

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No.390/99

Date of Order: 3.4.2000

BETWEEN :

1.B.Jagdeesh Babu 3. M.Jagan Rao ..Applicants.
2. T.Srinivas 4. G.Satyanarayana

AND

1. The Telecom District Manager,
Sangareddy.
2. The Telecom District Manager,
Warangal.
3. The Senior Superintendent,
Telegraph Traffic,
4. The Chief General Manager,
Telecommunication, A.P.Circle,
Hyderabad.
5. The Chairman, Telecom Commission,
New Delhi.

Counsel for the Applicant ..Mr.K.Venkateswara Rao

Counsel for the Respondents ..Mr.B.N.Sharma

ORDER

)(As per Hon'ble Shri B.S.Jai Parameshwar, Member(J))

Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.B.N.Sharma, learned standing counsel for the respondents.

2

2. There are four applicants in this OA. The first and second applicants were originally selected and appointed as SHort Duty Telegraph Assistants in the year 1981 and their services were regularised w.c.f.14.4.89 and 9.6.89 respectively. The third and fourth applicants were appointed as Telegraph Assistants from 4.4.93 and 22.12.84 respectively.

3. The Department of Telecommunications issued letter No.27-4/87-TE.II(3) dated 16.10.90 introducing restructured cadre of Senior T.O.A. in the scale of Rs.1320-2040 in order to handle computerised jobs and new technologies. They submit that as per the said letter the new restructured cadres of Senior TOA Grade-I will have ^{the} minimum educational qualifications of 10+2 standard and operation with a view to man the posts. Subsequently the CGM in letter dated 20.5.94 issued instructions for preparation of eligibility list and select panel for restructured cadres in Group-C. According to which all ^{the} Telecom Operating Assistants including OTBP and BCR officials who possessed 10+2 qualification are available as indicated in letters dated 8.10.93 and 23.2.94 will come under the walk in group candidates. They submit that the DOT vide notification dated 31.5.96 issued recruitment rules for the posts of Senior TOAs.

9

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4. The applicants exercised their option for coming over to restructured cadres of Senior TOA pursuant to the letter issued by SSTM, Warangal. The first, second and fourth applicants having requisite qualification of 10+2 became eligible for promotion as Senior TOA(~~tg~~) under walk-in group, while the third applicant became eligible for promotion under the restructured cadre of TOA after passing the screening test in 1993. They submit that they all underwent the computer training as can be seen from the letter dated 30.10.96 issued by the Telecom District Manager, Sangareddy, R.R.District.

5. The Telegraph Traffic Arm has been merged with Engineering Arm w.c.f. 1.4.95 and accordingly the Telegraph Traffic division of Warangal division merged with the Engineering division.

6. The applicants submit that earlier to the merger of the Telegraph Traffic Division with respective SSAs there were 32 posts of Telegraph Assistants as on 1.4.95 and on that basis out of 32 posts of TOA(TG) in Warangal Telegraph Traffic Division, 16 posts of Senior TOAs (TG) has to be created in that division. The applicants submits that however no posts were sanctioned to Sangareddy SSA although the applicants were sent to Sangareddy SSA from SSTM Warangal.

7. When they submitted representation for posting as Senior TOA(TG) in Sangareddy SSA Unit the respondents by the impugned letter dated 30.10.98 informed the applicants that there was no

.. 4 ..

justification for creating Senior TOA in Sangareddy Unit as on that date.

8. Aggrieved by the said reply the applicants have filed OA praying for a direction to call for the records relating to the impugned letter No.E8-8/TLS/98-99/36, dated 30.10.98 issued by the Telecom District Manager, Sangareddy conveying the decision of the Chief General Manager, Telecom, A.P.Hyderabad contained in Lr.No.TA/TFL/35-48/KW/80, dated 12.10.98 though the General Manager, Telecom, Hyderabad Area at Secunderabad vide Lr.No.TAH/ST/2-24/TFC/II, dated 22.10.98 and quash the same and consequently declare that the applicants are entitled for promotion to the cadre of Senior TOAs (TG), with effect from the dates on which the Senior TOAs (TG) fell vacant consequent on their promotion to OTBP/BCR.

9. The respondents have filed their reply. According to them consequent upon the merger of Telegraph Traffic Divisions, options were called from the divisional cadres for places of posting. The applicants did not opt and hence have been working at the same place of work. They submit that though all the applicants are working as TOA (TG) they are not sanctioned posts of TOA(TG) at the place of their working. They are working against the sanctioned posts of TOA (T) usually called as Telegraphist. So far no TOA (TG) posts were sanctioned in Sangareddy as the applicants have been working in

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Sangareddy SSA, they can be promoted as Senior TOA (TG) only against the vacancies/posts of Senior TOA cadre available in Sangareddy SSA, as Senior TOA cadre is an SSA cadre. They submit that the restructured cadre of Senior TOA (TG), the 3 Sr.TOA(TG) were sanctioned to the erstwhile Telegraph Traffic Division, Warangal. On merger of the Telegraph Traffic Divisions with SSAs out of these 3 Sr.TOA (TG) posts, 2 posts went to Warangal SSA and one post to Karimnagar SSA. there was no sanction either for TOA (TG) post or for Sr.TOA(TG) post in Sangareddy SSA.

