

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.460 of 1999

Jabalpur, this the 20th day of January, 2004

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

Shri Mahendra Kumar Rajoria, S/o Shri Salik
Ram Rajoria, Aged 42 years, R/o Microwave
Building, New Bus Stand, Telephone Exchange,
Vidisha (M.P.).

- APPLICANT

(By Advocate - K.L.P.Shrivastava)

Versus

1. Union of India, Through : The Secretary, Ministry of Communications, 'Sanchar Bhawan', New Delhi.
2. The Chief General Manager, M.P.Telcom Circle, Hoshangabad Road, Bhopal-12.
3. The Telecom District Engineer, Lal Bahadur Shastri Nagar, Durga Nagar Road, Vidisha (MP) - RESPONDENTS

(By Advocate - Shri S.C.Sharma through Shri Harshit Patel)

ORDER

By M.P.Singh, Vice Chairman -

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

"Direct the respondents to make arrangements for conducting the Junior Telecom Officers Examination against 15% quota for filling up the vacant posts of 1992 & 1994 yet to be filled, in accordance with the Recruitment Rules prevalent at that point of time by giving an opportunity to the applicant to participate in the same".

2. The brief facts of the case, according to the applicant, who was working as Technician, are that he was entitled for participating in the examination of the Junior Telecom Officers for the vacancies of the year 1992 and 1994, but he was not permitted to appear in the said examination. According to the applicant, after conducting the last examination in the year 1996, vacancies still subsist for the years 1993 and 1994 and it is mandatory for the respondents to conduct the examination in accordance with the recruitment rules that were prevalent

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at that point of time. He has further submitted that the recruitment rules were amended in the year 1996 and, therefore, of the years 1992 and 1994 ~~the~~ the existing vacancies were required to be filled in accordance with the recruitment rules as prevalent at that point of time. Since he was not promoted by the respondents, he has filed this OA.

3. The respondents in their reply have stated that the applicant has filed this OA seeking a direction to the respondents to conduct the examination of JTO and to allow him to appear in the said examination against vacant posts of the years 1992 and 1994. The contention of the applicant is that in the year 1995, examination took place under the 15% quota for promoting persons of various categories to the post of JTO and he was not allowed to appear in the same. According to the respondents, the vacancies relate to the year 1992 and 1994 and examination took place in 1995. Under the 15% quota for the category of T.T.A., the applicant was not entitled to appear in the examination for the post of JTO and, therefore, he was not permitted to appear in the examination, for the post of JTO. After 1995, the applicant remained silent for over three years and all of a sudden in 1999 he has filed the present O.A. after an inordinate delay. There is no explicable reason for filing this OA with such an undue delay. Examination having been conducted in 1995, results were declared in 1995 itself and consequently persons were promoted. If the applicant had any grievance for not permitting him to appear in the examination, he would not have waited for such a long time allowing the statutory period of limitation to expire. The OA is, therefore, liable to be dismissed as not maintainable on account of being barred by limitation.

4. We have very carefully considered the pleadings available on record and heard the learned counsel for the parties. We find that the examination was conducted for

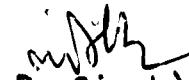
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the post of JTO in the year 1995 for the vacancies of the years 1992 and 1994. The results have been announced and qualified persons have been appointed. From 1996 rules have been amended. The said examination was conducted as per the recruitment rules prevailing at that point of time. As the applicant was not eligible for consideration, he was rightly not permitted to appear in the said examination. In view of this, we do not find any merit in this O.A.

5. In the result, the O.A. is dismissed, however, without any order as to costs.



(G. Shanthappa)
Judicial Member



(M.P. Singh)
Vice Chairman

कृष्णांकन सं. ओ/न्या.....जबलपुर, दि.....

प्रतिविधि अस्ते दिनाः—

rkv:
(1) राधिका, उपराज्यकालीन नियमित नियंत्रण, जबलपुर
(2) आदेश विभाग, उपराज्यकालीन नियमित नियंत्रण, जबलपुर Smr. S. Menon H.C. BP
(3) प्रत्यक्षी नियंत्रण, उपराज्यकालीन नियमित नियंत्रण, जबलपुर Shri S.C. Sharma
(4) योग्यता एवं आवश्यक विवरण, जबलपुर


उपराज्यकालीन नियंत्रण

Exccel
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23/10/04