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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.217 of 1997

Jabalpur, this the 9th day of January, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman  
Hon'ble Mr. R.K. Upadhyaya- Member (Adminv.)

K.L. Choudhari S/o Shri G.P. Chaudhari  
aged about 33 years, working as Technical  
Assistant, in the office of Optical Fibre,  
Cable Project, Bilaspur M.P. (On deputation) -APPLICANT

(By Advocate- Ku. Malti Dadariya)

Versus

1. Union of India through  
Secretary, Ministry of Communication,  
New Delhi.
2. Chief General Manager Telephone  
M.P. Circle, Bhopal.
3. Divisional Engineer,  
Microwave Project, Yadav Colony,  
Jabalpur.
4. Divisional Engineer,  
(Telephones) Sagar.

-RESPONDENTS

(By Advocate- Mr. P. Shankaran)

O R D E R (ORAL)

This application has been filed claiming the following  
reliefs:-

- "(i) Respondent No.3 be directed to supply upto date  
CRs of the applicant to Chief General Manager,  
Telecom M.P. Circle Bhopal within a month.
- (ii) Respondent No.2 be directed to convene a review  
DPC and declare the result of the applicant of  
the JTO examination and if he is found succes-  
sful, respondent No.2 be further directed to  
promote the applicant to the post of JTO with  
effect from the date when other similarly  
placed person were promoted.
- (iii) Any other order as deemed fit by this Hon'ble  
Tribunal."

2. It is claimed by the applicant that he was initially  
appointed as Technician on 1.2.1983 in the office of Divi-  
sional Engineer Telephone, Sagar. In due course, he ~~was~~  
appeared in the competitive examination for recruitment to

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the cadre of Junior Telecom Officers against 15% and 20% quotas of vacancies reserved for departmental officials for the year 1992. He had also appeared in the written examination in 1993 as well as also examination to fill-up the vacancies for the year 1994. At the time of hearing, the learned counsel for the applicant confined the grievance of the applicant relating to recruitment for the vacancies for the recruitment year 1989 and recruitment year 1994. It was claimed that even though the applicant initially did not succeed in the examination, the department had relaxed the standard in favour of SC&ST candidates for qualifying the examination keeping in view the number of vacancies available. Such relaxation were issued by circular letter dated 4.5.1981 (Annexure R/1) and 30.11.1992 (Annexure R/2). Therefore, the learned counsel for the applicant requested that the result as reviewed by the respondents may be perused by this Tribunal in the light of the relaxed standard.

3. The learned counsel for the respondents stated that the applicant did not qualify in the examination conducted. He was also not within the zone of selection for filling-up the vacancies for the years 1989 and 1994.

4. We have heard the learned counsel of both the parties, and have perused the records of the respondents relating to review of examination results for filling-up the vacancies for the recruitment years 1989 and 1994. For the year of recruitment 1989, the examination was conducted in the year 1990. There were seven posts of Scheduled Caste candidates and review as per relaxation of standard was held on 5.6.92. The case of the applicant was not covered as per instructions for relaxed standards (Annexure R/1 & R/2). Therefore, he was not eligible for being considered for promotion

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against the seven posts available for S.C. candidates. Similarly, for the recruitment year 1994, there were four posts for SC candidates, a review was conducted for finding out the suitable candidates, because none had qualified in the examination conducted in the year 1996. We have seen the records and noticed that even by the relaxed standard, the applicant was not eligible for being considered for filling up the vacancies for the year 1994, because of his poor performance in the qualifying examination test. So far as the question of calling the ACR is concerned, the same is not relevant, as the applicant has not received sufficient qualifying marks/being eligible for promotion. Therefore, that does not survive for consideration.

5. In the result, this application is dismissed without any order as to costs.

*(Signature)*

(R.K. Upadhyaya)  
Member (Adminv.)

*(Signature)*

(N.N. Singh)  
Vice Chairman

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पृष्ठंकन सं ओ/व्या.....जबलपुर, दि.....

पत्तिलिपि अग्रे धित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) ~~सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर~~ के काउंसल
- (3) प्रमुख, डी/जीसी/कु.....के काउंसल
- (4) कोषपाल, कोषपाल, जबलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

उपेक्षित

*K. M. Dadariya Adl*  
*P Shankaran, Adl*

*(Signature)*  
13/1/03

*Issued*  
*on 13.1.03*