

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 377/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s): Md. Akhtare Hussain & Ors (23)

- VS. -

Respondent(s): U.O.I & Ors,

Advocate for the Applicant(s): B.K. Sharma, S. Sarma, U.C. Nair

Advocate for the Respondent(s): C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This is an application in form C.P. for no. 501 deposited vide IP No. 766062/46 Dated 26/11/2002 By Regd. Mr.</p> <p>29/11/02</p> <p>Notice prepared and sent to Despatch Secy. for issuing to the respondents no. 1 to 3.</p> <p>JS</p> <p>29/11/02</p> <p>DNo—3229 to 3231 dd. 29/11/02</p>	27.11.02	<p>Heard Mr. B.K. Sharma, learned Sr. counsel for the applicant and also also Mr. A. Deb Roy, learned Sr. C.G. S.C. for the respondents.</p> <p>The application is admitted. Issue notice on the respondents to show cause as to why interim order as prayed for shall not be granted, returnable by four weeks. Mr. A. Deb Roy, learned Sr. C.G.S.C. accepts notice on behalf of the respondents. In the meantime, the Departmental Competitive Examination for promotion to TES Group-B under 25% quota proposed to be held on 1.12.2002 may be held by the authority on the date fixed, but any promotion made there under shall be subject to the out- come of this application. The applic- ant may also appear in the examinat- ion without prejudice to their rights claimed in the O.A.</p> <p>List on 3.1.2003 for order.</p>

Vice-Chairman

(2)

3.1.2003 Met to vacate the
Case(s) adjourned to
30.1.2003
Mr
for

No. Show cause has
been filed.

SD
29.1.03.

30.1.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra, Administrative Member.

On the prayer of Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to the respondents for filing written statement.

List again on 3.3.2003 for written statement.

No. written statement
has been filed.

SD
12.3.03.

Mr
Member

Vice-Chairman

3.3.2003 Court did not sit today
The case(s) adjourned to 19.3.2003
Mr
for

13.3.2003 Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents stated that written statement is ready for filing and is to be filed in within a short time. In that view of the statement, the matter may be listed for hearing on 29.4.2003. The respondents may file written statement in the meantime.

No. written statement
has been filed.

SD
28.4.03.

13.5.03
W/S Submitted by
the Respondents.

SD

29.4. Division Bench did not sit today,
The case(s) adjourned to 9.6.2003
Mr
for

Vice-Chairman

9.6.2003

Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr. R.K. Upadhyaya
Administrative Member.

List has been fixed.

Put up the matter on 16.6.2003 for hearing in presence of Mr. B.C. Pathak, learned Addl.C.G.S.C.

23/6/03C. B. Ray

Member

L
Vice-Chairman

bb

16.6.2003

On the prayer of learned counsel for the parties, the case is adjourned.

List again on 23.6.2003 for hearing.

C. B. Ray

Member

L
Vice-Chairman

mb

23.6.2003

On the prayer of learned counsel for the applicant the case is adjourned.

23.6.03

Adjourned. List for hearing on 31.7.03.

31.7.2003

On the prayer of

By order

On the prayer of Miss U. Das, learned counsel for the applicant the case is adjourned. List again on 26.8.2003 for hearing.

7

Member

L
Vice-Chairman

mb

26.8.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

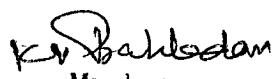
The Hon'ble Mr. K.V. Prahaladar Member (A).

Heard in part. List again on 29.8.2003 for further hearing.

K. V. Prahaladar
MemberL
Vice-Chairman

29.8.2003

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.


K. Balakrishnan
Member


Vice-Chairman

pg

11.9.2003
Copy of the
judgment has been
sent to the D/Sec.
for issuing the
same to the applicant
as well as to the
ADD. C.G.C. for
the Registry.


Shiv
Bhagat
15/9

6
Filed by
Okta Das
Advocate
29/8/03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 377/2002

Akhtar Hussain & ors.

***** Applicants.

-VS-

Union of India & Ors.

***** Respondents

BRIEF FACTS OF THE CASE AND WRITTEN SUBMISSION OF THE
APPLICANT

1. The Applicants numbering 23, belong to the cadres of JTO and SDE assailing the decision taken by the Respondents for holding a single departmental competitive examination for promotion to the cadre of Telecom Engineering Service (TES) by clubbing the vacancies of 1996 to 2001, have filed this O.A.

The vacancies in question admittedly arose during the years 1996 and thereafter and as such it has been clarified by the Respondents that 1996 Recruitment Rules would be made applicable while filing up of those vacancies. As per the 1996 Recruitment Rules the vacancies under promotional quota are divided into two group viz. 75% on the basis of seniority-cum-fitness and 25% on the basis of a Departmental Competitive Examination.

Issue involved in this present OA is relating to the vacancies fall under 25% promotional quota. The Respondents by the impugned communication dated 8.11.2002 convey the decision to hold Departmental competitive Examination as per the new Recruitment Rules. However, in

the written Statement (para 4) it has been clarified that the process of Examination and subsequent consideration would be made under 1996 Recruitment Rules.

The applicants are basically aggrieved by the methodology applied by the Respondents dehors the Rules in clubbing up of vacancies and thereafter to hold a single examination for the vacancies occurred during the years from 1996 to 2001. As per the OM dated 24.12.1980 issued by the Department of Personnel & A.R. clearly indicates the methodology required to be applied in cases where the year-wise panel could not be held for number of years. However, the Respondents without adhering to rules and settled principles proposed to go for a short-cut in holding single examination for filing up of vacancies occurred during the years from 1996 to 2001.

Most of the applicants came within the zone of consideration for such promotion in the year 1996 itself and taking into consideration the impugned methodology made applicable by the respondents, in case any JTO who is eligible for such promotion in the year 1996, he is required to submit separate applicants for the years up to 2001 however, for the said single examination. On the other and the qualifying marks prescribed in the said examination is minimum 50% .

The applicants highlighted their grievances relating to fact that respondents have not highlighted the number of vacancies arose in a particular years. Apart from that grievances regarding not affording reasonable time for

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making necessary preparation for the said examination as the syllabus circulated by the respondents is a vast one containing multidisciplinary topics.

SUBMISSIONS

1. The impugned communication dated 8.11.2002 is in violation of Art 14 and 16 of the Constitution of India. The respondents ought to have conducted separate examinations and they ought to have prepared year-wise panel declaring the vacancies of each year instead of one examination. The intent and purpose of holding year-wise panel indicates judging of personal skill of an officer for that particular year and thereafter to accommodate/promote suitable officers to their higher rank after making relative assessment of their skill/merit. However, it is seen that in most of the times due to the reasons beyond control of the authorities such year wise panel could not be prepared within the particular year. The O.M dated 24.12.1980 indicates the methodology for holding such year-wise panel, where no such panel could be prepared in due time. The Hon'ble Apex Court in case of V.K.Sangal -vs- U.O.I & ors reported in (1995) 4 SCC 246 has discussed the said O.M and held that clubbing up of vacancies is not permissible same being violative of Art 14 of the Constitution of India and same restricts the chances of selection.

The

Reasoning: (a) Instant case involves the question of holding year-wise examination and judging merit of an officer for that particular year. In a hypothetical case -

in case one of the applicants (eligible as of 1996) could not obtain the minimum marks (in our case 50%) in the examination (the impugned one), than he loses his chance for promotion not for the particular year (1996), he also disqualified for all the subsequent years.

(b) The respondents in the instant case sought to asses the merit of an officer once for the years together and the outcome of such single assessment now sought to be fit in different years that too without affording any reasonable opportunity.

2. The case of the applicants are in better footing than the case discussed above (1995) 4 SCC 246, and the law laid down as well as the ratio in the said case is squarely applicable in the instant case.

Reasoning:- (a) In case of DPC an officer can be assessed by his ACR for that particular year but in the instant case where there is provision for competitive examination and in the event of not holding such examination for the particular year the assessing authority never gets any clue about the merit/personal skill of an officer. The merit of an officer for a particular year can not be treated to be a static/unit one for years together. (The respondents ought to have conducted separate examination for each year taking into consideration the same yard-stick as if same being a review DPC.

(b) That by the impugned action the respondents have curtailed the right of the applicants for being considered

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for promotion each year as contemplated and as such same is violative of the Art 14 and 16 of the Constitution of India and laws framed thereunder.

(3) The respondents have acted contrary in not providing adequate preparation time to the applicants for the said examination. The impugned order dated 8.11.2002 is liable to be set aside and quashed, directing the respondents to notify the vacancies arose each years in question and thereafter to hold separate examination providing adequate time and to prepare separate panel.

CASE LAWS RELIED UPON.

1. 1981 (1) SLJ 17 (JOURNAL SECTION)
2. (1995) 4 SCC 246.
3. (1997) 9 SCC 287.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. . . 377 . . of 2002.

DATE OF DECISION 29-8-2003.....

- VERSUS -

Union of India & Ors., RESPONDENT(S).

Sri B.C.Pathak, Addl.C.G.S.C: ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.V.PRAHALADAN, ADMN. MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Vice-Chairman

8/

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 377 of 2002.

Date of Order : This the 29th Day of August, 2003.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.V.Prahaladan, Administrative Member.

1. Md. Akhtar Hussain, JTO
2. Rajiv Kumar Barman, SDE
3. Partha Sarathi Das, JTO
4. Biren Chandra Kumar, SDE
5. Arijit Roy Pradhani, JTO
6. Nabajyoti Kakati, SDE
7. Ram Charan Thakuria, JTO
8. Nirod Chandra Bhagawati, SDE
9. Swapnali Kalita, JTO
10. Geetanjali Kakoti, SDE
11. Lulu Nandi, SDE
12. Heina Kakoti, JTO
13. Shyamal Dutta, SDE
14. Arun Kumar Das, JTO
15. Mukutar Rahman, JTO
16. Pankaj Talukdar, JTO
17. Birendra Sarmah, JTO
18. Achyut Kumar Haloi, JTO
19. Bijoy Singha, SDE
20. Mridul Chandra Kalita, SDE
21. Dilip Kumar Sarmah, SDE
22. Mantu Baishya, JTO
23. Aradhana Chakraborty, SDE

...Applicants

All the applicants are presently working as JTOs/SDEs under the Chief General Manager, Telecom, Assam Circle, Ulubari, Guwahati-7.

By Advocate Sri S.Sarma.
- Versus -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Telecommunication, New Delhi.
2. The Chief General Manager, Assam Telecom Circle, Ulubari, Guwahati-7.
3. The Bharat Sanchar Nigam Limited (BSNL), represented by its Chairman & Managing Director, New Delhi.

...Respondents

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J.(V.C)

The controversy pertains to holding of Departmental Competitive Examination for promotion to TES Group-B under 25% quota. The respondents authority already held the departmental competitive examination for promotion to TES

Group-B under 25% quota for filling up the vacancies during the years 1996-97, 1997-98 and 2000-2001. By the impugned notification dated 8.11.2002 the respondents authority made known its decision to hold departmental competitive examination as per new recruitment rules. The applicants are aggrieved by the action of the respondents for holding a single departmental competitive examination. According to the applicants the respondents ought to have conducted separate examination for each year and ought to have published year wise list as per the existing vacancies instead of one year.

2. The respondents contested the claim of the applicants by filing written statement. Mr S.Sarma, learned counsel appearing for the applicant strenuously assailed the action of the respondents for holding one departmental competitive examination for promotion for filling up the vacancies available during 1996-2001. Mr S.Sarma, the learned counsel submitted that the authorities failed to discharge its statutory duty and instead bunched ^{the} vacancies and sought to hold one competitive examination for the years 1996-97 to 2000-2001. The learned counsel contended that in a DPC the authority can assess the ACRs for a particular year but in case of not holding such examination for the particular year there is no chance to assess the merit/personal skill of an officer. The learned counsel submitted that an applicant who was eligible for appointment in the year 1996 if he failed to obtain minimum mark of 50% in the examination then he would lose his chance for promotion for the year 1996 and also disqualified for all subsequent years. The learned counsel in support of his contention referred to the following decisions of the Supreme Court :

- i) (1995) 4 SCC 246,
- ii) (1997) 9 SCC 287 and
- iii) (2002) 6 SCC 127.

3. Opposing the contention of Mr S.Sarma Mr B.C.Pathak, learned Addl.C.G.S.C referred to the written statement. Mr Pathak submitted that the SDE Recruitment Rules 1993 came into force on 23.7.96. Therefore vacancies that fell vacant on or after the rules came into force are to be filled up under the said rules. The competitive examination/question first of its kind intended to fill up vacancies since 23.7.96. The vacancies have been maintained year wise and the candidates have been asked to prefer separate applications for each vacancy year depending on eligibility as on 1st July of the respective year, which was done to protect the interest of senior officials over their relative juniors who became eligible for appearing in the examination at a later year. The examination held on 1.12.2002 was a deferred examination which was initially scheduled to be held on 23.7.2001. The manner in which the examination was conducted in the years is uniformly applicable. The respondents in the written statement stated that though it was desirable to conduct the examination annually depending upon the availability of vacancy, the same could not be strictly adhered to owing to various reasons beyond the control of the respondents. The last competitive examination under the pre 1996 Recruitment Rules covering the vacancies upto 22.7.96 was held on 27th and 28th of November, 2000 and the results of the same was also announced. The same could not be held earlier due to pendency of court cases. The department could proceed to hold the examination under the

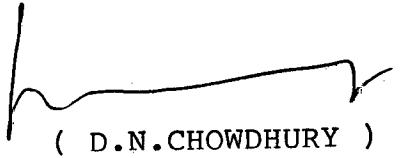
new Recruitment Rules for the vacancies arising after 23.7.96 only after the last examination under earlier rules had been completed in November 2000. The respondents admittedly took steps for filling up the vacancies from 1996 to 2001 and to fill up those vacancies the respondents conducted one departmental competitive examination. The authority could have also conducted year wise examination but for the reasons mentioned above it could not be held year wise. By holding one examination chance of promotions are likely to be reduced but that will not amount to change the condition of service but that will affect the promotion prospect in breach of Article 16. Mr Sarma, learned counsel submitted that the steps taken by the respondents in conducting one examination caused variation to their prejudice in the condition of service. We find it difficult to uphold the contention of the applicant. In State of Mysore vs. G.B.Purohit, 1967 SLR 753, the Supreme Court observed that though right to be considered for promotion is a condition of service mere chances of promotion are not a condition. In the above case district wise seniority was changed to state wise seniority and as a result of which the respondents became junior. It was urged that it affected the chance of promotion which were protected by law. The condition was negative by the Supreme Court and held that "it is said on behalf of the respondents that as their vacancies of promotion have been affected their condition of service have been changed to their disadvantage." We see no force in the argument because promotion chances are not condition of service." The same view was reiterated by the

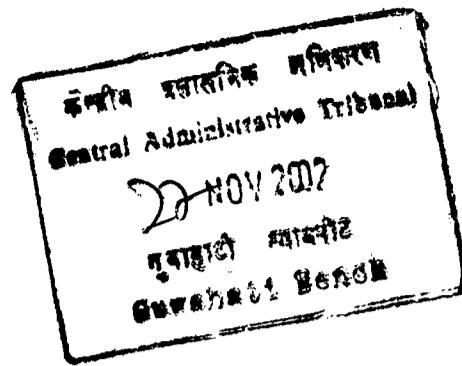
Supreme Court in Mohd Shujat Ali vs. Union of India (1973) 3 SCC 76, (1989) 2 SCC 541 and (1995) 1 SCC 23.

