effort all

(2) AIR 1975 R & H 138

(3) AIR 1992 SC 96

along has been to interpret whether the advantage of 15% quota could be made available to the applicants and whether six years of service was to be taken collectively for all the cadres; or it was confined to the experience gained by the applicants in their present post of TTA only and in exercise of interpreting the said provisions we have also taken care to see that the interpretation is conducive to the scope and meaning as well as the purpose for which the rules were made and amended for the benefit to be given, on one hand to the officials belonging to wasting cadres and on the other hand, to the officials belonging to the newly added cadres for keeping pace with the advanced technology. The views expressed by the Principal Bench of the Central Administrative Tribunal in OA.No.1820/97 in its order dated 9.1.1998 holding that to the extent that this minimum requirement was not enforced in the impugned official communication, the said directive was bad in law and that TTAs who had come out of the wasting cadres could add their experience of the earlier cadres to their experience as TTAs both for reckoning the minimum condition of 6 years regular service as well as for length of service. The Principal Bench also held in para-9 of the said judgment that under sub-clause (b) any TTA belonging to the four wasting cadres could invoke his service and that too, if he had come out of the first four categories of PIs/AEAs/UDs/TAs. If these cadres had been declared as wasting cadres, the Principal Bench held that a separate cadre of TTAs had emerged out of the same. They had been trained in the forward technology and therefore, earlier experience could not be ignored. These views expressed by the Principal Bench with regard to the length of service for becoming eligible to appear for the screening test for promotion to the post of JTO leave no scope for taking a different view and we have no hesitation to arrive at a

conclusion that on that ground also opportunity cannot be denied to the applicants for appearing at the screening test which is scheduled to be held on 11th April, 1999.

32. On one hand while care is required to be exercised by the department to ensure that no impediment is created in the upliftment of the officials of the existing cadres could be wound up as fast as possible, on the other hand, all the applicants before us running into more than 700 in number who are the product of the introduction of two new cadres in order to meet the changing requirement of technology are not deprived of the lawful benefits and incentives which attracted them to opt for the cadres emerging from the introduction of new cadres. At the back of our mind these two factors have also contributed to the decision arrived at in this group of 21 OAs covering more than 700 applicants.

33. The learned Standing Counsel Mr. Rajeswara Rao for the respondents also raised several contentions that this Tribunal has no jurisdiction to issue a writ of mandamus and that the OAs filed by the applicants were time-barred. He also assailed the maintainability of the OAs on the ground of multifarious nature of the reliefs claimed by the applicants. We do not find any prima facie case in these objections taken by the learned counsel for the respondents. However, even if it is conceded that prima facie case does exist, it would not be in order for us to refrain from examining on merits the reliefs claimed in the present OAs in which the fate of more than 700 employees is involved. We firmly believe that the reliefs claimed need be adjudicated on merits rather than leaving them to be defeated on mere technicalities.

34. Hence, the O.As. are disposed of with the following directions :-

- (a) The applicants who are TTAs are not entitled to be considered under 15% quota for promotion to the post of Junior Telecom Officer (JTO);
- (b) However, they cannot be denied the opportunity for such promotion under 35% quota;
- (c) The length of service as far as the applicants who claim to be TTAs are concerned, should not be confined to the period of service put in by them individually in the cadre of TTA, but their collective length of

service in the other cadres, such as, Phone Inspector/
Auto Exchange Assistant/Transmission Assistant/
Wireless Operator and other eligible cadres should
be taken into consideration; and

- (d) Mere entitlement to appear at the screening test or even passing through the same successfully shall not ipso facto create an immediate right to promotion to the post of JTO. Availability of vacancies in the promotional post and other eligibility criteria according to the extant rules, shall determine in each case when actual promotion could be granted.

35. Subject to the above directions, the applicants who may be otherwise eligible should be allowed to appear at the qualifying screening test to be held on 11th April, 1999.

36. The above O.As. are accordingly disposed of by this common order. No costs.

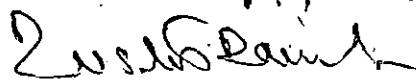
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Section Officer

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CASE NUMBER O.A.Nos: 1754 to 1766/99
O.A.Nos 55 to 59, 190, 142, 409 & 410/99

DATE OF JUDGMENT : 19.3.1999

13.4.99
COPY MADE READY ON: 19.3.1999


Section Officer/Court Officer

Control Administrative Tribunal

HYDERABAD BENCH, HYDERABAD.