

10/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 13/95

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO. 13 of 1995

MISC PETITION NO. \_\_\_\_\_ (J.A.NO. \_\_\_\_\_)

REVIEW APPLICATION NO. \_\_\_\_\_ (J.A.NO. \_\_\_\_\_)

CONT. PETITION NO. \_\_\_\_\_ (J.A. NO. \_\_\_\_\_)

Shri Rupak Medhi & Others

APPLICANT(S)

VERSUS

Union of India & Others

RESPONDENT(S)

Mr. B.K. Sharma

Advocate for the  
Applicant.

Advocate for the  
Respondents

Office Note

Court Orders

27.1.95

Mr B.K. Sharma for the  
applicants.

This application is moved  
on the basis of apprehension for  
urgent ad interim ex parte orders.  
There are 20 applicants who have  
joined in filing this application  
and in para 4.2 of the application  
it is stated that all of them have  
got a common grievance and they  
may be granted leave to join in  
single application under Rule  
4(5)(a) of the Central Administra-  
tive Tribunal Procedure Rules.

Heard Mr B.K. Sharma (S00).  
Leave as prayed in para 4.2 of the  
application granted. The applicants  
are working as Telecom Technical  
Assistants in different offices in  
the department of Telecommunication  
under the respondent Nos. 3 and 4,  
i.e. The Chief General Manager  
(Telecom), Assam Circle and the  
Chief General Manager (Telecom),

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N.E. Circle. It appears that the applicants and other Telecom Technical Assistants who are similarly placed had been persistently demanding that they (i.e. TTAs) be made eligible for promotion to the cadre of Junior Telecom Officer (JTO) at par with PIs, RSAs, IAs and WOs in view of their qualification and training in new technology. That demand was considered by the Ministry of Communications department of Telecommunications, Government of India, New Delhi. By letter No.27-2/94-TE-II issued by the Asstt Director General (TE) in the Ministry of Communications, Deptt. of Telecommunications, Government of India dated 13.12.1994 of the Heads of Telecom Circles were informed that the Telecom Commission is pleased to allow all Telecom Technical Assistants to appear at JTOs qualifying screening tests alongwith PIs/AEAs/TAs etc irrespective of their length of service against 35% quota meant for PIs/AEAs/TAs/WOs etc., however the length of service in the cadre of PIs/TAs/AEAs/WOs/TTAs will be the criteria for sending them for JTOs training. There is no dispute that the applicants are concerned only with the promotion of the 35% quota. Copy of the said letter is Annexure-1.

Pursuant to the aforesaid decision, the Assistant Director, Telecom (E&R) for the Chief General

*Subh*

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Manager, Telecom, Assam Circle, asked the Telecom District Manager (GH/OR) to invite applications in the prescribed enclosed proforma from the Telecom Technical Assistants under his control and arrange to send them after due scrutiny and recommended on or before 6.1.1995. That letter is at Annexure-2 bearing No.RECTT-3/35-94/16 dated 23.12.1994. In that letter it was clearly mentioned that all TTAs are now allowed to appear at the said test which is described as Departmental Qualifying Screening test of RSA/PT/WD etc to the cadre of JTO to be held on 29.1.95. Accordingly applications were invited and the present applicants ~~along with some others~~ applied. Their applications were scrutinised and they were recommended. It is stated that each of the applicant was thereafter issued the Hall Permit for appearing at the examination to be held on Sunday, the 29.1.1995 between 10 am and 12-30 pm at S.B. Deorah College, Ulubari, Guwahati. The hall permit of applicant No.1 is produced for the perusal of the court.

The applicants who are working at different stations in the State of Assam and other stations in the North Eastern Region seemed to have arrived at Guwahati in preparation to appear at the said examination

*[Signature]*

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to be held on next Sunday. It is stated that they have also been released by their Heads of Department from duty to enable them to appear at the examination. In this background it is averred in para 4.9 of the application that the applicants have come across the communication, Annexure-4, and apprehend that in view of the same they may not perhaps be allowed to sit at the ensuing examination on Sunday, i.e. 29.1.95. It is stated that the applicants got the knowledge of Annexure-4 in the evening hours of 25.1.1995. It is contended by the applicants that if they are not so allowed they will suffer gross injustice and hardship and they cannot be denied the benefit of their demand, that <sup>has</sup> have been accepted by the Government of India, arbitrarily.