4. The decision rendered by the Supreme Court in Vinod Kumar Sangal vs. Union of India, reported in (1995) 4 SCC 246 was relating to bunching of DPC in a particular year. The Supreme Court held that clubbing together of vacancies for the years 1980 to 1985 and resorting to the process of selection went against the office memorandum dated 24.12.80 because if separate selection had been made the appellant would have had better chances of being selected. But the said office memorandum pertains to holding of the DPC. The decision in Union of India vs. N.R.Banerjee (supra) is a decision for holding of DPC so also the decision referred to (2000) 6 SCC do not fit in this case.

For the reasons stated above, the application stands dismissed. There shall, however, be no order as to costs.


(K.V.PRAHALADAN)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH
GUWAHATI

D.A. No. 877 of 2002

Md. Akhatar Hussain & Ors.

... Applicant

- Versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by : S. Sarma

Advocate

JTO → SDE 12

2/1/2002 SDE -

Filed by
Biswambher Sarma
Advocate
27-11-02.

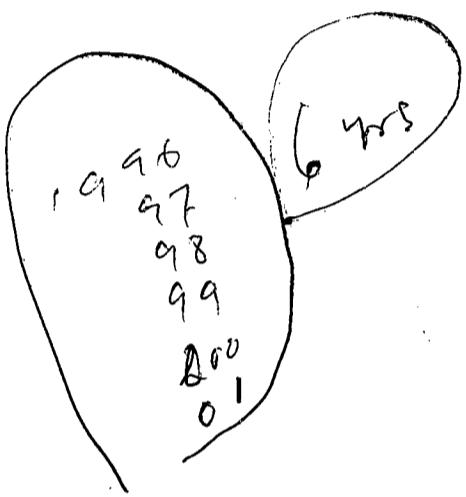
THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

1996 to
001

D.A. No. 377 of 2002

BETWEEN

1. Md. Akhtar Hussain, JTO
2. Rajiv Kumar Barman, SDE
3. Partha Sarathi Das, JTO
4. Biren Chandra Kumar, SDE
5. Arijit Roy Pradhan, JTO
6. Nabajyoti Kakati, SDE
7. Ram Charan Thakuria, JTO
8. Nirod Chandra Bhagawati, SDE
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15. Mukutar Rahman, JTO
16. Pankaj Talukdar, JTO
17. Birendra Sarmah, JTO
18. Achyut Kumar Haloi, JTO
19. Bijoy Singha, SDE
20. Mridul Chandra Kalita, SDE
21. Dilip Kumar Sarmah, SDE
22. Mantu Baishya, JTO
23. Aradhana Chakraborty, SDE



All the applicants are presently working as JTO's/SDE's, under the The Chief General Manager, Assam Telecom Circle, Ulubari, Gauhati-7

... Applicants

AND

1. The Union of India, represented by the Secretary to the Government of India, Department of Telecommunication, Ministry of Communication, New Delhi.
2. The Chief General Manager, Assam Telecom Circle, S.R. Bora Road, Ulubari, Guwahati-7
3. The Bharat Sanchar Nigam Limited (BSNL), represented by its Chairman & Managing Director, New Delhi.

... Respondents

AA

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The present application is directed against the issuance of letter dated 8.11.2002 conveying the decision to hold one single departmental competitive examination for promotion to TES Group-B under 25% quota on 1.12.2002 for the combined vacancies arising in the years 1996-97, 1997-98, 2000-2001.

2. JURISDICTION OF THE TRIBUNAL :

The Applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicants further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicants are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India.

4.2 That the Applicants state that they were all initially appointed as Junior Telecom Officers. The Applicants have by way of this application raised a common grievance and the reliefs as sought for are also similar. The Applicants having a common cause of action, have preferred this application jointly and as

such prays for permission to file this application jointly under the provisions of Rule 4(5)(a) of the CAT Procedure Rules, 1987. It may be stated here that the applicants are Group-B officers and are yet to be absorbed into BSNL, but by way of abundant caution the applicants have arraigned Bharat Sanchar Nigam Ltd., as a party respondent in this proceeding.

4.3 That the Applicants have by way of this application made a grievance against the arbitrary and illegal action on the part of the Respondent authorities in proceeding to hold one single departmental competitive examination for promotion to TES Group-B against 25% quota on 1.12.2002, for the combined vacancies arising during the years 1996-97, 1997-98, 1998-99, 1999-2000 and 2000-2001. The Applicants had preferred separate applications for being considered against the vacancies available in each of the years mentioned above. The Respondent authorities in lieu of holding individual selections for each of the years have now by the impugned communication decided to hold one single selection clubbing together the vacancies arising during different years. In the event any of the Applicant fails to pass in the examination, he would be deprived from promotion under the said quota. On the other hand in the event separate selections as contemplated were conducted for vacancies arising in different years, the Applicants stood a better chance of qualifying for promotion to the next higher grade, inasmuch as, they would have participated in more than one examination. In addition to the said

illegality, the time period given for preparation for the said examination is very short in comparison to the syllabus prescribed for the said examination. The Applicants have also not been granted with any study leave to prepare for the said examinations. The said illegalities have caused great prejudice to the Applicants and in the event the selection as contemplated vide the impugned communication dated 8.11.2002 is allowed to proceed, it would cause miscarriage of justice. As such left with no other alternative the Applicants have by way of this application come under the protective hands of Your Lordships seeking redressal of their grievances.

4.4 That the Applicants state that the next promotional avenue available to the Applicants is the Telecom Engineering Service (TES) Group-B(herein after referred to as the said cadre). The TES Group-B Recruitment Rules 1996, specifies the manner and method for filling up of the posts in the said cadre . As per the provisions of the said Rules the vacancies arising in the said cadre is to be filled by promotion in the following manner.

A. 75 % by promotion on seniority-cum-fitness basis.

B. 25 % by promotion through a departmental competitive examination.

The minimum eligibility criteria as prescribed under the Rules for promotion to the said cadre is three years of regular service in the feeder cadre.

4.5 That the Applicants state that inspite of clear prescription under the said Rules as regards the manner and method for filling up of the vacancies in TES Group-B service, the Respondent authorities failed to take necessary steps in this direction and the vacancies remained unfilled all along. The Applicants were qualified for being considered for such promotions all along since the coming into force of the said Rules i.e., in the year 1996.

4.6 That the Applicants state that for filling up of the vacancies under 25% quota, the Respondent authorities have proceeded to frame syllabus for the departmental competitive examination and as per the said syllabus, the persons undertaking the said examinations are to appear in two papers carrying maximum marks of 100 each. The subjects/topics as required to be studied for the said two papers has been prescribed in the said syllabus. The contents of the said syllabus is vast and the persons desirous of undertaking the said examination is required to prepare on multidisciplinary topics. It may be mentioned here that for being considered for promotion a person is required to score atleast 50% marks in each of the said papers.

Copy of the said syllabus is annexed as
Annexure-1.

4.7 That the Applicants state that Respondent authorities invited applications from persons desirous

for being considered for promotion against the the vacancies under 25% quota arising during the years 1996-97, 1997-98 to 2000-2001. The eligible persons fulfilling the eligibility criteria were required to file separate applications for being considered for the vacancies arising in each of the said years, in other words a person desiring to have his case considered for the vacancies arising in 1996-97, 1997-98, 1998-99, 1999-2000, 2000-2001 was required to file 5 separate applications. The only factor that was required to be taken note of was that the concerned person was eligible to be considered for the vacancies arising in a particular year as per the prescription made under the Rules.

4.8 That the Applicant state that they preferred applications for being considered against the vacancies falling under the 25% quota and most of the Applicants have preferred more than one application. Most of the Applicants are eligible for being considered for promotion to the TES Group-B service since the coming into force of the said Rules and accordingly they had preferred separate applications for being considered against vacancies arising in each of the declared years.

4.9 That although while inviting applications from the persons eligible for having their cases considered for promotion to the TES Group-B service, it was stated that such consideration was for the vacancies available for the years 1996-1997, 1997-98 to 2000-2001, the

actual number of vacancies available for each of the said years were not specified. Further the vacancies available for reserved category candidates was also not spelt out. The Applicants were under the bonafide impression that, they having been directed to file separate applications for being considered for the vacancies in each of the said years, there would be separate selections/examinations for the vacancies of each of the said years and separate select lists would be drawn up for the vacancies available in each of the said years. With this view in mind the Applicants had submitted their respective applications. The respondent authorities have also admitted that the vacancies as available for being filled up through a departmental competitive examination to have infact arisen at various points of time over the years.

4.10 That the Applicants state that contrary to the expectation of the Applicant and also the procedure prescribed for the same, the Respondent authorities have proceeded to issue a letter dated 8.11.2002 communicating the decision to hold a single departmental competitive examination for promotion to TES Group-B under 25% quota on 1.12.2002 for filling up of the vacancies arising with effect from 1996-1997 to 2000-2001. The Applicants are yet to be formally served with a copy of the said notification and/or be individually informed about the contents of the same. The contents of the said letter reveals that the Respondent authorities in lieu of holding separate selections for each of the respective years have now

amalgamated the vacancies available over the years and such vacancies is being sought to be filled up through one selection only.

A copy of the letter dated 8.11.2002 is annexed as Annexure-2.

4.11 That the Applicants state that in the meantime, the Respondent authorities have proceeded to fill up the vacancies available under 75% quota in the TES Group-B service by promotion on seniority cum fitness basis. Some of the Applicants have also been promoted to the next higher cadre in pursuance to the said exercise carried out by the Respondent authorities. The persons promoted under the 75% quota have also now been directed to appear in the selection to be held on 1.12.2002 for having their cases considered under the 25% quota. It may be stated here that although the promotions under the 75% quota was made for the vacancies available over the years, no year wise panel was drawn up for each of the respective years and the promotions have been made only with prospective effect. Now with the view to cover up the illegalities in amalgamating the vacancies occurring over the years, the officers who have been granted promotion against the vacancies under 75% quota have been directed to appear in the said selection. In the event any of the promotee fails to pass the competitive examination, he would be rendered junior to his erstwhile juniors and his promotion to the said cadre would only have prospective effect. The Applicants No.2,4,6,8,10,11,13,19,20,21 and 23 although have been promoted to the next higher cadre

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against the vacancies available under the 75% quota, their such promotion is made only with prospective effect and they have been directed to appear in the examination contemplated by the Annexure-2 letter dated 8.11.2002 in the event they want to get their such promotions to be effected with retrospective effect.

4.12 That the Applicants state that although vide impugned letter dated 8.11.2002 it has been stated that the examination slated to be held on 1.12.2002 is for the vacancies available with effect from 1996-97, it has not been specified as to how the year wise panel would be prepared. The examinations as contemplated vide the impugned letter dated 8.11.2002 has the effect of taking away from the Applicants their right for having their cases considered for the vacancies arising in each of the years mentioned above, separately. If any of the Applicant who was eligible for being considered for promotion against the vacancies available in 1996-97 and in each of the successive years thereafter, fails to get the minimum prescribed marks in the examination as contemplated vide the impugned letter dated 8.11.2002, the scope of promotion for all the said years available to the Applicants would be taken away.

4.13 That the Applicants state that in the event different selections were held for the vacancies arising in each of the above stated years the Applicants had a better chance for promotion to the TES Group-B service against the vacancies under the 25%

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quota. The holding of a single selection for all the vacancies arising in different years has caused great prejudice to the Applicants. The Respondent authorities having directed the Applicants to file separate applications for the vacancies arising in each of the block years stated above, ought to have proceeded to hold separate selections for each of the respective years.

4.14 That the Applicants state that the manner and method in which the said selection is contemplated, has taken away the scope and chance of the Applicants for being promoted to the TES Group-B service. The vacancies having arisen at different points of time, it was incumbent upon the Respondent authorities to hold separate selections for each of the years and the Applicants ought to have been given a fair chance for being promoted to the next higher cadre.

4.15 That the Applicants state that in addition to the said illegalities, they have not been given sufficient time for preparation for the said examinations. Mere perusal of the Annexure-1 syllabus would go to show that the course as required to be studied is vast and extensive and for thorough preparation of the same a person requires considerable amount of time. The Applicants who are basically working in the field have also not been granted any study leave for preparation for the said examinations. As such in the event the applicants are required to undertake the said examination, in addition to to their right for consideration separately for vacancies arising in each

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of the years mentioned above, being taken away from them, they would be forced to appear in the said examination without adequate preparation. The Respondent authorities who are model employers ought not have acted in a manner prejudicial to the interest of the persons desirous for having their case considered for promotion to the said cadre against the vacancies under 25% quota arising over the years. The applicants are in complete dark as to the venue fixed for the said examination inasmuch as they are yet to be formally communicated with the decision for holding of the said examination.

4.16 That the Applicants state that the averments made above would go to show that the selection as contemplated vide the impugned letter dated 8.11.2002 is a mere eye wash and the same has been contemplated without any application of mind. It is the settled principle of service jurisprudence that separate selections is required to be held for vacancies arising in different years. The bunching of the vacancies and holding one selection for filling of the same has resulted in enlargement of the field of choice and the same has also resulted in taking away from the Applicants their right for being considered separately against the vacancies arising in different years. Such action on the part of the Respondent authorities has caused great prejudice to the Applicants and as such the whole process initiated towards filling up of the vacancies under the 25% quota available for promotion to TES Group-B service by way of departmental

competitive examination is liable to be set aside.

4.17 That the Applicants submit that it is a fit case wherein Your Lordships would be pleased to direct the Respondent authorities to specify the vacancies available in the different years mentioned above and thereafter to hold separate selection for vacancies arising in each of the years and thereby provide to the Applicants a fair chance for being considered for promotion to the said service.

