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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

CA.419/99

dt. 6-8-99

Between

NCH Kotiah

: Applicant

and

1. Chief General Manager  
Telecommunications  
Door Sanchar Bhavan  
Hyderabad 500001

2. Genl. Manager (Telecom)  
Telecom District  
Vijayawada

3. Director of Telecommunications  
Sanchar Bhavan  
New Delhi

: Respondents

Counsel for the applicant

: JV Laxman Rao  
Advocate

Counsel for the respondents

: V. Rajeswara Rao  
CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

DR

## Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.)

Heard Mr. J.V. Laxman Rao for the applicant and Mr. V. Rajeswara Rao for the respondents.

1. The applicant in this OA was a Phone Inspector. Earlier the applicant is an aspirant for JTO against 35% quota earmarked for Phone Inspectors and other categories.
2. The applicant filed OA.1094/98 on the file of this Bench. That OA was disposed of following the earlier direction in OA.888/98 directing the applicant to appear for supplementary screening test. Accordingly the applicant underwent the screening test on 31-10-1998. The supplementary test is for the screening test which was earlier held on 29-1-1995. Between 29-1-95 and 30-10-98 the Government of India issued a circular No.36012/23/96-Estt.(Res) dated 22-7-97 to the effect that "there shall be no separate standards for evaluation of candidates of the SC/ST and the relevant orders issued from time to time on the subject remodified to the relevant extent. Accordingly DOP OM No.36021/10/76-Estt.(SCR) dated 21-1-77 stand withdrawn."
3. In view of the above the applicant who is an SC when he appeared for supplementary test was treated as having failed in the screening test ~~as~~ no relaxation for the reserved candidates was given in the supplementary test.
4. This OA is filed praying for a direction to the respondents to send the applicant for training for Junior Telecom Officers in accordance with the qualifying marks prescribed in the earlier test held on 29-1-1995.

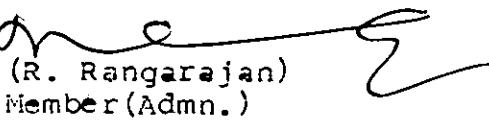
5. When the initial screening test was conducted on 29-1-1995 there was a relaxation in the qualifying marks for the reserved community candidates. But when the applicant underwent supplementary test the relaxation in the qualifying marks was done away with in view of the DOP letter referred to above. The applicant submits that he should be deemed to have been qualified in the supplementary test as he obtained marks required as per rules when the first examination/conducted on 29-1-1995.

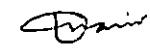
6. The learned counsel for the respondents submits that in view of the revised rules the applicant is not entitled for the same.

7. The supplementary test is a continuation of the earlier test. Hence the rules ~~apply~~ <sup>applicable</sup> for fixing the qualifying marks in the earlier test should be applied for the supplementary examination also even if the supplementary test is conducted after the revision of rules in this connection. If that is not done then those appeared for examination on 29-1-1995 will get benefits which will be denied to the applicant herein who underwent supplementary test. That should be construed as a case of discrimination and violation of Articles 14 and 16 of the Constitution. Hence, the applicant should be judged in the screening test on the basis of marks for qualifying in the screening test as was existing earlier when the main test was conducted on 29-1-1995.

8. The case of the applicant should be reconsidered on the basis of marks in the screening test for promotion to JTO and <sup>JTOS</sup> sent for training JTOS and then consider for promotion.

9. The OA is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(D.H. Nasir)  
Vice Chairman

Dated : August 6, 99  
Dictated in Open Court