Annexure-4 is a Fax message from the Director (DE&VP) in the office of the Directorate of Telecom, Departmental Exam. Section, Government of India, New Delhi, addressed to All Chief General Managers, Telecom Circles, bearing No.12-1/94-DE dated 25.1.1995. It reads as follows:

"I am directed ..... to say that the matter has been reconsidered and it has been decided that the TAs will not be allowed to appear in the ensuing qualifying Screening Test to be conducted on 29.1.1995. They will be allowed to appear from the next qualifying examination only.

It is requested that the above contents may be brought to the notice of all concerned for further necessary action immediately."

*huk*

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The subject mentioned in the letter is Screening test in replacement of Departmental qualifying examination for promotion of PIs/AEAs/WDs/TAs to the cadre of Junion Telecom Officers to be held on 25.1.1995. Obviously the reference is to the same examination which is scheduled to be held on 29.1.95.

Since the application was <sup>1</sup> moved ex parte and as I am inclined to grant ad interim order the facts have been noted in some detail above. The questions relating to merits will be dealt with at the hearing of the application, but for the purpose of granting ad interim order a prima facie case is also required to be <sup>disclosed</sup> ~~considered~~ and balance of convenience shown. Both these tests are satisfied by the applicants.

It admits of no ambiguity that the demand of the applicants for opening them their ~~avenues~~ of promotion as JTOs was accepted by the Government of India as can be seen from Annexure-1 dated 13.12.1994. Accordingly applications were invited from the TIAs which appear from Annexure-2 dated 23.12.1994. It is also seen from Annexure-3 dated 19.1.1995 that some condition of eligibility was amended as regards need to answer certain questions and there is a reference in that context to TIAs also. Meanwhile hall permits were

*hcl*

27.1.95

also issued and as can be seen <sup>the</sup> of hall permit of applicant No.1 it was issued on 13.1.1995. The respondents therefore had substantially acted in pursuance of the decision of the Telecom Commission to permit the TIAs to appear for the examination and the applicants had acted on the basis of representations made to them by the respondents in tune with the decision of the Telecom Commission, by inviting applications and the applicants have acted in pursuance of those representations and have arrived at the venue of the examination for which purpose ~~if~~ they were also relieved from their respective <sup>offices</sup> Depts. Prima facie therefore it appears that the Directorate of Departmental Examination Section in having acted contrary to the decision of the Telecom Commission and having disregarded the representation <sup>made to</sup> of the applicants on the basis of which they had acted had arbitrarily directed that the TIAs like the applicant will not be permitted to appear at the ensuing examination. At this stage it is not possible to know from Annexure-4 as to ~~km~~ which authority had reconsidered the earlier decision and for what reason the benefit of allowing to appear at the examination was postponed to the next qualifying examination in regard to the TIAs. Such abrupt change of policy and decision does not appear to be just and fair which is likely to cause great hardship to the applicants and deprive them of certain advantage as they may ~~be~~ gain by appearing at the examination.

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in pursuance of decision taken by the appropriate authorities accepting their demand for that purpose. I am therefore satisfied that the applicants should be allowed to appear at the test without prejudice to the rights and contentions of the respondents and subject to the decision on the application on merits while leaving it open also the question of whether they ought to be considered for promotions on the strength of having qualified at this examination if they or any one of them does or whether they should be put on waiting list or would not be considered eligible for promotion until further orders. No prejudice would be caused to the respondents for ~~xxx~~ allowing the applicants to appear at the examination as it appears that all arrangements for ~~xxxxxx~~ holding the examination where the applicants were expected to appear have already been made.

It is submitted by Mr B.K. Sharma that apart from the applicant other similarly situated candidates may be placed in the same predicament as that of the applicants and they may also be protected. In my opinion having regard to the order as passed below in respect of the applicants the respondents ordinarily are expected to adopt the same course in respect of other similarly situated candidates who have been issued the hall permits.