4.18 That in view of the facts and circumstances stated above it is a fit case wherein Your Lordships would be pleased to pass an interim direction as has been prayed for. In the event of Your Lordships being pleased to pass an interim order as has been prayed for, the balance of convenience would be maintained in favour of the Applicants inasmuch as no selection has been held till date and the selection as contemplated vide the impugned letter dated 8.11.2002 is in clear violation of the settled principles of service jurisprudence in this connection.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action/inaction on the part of the respondent authorities in affording to the Applicants only one chance in lieu of the five chances that is available to them for being considered for promotion to the TES Group-B service has caused great prejudice to the Applicants and as such the impugned communication and the selection as contemplated by it is liable to be

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set aside and quashed.

5.2 For that the action on the part of the Respondent authorities in clubbing together the vacancies available over a period of time and proposing to fill up the same through one selection has resulted in the enlargement of the field of choice and in diminishing the chances of the Applicants for being promoted to the TES Group-B services.

5.3 For that the Respondent authorities having invited separate applications from eligible persons for vacancies arising in each of the years beginning from 1996-97 to 2000-2001, it was incumbent upon the authorities to hold separate selections for each of the years and deviation from the same is in clear violation of the settled principles of service jurisprudence which contemplated holding of separate selection and drawing up of select list for the vacancies arising in each of the respective years.

5.4 For that the holding of one single selection for the vacancies occurring from 1996-97 to 2000-2001 has the effect of depriving the Applicants of a fair chance for being promoted to the next higher cadre. Further the same would also result in juniors being promoted ahead of their erstwhile seniors inasmuch as if the seniors fail in the examination contemplated vide the impugned letter dated 8.11.2002 they would be out of contention for such promotion.

5.5 For that the holding of the said examination at



such short notice has resulted in the Applicants not having sufficient time for preparation for the same and the Applicants having not been granted any study leave for this purpose has resulted in the Applicants having to take the said examinations without adequate preparation.

5.6 For that in any view of the matter the entire action of the respondents are liable to be set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicants declare that they have no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above,

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the Applicants pray that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To set aside and quash the impugned letter dated 8.11.2002 (Annexure-2) and also any other analogous order/orders passed by the Respondent authorities in this connection.

8.2 To set aside and quash the Departmental competitive examination scheduled on 1.12.2002.

8.3 To direct the Respondent authorities to hold separate selection/examinations for filling up of the respective vacancies arising in each year after coming into force of the TES Group-B Recruitment Rules, 1996.

8.3 To direct the Respondent authorities to hold separate examinations/selections for the vacancies arising in each of the above noted years and to draw up separate select lists for the same after giving the Applicants adequate opportunity for preparing for the same.

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the Applicants are entitled to.

9. INTERIM ORDER PRAYED FOR :

Pending disposal of the application, the Applicants pray that Your Lordships would be pleased to stay the effect and operation of the impugned letter dated 8.11.2002 (Annexure-2) along with any other analogous orders passed by the authorities in this connection, with further direction to the authorities not to proceed with the Examination scheduled on 1.12.2002.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 76 606246
- ii) Date : 26-11-02
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

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VERIFICATION

I, Md. Akhatar Hussain, aged about 35 years, son of H. Ahmed, resident of Jalukbari, Gauhati, Assam, Applicant No.1 in the accompanying application, do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3,41-42,44-45,47-49,411-418 and 5+012 are true to my knowledge; those made in paragraphs 43,46 and 410 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I have been duly authorised by the co-applicants to swear this verification on their behalf also and as such competent to swear this affidavit.

And I sign this verification on this the 26 th day of November, 2002.

Md. Akhatar Hussain

GOVT. ORDERS

Annexure-1

Filling up of 25% posts in TES Group 'B' by departmental competitive examination.

DoT No. 2-48/2000-STG-II dated 3.10.2000.
Addressed to All Heads of Telecom Circles.

I am directed to say that as per TES

Group 'B' recruitment rules 1996 the 25% vacancies in TES Group 'B' is to be filled up, by Departmental competitive examination and the syllabus for the same is enclosed herewith for circulation among all concerned.

SYLLABUS FOR TELECOMMUNICATIONS ENGINEERING SERVICE GROUP 'B' COMPETITIVE EXAMINATION

Paper I Advanced Technical Paper (General)

M.M. 100

OBJECTIVE TYPE

A. ANALOGUE SWITCHING : 10 Marks

(Candidates are supposed to answer questions from any of the two sections)

(i) S X S

Facilities available and circuit details of uniselectors, Group Selectors and final selectors. Periodic metering. Grading, trunking schemes adopted. Alarms, A.T.E. routiners and traffic recorders. Operation and maintenance.

OR

(ii) Common Control system (Crossbar)

Preselection, group selection and line selection. MFC Signalling. Brief description - Local/SXS/MF Registers, auxiliary registers, D.C./MF senders, C/ccts, maintenance equipment and testing aids. Various type of junctors. Cct charges in ICP - Local Reg, LM, GM, Primary/Secy. sections; TSs, MF/DC senders, SXS/MF registers. Feature of new circuit designs - RF category analyser, dial tone marker, LACs.

B. DIGITAL SWITCHING : 20 Marks

(Candidate will be asked to answer question from any on the two sections)

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(i) Acceptance Testing guidelines for J/D & O/D plants, Fire fighting & Detection arrangements in exchanges, phones plus facilities viz call waiting, call forwarding, Abbreviated dialling, etc. Brief introduction to new technology switches viz OCB 283m EWSD, AT&T, AXE10, FETEX 150, NEAX 61/E.

(ii) E 10-B : 10 Marks

(a) Introduction to E10-B system, General principle of E10-B exchanges. Brief description links, connection units, time base, switching network, control units. Setting up of an outgoing call. OMC hardware, Man-Machine communication OMC system - restart, regeneration and saving. Management peripherals, subscribers, circuit groups, periodic tasks, faults and alarms, traffic observation. LOCAVAR Documentation. Sequence of installation activities. Principle of working of E10B-TAXs and their inter-working with other systems (Local/TAX). Spares & repair management & support facility organization & for E10-B, Viz: Regional maintenance centres, Regional store Depot, etc.

OCTOBER 2000

Attested

Adv.

OR

(b) SPC Telex (EDX)

Architecture of EDX single switch block. Brief description of sub modules. Line terminator cards. Call, request handling, call connect/disconnect. Call record journalling. Various services and facilities. Dual system configuration. System switchovers. Auto/manual restarts. Startup of system with disk tape. System crash. System saving. Commands. Use of diagnostic programmes and J-10 tester. Sequence of installation activities.

(ii) ILT (ITI Type) and C-DOT (DSS)

(Candidates will be asked to answer questions from either of the two sections)

(a) ILT (ITI Type) : 10 Marks

A concept of microprocessor and Micro programming. Operation of digital switch and control units. Peripherals. MF/DTMF receivers. Tone and MF generation. Duplicate controller. MUX buffers and LTC buffers. Local and trunk call processing. Structure of ILT. Maintenance commands. Installation practice. Traffic and metering controls. Error display. Spares & repair management & support facility organisation.

OR

(b) C-DOT (DSS) System features and configuration. Brief description of terminal unit, time switch unit, base processor unit control module AM/ICP, Inter BM Call setup. Power supply distribution, facility planning, switch architecture. Database, Maintenance architecture, exchange administration, peripheral processor. Call processing. Maintenance commands and procedures. Patch administration. Data base preparation. Installation features.

Spares & repair management & support facility organisation.

C. LONG DISTANCE SWITCHING

10 Marks

Details of national switching/numbering/ charging/transmission and signalling/ synchronization plans. Various signalling systems used in the Department. Common channel signalling and synchronization.

Principle of network management. Principle of working of E-10, B1TAX and their Interworking with other systems (Local/TAX).

D. ANALOGUE TRANSMISSION : 10 Marks

(A candidate is expected to answer questions from any one of the following sections)

(a) **Microwave** : Sources of noise, CCITT & CCIR standards, Selection of Microwave systems, Choice of Antenna Waveguides, ducting, Fading and Fade margins, Microwave devices, Site selection. Television Transmission, NPL & Wave Radio measurements.

OR

(b) **Satellite** : Permissible noise for Television and Telephony, Band-width, Frequency Band, Antenna gain, Carrier line-up, knowledge of Indian Satellite system, Interference from and to Terrestrial systems, Antenna Tracking.

E. DIGITAL TRANSMISSION : 20 Marks

(Candidate is expected to answer question from any one of two parts)

(i) **Coaxial Cable/Microwave & UHF** : 10 Marks

(a) Coaxial cable, Line-up equipment, various line codes, Multiplexing equipment, Use of Transmultiplexers, Functioning of Testing/measuring instruments.

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Advocats.*

OR

(b) Digital Radio Relay Systems

(Microwave & UHF) Various modulation techniques, Functions of modems. Factors determining reliability of RR system. Functions of measuring instruments.

(ii) Optical Fibre/date and facsimile transmission 10 Marks

(a) Optical Fibre Communications : Cable construction, characteristics of OF cable, Repeaters spacing, Cable laying procedure, Functioning of testing/measuring instruments.

(b) DATA TRANSMISSION AND FASCIMILE TRANSMISSION :

Data switching principle, Electronic Data Switch, Digital encoding and asynchronous signals, Start & Stop signals, IDN, ISDN Synchronisation. Principle of working of SFT & FAX.

Computer Basics, Client Server Architecture, Local Area Networking, Wide Area Networking, Inter Networking, Router, Frame Relay, Inet and Asynchronous Transfer Mode (ATM).

F. External Plant : 30 Marks

(i) Line Transmission : 5 Marks

Transmission equation. Types of Distortion and distortionless transmission, Impedance matching, NEXT and FEXT measurements.

SYLLABUS FOR TELECOMMUNICATION ENGINEERING SERVICE GROUP 'B'

COMPETITIVE EXAMINATION

ADVANCED TECHNICAL PAPER (SPECIAL)

Paper - II

M.M. 100

(A candidate can select any of the five subjects i.e. A,B,C,D & E)

A. ELECTROMECHANICAL ANALOGUE SWITCHING :

40 Marks

I. STRONGER (MAX-I, MAX-II, MAX-III) :

Description of facilities available and circuit details of uniselector and group

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Amsted
Advocate

selector. Facilities available on final selector-Regular, PBX Trunk offering, and test types. Unit fee and periodic metering - circuits.

Inter-connection of switches by grading, trunking scheme adopted in automatic exchange. Alarms system, use of artificial traffic equipment. Qualitative maintenance or automatic exchanges, traffic records, routine tests by routiners and analysis of faults. Maintenance organisation and management.

Principles of Director system-main points of difference between Director and non-director system.

II. COMMON CONTROL SYSTEM (CROSS-BAR): 40 Marks

(a) **Penta conta crossbar** : Pre selection, Group selection Line selection, local register, multi frequency signalling, MF Register, SXS register, auxiliary register, translator connecting circuits, MF and Decimal sender, traffic observation, maintenance robot, localizer, various types of testers, test desk and fault register, service quality, All types of trunks.

(b) **Indian Cross-Bar Project (ICP)** : Circuitary changes in local Register, Line marker, Group marker, Primary Sections, Secondary sections, Terminal sections, M.F. sender, D.C. sender, Localizer, I X C SXS Register, MF Register, New Circuit design-Register finder (Single & Multiple access) category analyser dial tone marker and link access circuit of line and group unit and O/C SxS chain.

Additional facilities in C-400 exchanges (NEC, Hitachi, OKI).

III. Long distance switching and signalling systems : 20 Marks

TESA FLASH

Details of National switching plan, numbering plan, charging plan and national transmission and signalling plan.

Various signalling systems being used in the Department for local, trunk and telex network such as E/M, R2 modified, loop etc. Salient features of CCITT No. 7 signalling system.

Principles of network management. Principles of working of E10-B/TAX and its interworking with other local/TAX systems.

B. DIGITAL SWITCHING : M.M. 100

I. E.10-B 30 Marks

(a) E.10B Basic. Introduction of E.10B system: 10 Marks

General description of E10B exchanges, setting up an O/G call, links, connection units, time base, switching network, control units, exchange power supply arrangements, and concept of operation and maintenance centre (OMC).

(b) E.10B Installation operation and maintenance : 20 Marks

OMC Hardware, OMC Software, Man-machine communications, OMC Restart, OMC system regeneration, OMC system saving, Data processing, peripherals management, subscribers management analysis, routing and circuit group management, traffic load observations management, periodic task management, telephone equipment positioning management, fault management, alarms management, use of Maintenance of program memories, time base maintenance, documentation, use of various 'testers', power plant installation and commissioning, OMC Installation and commissioning, installation and commissioning of

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700-300
Advocacy

exchanges, exchange service quality tests.

II. INTEGRATED LOCAL TRUNK ITI TYPE (ILT) 10 Marks

Concept of micro-processor and micro programming. Peripherals. Operation of control units. Operation of digital switch. MF receiver/DTMF receiver. Tone and MF generation. Operation of LT card. Test procedure of LT cards. Duplicate controller. Structure of ILT-S/W introduction, Software data basis, S/W local call processing, S/W buck processing, MUX buffers and LTC buffers. Power supplies. Documentation. 2000 lines model. Call progress in 2000 lines model. Cabinet assembly dis. MF connections. Sub-Track integration and MDF, system integration. Installation practice, Man-machine commands. Traffic and metering. Acceptance testing procedure. Diagnostic commands. Exchange maintenance. Manual controls. Test card features. Test card diagnostics. Error display.

III. C-DOT DSS : 10 Marks

System configuration & features. Terminal Unit, time switch unit, base processor unit, central module, AM/ICP. Inter BM call set up, Power supply distribution facility planning, subscriber features. General system features, exchange administration features, C-DOT DSS S/W Architecture, Data base, maintenance architecture, exchange administration peripheral processor, call processing, call processing features, flow maintenance features, flow ICP S/W and UNIT subscriber line administration feature, billing administration features, Trunk and routing administration, traffic administration, system control features, patch administration, maintenance

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capabilities, alarms and reports, status philosophy for TU and SU Maintenance commands, maintenance procedure, installation, data base preparation. Salient features of installation & Maintenance practice in respect of C-DoT RAXs.

IV. SPC Telex (EDX) : 30 Marks

Block diagram/Architecture of EDX-C system-single switch Block. Brief description/functions of each sub-system-Central processor, Communication Controller, terminator group, Back-up storage, Mag. Tape, drive, system status panel, Different type of line terminator cards, Call request handling, call connect, call disconnect, Call record journalling. Various facilities and services. Dual system configuration, system switch overs, automatic restart, manual restart, start up of the system with disc Tape, system crash, System savings, system commands from console terminal, Line-oriented commands from supervisory terminal, system reports on CT & ST. Power supply arrangement. General maintenance philosophy. Use of diagnostic programme, periodic voltage measurement and use of J 10 tester, Electronic telex concentrator and TDM, sequence of installation activities, installation and commissioning of exchange and power plant equipment.

