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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 890 of 2000

Jabalpur, this the 12th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Shri Puranlal, S/o. Shri Patram,
aged about 41 years, TTA, Telephone
Exchange, Bhitarwar, Distt. Gwalior (MP). ... Applicant

(By Advocate - Smt. S. Menon)

Versus

1. Union of India, Through : The Secretary, Ministry of Communication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, MP Telecom Circle, Hoshangabad Road, Bhopal (MP).
3. The Assistant Director (Recruitment), O/o. Chief General Manager, MP Telecom. Circle, Hoshangabad Road, Bhopal (MP).
4. Shri J.P. Sharma, Asstt. Director, O/o. Chief General Manager, MP Telecom. Circle, Hoshangabad road, Bhopal (MP). ... Respondents

(By Advocate - Shri P. Shankaran for official respondents
and none for private respondent)

ORDER (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main reliefs :

"(ii) to quash the memo dated 18.8.2000 (Annexure A-12) and be pleased to hold that the petitioner is a successful candidate and or direct the respondents to reconsider the same in accordance with the circulars of the Department of Telecommunication.

(iii) to direct the respondents on the applicant having been found successful to appoint him on the post of Junior Telecom Officer and grant him all the ancillary and consequential service benefits."

2. The brief facts of the case as stated by the applicant are that the respondents have circulated 29 vacancies for making selection to the post of Junior

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Telecom Officers. Out of the 29 vacancies, 23 were earmarked for general category, 4 for scheduled caste and 2 for scheduled tribe. The respondents have finally selected 34 candidates in all, i.e. 27 from general category, 5 from scheduled caste and 2 from scheduled tribe, against 29 vacancies as notified by them earlier. The grievance of the applicant is that he has secured 81 marks in the written examination, whereas the other persons who have also secured 81 marks in the written test have been selected and appointed and were sent for training. The short question to be decided is whether the applicant has been discriminated, as the persons secured the same number of marks have been selected and appointed to the post of Junior Telecom Officer belonging to scheduled caste category.

3. The learned counsel for the respondents has drawn our attention to Annexure R-8 which is a list of qualified scheduled caste candidates in the 15% quota of JTO competitive examination. We find that the applicant who is at serial No. 6 has secured 81 marks and the other five persons who have been selected as JTO have secured more marks than the applicant.

4. The applicant has also submitted that earlier the total vacancies were 29 but subsequently the respondents have increased the vacancies earmarked for general category, by appointing more persons belonging to this category. Therefore proportionately there could have been more number of vacancies earmarked or reserved for the scheduled caste category. We have seen from the records that in total 34 candidates selected, 27 are from general category, 5 from scheduled caste and 2 from scheduled tribe. As per the orders issued by the Government for

reservation for vacancies for scheduled caste/scheduled tribe, 15% vacancies are reserved for scheduled caste candidates. The 15% of vacancies comes to 5.1 i.e. 5 vacancies. Accordingly the respondents have rightly appointed 5 scheduled caste candidates. As the applicant prepared is lower in the merit list of six candidates, he could not be selected and appointed to the post of Junior Telecom. Officer.

5. Hence the Original Application is bereft of any merit and the same is accordingly dismissed. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

पूछांकन रां ओ/न्या.....जबलपुर, दि.....
"SA" चलिनिधि दादी निवास:-

(1) शंखिल, दादी निवास नाम इन्होंने दादी निवास, जबलपुर
(2) अद्येतद वी.पी.टी.टी.के काउंसल S. Menon.
(3) प्रसादी वी.पी.टी.टी.के काउंसल P. Shankam.
(4) बंदुकखाना, दोपांवा, जबलपुर द्याये दें
सूचना एवं आवश्यक घारायेवाली हो।

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उप राजस्वाधी 23/2/04

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