*hkt*



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In the result pending admission the following ad interim order is passed:

- 1) The respondents are directed to allow the applicants to whom hall permits may have been issued to sit at the qualifying screening test scheduled to be held on Sunday, the 29.1.1995 between 10 Am and 12-30 PM at S.B. Daorah Collage, Ulubari, Guwahati. being held.
- 2) The above directions shall be without prejudice to the rights and contentions of the respondents and subject to such further interim or final orders as may be passed in the application by this Tribunal.
- 3) The applicants are directed to serve a copy of this order together with the copy of the application to respondent No.3 immediately and in any event during the course of the day. and also to <sup>send it to</sup> ~~respondents~~ <sup>other respondents</sup> immediately.
- 4) The respondents No.3 as well as other respondents are given liberty to move for variation of the afore-said order if so <sup>d</sup> desired any time after they are served with the order provided prior intimation is given to the learned Advocate of the applicants, Mr B.K. Sharma, either at his office or his residence.
- 5) Liberty to move at the residence of the Vice-Chairman <sup>by appointment</sup> through the Deputy Registrar(CC).

Mr G. Sarma, Addl. C.G.S.C.,  
seeks to appear on behalf of the

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respondents. However, he will not be in a position to assist the court for want of instructions. Since he has chosen to appear he shall obtain necessary instructions from the respondents and shall make himself available to the respondent if they desire to move for variation of the order passed above. Mr G. Sarma will file his note of appearance in the matter also.

To be placed before the Division Bench for admission and further orders on 30.1.1995.

Copy of the order be issued immediately.

nkm

*Mullachandran*  
27.1.95  
Vice-Chairman

30.1.95

Mr S.Sarma holding for Mr B.K. Sharma for the applicant.

Mr G.Sarma, Addl.C.G.S.C for the respondents.

Mr G.Sarma, the learned Addl. C.G.S.C states on instructions of Shri N.K.Rabha, Assistant Director, Telecommunication(HRD), Guwahati who is present in the Court that the applicants and other similar candidates have been allowed to appear at the screening test held on 29.1.95. In view of the same the application does not survive. It is made clear that the ad-interim

contd...

30.1.95

order dated 27.1.1995 related only to allowing the applicants to appear at the test and does not deal with the consequence of their so having appeared which may be regulated by the appropriate rules. In other words the permission granted under the interim order shall not be ~~initiated~~ <sup>implied to</sup> clothe the applicants with any further rights on the strength of the order. With this clarification the application is disposed of as it is rendered infructuous.

The application stands disposed of.

*[Signature]*

Vice-Chairman

*[Signature]*  
Member

pg

*[Signature]*  
30/1

24.2.95

Copy of order dtd.  
30.1.95 issued to  
all concerned by  
Regd. Post no  
D/NO. 1004-1010  
Dtd. 23.95  
*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

(An application under Section 19 of the Administrative  
Tribunals Act, 1985)

Title of the Case : O.A. No. 13 of 1995

Shri Rupak Medhi & Others ... Applicants

- Versus -

Union of India & Others ... Respondents

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For use in Tribunal's Office :

Date of filing :

Registration No.:

