

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.452 of 1999

DATE OF JUDGMENT: 17th AUGUST, 1999

BETWEEN:

J.SHANKAR BABU

.. APPLICANTS

AND

1. The Director of Telecommunications,
Sanchar Bhawan, New Delhi-1,
2. The Chief General Manager,
Telecom, A.P.Circle,
Hyderabad,
3. Asst. General Manager / Telecom,
Vijayawada.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. K.VENKATA RANGA DAS

COUNSEL FOR THE RESPONDENTS: Mr.B.NARASIMHA SARMA, Sr.CGSC

CORAM:

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

HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

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

Heard Mr.K.Venkata Ranga Das, learned counsel for the applicant and Mr.B.Narasimha Sarma, learned standing counsel for the respondents.

2. The applicant in this OA attended supplementary test for the post of Junior Telecom Officer from his substantive post of Phone Inspector on 30.10.98. The main test was conducted on 29.1.95 when the applicant did not appear. His case for promotion to the cadre of JTOs was





rejected by the authorities by the impuned order NO.TA/SCT/GMTD-VJ/71/99, dated 22.1.99 (Annexure A-1 at page 11 to the OA).

3. This OA is filed for setting aside the impugned order No. TA/SCT/GMTD-VJ/71/99, 22.1.99 and for a consequential direction to the respondents to add the marks for the two questions in the mathematics, which was given wrong data and add the same to the marks of the applicant and promote the applicant as Junior Telecom Officer from the date his next below Junior has been promoted as Junior Telecom Officer with all consequential service benefits.

4. The contentions and the prayer in this OA ^{are} the same as the contentions and the prayer in OA 419/99 disposed of on 6.8.99. In that judgement, paragraphs 7 and 8 are relevant. Those paragraphs are quoted below:-

"7. The supplementary test is a continuation of the earlier test. Hence the rules applicable 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

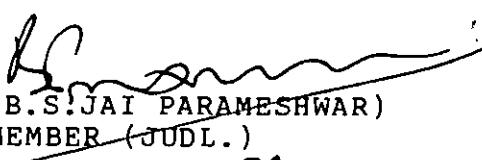
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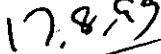
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should be construed as a case of discrimination and violation of Articles 14 and 16 of the Constitution. Hence, the applicant should be judged in the screening test on the basis of marks for qualifying in the screening test as was existing earlier when the main test was conducted on 29.1.1995.

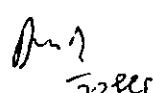
8. The case of the applicant should be reconsidered on the basis of marks in the screening test for promotion to JTO and sent for JTOs training and then consider for promotion."

5. The applicant herein is entitled for the same relief as given in OA 419/99. This OA is disposed of with the same directions as in OA NO.419/99. No order as to costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)


17.8.99


(R.RANGARAJAN)
MEMBER (ADMN.)


17.8.99

DATED: 17th AUGUST, 1999
Dictated in the open court

COPY TO:-

1. HDHNJ
2. HRRN M (A)
3. HBSJR M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE ~~and~~
7. STANDING COUNSEL

~~1ST AND II nd COURT~~

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD:

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)

ORDER DATE: 17/8/99

MA/BA/CP.NO
IN
O.A. NO. 452/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय व्यापारिक संचिकरण
Central Administrative Tribunal
DESPATCH

24 AUG 1999

HYDERABAD BENCH