V. Long distance switching and signalling system : 20 Marks

Details of National switching plan, numbering plan, charging plan and national transmission and signalling plan.

Various signalling systems being used in the Department for local, trunk and telex network such as F/M R2 modified, loop etc. Salient features of CCITT No:7 signalling system.

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[Signature]
Advocate.

Principles of network management. Principles of working of E.10B TAX and its interworking with other local/TAX systems.

C. ANALOGUE TRANSMISSION : M.M. 100

I. Microwave systems : 55 Marks

Various source of noise, system design, objectives, CCITT & CCIR standards. Planning and designing of multi channel microwave system. Calculation of heights of tower and maximum number of antenna which a tower can take. Selection of Microwave systems, choice of Antennas, wave guide, Ducting, fading & fade margin, multi path fading. Microwave device, travelling wave tube (TWT), Klystron. Semi-conductors like crystal varactor-diode tunnel and Impact Avalanche, Transit Time (IMPATT) diodes. Site selection, engineering order wire supervisory, protection switching and remote controls. Television Transmission. Measurements of power and frequency, noise figure, group delay. Noise power ratio measurement, standing waves ratio measurement, amplitude frequency response.

II. Satellite : 45 Marks

Standards for the allowable noise for telephony and television. Factors in overall system design, band width, frequency band, transmission path consideration, antenna gain, SSOG (Satellite system operation guide) carrier line-up procedure, SCPC (Single channel per carrier) system, atmospheric absorption gain attenuation, noise and other effects. Transmission delay and modulation. Knowledge of Indian Satellite system (INSAT) Launch vehicles and structure of satellite. Interference from and to terrestrial systems, antenna tracking, low noise receiver systems and parametric amplifiers.

D. DIGITAL TRANSMISSION SYSTEMS :

M.M. 100

I. Digital coaxial : 20 Marks

Line equipment - Block schematic of a typical 34 Mbt/sec and 140 Mbt/sec coaxial system and brief description and functions of various units.

Various line-codes like HDB-3 (High density Bipolar) and CMI (Coded Mark Inversion), RZ (Return to Zero) and NRZ (Non-return to Zero) etc.

Multiplexing equipment (MUX-Hierarchy) of Multiplexing-2 Mbt/s, 8 Mbt/s & 140 Mbt/s with basic block diagrams.

Use of transmultiplexers.

Testing/measuring instruments for testing digital link and their applications.

II. Digital radio Relay System : (Microwave and UHF) 30 Marks

Frequency planning and coordination in selecting a digital radio bearer for the route.

Various types of modulation techniques for different capacity system, brief description and working of the modems.

Block schematic of a typical 34 & 140 Mbt/sec radio system including regenerators and brief functions of its various units.

Factors determining the reliability of the digital Radio system.

Block schematic of a 120 channel digital UHF trans-receiver and functions of its various units.

Hierachial digital multiplexing equipment (2, 8, 34 & 140 Mbt/sec) and their working with the help of a block diagram.

Measuring instruments and their applications.

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Advocate.

of optical fibre cable-monomode and Multi-mode types, repeater spacing with reference to a typical loss Budget calculations.

Cable laying-Precautions to be observed during laying. Requirements of various special tools and apparatus e.g. splicing machine, pulling machine and winch. Test instruments required for the testing of the cable like Optical time domain reflectometer (OTDR), optical cable fault locator.

Optical sources - LEDs (Light Emitting Diodes and Lasers).

Optical decoders, pin diode and avalanche Photo diodes. Description and working of optical line equipment terminal (OLTE).

Description of various hierachial digital MUX equipment 2,8,34 & 140 Mbr/sec.

Testing the various test equipments required for testing the optical fibre link Precision power meter, optical light source, digital transmission analyster etc.

D. **DATA SYSTEM** : Computer Basics, Client Server Architecture, Local Area Networking, Vide Area Networking, Inter Networking, Router, Frame Relay, Inet and Asynchronous Transfer Mode (ATM):

- Circuit Switching Concept V/s Packet Switching.
- Leased Lines - and their proper management.
- Effect of Internet on normal switching is used such as congestion, holding time, tariff, voice over Internet, FAX over Internet etc.
- HVNET, RABMN

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Transmission equation, attenuation and phase stants, distortion and distortionless transmission, submission requirements and type of distortion, adding, impedance matching, X-talk and noise and their surements.

P.T.C.C. 15 Marks

PTCC, its formation and functions, inductive reference to telecom. lines and cables from power HT wires, factors governing calculations of inductions, hods of getting PTCC clearance for newly constructed and telecom. lines and cables. Safe limits: CCITT ectives - power crossings. Estimating for proper protective arrangements and charging from the strical department when necessary.

CABLES : 15 Marks

Coaxial cable : Construction & acarteristics of different types of coaxial cables in the department. Selection of route-preliminary survey, Detailed survey, Repeater spacing. Tests on cable before and after laying, precautions to be surved during laying. Jointing of coaxial cables, local type of tools and precautions.

Sling formation and sling pressurisation. Poling and Balancing Techniques. Termination in repeaters. Transmission test in a completed repeater section.

IV. **OPTICAL FIBRE CABLE** : 15 Marks

Optical Fibre cable : construction and characterstic of optical fibre cable. Monomode and Multimode types, repeater spacing. Selection of route- cable laying direct in the ground and through ducts. Precautions to be observed during laying. Spicing

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Advocate.

special type of tools and apparatus used during laying and splicing like Optical Time Domain Reflectometer (OTDR) Optical cable fault locator.

V. TESTING AND TESTING AIDS : 10 Marks

Testing of lines and cables - fault localisation in details.. Electronic fault locators and cable route locator.

VI. TELEPRINTERS : 15 Marks

Comparison of conventional and High Speed telegraphy. Teleprinter key board, Motor and speed control, transmitting, Receiving selecting and printing mechanisms. Auto start stop switch, answer back unit, letter and figure shift, EDL and bell signals, margin, its adjustments and measurements, measurement of distortion, printing of reperforator and automatic transmitter with particular reference to Hindustan Teleprinter.

Structure and layout of Electronic Teleprinter modules and units and associated circuits. Power supply assembly. Telegraph line interface. Tape punch and tape reader. Machine condition analysis and fault shooting. Programmation of parameters.

VII. FASCIMILE TELEGRAPHY : 5 Marks

Various types of FAX machines & modem facilities and operation.

VIII. PULSE CODE MODULATION : 15 Marks

Various type of PCM systems in use in the department. CCITT performance limits for various parameters. Higher order PCM systems used in coaxial and optical fibre cable media.

Year wise vacancies in TES Group 'B' for the year 1999-2000 and 2000-2001 (anticipated) and screening of ACRs of Junior Telecom Officers for promotion

TESA FLASH:

to the Grade of TES Group 'B' regarding.

DoT No. 2-82/2000 dated 6.10.2000
Addressed to All Heads of Telecom Circles.

Reference is invited to this office letter of even no. dated 29.9.2000 on the subject mentioned above. In this letter in line number 5 "appointed upto 31.3.90 and for SC upto 31.3.91 may be read as under,

"appointed against the vacancies for the recruitment year upto 1990 and for SC for the recruitment year upto 1991".

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensions' Welfare)

NOTIFICATION

New Delhi, the 30th September, 2000

S.O. 904(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely :

- (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2000.
- (2) They shall come into force on the date of their publication in the Official Gazette.

In the Central Civil Services (Pension) Rules, 1972 after rule 37, the following rule shall be inserted namely :-

"37A. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking.

OCTOBER 2000

Amritpal

Advocate

Annexure - 2

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
OFFICE OF THE CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE:: GUWAHATI-7

No. Recd-3/31/Vol-I/162

Dated at Ghy the 08-11-2002

To

1. The Chief General Manager, T/F, Uzan Bazar/GH.
2. The Director M/W (Mtce), ETR/GH.
- 3-6) The General Manager, Telecom
Kamrup/ Jorhat/Dibrugarh/Silchar
- 7-9) The Telecom District Manager
Tezpur/ Nagaon/ Bongaigaon
- 10) The Dy, General Manager, RTTC, Guwahati
- 11) The Principal, CTTC, Guwahati
- 12) The DE, CTSD, Guwahati
- 13) The ADT (Staff), Circle office/GH.

Sub:- Departmental Competitive Examination for Promotion to TES Group "B"
under 25% quota to be held on 01/12/2002.

The above mentioned Competitive Examination which was initially scheduled to
be held on 16/09/2001 will now be held on 01/12/2002 as per time table below:-

<u>Paper</u>	<u>Subject</u>	<u>Maximum Mark</u>	<u>Day& Date</u>	<u>Time(IST)</u>
I	Advanced Technical Paper- General (Objective Type)	100	Sunday, the 1 st Dec'2002	10.00 A.M to 1.00 P.M.
II	Advanced Technical Paper- Special	100	-- do --	2.00 P.M to 5.00 P.M.

The examination will be held as per New recruitment Rules for filling up
vacancies arising during 1996-97 (23.7.96 to 31.3.97), 97-98, to 2000-2001.

Other terms and condition will remain unchanged.

You are requested to communicate the new schedule to all candidates.

Sd/-
(A. K. Chelleng)
Asst. General Manager (Admn)

Copy to:-

- 1) Notice Board, Circle office
- 2) The Circle Secy, I) TESA (I), Assam Circle
II) TEOA, Assam Circle.

For CGMT, Guwahati.

Attested

[Signature]
Advocate

Filling up of 25% posts in TES Group 'B' by departmental competitive examination.

DoT No. 2-48/2000-STG-II dated 3.10.2000.
Addressed to All Heads of Telecom Circles.

I am directed to say that as per TES

Group 'B' recruitment rules 1996, the 25% vacancies in TES Group 'B' is to be filled up, by Departmental competitive examination and the syllabus for the same is enclosed herewith for circulation among all concerned.

SYLLABUS FOR TELECOMMUNICATIONS ENGINEERING SERVICE GROUP 'B' COMPETITIVE EXAMINATION

Paper I Advanced Technical Paper (General)

M.M. 100

OBJECTIVE TYPE

A. ANALOGUE SWITCHING : 10 Marks

(Candidates are supposed to answer questions from any of the two sections)

(i) S X S

Facilities available and circuit details of uniselectors, Group Selectors and final selectors. Periodic metering. Grading, trunking schemes adopted. Alarms, A.T.E. routiners and traffic recorders. Operation and maintenance.

OR

(ii) Common Control system (Crossbar)

Preselection, group selection and line selection. MFC Signalling. Brief description. - Local/SXS/MF Registers, auxiliary registers, D.C./MF senders, C/ ccts. maintenance equipment and testing aids. Various type of junctors. Cct charges in ICP - Local Reg, LM, GM, Primary/Secy. sections; TSs, MF/ DC senders, SXS/MF registers. Feature of new circuit designs. - RF category analyser, dial tone marker, LACs.

B. DIGITAL SWITCHING : 20 Marks

(Candidate will be asked to answer question from any on the two sections)

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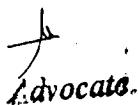
(i) Acceptance Testing guidelines for U/D & O/D plants; Fire fighting & Detection arrangements in exchanges, phones plus facilities viz. call waiting, call forwarding, Abbreviated dialling etc. Brief introduction to new technology switches viz. OCB 283m EWSD, AT&T AXE10, FETEX 150, NEAX 61/E.

(ii) E 10-B : 10 Marks

(a) Introduction to E10-B system, General principle of E10-B exchanges. Brief description links, connection units, time base, switching network, control units. Setting up of an outgoing call. OMC hardware, Man-Machine communication OMC system - restart, regeneration and saving. Management peripherals, subscribers, circuit groups, periodic tasks, faults and alarms, traffic observation, LOCAVAR, Documentation. Sequence of installation activities. Principle of working of E-10B, TAXs and their inter-working with other systems (Local/TAX). Spares, & repair management & support facility organization & for E10-B, Viz. Regional maintenance centres, Regional store Depot, etc.

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OR

(b) SPC Telex (EDX)

Architecture of EDX single switch block. Brief description of sub modules. Line terminator cards. Call, request handling, call connect/disconnect. Call record journalling. Various services and facilities. Dual system configuration. System switchovers. Auto/manual restarts. Startup of system with disk tape. System crash. System saving. Commands. Use of diagnostic programmes and J 10 tester. Sequence of installation activities.

(ii) ILT (ITI Type) and C-DOT (DSS)

(Candidates will be asked to answer questions from either of the two sections)

(a) ILT (ITI Type) : 10 Marks

A concept of microprocessor and Micro programming. Operation of digital switch and control units. Peripherals. MF/DTMF receivers. Tone and MF generation. Duplicate controller. MUX buffers and LTC buffers. Local and trunk call processing. Structure of ILT. Man-machine commands. Installation practice. Traffic and metering controls. Error display. Spares & repair management & support facility organisation.

OR

(b) C-DOT (DSS) System features and configuration, Brief description of terminal unit, time switch unit, base processor unit control module AM/ICP, Inter BM Call setup, Power supply distribution, facility planning, switch architecture. Database, Maintenance architecture, exchange administration, peripheral processor. Call processing. Maintenance commands and procedures. Patch administration. Data base preparation. Installation features.

TESA FLASH

Spares & repair management & support facility organisation.

C. LONG DISTANCE SWITCHING

10 Marks

Details of national switching/numbering/ charging/transmission and signalling/ synchronization plans. Various signalling systems used in the Department. Common channel signalling and synchronization.

Principle of network management. Principle of working of E, 10, B, TAX and their interworking with other systems (Local/TAX).

D. ANALOGUE TRANSMISSION : 10 Marks

(A candidate is expected to answer questions from any one of the following sections)

(a) Microwave : Sources of noise, CCITT & CCIR standards. Selection of Microwave systems, Choice of Antenna, Waveguides, ducting, Fading and Fade margins, Microwave devices, Site selection, Television Transmission, NPR & Wave Radio measurements.

OR

(b) Satellite : Permissible noise for Television and Telephony, Band-width, Frequency Band, Antenna gain, Carrier line-up, knowledge of Indian Satellite system, Interference from and to Terrestrial systems, Antenna Tracking.

E. DIGITAL TRANSMISSION : 20 Marks

(Candidate is expected to answer question from any one of two parts)

(i) Coaxial Cable/Microwave & UHF : 10 Marks

(a) Coaxial cable, Line-up equipment, various line codes, Multiplexing equipment. Use of Transmultiplexers. Functioning of Testing/measuring instruments.

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OR

(b) Digital Radio Relay Systems
(Microwave & UHF) Various modulation techniques, Functions of modems. Factors determining reliability of RR system. Functions of measuring instruments.