REGISTRAR

Recd  
Copy  
for Mr. Sharma  
Adm. Secy  
27.1.95

12  
Filed in the Tribunal  
28/1/95

O.A. No. \_\_\_\_\_ of 1998

BETWEEN

1. Shri Rupak Medhi,  
Telecom. Technical Assistant,  
Under the Divisional Engineer (Switching),  
Task Force, Silpukhuri, Guwahati-3.
2. Md. Nazrul Islam, T.T.A.  
under the Divisional Engineer (Switching),  
Task Force, Silpukhuri, Guwahati-3.
3. Md. Moinul Islam, T.T.A.
4. Shri Hitendra Kr. Choudhury,  
No. 3 and 4 are working under the  
Divisional Engineer (Project),  
Silpukhuri, Guwahati-3.
5. Shri Amiya Kr. Sarma
6. Shri Ananta Hazarika,  
No. 5 and 6 are working under the  
Principal, Circle Telecom. Training Centre,  
Bharalumukh, Guwahati-19.
7. Shri Jagannath Kakati,
8. Shri Sabi Ram Kalita,  
No. 7 and 8 are working under the  
Divn. Engineer (Maintenance), Guwahati-1.
9. Shri Pradip Das,
10. Shri Hitesh Choudhury
11. Md. Saifuddin Ahmed;  
No. 9 to 11 are working under Telecom. District  
Engineer, Bongaigaon.
12. Shri Rajani Kr. Deka,
13. Shri Ranjit Sarmah  
No. 12 and 13 are working under  
Regional Engineer (Maintenance), Guwahati-7
14. Shri Ranjan Shome
15. Shri Nilim Saikia,  
No. 14 and 15 are working under the  
Telecom Dist. Engineer, Tezpur.
16. Shri Gobinda Sarma
17. Shri Manoranjan Das,
18. Shri Kanak Das,
19. Shri Prabin Sarma
20. Shri Anil Sarma  
Nos. 16 to 20 are working under the  
Telecom. District Engineer, Bongaigaon.

..... APPLICANTS

- AND -

1. Union of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Communication,  
New Delhi.
2. The Director General, Telecommunication,  
New Delhi.
3. The Chief General Manager (Telecom.),  
Assam, Circle, Ulubari,  
Guwahati-781007.
4. The Chief General Manager (Telecom.)  
N.E. Circle, Shillong.
5. The Telecom. Commission,  
Department of Telecommunication,  
New Delhi, represented by its Chairman.
6. The Director, DE & VP,  
Directorate of Telecom.,  
Departmental Examination Section,  
Dak Bhavan, Parliament Street,  
New Delhi 110 001.

...

Respondents

DETAILS OF APPLICATION

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

The application is directed against the order No. 12-1/94-DE dated 25.1.95 issued by the Respondent No. 6 conveying the purported decision not to allow the Telecom Technical Assistants to appear in the Qualifying Screening Test to be conducted on 29.1.95.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the order against which they want redressal are within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The applicants further declare that the subject matter of the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicants are citizens of India and at present are working as Telecom. Technical Assistants in different offices in the Department of Telecommunication under the Respondent Nos. 3 and 4 i.e. the Chief General Manager (Telecom.), Assam Circle and the Chief General Manager (Telecom), N.E. Circle.

4.2 That the applicants have got a common grievance, cause of action for preferring the instant application, and have got a common interest in the matter and reliefs sought for are also same and they accordingly seek leave of the Hon'ble Tribunal to join together in the instant application as provided for under Rule 4(5)(a) of the C.A.T. Procedure Rules.

4.3 That the applicants are diploma-holders in Engineering in different branches such as Mechanical, Instrumental, Electronics and Telecommunications or Electrical. On successful completion of three-year diploma course in their respective branches, they have been offered the Diploma in Engineering and thus became qualified to be appointed as Telecom. Technical Assistants. Pursuant to an advertisement and regular selection, all of them

Contd...P/4.

were appointed in the Department of Telecommunication as Telecom. Technical Assistants and they have been working as such under the Respondent Nos. 3 and 4 in various offices to the satisfaction of all concerned.

4.4 That the applicants are all trained in modern technology involving modern equipments and they were sent for training at Regional Telecom Training Centre, Lucknow, Bombay or in Calcutta. Thus apart from their degree in diploma course, they are fully qualified and technically equipped for further promotion as Junior Telecom. Officer. Be it stated here that the Telecom. Technical Assistant is a new cadre introduced in the Department of Telecommunication and they have got no other avenue of promotion except as Junior Telecom. Officer.

4.5 That the cadres of Phone Inspector (PI), Transmission Assistant (TA) and Auto-Exchange Assistant (AEA) are in existence since long past. The pay scale provided for all the four categories of staff is Rs.1320-2040/-. The applicants in the cadre of Telecom. Technical Assistants are technically better equipped because of their qualification and training course so far in respect of modern technology. The incumbents in the other three categories i.e. PI, TA and AEA are not so equipped both technically and qualification-wise.