10. However as the applicants had already trained as Sr.TOA (TG) and there was no justification for sanction of Sr.TOA (TG) posts in Sangareddy Telecom District, the CGM Telecom had diverted 5 Sr.TOA (General) posts of Sangareddy SSA to Sr.TOA (TG) posts on 6.7.99 and all the 4 applicants were promoted as Sr.TOA (TG) w.e.f. 6.7.99 through an order dated 5.8.99.

11. Thus they submit that the impugned letter was issued considering the work load in Sangareddy SSA and no Sr.TOA (TG) post was created in Sangareddy SSA. They submit that the contention of the applicants that by surrendering 2 posts of TOA one post of TOA (TG) has to be created is not correct.

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12. The applicants should have thought before giving their options and their continuance in Sangareddy SSA was beneficial to them or not. When the respondents submit that there was no justification for creating Sr.TOA (TG) in SSA Sangareddy, the respondent authorities have taken that decision having regard to the administrative exigencies. Merely because the applicants have undergone training and they have put in the service, they cannot claim the post of Sr.TOA (TG) in SSA Sangareddy where no such post is existing. It is only their option that made them to suffer for want of posts. However, the respondents have stated that having regard to the fact that the applicants had undergone training 5 posts of Sr.TOA (General) were diverted to Sangareddy SSA and converted to Sr.TOA (TG) posts on 6.7.99 and all the four applicants were promoted as Sr.TOA (TG) w.e.f. 6.7.99. The applicants cannot claim for creation of Sr.TOA (TG) post in SSA Sangareddy. As the applicants have been subsequently accommodated in a diverted posts, we do not find any irregularity in the impugned letter dated 30.10.98.

13. The applicants contend that even though the TOA posts were merged with the SSA and they were posted under Sangareddy SSA it does not change their seniority that was existing earlier when they were working as Telecom Office Assistants. The seniority remains intact. The identity has to be noted as above

.. 7 ..

in the seniority list. As the juniors to them are promoted in the other SSA the applicants must have been given the promotion on par with their juniors.

14. In the amalgated cadre the applicants come under Sangareddy SSA. They cannot claim the original seniority to be continued even though on bifurcation/amalgamation of cadre they came on their own to SSA, Sangareddy. Once they came to Sangareddy SSA on their own option they cannot submit that their earlier seniority remained intact. The earlier seniority has to be modified so as to give them seniority in the Sangareddy SSA as a separate unit. They cannot compare to the seniority in Sangareddy SSA even to the erstwhile juniors who were placed in the other SSA Units. Hence the identity contention as made out by the applicants has no legs to stand and has to be rejected.

15. The next contention of the applicants is that by order dated 5.8.99 they were promoted as Sr.TOA (TG/TL) by that order w.e.f. 6.7.99. In that order dated 5.8.99 it has been clearly stated that they had completed prescribed course of training for Sr.TOA and because of that training only they were promoted. Hence they should be shown as having promoted in 1996 itself and it is also submitted that during the period from 1996-99 they did work in the computer and hence granting them the position w.e.f. 1996 is in order.

.. 8 ..

16. This relief is entirely different to the relief, prayed for in this OA. Hence there is no need to further examine this issue. If the applicants feel that they should get the post of TOA (TG|TL) from 1996 on the basis of the material available as urged by them then they should file a separate OA for that relief.

17. In this OA no such relief can be given. Further they were promoted as Sr.TOA (TG) only because they were trained earlier.

18. In view of the above appreciation of the case, we find that the applicants have not made out a case for getting the relief in this OA. Hence the OA is dismissed. No costs.

B.S.JAI PARAMESHWAR
(314)
Member (Judl.)

R.RANGARAJAN
(5)
Member (Admn.)

Dated : 3rd April, 2000

(Dictated in Open Court)

sd.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

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

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

2. HRRN (ADMN) MEMBER

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

3. HBSJP (JUDL) MEMBER

4. D.R. (ADMN) ✓

5. SPARE ✓

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 3/4/2000

MA/RA/EP. NO.

IN

DA. NO. 39099

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

(10 copies)

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

27 APR 2000
Despatch Note
C.P. SECTION
HYDERABAD BENCH