(ii) Optical Fibre/date and facsimile transmission 10 Marks

(a) **Optical Fibre Communications** : Cable construction, characteristics of OF cable, Repeaters spacing, Cable laying procedure, Functioning of testing/measuring instruments.

(b) **DATA TRANSMISSION AND FASCIMILE TRANSMISSION** :

Data switching principle, Electronic Data Switch, Digital encoding and asynchronous signals, Start & Stop signals, IDN, ISDN Synchronisation. Principle of working of SFT & FAX.

Computer Basics, Client Server Architecture, Local Area Networking, Wide Area Networking, Inter Networking, Router, Frame Relay, Inet and Asynchronous Transfer Mode (ATM).

F. External Plant : 30 Marks

(i) **Line Transmission** : 5 Marks

Transmission equation. Types of Distortion and distortionless transmission, Impedance matching, NEXT and FEXT measurements.

(ii) **PTCC** : 5 Marks

Calculation of LF introduction on Telecom. Lines and Cables from HT Lines, Safe limits, CCITT directives, Protective Measures for power crossings and power parallelism.

(iii) **Cables** : 10 Marks

(A candidate will be required to answer questions from any of the two parts)

(a) **Coaxial Cables** : Tests on the coaxial cable before and after laying, Poling and balancing Techniques, Transmission tests in a completed repeater section and limits, Fault localisation, Use of various testing instruments and aids.

OR

(b) **Optical Fibre Cable** : Monomode and Multimode type of Optical Fibre Cables and factors governing their selection for use. Tests and Test instruments for Optical Fibre Cable. Fault localisation, Use of various testing instruments and aids.

(iv) **Teleprinters** : 5 Marks

Start stop principle in Teleprinters, Teleprinter speed and margin, Teleprinter attachments, Facilities in Electronic Teleprinters.

(v) **Pulse code modulation** : 5 Marks

Principles of PCM working, Hierarchical order of PCM systems, their application, operation & maintenance, CCITT performance limits for various parameters in PCM system.

SYLLABUS FOR TELECOMMUNICATION ENGINEERING SERVICE GROUP 'B' COMPETITIVE EXAMINATION

ADVANCED TECHNICAL PAPER (SPECIAL)

Paper - II

M.M. 100

(A candidate can select any of the five subjects i.e. A,B,C,D & E)

A. ELECTROMECHANICAL ANALOGUE SWITCHING :

40 Marks

I. STROWGER (MAX-I, MAX-II, MAX-III) :

Description of facilities available and circuit details of uniselector and group

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Advocate.

selector. Facilities available on final selector-Regular, PBX Trunk offering, and test types. Unit fee and periodic metering - circuits.

Inter-connection of switches by grading, trunking scheme adopted in automatic exchange. Alarms system, use of artificial traffic equipment. Qualitative maintenance or automatic exchanges, traffic records, routine tests by routiners and analysis of faults. Maintenance organisation and management.

Principles of Director system-main points of difference between Director and non-director system.

II. COMMON CONTROL SYSTEM (CROSS-BAR) : 40 Marks

(a) **Penta conta crossbar** : Pre selection, Group selection Line selection, local register, multi frequency signalling, MF Register, SXS register, auxiliary register, translator connecting circuits, MF and Decimal sender, traffic observation, maintenance robot, localizer, various types of testers, test desk and fault register, service quality, All types of trunks.

(b) **Indian Cross-Bar Project (ICP)** : Circuitary changes in local Register, Line marker, Group marker, Primary Sections, Secondary sections, Terminal sections, M.F. sender, D.C. sender, Localizer, I X C SXS Register, MF Register, New Circuit design-Register finder (Single & Multiple access) category analyser dial tone marker and link access circuit of line and group unit and O/C Sxs chain.

Additional facilities in C-400 exchanges (NEC, Hitachi, OKI),

III: Long distance switching, and signalling systems : 20 Marks

TESA FLASH

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Details of National switching plan, numbering plan, charging plan and national transmission and signalling plan.

Various signalling systems being used in the Department for local trunk and telex network such as E/M, R2 modified, loop etc. Salient features of CCITT No. 7 signalling system.

Principles of network management. Principles of working of E.10-B TAX and its interworking with other local/TAX systems.

B. DIGITAL SWITCHING : M.M. 100

1. E.10-B 30 Marks

(a) E.10B Basic. Introduction of E.10B system. 10 Marks

General description of E10B exchanges, setting up an O/G call, links, connection units, time base, switching network, control units, exchange power supply arrangements, and concept of operation and maintenance centre (OMC).

(b) E.10B Installation operation and maintenance : 20 Marks

OMC Hardware, OMC Software, Man-machine communications, OMC Restart, OMC system regeneration, OMC system saving, Data processing, peripherals management, subscribers management analysis, routing and circuit group management, traffic load observations management, periodic task management, telephone equipment positioning management, fault management, alarms management, use of Maintenance of program memories, time base maintenance, documentation, use of various testers, power plant installation and commissioning, OMC Installation and commissioning, installation and commissioning of

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exchanges, exchange service quality tests.

II. INTEGRATED LOCAL TRUNK ITI TYPE (ILT) 10 Marks

Concept of micro-processor and micro programming. Peripherals. Operation of control units. Operation of digital switch. MF receiver/DTMF receiver. Tone and MF generation. Operation of LT card. Test procedure of LT cards. Duplicate controller. Structure of ILT-S/W introduction, Software data basis, S/W local call processing, S/W buck processing, MUX buffers and LTC buffers. Power supplies. Documentation. 2000 lines model. Call progress in 2000 lines model. Cabinet assembly dis. MF connections. Sub-Track integration and MDF system integration. Installation practice. Man-machine commands. Traffic and metering. Acceptance testing procedure. Diagnostic commands. Exchange maintenance. Manual controls. Test card features. Test card diagnostics. Error display.

III. C-DOT DSS : 10 Marks

System configuration & features. Terminal Unit, time switch unit, base processor unit, central module, AM/ICP. Inter BM call set up, Power supply distribution facility planning, subscriber features, General system features, exchange administration features, C-DOT DSS S/W Architecture, Data base, maintenance architecture, exchange administration peripheral processor, call processing, call processing features, flow maintenance features, flow ICP S/W and UNIT subscriber line administration feature, billing administration features, Trunk and routing administration, traffic administration, system control features, patch administration, maintenance

capabilities, alarms and reports, status philosophy for TU and SU Maintenance commands, maintenance procedure, installation, data base preparation. Salient features of installation & Maintenance practice in respect of C-DoT RAXs.

IV. SPC Telex (EDX) : 30 Marks

Block diagram/Architecture of EDX-C system-single-switch Block. Brief description/functions of each sub-system-Central processor, Communication Controller, terminator group, Back-up storage (Mag. Tape drive), system status panel. Different type of line terminator cards. Call request handling, call connect, call disconnect, Call record journalling. Various facilities and services. Dual system configuration system switch overs, automatic restart, manual restart, start up of the system with disc Tape, system crash, System savings, system commands from console terminal, Line-oriented commands from supervisory terminal, system reports on CT & ST, Power supply arrangement. General maintenance philosophy. Use of diagnostic programme, periodic voltage measurement and use of J 10 tester. Electronic telex concentrator and TDM. sequence of installation activities, installation and commissioning of exchange and power plant equipment.

V. Long distance switching and signalling system : 20 Marks

Details of National switching plan numbering plan, charging plan and national transmission and signalling plan.

Various signalling systems being used in the Department for local, trunk and telex network such as F/M R2 modified, IOP etc. Salient features of CCITT No:7 signalling system.

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Advocate.

Principles of network management. Principles of working of E10B TAX and its interworking with other local/TAX systems.

C. ANALOGUE TRANSMISSION : M.M. 100

I. **Microwave systems :** 55 Marks

Various source of noise, system design, objectives, CCITT & CCIR standards. Planning and designing of multi channel microwave system. Calculation of heights of tower and maximum number of antenna which a tower can take. Selection of Microwave systems, choice of Antennas, wave guide, Ducting, fading & fade margin, multi path fading. Microwave device, travelling wave tube (TWT), Klystron. Semi-conductors like crystal varactor-diode tunnel and Impact Avalanche Transit Time (IMPATT) diodes. Site selection, engineering order, wire supervisory protection switching and remote controls. Television Transmission. Measurements of power and frequency, noise figure, group delay. Noise power ratio measurement, standing waves ratio measurement, amplitude frequency response.

II. **Satellite :** 45 Marks

Standards for the allowable noise for telephony and television. Factors in overall system design, band width, frequency band, transmission path consideration, antenna gain, SSOG (Satellite system operation guide) carrier line-up procedure, SCPC (Single channel per carrier) system, atmospheric absorption gain attenuation, noise and other effects. Transmission delay and modulation. Knowledge of Indian Satellite system (INSAT) Launch vehicles and structure of satellite. Interference from and to terrestrial systems, antenna tracking, low noise receiver systems and parametric amplifiers.

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D. DIGITAL TRANSMISSION SYSTEMS :

M.M. 100

I. **Digital coaxial :** 20 Marks

Line equipment - Block schematic of a typical 34 Mbt/sec and 140 Mbt/sec coaxial system and brief description and functions of various units.

Various line-codes like HDB-3 (High density Bipolar) and CMI (Coded Mark Inversion), RZ (Return to Zero) and NRZ (Non-return to Zero) etc.

Multiplexing equipment (MUX-Hierarchy) of Multiplexing-2, Mbt/s, 8 Mbt/s & 140 Mbt/s with basic block diagrams.

Use of transmultiplexers.

Testing/measuring instruments for testing digital link and their applications.

II. **Digital radio Relay System :** (Microwave and UHF) 30 Marks

Frequency planning and coordination in selecting a digital radio bearer for the route.

Various types of modulation techniques for different capacity system, brief description and working of the modems.

Block schematic of a typical 34 & 140 Mbt/sec radio system including regenerators and brief functions of its various units.

Factors determining the reliability of the digital Radio system.

Block schematic of a 120 channel digital UHF trans-receiver and functions of its various units.

Hierachial digital multiplexing equipment (2,8,34 & 140 Mbt/sec) and their working with the help of a block diagram.

Measuring instruments and their applications.

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Advocate.

III. Optical Fibre Communication : 30 Marks

Cable construction and characteristics of optical fibre cable-monomode and Multi-mode types, repeater spacing with reference to a typical loss Budget calculations.

Cable laying-Precautions to be observed during laying. Requirements of various special tools and apparatus e.g. splicing machine, pulling machine and winch. Test instruments required for the testing of the cable like Optical time domain reflectometer (OTDR), optical cable fault locator.

Optical sources - LEDs (Light Emitting Diodes and Lasers).

Optical decoders, pin diode and avalanche Photo diodes. Description and working of optical line equipment terminal (OLTE).

Description of various hierachial digital MUX equipment 2,8,34 & 140 Mbr/sec.

Testing the various test equipments required for testing the optical fibre link Precision power meter, optical light source, digital transmission analyster etc.

D. DATA SYSTEM : Computer Basics, Client Server Architecture, Local Area Networking, Vide Area Networking, Inter Networking, Router, Frame Relay, Inet and Asynchronous Transfer Mode (ATM).

- a) Circuit Switching Concept V/s Packet Switching.
- b) Leased Lines - and their proper management.
- c) Effect of Internet on normal switching is used such as congestion, holding time, tariff, voice over Internet, FAX over Internet etc.
- d) HVNET, RABMN

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EXTERNAL PLANT : M.M. 100**Line Transmission : 10 Marks**

Transmission equation, attenuation and phase stants, distortion and distortionless transmission, submission requirements and type of distortion, adding, impedance matching, X-talk and noise and their surements..

P.T.C.C. : 15 Marks

PTCC, its formation and functions, inductive reference to telecom. lines and cables from power HT wires, factors governing calculations of inductions, hods of getting PTCC clearance for newly constructed and telecom. lines and cables. Safe limits - CCITT ectives, - power crossings. Estimating for per. protective arrangements and charging from the strical department when necessary.

CABLES : 15 Marks

Coaxial cable : Construction & aacteristics of different types of coaxial cables in the department. Selection of route-preliminary survey, Detailed survey, Repeater spacing. Tests on cable before and after laying, precautions to be surved during laying. Jointing of coaxial cables, local type of tools and precautions.

Sling formation and sling pressurisation. Poling and Balancing Techniques. Termination in repeaters. Transmission test in a completed repeater section.

IV. OPTICAL FIBRE CABLE : 15 Marks

Optical Fibre cable : construction and characterstic of optical fibre cable. Monomode and Multimode types, repeater spacing. Selection of route-cable laying direct in the ground and through ducts. Precautions to be observed during laying. Spicing

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technique. Special type of tools and apparatus used during laying and splicing like Optical Time Domain Reflectometer (OTDR) Optical cable fault locator.

V. TESTING AND TESTING AIDS : 10 Marks

Testing of lines and cables - fault localisation in details. Electronic fault locators and cable route locator.

VI. TELEPRINTERS :

15 Marks
Comparison of conventional and High Speed telegraphy. Teleprinter key board, Motor and speed control, transmitting, Receiving selecting and printing mechanisms. Auto start stop switch, answer back unit, letter and figure shift, EDL and bell signals, margin, its adjustments and measurements, measurement of distortion, printing of reperforator and automatic transmitter with particular reference to Hindustan Teleprinter.

Structure and layout of Electronic Teleprinter modules and units and associated circuits. Power supply assembly. Telegraph line interface. Tape punch and tape reader. Machine condition analysis and fault shooting. Programmation of parameters.

VII. FAXCIMILE TELEGRAPHY : 5 Marks

Various types of FAX machines & modem facilities and operation.

VIII. PULSE CODE MODULATION : 15 Marks

Various type of PCM systems in use in the department. CCITT performance limits for various parameters. Higher order PCM systems used in coaxial and optical fibre cable media.

Year wise vacancies in TES Group 'B' for the year 1999-2000 and 2000-2001 (anticipated) and screening of ACRs of Junior Telecom Officers for promotion

TESA FLASH

to the Grade of **TES Group 'B'** regarding.

DoT No. 2-82/2000 dated 6.10.2000

Addressed to All Heads of Telecom Circles.