4.6 That the respondents have laid down the quota of promotion for the post of Junior Telecom. Officer as 35% (promotion), 15% (departmental competitive examination) and 50% (direct recruitment). All the four categories of employees i.e. PI, TA, AEA and TTA are eligible to appear in the examination/qualifying screening test for promotion



as Junior Telecom. Officer. Earlier on, the respondents took a decision to confine the qualifying screening test only for the categories of employees belonging to PI, TA and TTA cadres. However, having regard to the facts that the incumbents in the TTA cadre are better qualified and better equipped in modern technology, the respondent No. 5 i.e. the Telecom. Commission which is the highest body in the matter of policy making took a decision on examination of the entire aspect of the matter to allow the incumbents in the cadre of TTA to sit in the said examination for the purpose of their advancement in the service career. Pursuant to such a decision, the Government of India, Ministry of Communication sent a letter No.27-2/94-TE-II dated 13.12.1994 to the respective heads of the Department conveying the decision allowing the Telecom. Technical Assistants to appear at the Junior Telecom. Officer's qualifying screening test alongwith PIs, TAs and AEAs against 35% quota.

A copy of the said letter dated 13.12.94 is annexed herewith as ANNEXURE-1.

4.7 That it will be pertinent to mention here that there was all round representations for inclusion of the cadre of TTAs for the purpose of above screening pursuant to which and having considered the fact that if the incumbents in the cadre of TTA are allowed to sit in the screening test for the purpose of promotion as Junior Telecom Officer that would increase the efficiency of the service, the Commission i.e. the respondent No. 5 took a decision as aforesaid. Be that as it may pursuant to the said decision, steps have been taken so that the incumbents in the cadre of TTA and

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can appear in the examination scheduled to be held on 29.1.95. The Government of India, Department of Telecommunication, issued letter No. RECTT-3/35-94/16 dated 23.12.94 to the respective offices directing invitation of applications in prescribed proforma from the TTAs under their control specifying the last date i.e. 6.1.95. Pursuant to such communication and invitation of applications forms of the TTAs, all the TTAs submitted their applications offering their candidatures for the aforesaid screening test.

A copy of the said letter dated 23.12.94 is annexed herewith as ANNEXURE-2.

4.8 That pursuant to ~~the~~ such invitation of applications from the TTAs and their submissions of duly completed forms they were supplied with the syllabus specifying the course for the screening test and accordingly, all of them have prepared and have kept themselves in readiness to appear in the ensuing examination to be held on 29.1.95 at Guwahati. Be it stated here that the said examination is being conducted at Guwahati on 29.1.95 covering both the Circles of Telecommunications i.e. Assam Circle and the N.E. Circle. By now most of the TTAs have arrived in Guwahati from different parts of the N.E. Region. There was an amendment in the syllabus in question and that was also conveyed by letter No. RECTT.3/35-94 dated 19.1.95. The said amendment has also been brought to the notice of the candidates and accordingly, they have prepared themselves as per the revised syllabus.

A copy of the said communication dated 19.1.95 is annexed herewith as ANNEXURE-3.

Contd...P/7.

4.9 That it will be worthwhile to mention here that some of the incumbents ~~in the~~ in the cadre of PI, TA and ~~TTA~~ AEA have since come over to the cadre of TTA with the hope of better prospect in career advancement. Be that as it may, the applicants and for that matter all the incumbents in the cadre of TTA are surprised to come across a communication issued under No.12-1/94-DE dated 25.1.95 issued by the respondent No. 6 to the Chief General Managers of the Telecom Circles conveying the decision that the TTAs will not be allowed to appear in the ensuing qualifying screening test to be conducted on 29.1.95. The applicants have come to know about the contents of the said letter in the evening hours of 25.1.95 and have come under the protective hands of the Hon'ble Tribunal at the earliest opportunity. A bare perusal of the said letter dated 25.1.95 will reveal that no reason for such an action so as not to allow the TTAs to sit in the ensuing examination in question on 29.1.95 has been assigned. Further it is also revealed that such a decision is not in consultation with the respondent No. 5 - the highest policy making body in the Department of Telecommunication. Be it stated here that the decision to allow the TTAs to appear in the examination was taken by the Commission as conveyed under Annexure-1 letter dated 13.12.94. The said Annexure-1 letter dated 13.12.94 is still in existence and has not been superseded and/or cancelled. Thus the impugned letter dated 25.1.95 is in conflict with the said letter dated 13.12.94 issued by the Commission. *Persuant to this impugned order dt. 25.1.95 the incumbents in the cadre of TTA apprehend that they will not be allowed to sit in the Examination on 29.1.95 and*

