

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 07th day of January, 2011

ORIGINAL APPLICATION NO. 189/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Sarita Kumawat wife of Shri Ram Singh, aged about 43 years, resident of 117, Near Green Bal Vidhalya, Vyas Colony, Shastri Nagar, Jaipur.

.....Applicant

(By Advocate: Mr. Vikash Achra)

VERSUS

1. Bharat Sanchar Nigam Ltd. through Chief General Manager Telecommunication, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
2. Assistant General Manager (Recruitment), Bharat Sanchar Nigam Ltd., Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.

.....Respondents

(By Advocate: Mr. Neeraj Batra)

ORDER (ORAL)

The grievance of the applicant in this case is regarding promotion to the post of Telecom Mechanic whereby he was held ineligible as he qualified the 8th Std. only. When the matter was listed on 13.04.2010, this Tribunal passed the following order:-

"Heard the learned counsel for the applicant.

Learned counsel for the applicant has drawn our attention to Telecom Mechanic (Recruitment) Rules, 2002. As can be seen from column No. 8 of the Schedule, the educational qualification for direct recruitment is 10th Standard or equivalent whereas in the case of promotee, educational qualification prescribed for direct recruits has not been made applicable. Column 12 of the said Rule prescribes that the promotion to the said post through Limited Departmental Competitive Examination shall be made amongst the 4 categories mentioned therein. Against

Item No. 3, Group 'D' officials of the Department have been made eligible.

Thus in view of the aforesaid statutory provision, the candidature of the applicant for consideration to the post of Telecom Mechanic in terms of the aforesaid rule should not have been rejected on the ground that he is not possessing the educational qualification of 10th standard.

Issue notices to the respondents returnable within a period of two weeks. The service of notice on the respondents will be effected by the applicant through Hum Dust/Speed Post within three days and submit proof thereof in the Registry within seven days. The respondents are directed to file reply to the interim prayer of the applicant within ten days.

By way of interim relief, the respondents are directed to allow the applicant to appear in the examination for the post of Telecom Mechanic to be held on 25.04.2010 provisionally and the result of the applicant shall be kept in sealed cover."

2. Pursuant to the order passed by this Tribunal, the applicant was permitted to appear provisionally in the examination.

3. Notice of this application was given to the respondents. When the matter was listed on 21.12.2010, attention of this Tribunal was invited to provisions contained in item No. 4 (Column 12) of the Recruitment Rules for the post of Telecom Mechanic in BSNL and this Tribunal passed the following order:-

"Heard in part. We are of the view that the applicant is a regular Mazdoor. As such, in terms of the provisions contained in item No. 4 (Column-12) of the Recruitment Rules for the post of Telecom Mechanics in BSNL, issued on 20.2.2002, the eligibility criteria for promotion is 10th standard. Since the applicant did not possess the requisite educational qualification for promotion, we are of the view that he was not eligible to appear in the examination for the post of Telecom Mechanic.

The observation made by this Tribunal vide order dated 13.4.2010 was made in respect of Group-D officials of the department falling against item No. 3 of Column No. 12. The applicant does not fall under

this category and the interim stay was granted on the premise that case of the applicant is covered under item No. 3 of Column No. 12.

Learned counsel for the applicant, however, prays for adjournment. Let the matter be listed for further hearing on 7.1.2011."

3. We have heard learned counsel for the parties. Learned counsel for the applicant submits that the qualification of Matriculation is not applicable to the applicant, who though admittedly is a regular Mazdoor and belongs to Group 'D' category. For that purpose, he has drawn our attention to Annexure A/1 whereby Group 'D' officials/RMs mentioned therein were granted substantive appointment in the pay scale of Rs.4000-5800 on completion of their probation period. On the basis of this letter, learned counsel for the applicant submits that applicant belonged to Group 'D' category. The submission so made by the learned counsel for the applicant deserves out right rejection. As can be seen from Annexure A/1, 12 persons belong to Group 'D'/RMs category were given substantive appointment after completion of probation period. Thus it cannot be said that the applicant belonged to Group 'D' category. The reference to Group 'D' in the letter Annexure A/1 ~~relates~~ belongs to those persons who have been appointed in Group 'D' category and RMs relates to those persons who were initially appointed as RMs. Admittedly, the applicant was appointed as Regular Mazdoor. In terms of provisions contained in Column No. 12 (Item No. 4) of the Recruitment Rules for the post of Telecom Mechanic, the applicant is not eligible for promotion as he does not possess requisite qualification of 10th Standard. At this stage it will be useful to quote aforesaid relevant provisions, which thus reads

✓✓

"B Through Limited Departmental Competitive Examination"

- (1)
- (2)
- (3) Group 'D' officials of the Department..
- (4) RMs and Casual Mazdoors working in SSA units possessing 10th Standard qualification and have been granted temporary status by the department. (emphasis supplied).

4. The eligibility criterion for the post of Telecom Mechanic in respect of Regular Mazdoor is 10th Standard whereby there is no educational qualification for Group 'D' official of the Department. Further the corporate office of the respondents has also issued clarification regarding holding of LDC Exams for promotion to the post of Telecom Mechanic for Recruitment year 2008 regarding doubts received by various circles with regards to provisions of Recruitment Rules for the post of Telecom Mechanic vide letter No. 250-8/2009-Pers-III dated 29.01.2001 (Annexure A/6). At this stage, it will be useful to quote clarification given vide sr. no. 8 and 11 regarding the doubts raised by various circles which thus reads:-

| S. No. | Doubt raised | Clarification |
|--------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 | Which posts are included in Group 'D' cadre and what is the minimum qualification required? | The Group 'D' cadre includes the Cadres other than Regular Mazdoor for the purpose of considering eligibility to appear in LDCE for promotion as TM. No educational qualification has been prescribed for Group 'D' in RRs. |
| 11 | Whether RM can be allowed to appear in exam without passing 10 th standard as the case for Gr. 'D'. | As per the provisions of RRs, RM should have passed 10 th standard qualification for being eligible for the exam. |

5. Since the applicant does not fulfills the requisite qualification as per the Recruitment Rules for the post of Telecom Mechanics in BSNL, read with clarification as reproduced above, he has got no case for our interference. Accordingly, the OA is dismissed with no order as to costs.

(ANIL KUMAR)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

AHQ