Reference is invited to this office letter of even no. dated 29.9.2000 on the subject mentioned above. In this letter in line number 5 "appointed upto 31.3.90 and for SC upto 31.3.91 may be read as under

"appointed against the vacancies for the recruitment year upto 1990 and for SC for the recruitment year upto 1991"

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensions' Welfare)

NOTIFICATION

New Delhi, the 30th September, 2000

S.O. 904(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely :-

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OCTOBER 2000

8/1-2000

[Signature]

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Annexure 2

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
OFFICE OF THE CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE:: GUWAHATI-7

No. Recd-3/31/Vol-I/162

Dated at Ghy the 08-11-2002

To

1. The Chief General Manager, T/F, Uzan Bazar/GH.
2. The Director M/W (Mtce), ETR/GH.
- 3-6) The General Manager Telecom
Kamrup/ Jorhat/Dibrugarh/Silchar
- 7-9) The Telecom District Manager
Tezpur/ Nagaon/ Bongaigaon
- 10) The Dy. General Manager, RTTC, Guwahati
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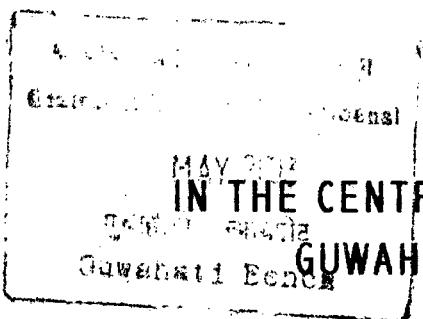
You are requested to communicate the new schedule to all candidates.

Sd/-
(A. K. Chelleng)
Asst. General Manager (Admn)

Copy to:-

- 1) Notice Board, Circle office
- 2) The Circle Secy, I) TESA (I), Assam Circle
II) TEOA, Assam Circle.

For CGMT, Guwahati.



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI**

O.A. NO. 377/2002

1996

1997

1998

Md. Akhtar Hussain & Others

... Applicants

-Vs-

Union of India & Others

... Respondents

(Written statements filed by the respondents)

The written statements of the respondents are as follows:

1. That a "copy of the O.A. No.377/2002 (referred to as the "Application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of Respondents No.2 and 3 are common and similar. The Respondent No.1 is a separate authority which is represented by the respondent no.3 as assign and successor in interest.

2. That the statements made in the application, which are not specifically admitted are hereby denied.

Filed by:-
B. C. Pathak
(B. C. Pathak) 12/5/03
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

3. That before traversing the various paragraphs of the application, the respondents give a brief resume to the status of the respondents which has undergone changes so far the respective rights and liabilities are concerned, as under :

(a) The Govt. of India, Ministry of Communication, Department of Telecom, as a matter of government policy decision, brought some changes whereby the status of the petitioners were completely changed/ altered giving rise to various legal complications/ implications. In pursuance to the New Telecom Policy, 1999, Govt. of India with a view to corporatise the provisions, functions of the Department of Telecommunications (DoT) formed a company named and styled as the " Bharat Sanchar Nigam Limited" (hereinafter referred to as the "BSNL") with its detailed Memorandum of Association and the Articles of Association. The said company was registered with the Registrar of Companies under the Companies Act, 1956 on 15.9.2000. The necessary Certificate of Incorporation and the Certificate of Commencement of Business were also duly issued by the authorities. Thereafter, when the BSNL came into existence as a separate, distinct legal entity having its Board of Directors as the absolute and supreme authority to regulate the affairs of the said BSNL, the Govt. of India, Ministry of Communications, Deptt. Of Telecom. Services, brought out the Office Memorandum No. 2-31/2000-Resig dt.30.9.2000. By this O.M. the Govt. of India has transferred and assigned all the assets and liabilities and all the existing and subsisting contracts, agreements and Memoranda of Understanding of the Deptt. Of Telecommunications, Deptt. of Telecom. Services and the Deptt. Of Telecom. Operations to the said BSNL with effect from 1.10.2000. By the said O.M. the Govt. of India also made it clear that they have retained the function of policy formulation, licensing, wireless spectrum management, administrative control of PSUs, Standardization and Validation of equipment and P & D etc. By the said O.M. it was also made clear that the BSNL would be solely responsible for such contracts or agreements etc. and shall sue or be sued in such cases. The O.M. also made it clear that the BSNL shall conduct all such court cases as assign or successor in interest of the Government/ Deptt. Of Telecommunications and also implement such judgments, orders etc. in accordance

with rules, regulations, directions of statutes. By the said O.M. it has also been made clear that in respect of matter relating to personnel (Govt. servants) pending before various Administrative Tribunals, High Courts and Supreme Court, the BSNL will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company. This O.M. however, does not speak anything about the cases of the Casual labourers. A casual labourer is not a civil servant within the meaning of Article 310 and 311 of the Constitution of India or under rule 2(b) of the Central Civil Services (Pension) Rules, 1972.

The copies of the Certificate of Incorporation, Certificate of commencement of business, O.M. dt.30.9.2000 are annexed as ANNEXURE-1,2 and 3 respectively.

(b) That the BSNL is a State within the meaning of the Article 12 of the Constitution of India as it is an instrumentality /agency of the Govt. of India having deep and pervasive control over it. Unless the Govt. of India by issuing notification under section 14 (2) of the Central Administrative Tribunal Act, 1985 brings BSNL within the jurisdiction of the Central Administrative Tribunal, the Tribunal shall not have jurisdiction to try such matter related to conditions of service of employees of the BSNL from 1.10.2000 onwards. The Tribunal also can not exercise its power under section 14 (2) and (3) automatically.

It is indicative from the facts that the Govt. of India has conferred jurisdiction on the Tribunal by subsequent notifications to bring some societies like Kendriya Vidyalay Sangathan and autonomous bodies/corporations like University Grants Commission, ESIC etc. The writ petitioners crave the leave of this Hon'ble Court to allow them to place such records and rules at the time of hearing of the case. Some Benches of the Tribunal has already taken such views in such matter and held that the Tribunal shall have no jurisdiction over the BSNL. In cases (O.A. No.198/2001 and O.A 289/2001 (series)), the Calcutta and this Hon'ble Bench of the Tribunal has held that the Tribunal has no jurisdiction over the BSNL .

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A copy of the order dt.1.3.2001 and 3.9.2002 passed in the O.A.No.198/2001 and 289/2001 are annexed as ANNEXURE-4 and 5 respectively.

4. That with regard to the statements made in paragraph 1, the respondents state that the impugned letter dt. 8.11.2002 was issued by the Respondent No.2 to communicate the revised schedule of the departmental limited competitive examination for promotion to the grade of SDE under the provision of SDE Recruitment Rules,1996.

5. That the respondents have no comments to offer to the statements made in paragraphs 2,3,4.1 and 4.2 of the application. //

6. That with regard to the statements made in para 4.3, the respondents state that the examination has been held on 1.12.2002 strictly in accordance with the provision of the Recruitment Rules governing the appointment of SDE by way of promotion among the eligible JTOs through competitive examination. The manner of holding the examination and the syllabus thereof has been finalized by the competent authority in conformity with the recruitment Rules and keeping in view the duties and function of SDE.

~~The SDE Recruitment Rules 1996 came into force on 23.7.96. Therefore the vacancies arising on and after 23.7.96 are to be filled up under the said rules.~~

~~The present competitive examination is the first of its kind and intended to fill up the vacancies arising since 23.7.96. For the purpose of Seniority, the vacancies have been maintained year-wise and the candidates are called upon to prefer separate applications for each vacancy year depending on eligibility as on 1st July~~

of the respective year. This is done to protect the interest of senior officials over their relative juniors who became eligible for appearing in the examination at a later year.

The examination held on 1.12.2002 is a deferred examination which was initially scheduled to be held on 23.7.2001. The notification for the examination was issued by the Departmental Examination (DE) Branch of the BSNL Corporate Office vide their OM No. 5-7/2000-DE dated 20.4.00. The same was circulated by CGMT, Assam (Respondent No.2) to all concerned including the applicant's union. After the issuance of the initial notification, certain clarification regarding eligibility was issued vide O.M. No. 5-7/2000-DE dated 21.6.2001. All the clarifications were immediately circulated to all concerned for their information and knowledge.

After the issuance of above clarification and to provide time for filing up fresh application, the closing date for submission of applications was extended up to 27.7.01. Resultantly, the examination date was also changed from 23.7.01 to 16.9.01. However, owing to compelling administrative reason, the examination had to be postponed at the final hour.

After sorting out the problems, the respondent re-fixed the date of holding the postponed examination on 1.12.2002 and issued fresh notification vide OM No 5-1/2000-DE dated 7.10.2002. Pursuant to that notification the CGMT/Guwahati conveyed the revised scheduled of examination vide his letter dated 8.11.02 to all candidates through their respective head of unit. The applicant had all the time for preparation of examination. As regards, the syllabus for the examination the same has been prepared taking into consideration the knowledge and skill required to efficiently discharged the duties and responsibility of SDE.

The manner in which the examination is conducted is uniformly applicable to all candidates and no one is at any particular disadvantage. A level playing ground

has been created for all the candidates for a healthy and fair competition. The present applicants form a small part of the total candidates and they cannot claim to be more equal than the other equally situated candidates. .

A copy of the Recruitment Rules is annexed as Annexure 6.

7. That with regard to the statements made in para 4.4, the respondents state that according to the recruitment Rules in force, the J.T.Os have two channels of promotion to the cadre of SDE $3/4^{\text{th}}$ of the vacancies of SDE are filled on seniority-cum-fitness basis and the balance $1/4^{\text{th}}$ through a departmental competitive examination. The eligibility criteria for appearing in the examination is well defined and there is no dispute about it.

Some of the applicants have already been promoted to SDE on seniority-cum-fitness basis against 75% quota of vacancy. The present examination provides them an opportunity to better their seniority position on the basis of performance in the examination. They will not suffer any adverse consequence even if they fail to come out successfully.

8. That with regard to the statements made in para 4.5, the respondents state that though it is desirable to conduct the examination annually depending upon the availability of vacancy, the same cannot always be strictly adhered to owing to various reasons beyond the control of the respondent department. The holding of such examination on each year is also not mandatory according to the recruitment Rules. The last competitive examination under the pre 1996 Recruitment Rules covering

the vacancies up to 22.7.96 was held on 27th and 28th of November, 2000 and the results of the same was announced on 13.9. The same could not be held earlier owing to different Court cases. The department could proceed to hold the examination under the New recruitment Rules for the vacancies arising after 23.7.96 only after the last examination under earlier Rules has been completed in November 2000. In the given situation there was no avoidable delay in conducting the present examination. However, the Respondent Department has taken due care to protect the interest of senior JTOs, who became eligible in earlier year than the relatively Junior JTOs who became eligible at a later year.

9. That with regard to the statements made in para 4.6, the respondents state that the eligibility criteria syllabus of the examination and qualifying standard being equal for all, the situation appearing before all the candidates remains the same. The foremost condition for a fair competition is fully met and ensured under the procedure.

10. That with regard to the statements made in para 4.7 and 4.8, the respondents state that though the examination for filling up the accumulated vacancies of 5 years is one and the same the Respondent Department has taken adequate measures to protect the interest of senior JTOs. For this purpose separate year-wise eligibility list has been prepared keeping in view the eligibility of each candidates as on 1st July of the corresponding year. To facilitate this, the candidates were called upon to file separate applications for each year of vacancy that the candidates is eligible to be considered for as per the provisions made under the Rules.

11. That with regard to the statements made in para 4.9 and 4.10, the respondents state that the SDE is an all India cadre and the vacancies arising in different circles from year to year are being worked out centrally by the BSNL HQ. This is a time

consuming complicated process which has to be performed with highest degree of accuracy. The calculation of vacancies and community wise breakup will be completed at the earliest and invariably before the announcement of the result. There is no practical difficulty in holding the examination before finalizing the year-wise vacancy. This is not a pre-condition for holding a departmental examination.

The impression expressed by the applicants regarding holding of separate examinations consequent upon inviting separate year-wise application is a fancy imagination. The very notification/letter inviting the applicant also contained the scheduled of the examination. A plain reading of the notification/letter makes it abundantly clear that there would be one examination for all the vacancies.

Though the examination is one and the same for all the vacancies, separate select list will be prepared for each year. The successfully candidates of the examination will receive due consideration for promotion against the vacancy year(s) for which the individual is eligible for. For better appreciation an illustration is given below.

A successful candidate say 'x' is eligible for all 5 years. He will be first considered for promotion against the vacancies of 1996-97 on the basis of performance in the examination along with other successful candidates eligible for that year. In case he does not get selected for 1996-97 he will be again considered for promotion against 1997 -98 along with the successful eligible candidates of that year. The process will be continued up to the vacancy year 2000-01.

Thus the candidates will receive repeated consideration and opportunity for all the years that he may be eligible for. There is no curtailment of opportunity and scope because of the single examination.

12. That with regard to the statements made in para 4.11, the respondents state that according to the Recruitment Rules in force, the JTOs have two channels of promotion to the cadre of SDE. 3/4th of the vacancies of SDE are filled on seniority-cum-fitness basis and the balance 1/4th through a departmental competitive examination. The eligibility criteria for appearing in the examination is well defined and there is no dispute about it.

Some of the applicants have already been promoted to SDE as on seniority-cum-fitness basis against 75% quota of vacancy. The present examination provides them an opportunity to better their seniority position on the basis of performance in the examination. They will not suffer any adverse consequence even if they fail to come out successfully.

The candidates have never been directed to file applications or to sit in the examination. In fact, the Department cannot direct any employee to sit in an examination unless it is an expressed condition of appointment. The candidates by choice have submitted applications to sit in the examination with a view to enhance the career prospect.

13. That with regard to the statements made in para 4.12, 4.13 and 4.14, the respondents state that the SDE is an all India cadre and the vacancies arising in different circles from year to year are being worked out centrally by the BSNL HQ. This is a time consuming complicated process that has to be performed with highest degree of accuracy. The calculation of vacancies and community wise breakup will be completed at the earliest and invariably before the announcement of the result. There is no practical difficulty in holding the examination before finalizing the year-wise vacancy. This is not a pre-condition for holding a departmental examination.

The impression expressed by the applicants regarding holding of separate examinations consequent upon inviting separate year-wise application is a fancy imagination. The very notification/letter inviting the applicant also contained the scheduled of the examination. A plain reading of the notification/letter make it abundantly clear that there would be one examination for all the vacancies.

Though the examination is one and the same for all the vacancies, separate select list will be prepared for each year. The successfully candidates of the examination will receive due consideration for promotion against the vacancy year(s) for which the individual is eligible for. For better appreciation an illustration is given below.

A successful candidate, say 'x', is eligible for all 5 years. He will be first considered for promotion against the vacancies of 1996-97 on the basis of performance in the examination along with other successful candidates eligible for that year. In case he does not get selected for 1996-97 he will be again considered for promotion against 1997-98 along with the successful eligible candidates of that year. The process will be continued up to the vacancy year 2000-01.

Thus the candidates will receive repeated consideration and opportunity for all the years that he may be eligible for. There is no curtailment of opportunity and scope because of the single examination.

14. That with regard to the statements made in para 4.15, the respondents state that the applicant in one hand complaint about alleged delay in holding the examination and on the other hand speak of the insufficiency of preparation time. The inherent contradiction disclose the mind-set of the applicants against the examination fearing that their junior may get accelerated promotion to SDE and taking position over the applicant in the seniority list of SDE by virtue of better performance in the examination.