*A copy of the said letter dated 25.1.95 as could be collected is annexed herewith as ANNEXURE-4.*

*1 in fact they have been told so in the office.*

4.10 That the applicants state that the said Annexure-4 letter has come to the applicant as a bolt from the blue inasmuch as their exclusion at the eleventh hour from the examination in question is not only arbitrary but also violative of the principles of natural justice. As stated above, pursuant to the decision of the Commission (Respondent No. 5), the TTAs are eligible to appear in such examination for their career advancement and accordingly, they have prepared themselves for the examination in accordance with the syllabus. Many TTAs have come to Guwahati to appear in the examination and now if they have not been allowed to sit in the examination and/or the examination is conducted excluding the cadre of TTAs, same will cause irreparable loss and injury to the TTAs.

4.11 That the applicants state that such a whimsical decision on the part of an authority not vested with the power is required to be interfered with by the Hon'ble Tribunal and it is a fit case for passing an interim order as has been prayed for.

4.12 That the applicants state that whatever weightage/ advantage, the categories of staff belonging to PI, TA and AEA will get in the said examination on ~~exclusion~~ of the incumbents in the cadre of TTA can well be given to them even on inclusion of TTAs in the said examination. However, in the process, the bright boys belonging to the TTA cadre should not be deprived of their promotional prospect for which the respondents themselves made out promises to them and now if they are <sup>not</sup> allowed to appear in the said examination, same would be violative of principles of legitimate

expectation, promissory estoppel and natural justice.

4.13 That the applicants state that if the examination in question is allowed to be held on 29.1.95 excluding the cadre of TTAs, same will seriously tell upon the service career of the TTAs and accordingly, the Hon'ble Tribunal may be pleased to pass an interim order restraining the respondents from holding the said examination.

4.14 That the applicants/TTAs who have applied for the qualifying screening test for promotion as Junior Telecom. Officers have all been granted the Admit Card for entry into the examination hall on 29.1.95 with all such concrete steps ensuring their sitting in the examination, the Annexure-4 letter has been issued and the applicants are completely taken aback to come across such a decision at the eleventh hour. Needless to say if the said letter is allowed to stand, same will have a demoralising effect on the incumbents of the TTA. The applicants crave the leave of the Hon'ble Tribunal to produce the Admit Cards at the time of hearing of the instant application.

4.15 That the applicants state that the instant application has been filed in a hurried manner due to paucity of time and they crave leave of the Hon'ble Tribunal to make ~~alteration~~ alteration, addition by bringing due amendment if and when required in due course.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that prima facie, the impugned order is arbitrary and violative of the principles of natural justice

5.2 For that the impugned order being violative of principles of legitimate expectation and promissory estoppel cannot stand judicial scrutiny and liable to be set aside and quashed.

5.3 For that the Annexure-1 decision having been taken by the highest policy making authority i.e. the Telecom Commission, the Respondent No. 6 has got no power and authority to override the same and thus the said impugned decision conveyed by the Respondent No. 6 is liable to be set aside and quashed.

5.4 For that while broading agreeing even in the impugned order that the TTAs are entitled to sit in the examination, there cannot be any earthly reason as to why they cannot be allowed to sit in the instant examination and as to why they should be debarred from appearing in the instant examination with the stipulation that they would be entitled for the same in the future examination.

5.5 For that there is no denial of the fact that a department needs the best suitable candidates and the incumbents in the cadre of TTA being by far better than the incumbents in the other cadres, they cannot be deprived of their chances for promotion.

5.6 For that although it is the settled principle of law that an employee cannot claim promotion as a matter of right, but at the same time, it is also settled principle of law that he has got a right to be promoted. In the instant case, the respondents have ~~not~~ acted contrary to such settled principles of law.

5.7 For that in any view of the matter, the impugned letter at Annexure-4 is not sustainable and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants have got no other alternative ~~or~~ and/or efficacious remedy than to approach this Hon'ble Tribunal.

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

The applicants further declare that they had not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Hon'ble Tribunal and/or any such application, writ petition or suit is pending before any of them..

10. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the applicants most respectfully pray that the instant application be admitted, records be called for and on perusal of the same and upon hearing the parties on the cause or causes that may be shown be pleased to grant the following reliefs :

- (i) To set aside and quash the Annexure-4 letter dated 25.1.94 ;
- (ii) To direct the respondents to allow the incumbents in the cadre of TTA to sit in the qualifying screening test against 35% quota for promotion to the cadre of Junior

Telecom. Officer alongwith the incumbents of Phone Inspector, Transmission Assistant, and Auto-Exchange Assistant as per the decision at Annexure-1 letter dated 13.12.94 conveyed by the Telecom. Commission ;

iv) Any other relief or reliefs to which the applicants are entitled under the facts and circumstances of the case

9. INTERIM ORDER PRAYED FOR :

In view of the facts and circumstances stated above, the applicants pray for an interim order restraining the respondents from holding the qualifying screening test for promotion to the cadre of Junior Telecom Officer scheduled to be held on 29.1.95 and/or alternatively to allow the Telecom Technical Assistants who have applied for the screening test and who have been issued with the Admit Cards to sit in the said examination. The interim order as has been prayed if not granted, the applicants will suffer irreparable loss and injury. Balance of convenience also lies in their favour.

10.

The application is filed through Advocate.

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

- (i) I.P.O. No. : 8 of 379548
- (ii) Date : 23/11/94
- (iii) Payable at : Guwahati.

Contd....P/13.



12. LIST OF ENCLOSURES :

As ~~per~~ stated in the Index.

V E R I F I C A T I O N

I, Shri Rupak Medhi, aged about 29 years, son of Shri Suren Medhi, at present working as Telecom. Technical Assistant in the office of the D.E.T. (Switching), Task Force, Silpukhuri, Guwahati-3, do hereby solemnly verify and state that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice. I am also authorised and competent to swear this verification on behalf of all the applicants, and I have not suppressed any material facts.

And I sign this verification on this the 27th day of January 1995 at Guwahati.

Rupak Medhi.

Government of India  
Ministry of Communications,  
Department of Telecommunications,  
Sanchar Bhavan, New Delhi-1

No. 27-2/94-TE-II

Dt. 13th December 1994

To

All Heads of Telecom Circles,  
All Heads of Metro Districts, and  
All Other Heads of Administrative Offices/Units,  
MTNL, New Delhi and Bombay.

Sub : Promotion of Telecom. Technical Assistants in the  
cadre of JTOs through qualifying screening test  
against 35% quota

....

Sir,

PI/TAs/AEAs etc. were allowed to appear at the  
qualifying screening test for JTOs against 35% quota vide  
DOT letter No. even dated 18.4.94 irrespective their length  
of service in the cadre of PI/TAs/AEAs etc. There have  
been ~~xxx~~ persisted demand from Telecom. Technical  
Assistants (TTAs) for their promotion to the cadre of JTOs  
at par with PI/RSA/TA/WOs in view of their qualification  
and training in new ~~the~~ technology.

2. The matter has been examined and I am directed to  
say that Telecom. Commission is pleased to allow all  
Telecom. Technical Assistants (TTAs) to appear at JTOs  
qualifying screening test alongwith PIs/AEAs/TAs etc.  
irrespective of their length of service, against 35% quota  
meant for PIs/AEAs/TAs/WOs. etc.

3. However, length of service in the cadre of PIs/TAs/  
• AEAs/WO/TTAs will be the criteria for sending them for  
JTOs training.

Yours faithfully,

Sd/-

( BUDH PRAKASH )

Assistant Director General (TE)

Pls. send  
21.