As already submitted in Para above the initial notification for the examination was issued on April 2000 and the last letter conveying the fresh date of the examination was also issued 1 month ahead of the date of examination. The annual calendar of examination for 2001 was also circulated to all concerned including the service union of the applicant. The candidates were aware of the tentative programme of the examination from the very beginning and they had enough time for preparation.

It is already explained in Para 4.9-4.10 above and reiterated in Para 4.12 to 4.14 that though the examination is single, the candidates will get repeated consideration for promotion on a year-to-year basis depending on eligibility and performance on the examination of the individual.

15. That with regard to the statements made in para 4.16, the respondents state that the answers made in the foregoing Paras would go to show that the apprehension expressed by the applicants are misplaced and unfounded. The Respondent Department has made adequate arrangement to ensure a fair and healthy competition for promotion of the applicants to the cadre of SDE. All the candidates including the present applicant before the Hon'ble Tribunal are equally placed and each candidate will receive the consideration they rightly deserve. It is also taken care of that the candidates who have already been promoted to SDE do not suffer any evil consequence even if they do not succeed in the examination.

The Respondent Department honestly admit that it is desirable to conduct the examination on a year to year basis but the same is not always feasible for various reasons beyond the control of the Department.

The last competitive examination for promotion to SDE under pre 1996 Recruitment Rules was held in Nov'2000 for vacancies up to 22.7.96. The same could not be

held earlier owing to various court cases. The Department could proceed to hold the examination for post 22.7.96 vacancies only after the announcement of the result of Nov'96 examination. In the fact and circumstance of the case the delay in holding the examination is unavoidable and beyond the control of the Department. However, the department has addressed the problem of the candidates arising out of the unavoidable delay in holding the examination and taken adequate protective measure to protect the claim of the senior over their juniors vis-a-vis the eligibility of the candidates on a year to year basis for preparation of year-wise select panel.

16. That with regard to the statements made in para 4.17 and 4.18, the respondents state that the applicant have no genuine reason to be aggrieved by the manner in which the examination has been conducted by the Department. Their appreciation are misplaced and not borne out of any valid ground. Thousands of candidates have appeared in the examination and are eagerly awaiting the result thereof. Their aspiration lies on the out come of the examination. A small section of the candidates cannot frustrate the whole process effecting the career of all aspirants more particularly as they are not put on notice and unable to present their case before the Hon'ble Tribunal.
17. That with regard to the statements made in para 5.1 to 5.6, the respondents state that the grounds shown by the applicants cannot sustain in law and the facts and circumstances of the case. Hence, the application is liable to be dismissed with cost.
18. That the respondents have no comments to offer to the statements made in para 6 and 7 of the application.
19. That with regard to the statements made in para 8.1 to 8.5 and 9, the respondents state that in view of the facts and circumstances of the case and the provisions of

(32)

law and Rules, the applicants are not entitled to get any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, may be pleased to dismiss the application with cost.

VERIFICATION

I, Shri Shankar Chandra Das, at present working as ~~Asstt. Director Telecom(Legal)~~ in the office of the ~~Chief General Manager, Telecom~~, being competent and duly authorized do hereby solemnly affirm and state that the statements made in para 1, 2, 4, 5, 7 to 18 and 19 are true to my knowledge and belief, those made in para 3 and 6, being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 12th day of April, 2003 at Guwahati.

Shankar Chandra Das

DERONENT

Asstt. Director
April 19, 2003
Telecom
Guwahati

law and Rules, the applicants are not entitled to do so unless granted as
privileges for any the application is issued or is dismissed with cost.

In this proceeding is necessary, it is therefore hereby
that your subpoenas may be issued to assist the
parties, because the records and files relating to the
parties and persons for records, may be necessary
to dismiss the application with cost.

VERIFICATION

I, S. H. at present residing at
in the office of the, during
completely and duly authorized to perfectly prosecute this and state that the
statements made in this is true to the
knowledge and belief those made in this
being witness to records are true of my information derived from personal and file testi
are my simple subscription before this Honorble Tribunal. I have not subscribed any
material fact.

And I sign this verification on this day of April, 2003 in Guntur.

DEPONENT



प्रारूप एक

Form 1

निर्गमन का प्रमाण पत्र

Certificate of Incorporation

सं. 55-107739 शक 19 22

No. 55-107739 of 2000-2001

मैं एतद् द्वारा प्रमाणित करता हूँ कि आज भारत संचार निगम लिमिटेड

कम्पनी अधिनियम 1956 (1956 का 1) के अधीन निगमित की गई है और यह कम्पनी परिसीमित है।

I hereby Certify that BHARAT SANCHAR NIGAM LIMITED

is this day incorporated under the Companies Act, 1956 (No. 1 of 1956) and that the Company is limited.

मेरे हस्ताक्षर से आज ता० 24 भाद्रपद, 1922 को दिया गया।

Given under my hand at..... NEW DELHI..... this..... FIFTEENTH
day of SEPTEMBER Two Thousand.

(राकेश चन्द्रा)

कम्पनी रजिस्ट्रार

Registrar of Companies

रा. रा. क्षेत्र दिल्ली एवं हरियाणा
N.C.T. of Delhi & Haryana

COMPANY NO.55-107739



Certificate for Commencement of Business

व्यापार प्रारम्भ करने का प्रमाण-पत्र

Pursuant to section 149 (3) of the Companies Act, 1956

कम्पनी अधिनियम 1956 की धारा 149 (3) के अनुसार में

I hereby certify that the BHARAT SANCHAR NIGAM LIMITED

मैं एतद् द्वारा प्रमाणित करता हूँ कि भारत सचार निगम लिमिटेड

which was incorporated under the Companies Act, 1956 on

जो कि कम्पनी अधिनियम, 1956 के अन्तर्गत भंजोकृत की गई थी दिनांक 24 भाद्रपद, 1922

the FIFTEENTH day of SEPTEMBER, 2000

and which has filed duly verified declaration in the

और जिस ने कि यथावत् निर्धारित प्रपत्र में सत्यापित घोषणा पत्र प्रस्तुत

prescribed form that the conditions of section

कर दिया है कि उस ने धारा 149 (2) (क) से (ग)

149 (2) (a) to (c) of the said Act, have been complied with is entitled

को सभी शर्तों को अनुपालन कर दिया है अतः व्यापार आरम्भ करने का

to commence business

अधिकारी है।

Given under my hand at NEW DELHI

मेरे हस्ताक्षर से आज दिनांक 28 भाद्रपद, 1922

this NINETEENTH day of SEPTEMBER

TWO THOUSAND

को जारी किया गया।

(टी.पी. शर्मा)

उप कम्पनी रजिस्ट्रार

Dy. Registrar of Companies

रा. रा. क्षेत्र दिल्ली एवं हरियाणा

N.C.T. of Delhi & Haryana

No.2-31/2000-Resig. (2)
 Government of India (3)
 Ministry of Communications
 Department of Telecommunication Services

New Delhi, the 30th September, 2000.

OFFICE MEMORANDUM

Subject:- Transfer and assigning of existing and subsisting contracts, agreements and Memoranda of Understanding of the Department of Telecommunications, Department of Telecom. Services and Department of Telecom. Operations to Bharat Sanchar Nigam Limited.

In pursuance of New Telecom Policy 1999, the Government of India has decided to corporatise the service provision, functions of Department of Telecommunications (DoT). Accordingly, the undersigned is directed to state that the Government of India has decided to transfer the business of providing telecom services in the country currently run and entrusted with the Department of Telecom Services(DTS) and the Department of Telecom Operations(DTO) as was provided earlier by the Department of Telecommunications to the newly formed Company viz., Bharat Sanchar Nigam Limited (the Company) with effect from 1st October 2000. The Company has been incorporated as a company with limited liability by shares under the Companies Act, 1956 with its registered and corporate office in New Delhi.

2. The Department of Telecom. Services and Department of Telecom. Operations concerned with providing telecom services in the country and maintaining the telecom network/telecom factories were separated and carved out of the Department of Telecommunications as a precursor to corporatisation. It is proposed to transfer the business of providing telecom. services and running the telecom factories to the newly set up Company, viz., Bharat Sanchar Nigam Limited w.e.f. 1st October 2000. The Government has decided to retain the functions of policy formulation, licencing, wireless spectrum management, administrative control of PSUs, standardisation & validation of equipment and P & D etc. These would be responsibility of Department of Telecommunications (DoT) and Telecom Commission.

3. Government of India has decided to transfer all assets and liabilities, (except certain assets which will be retained by Department of Telecommunications required for the units and offices under control of DoT, to be worked out later on), to the Company with effect from 1st October 2000. All the existing contracts, agreements and MoUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and

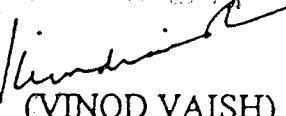
individuals in respect of supply of apparatus and plants, materials, purchase of land and buildings and supply of services, subsisting on date of transfer of business and/or required for operations of the Company and with subscribers of all types of services to be provided by the Company, will also stand transferred and assigned to the Company with effect from 1st October, 2000. The Company will be solely responsible for honouring these contracts, agreements and MoUs for their due performance and in case of disputes to sue and be sued as the successor/assignee under the contract, agreement and MoU.

* 4. The Company, Bharat Sanchar Nigam Limited will file suitable required appearances/memos in all pending cases before the Courts, Tribunals, Arbitrators, Adjudicators in all matters except issues of licensing; and policymaking which are with the Department of Telecommunications. The Company may get substituted or become an additional party as the case may be, or just conduct the cases as assigns or successor in interest of the Government/Department of Telecommunications, as permissible. This may, in so far practicable, be completed by 31st December 2000.

5. In respect of matters relating to personnel (Government servants) pending before various Administrative Tribunals, High Courts and Supreme Court the Company will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company.

6. Any judgement/order/award delivered by an Authority/Tribunal/Court/Arbitrator in respect of all the matters described there shall be implemented in letter and spirit by the Company, in accordance with rules, regulations, directions and statutes.

7. These instructions will come into force with effect from 1st October 2000.


(VINOD VAISH)

Secretary to the Government of India

To

To

1. The Secretary DoT and Chairman Telecom Commission.
2. The Secretary, DTS.
3. The Secretary, DTO and Member(Prodn.) Telecom Commission.
4. Member(Finance) Telecom Commission.
5. Member(Services) Telecom Commission.
6. Member(Technology), Telecom Commission.
7. Additional Secretary(T) and Secretary Telecom Commission
8. Joint Secretary(T), DoT.

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9. Joint Secretary(A), DoT.
10. OSD Corporatisation (DoT) with request to bring it to the notice of the Board of Directors of Bharat Sanchar Nigam Limited.
11. All Chief General Managers of Telecom Circles, Metro Districts, Project Circles, Maintenance Regions, Telecom Stores, Railway Electrification Projects with request to communicate these orders to all units working under their administrative control.
12. All Principal Chief Engineers / Chief Engineers – Civil and Electrical Wings, with request to communicate these orders to all units working under their administrative control.
13. Chief Architects – Chennai, Calcutta and Mumbai, with request to communicate these orders to all units working under their administrative control.
14. All Chief General Managers – Telecom Factories, with request to communicate these orders to all units working under their administrative control.
15. Sr.DDG(TEC)
16. Sr.DDsG- (BW)/(ARCH.)/(ELECT.)
17. Sr.DDG(ML) - with request to communicate these orders to all PSUs working under their administrative control.
18. Sr.DDG(IC & A)
19. Executive Director, C-DOT.
20. Sr.DDG(Vigilance), DoT
20. DDG(Pers.)

Copy to:-

1. PS to Minister of Communications
2. PS to Minister of State for Communications
3. All Advisers, DoT.

Copy also to:-

1. Bharat Sanchar Nigam Limited.

RS

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Annex 13.
ANNEXURE A

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

NO. Q. A. 198 OF 2001

NO. Q. A. 196 OF 2010
Present : Hon'ble ... Justice R.H. Roy, Vice-Chairman
Hon'ble Mr. S.P. Singh, Administrative Member

BL SINANATH BANERJEE

V. 5.

UNION OF INDIA & ORS.

for the applicant : Mr. B.K. Mandal, counsel
for the parties : Mr. B.K. Mandal, counsel

FOR the respondents : MR. M. S. Baherjee, counsel

Order on : 1.3.2001

Heard on : 1.3.2001 ORDER

R. N. Roy, V.C.

R. N. ROY, V. V. T. 1950
Ld. counsel for both sides are present. This case
has now been

is relating to the Department of Telecom which has now become
Bharti Limited is definitely

is relating to the Department of a corporate body. Bharat Sanchar Nigam Limited is definitely a body under the Government of India within the meaning of the Act.

a corporate body under the Government of India. But that has not been notified till today and therefore, this court has no meaning of Article 12 of the Constitution.

jurisdiction to entertain such petition. At the stage of admission it is not maintainable.

2. Accordingly, the O.A. is disposed of as 'not maintainable' into forum in respect of

The applicant may approach the appropriate court
his grievances made in this O.N. No order as to costs.

MEMBR(A)



See
VITELINIAN

1. विद्युत विभाग
2. विद्युत विभाग
3. विद्युत विभाग

Constituted
as a
separate
entity
from
the
parent
company
in
order
to
raise
funds
from
the
public
market

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. ANNEXURE 5

Original Applications No. 289/2001, 364/2001,
366/2001, 372/2001, 403/2001, 109/2002 and 160/2002.

Date of Order : This the 3rd Day of September, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

O.A. 289 of 2001

1. Sri Dondi Ram Gayan,
2. Sri Gobir Nath,
3. Sri Joy Bopal Das,
4. Sri Kandeswar Konwar.
5. Md Abdul Gafar Choudhury,
6. Sri Thanu Ram Jha,
7. Md. Abdul Kalam and
8. Sri Anup Bora.

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

By Advocate Sri A.Deb Roy, Sr.C.G.C.

O.A. 354 of 2001

Sri Deo Kumar Rai

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

By Sri B.C.Pathak, Addl.C.G.S.C.

O.A. 366 of 2001

Sri Jun Das,

... Applicant

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

... Respondents

By Sri A.Deb Roy, Sr.C.G.S.C.

C.A. 372 of 2001

Sri Khitish Deb Nath

... Applicant

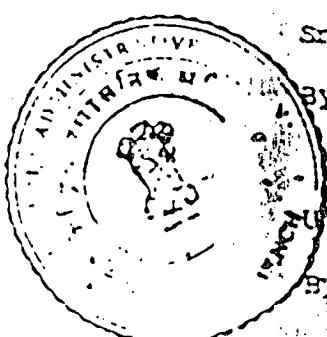
By Advocate Sri S.Sarma

- Versus -

Union of India & Ors.

... Respondents

By Sri A.Deb Roy, Sr.C.G.S.C



✓ O.A. 403 of 2001

1. Md Nurmahammad Ali,
2. Md. Sahabuddin Ahmed,
3. Md. Alamid Choudhury,
4. Md. Harimurresan Ali,
5. Sri Benudhar Das and
6. Md. Tafik Ali

... Applicants

By Advocate Sri B. Malakar

- Versus -

Union of India & Ors.

... Respondents.

By Sri A. Deb Roy, Sr. C.G.S.C.

✓ O.A. 109 of 2002

Sri Dilip Kumar Tante

... Applicant

By Advocate Sri N. Borah.

✓ Sri Dilip Kumar Tante Versus -
Union of India & Ors.

... Respondents.

By Sri A. Deb Roy, Sr. C.G.S.C.

✓ C.A. 160 of 2002

1. Th. Subendra Singh

2. All India Telecom Employees Union
Line Staff and Group-D,
Manipur Division, Imphal
represented by Divisional Secretary,
Sri M. Kulla Singh

... Applicants

By Advocate Sri S. Sarma.

- Versus -

Union of India & Ors.

... Respondents.

By Sri B.C. Patak, Mdl.C.G.S.C.

ORDER

CHC/DHURY J. (V.C.)

The issue involved in these cases pertains to
conferment of temporary status in the light of the scheme
prepared by the Telecom Department pursuant to the decision
of the Supreme Court in Ram Gopal and others vs. Union
of India and others dated 17.4.90 in writ petition (C) No.
1280 of 1989. Keeping in mind the plight of the casual

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labourers the Supreme Court in the above mentioned case directed the authority to prepare a scheme on rational basis for those labourers who were continuously working for more than one year in the telecom department. The department of Telecom also followed the suit and prepared a scheme of conferment of temporary status on casual labourers who were employed and have rendered continuous service for more than one year in the telecom department. Accordingly the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" was prepared. By order dated 1.9.99 the Government of India, Department of Telecommunications mentioned about its approval on grant of temporary status to the casual labourers who were eligible as on 31.3.97. By the said communication it was clarified that the grant of temporary status to the casual labourers order dated 12.2.99 would be effective with effect from 1.4.97. By the said communication it was also clarified that the persons would be eligible for conferment of temporary status who were eligible as on 1.8.98. It may be mentioned that the said communication was issued to the authorities for judging the eligibility on 1.8.98 and did not naturally mean that one was to be in service on the date prescribed. What was insisted was to attain the eligibility. Numerous applications were filed before us for conferment of temporary status in the light of the scheme. In some of the cases we directed the authority to consider the cases and to pass appropriate order. In some of the cases the authority passed orders rejecting their claim. Against which the aggrieved person moved this Tribunal by way of these applications. In some of the applications written

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 "Labour Union" was still not made clear and hence there was also a demand. On the basis of documents it appears that there was no conformity with the findings reached by the authority alongwith the records produced regarding their engagements. In some cases records indicated that they were engaged for more than 240 days, whereas in the finding they were shown that they did not served for 240 days. In our opinion the matters requires a fresh re-consideration by a responsible authority so that cases of eligible casual labourers are fairly considered. To cite example with the case of O.A.372/2001 the Verification Committee report dated 12.3.02 was shown to us. The Committee consisting of S.C.Tapader, D.E.(Admin), N.K.Das, C.A.O (Finance) and G.C.Sharma, ADT(Legal) verified and mentioned that the applicant did not complete 240 days in a calendar year, whereas again column No. of days yearwise/monthwise in the Annexure to authority referred to his engagement from August 91 to August 90 which comes around 240 days on arithmetical calculation. By another verification committee meeting dated 12.3.2002 consisting of M.C.Pator, D.E(Admin), N.K.Das, C.A.O(Finance) and G.C.Dan, ADT(Legal) Circle Office, Guwahati. The committee stated that the applicant completed 49 days in 1994, 20 days in 1995, 24 days in 1996, 15 days in 1997 and one day in April, 1998. The documents submitted clearly states. In view of the opinion that such type of inquiry or verification committee does not inspire confidence. It was seemingly done in slovenly and slip shod fashion. On the other hand it should be entrusted to a responsible authority who would act rationally and responsively. After all it involves to the livelihood of persons concerned and the commitments of the Government.

We have perused the background story of the scheme which itself reflected the approval of the authority for absorption of those people for giving the benefit of Government of India at the instance of the Supreme Court. The counsel for the respondents however pointed out that there is a big change in the administrative ^{set up} of the Telecom department. Referring to the new telecom policy of the Government of India 1999, whereby it decided to corporatise the Telecom department ^{through} Bharat Sanchar Nigam Limited and stated that the matters are now within the domain of the BSNL. We are basically concerned in these applications as to the absorption of those casual labourers who were worked under the telecom department as on 1.8.98 and who were eligible for grant of temporary status as on that day. The offic. memorandum No.269 94/98 STN.II dated 29.9.2000 itself indicated the commitment of the authority for regularisation of the casual labourers. It also appears from the communication issued by the department of Telecommunication dated 3.9.2002 ^{13/5/2002} which expressed its concern for resolving the situation. Mr B.C.Pathak, learned Addl.C.G.S.C sought to raise a question of maintainability in some of the cases where BSNL is a party. BSNL since not notified under Section 14(2), the Tribunal has no jurisdiction to entertain the matter. In these applications the real issue is absorption of the casual labourers those who worked under the telecom department from 1.8.98. The respondents, more particularly, Telecom department committed to its policy for regularisation of such employees. In the circumstances we are of the opinion it will be a fit case to issue appropriate direction to the department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for considering the case of these applicants afresh by constituting a responsible committee to go through it for once for ^{all} and

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scan their records and if in the end it found these people really fulfilled the requirement it will issue appropriate direction to the concerned authority for conferment of temporary status and their absorption as per the scheme. It is expected that the authority shall take appropriate steps after verifying the records and pass appropriate order by notifying these persons concerned. This exercise shall not be confined only to the applicants and the authority shall also deal with the cases left out from the process and examine their case independently. The matters are of the so before we expect that the authority shall act with utmost expedition and complete the exercise as early as possible preferably within four months from the date of receipt of this order.

With these the applications stand disposed of. There shall, however, be no order as to costs.

Sd/-

(K.K.SHARMA)
ADMINISTRATIVE MEMBER



Sd/-

(D.N.CHANDHRY)
VICE CHAIRMAN

Certified to be true Copy
Rajiv Kishore

Bhambhani 10.02

Senior Officer 67
Central Admin. Tribunal
Central Administrative Tribunal
Central Administrative Tribunal
Central Admin. Tribunal
Central Admin. Tribunal
Central Admin. Tribunal

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Elect. & Civil wing
Soy 22/3

**No. 20-1/2001-Pers-II
Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)
Corporate Office
(Pers-II Section)**

20, Ashoka Road, Sanchar Bhavan, New Delhi-1

AGmchA)

~~AB(Rest)~~

SSS (R)

Dated : ~~6th~~ MARCH
February, 2002

To

1. All Chief General Managers, Telecom Circles/Metro Districts
2. All Chief General Managers, Telecom Factories
3. All Chief General Managers, Maintenance Regions
4. All Chief General Managers, Telecom Project Circle
5. Chief General Manager, Technical & Development Circle, Jabalpur
6. Chief General Manager, Quality Assurance Circle, Bangalore
7. Chief General Manager, ALTTC, Ghaziabad.
8. Chief General Manager, Satellite Project, 1st Floor, Area Centre, Jhandewalan Extension, New Delhi.
9. Chief General Manager, National Centre for Electronic Switching, New Delhi
10. Chief General Manager, Data Network, New Delhi
11. Chief General Manager, Task Force, Guwahati.
12. Chief General Manager, RRRRATTI, Jabalpur
13. Chief General Manager, Stores, Kolkata
14. Chief General Manager, Railway Electrification, Nagpur
15. All Chief Engineers, Civil/North/West/South/East/Central Zone
16. Chief Engineer, Electrical Wing, New Delhi
17. Chief Architect, Northern/Western Wing.

DGM. A

Sub: Forwarding of Recruitment Rules of (1) SDE(Telecom), (2) SDE Electrical, (3) SDE (Civil), (4) SDE (Architecture) an AE (Architecture) and (5) SDE (Telecom Factories.

I am directed to forward herewith copies of Recruitment Rules of SDE (Telecom), SDE (Electrical), SDE(Civil), SDE(Architecture) and AE (Architecture) and SDE (Telecom Factories) for further information and necessary action.

Hindi Version will follow.


(M.K. SHRIVASTAVA)
ASSTT. DIRECTOR GENERAL (PERS-II)

Copy to:

1. PS to Hon'ble MOC & IT/Hon'ble MOS(C & IT)

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2. PPS to CMD, BSNL
3. Director (Finance), BSNL
4. Director HRD/Opr/Plg/C & NS, BSNL
5. Sr. DDG(EFC)/Sr. DDG(ESTT), DOT
6. Sr. DDG(Pers)/Sr. DDG(BW)/Sr. DDG (Elect)/Sr. DDG(Arch)/DDG(TFS)/DDG (TRG)
7. The General Secretary, TES Group B/All India P & T Electrical Engineers Group B Association/ All India Telecom Civil Engineers Association/ P & T Architecture Wing Association.
8. OL Section for Hindi Version of RRs and this order
9. Spare/Guard File
10. Office Copy.


(D.S. PUNIA)
ASSTT. DIRECTOR (PERS-II)

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BHARAT SANCHAR NIGAM LIMITED

A Govt. of India Enterprise

PUBLISHED BY PERSONNEL-II SECTION OF BSNL
RECRUITMENT RULES OF SUB DIVISIONAL ENGINEER (TELECOM)

Issue No.-1

No. 20-24/2001-Pers-II

New Delhi-110 001

Dated: 28.2.2002

1 Short title and commencement:-

- i) With the approval of BSNL Board, the following rules regulating the method of recruitment to the post of Sub- Divisional Engineer (Telecom) in BSNL are hereby made, namely:-
- ii) These rules may be called the Sub- Divisional Engineer (Telecom), Recruitment Rules, 2002(Issue No.1)
- iii) They shall come into force with effect from 1.3.2002

2 Definition:- In these rules, unless the context otherwise requires,

- i) **Company**:- means Bharat Sanchar Nigam Limited (A Government of India Enterprise) having its Registered Office at Sanchar Bhawan, New Delhi.
- ii) **Board**:- means the Board of Directors of the Company and includes in relation to the exercise of powers any Committee of the Board/ Management or any Officer of the Undertaking to whom the Board delegates any of its powers.

3 Application :- These rules apply to the post specified in Column(1) of the Schedule annexed to these rules.

4 Number of Post, classification and scale of pay:- The number of the said post, its classification and the scale of pay attached thereto shall be as specified in column 2 to 4 of Schedule annexed to these rules.

5 Method of Recruitment, age limit, qualifications etc.:- The method of recruitment, age limit, qualification and other matters relating to the said post shall be as specified in columns 5 to 11 of the said Schedule.

6

Disqualification:- No person,

- a) Who has entered into or contracted a marriage with a person having a spouse living, or
- b) Who having a spouse living, has entered into or contracted marriage with any person, shall be eligible for appointment to the said post.

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Service under the Territorial Army:- A Sub-Divisional Engineer (Telecom), who has not completed the age of 40 years if so required, will be liable to serve in the Territorial Army subject to the provisions of Section 6A of the Territorial Army Act, 1948 (58 of 1948) and the rules made thereunder.

8

Saving :- Nothing in these rules shall affect reservation, relaxation of age limit and other concession required to be provided for the Scheduled Caste, Scheduled Tribes, other Backward Classes, Ex-service man and other special category of persons in accordance with the orders issued by the Central Government from time to time in this regard.

9

Initial constitution:-

- (i) All officials holding the post of Sub- Divisional Engineer (Telecom), on regular basis in erstwhile DOT/DTS/DTO before commencement of these rules and those who have been absorbed in Bharat Sanchar Nigam Limited shall be deemed to have been appointed as Sub- Divisional Engineer (Telecom).
- (ii) The continuous regular service of officials referred to in sub-rule 9(i) above before the commencement of these rules shall count for the purpose of qualifying service for promotion, confirmation and pension

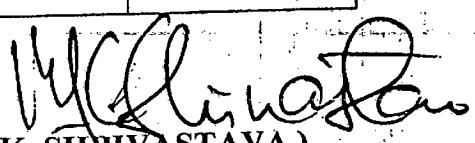
SCHEDULE

Name of Post	Number of Posts	Classification	Scale of Pay	Whether selection or non-selection post	Age limit for direct recruits	Whether benefit of added years of service admissible	Educational and other qualification required for Direct Recruits
1	2	3	4	5	6	7	8
Sub- Divisional Engineer (Telecom)	*18000 (up to 2001) * subject to variation dependent on workload	Executive	IDA Pay Scale corresponding to the CDA scale of Rs 7500-250-12000 in BSNL.	Selection cum seniority	Not applicable	Not applicable	Not applicable

SCHEDULE

Whether age and essential qualification prescribed for direct recruits will apply in case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer or by absorption and percentage of vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made	If a BSNL Promotion Committee exists, what is its composition	REMARKS
9 Not applicable	10 Not applicable	11 75% by promotion on the basis of seniority cum fitness. 25% by limited departmental competitive Examination	12 Promotion: 75% by Junior Telecom Officers (Telecom) with three years regular service in the grade. 25% by Limited Departmental Competitive Examination from amongst Junior Telecom Officers (Telecom) who have rendered not less than Three (3) years regular service in the grade on 1 st July of the year of Examination. Note:- In case of non-availability of sufficient number of officer for filling of these posts by promotion/by selection in a particular recruitment year, the unfilled vacancies shall be diverted and filled up through Limited	13 1. DDG (Pers.)-Chairman 2. DDG(SR))-Member 3. Jt. DDG(Pers)-Member Note : Appointing authority will be Dir. (HRD), BSNL Board	14 -----

			Departmental Competitive Examination and vice-versa subject to the condition that the quota shall be restored in subsequent recruitment years. 2 Promotion of JTOs shall be made on the basis of an All India eligibility list at Corporate Office only. 3 The crucial date for determining the eligibility list shall be 1st of July of year to which the vacancies pertain. 4 The syllabus and rules for conducting LDCE shall be such as the Board may prescribe from time to time. 5 Where juniors who have completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of requisite qualifying/eligibility service by more than one year.		
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 (M.K. SHRIVASTAVA)
 ASSTT. DIRECTOR GENERAL (PERS-II)