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE:: GUWAHATI-781007

No. RECTT-3/35-94/16 Dated at Guwahati the 23-12-94

To

- 1-2. The Telecom District Manager/GH/DR.  
3s7. The TDEs, BGN/TZ/NGG/SC/JRT.

Sub : Departmental Qualifying Screening Test of  
RSA/PI/WO etc. to the cadre of JTO to be  
held on 29th January, 1995.

Ref : This Office letter of even No. dated 06.12.94.

Kindly find herewith DOT/NL letter No. 27-2/94  
-TE-II dated 13.12.94 on the abovenoted subject. Since all  
TTAs are now allowed to appear at the said test, applications  
in prescribed proforma (enclosed) may be invited from the  
Telecom. Technical Asstts. under your control and arrange  
to send them after duly scrutinised and recommended to this  
office on or before 06-01-95. No application received after  
this date will be entertained.

This may be treated as URGENT.

Kindly acknowledge receipt.

Enclo : As above.

Sd/-

( M. BISWAS )

ASSTT. DIRECTOR TELECOM (E&R)  
FOR CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE :: GUWAHATI-7

Copy for information and necessary action to :

- 1-2 The Area Directors Telecom., GH/DR.  
3-5 The Circle Secretaries of concerned Unions.  
6 File No. RECTT-3/25-89 (Part).  
7. File No. RECTT.1/26-Part-II (Rlgs).

FOR CHIEF GENERAL MANAGER TELECOM.  
ASSAM CIRCLE :: GUWAHATI-7.

*File*

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE:: GUWAHATI ULUBARI-7

No. Rectt. 3/35-94

Dated at Guwahati the 19.1.95

To

1. The Director, ETR, Guwahati
- 2-3. The Telecom District Managers, Guwahati/Dibrugarh
- 4-8. The Telecom District Engineers, BGN/TZ/NGG/SC/JRT.
9. The REM/Guwahati.

Sub : Revised syllabus and model papers and eligibility conditions for Screening Test in placement of qualifying examination for rectt. of J.T.O. against departmental quota.

Ref : This office letter of even no. dated 21.10.94.

Kindly refer to the above.

In this connection, it is intimated that para two in part-D Departmental practices, para two of the revised syllabus, Model Question Papers and eligibility condition for Screening Test sent vide this office letter mentioned under reference stands amended as under :

"Question on this part of the paper will have five sections relating to the areas of work of AEA, PI, TA, WO and TTA. The candidates will be required to answer the questions from the section relating to their area of work only."

Candidates concerned may be intimated accordingly.

Sd/-

( M. BISWAS )  
ASSTT. DIRECTOR TELECOM (E&R)  
FOR CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE GUWAHATI-781007

Copy to :

- 1-2. The Area Director Telecom, Guwahati/Dibrugarh
3. File No. Rectt. 1/26-RII-II.
4. Service Unions concerned.

Sd/-

FOR CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE GUWAHATI-781007.

Attny  
2.

17  
29  
ANNEXURE-4

Govt. of India  
Directorate of Telecom.  
Departmental Exam. Section  
Dak Bhavan, Parliament Street,  
New Delhi 110 001.

MOST IMMEDIATE  
BY FAX

No.12-1/94-DE

Dated 25th January 1995.

~~SYM~~ : ~~XSCREENING~~

To All Chief General Managers Telecom. Circles.

Sub : SCREENING TEST in replacement of Departmental qualifying examination for promotion of PIs/AEAs/WOs/TAs to the cadre of JUNIOR TELECOM. OFFICERS to be held on 25th January 1995.

Sir,

I am directed to invite in a reference to this office letter of even no. dated 23rd December 1994 on the subject noted above and to say that the matter has been reconsidered and it has been decided that the TTAs will not be allowed to appear in the ensuing qualifying Screening Test to be conducted on 29th January 1995. They will be allowed to appear from the next qualifying examination only.

It is requested that the above contents may be brought to the notice of all concerned for further necessary action immediately.

Yours faithfully,

Sd/-

( SUNIL MISHRA )

Director (DE & VP)  
Tele No. 3715907  
Dated 25th January 1995.

Admitted  
Sd/-  
Rao