

30/100

7

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 107/96
MF No. (OA)
RA No. (OA)
CP No. (OA)

Rupak Medhi & 48 ors. APPLICANT(S)
VERSUS
Union of Inden & ors. RESPONDENT(S)

Mr. B.K. Sarma, B. Medhi Advocate for the applicant.
S. Sarma,

Mr. G. Sarma, Addl. C.G.S.C. Advocate for the Respondents.
Mr. S. Ali, Sr. - C.G.S.C.

Office Notes _____ Date _____ Court's Orders _____

26.6.96

Mr B.K.Sharma for the applicants
Mr G.Sarma, Addl.C.G.S.C for the respondents.

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPO/BD No 346/32.6
Dated 24.6.96

1/c D. Sarma
Dy. Registrar 25/6

The applicants in this O.A. has
prayed for permission to join toge-
ther in this single application under
Rule 4(5) (a) of the C.A.T (Procedure
Rules 1987. Considered the prayer.
Permission is granted under the afore-
said Rule to the applicants to join
together in this single application.

Issue notice on the respondents
to show cause as to why this applica-
tion should not be admitted and the
reliefs sought for should not be
granted. Returnable on 10.7.96.

List on 10.7.96 for show cause
and consideration of admission.

Pending disposal of show cause
and consideration of admission, the
respondents may consider declaration
of the results of the examination
keeping in view the decision dated
19.7.95 in O.A.207/95 of the Central
Administrative Tribunal, Principal
Bench, New Delhi and decision dated
30.4.96 in O.A.649/1995 of the
Central Administrative Tribunal,

27.6.96

Copy of orders
issued to the
all respts
on 27.6.96

Ben

contd..

26.6.96 Hyderabad Bench, Hyderabad.

Steps within tomorrow.

Copy of the order may be furnished to the counsel of the parties during the course of the day.

[Signature]
Member

pg

11-7-96

None for the applicant. Show cause has not been submitted. List for show cause and consideration of Admission on 23-7-96.

[Signature]
Member

lm

11-7-96

None present for the applicant. Mr.G.Sarma Addl.C.G.S.C.for the respondents. Show cause has not been submitted. List for show cause and consideration of Admission on 23-7-96.

[Signature]
Member

lm

23.7.96

Mr. B.K.Sharma present for the applicants.

None for the respondents.

Show cause has not been submitted.

List for show cause and consideration for admission on 20.8.96.

[Signature]
Member

trd

17.7.96

Notices issued to the respondents vide

D. No. 1996 dt. 8.7.96

1) Service Reports are still awaited.
2) Show Cause has not been filed.

22/7

1) Service Reports are still awaited.
2) Show Cause has not been submitted.

22/7

20-8-96

Learned counsel Mr.S.Sarma for the applicants. Learned Sr.C.G.S.C. Mr.S.Ali seeks short adjournment to file show cause.

List for consideration of Admission on 3-9-96.

62
Member

3.9.96

None present. No show cause has been submitted.

List for consideration of admission on 20.9.96.

62
Member

pg

3/9

20-9-96

None for the applicant. Mr.S.Ali Sr.C.G.S.C. has submitted written statement on behalf of the respondents. The written statement however, is incomplete because no copy of Annexures mentioned therein has been enclosed. The respondents are directed to furnish the copies of the Annexures. Copy of the written statement may be served on the counsel of the applicant.

List for consideration of Admission on 1-10-96.

62
Member

1) Service reports are still awaited

2) Short cause by respondent

2/9

lm

20/8

5 AUG 96

1) Filed by respondent
R. no. 1, 2, 3, 4 & 5 at
Pg. 55-61.

Service reports are still awaited

1/9

As regards written statement the case is ready for admission.
copy not served to respondent.
30/9/96. (copy in ec file).

1.10.96

Mr S.Sarma for the applicant. Mr S Ali, Sr.C.G.S.C for the respondents.

Perused the show cause submitted by the respondents, contents of the application and the reliefs sought. Heard Mr Sarma and Mr Ali for admission. Application is admitted. Mr Ali submits that no fresh written statement is necessary to be submitted. Hence application is ready for hearing.

List for hearing on 18.11.1996.

Pendency of this application shall not be a bar for the respondents to declare the results of the applicants.

Member

pg

11/10

W/s. this case B.K. Sharma appearance has been filed.

2/14

19.3.97

Let the case be listed for hearing on

30.4.1997.

Member

Vice-Chairman

trd

30.4.97

On behalf of Mr. B.K.Sharma, Mr. S.Sarma, prays for short adjournment as Mr. B.K.Sharma is out of station for personal reasons. Prayer allowed.

List on 11.6.97 for hearing.

Member

Vice-Chairman

1.7.97

1) No rejoinder has been filed.

2) Memo of appearance not yet filed.


1/12.

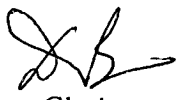
trd

2/5

2.7.97

Learned counsel for the parties submit that the case is ready for hearing. List it for hearing on 26.8.97.


Member


Vice-Chairman

nkm

21-8-97


3/8


Memo of appearance


19.5.98

Filed by Mr. S. Ali, Sr, 12

C.G.S.C

List on 30.7.1998 for hearing.


Member


Vice-Chairman

pg



20/5

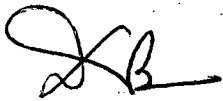
26.8.97

30.7.98

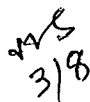
Bench is not available 12
due to circuit sitting
at Shillong.

Mr S. Sarma, learned counsel for the applicant submits that he has information that the applicant has got the relief. In that case the application may become infructuous. However, he needs some time to get instructions. Mr S. Ali, learned Sr. C.G.S.C. has no information, but he has no objection if some time is granted to the counsel for the applicant. Let the case be listed on 12.8.98.


Member


Vice-Chairman


nkm


3/8

12.8.98

On the prayer of Mr B.K. Sharma, learned counsel for the applicants the case is adjourned till 18.8.98.


Member


Vice-Chairman

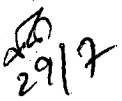
nkm


13/8

w/s has been filed.


17/8

w/s has been filed.


29/7

w/s has been filed.


11/8

18.8.98

Heard learned counsel of both sides. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No order as to costs.

Received for Rs. 3
ADT (LMS) GH
90 C 4mT

10/9/98

Copies of the judgment have been sent to the d/sec. for security in the to the parties through Regd. with A/P. sh.

Issued vide D. No. 2654 to 2659 dd. 14.9.98.

sh.

Member

Vice-Chairman

pg

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 107 of 1996.

18-8-1998.
DATE OF DECISION.....

!! Sri Rupak Medhi and 48 others. (PETITIONER(S))

S/Shri B.K.Sharma, S.Sarma. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)


Sri S.Ali, Sr.C.G.S.C ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman:



A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.107 of 1996.

Date of Order : This the 18th Day of August,1998.

Justice Shri D.N.Baruah,Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Shri Rupak Medhi & 48 others. . . . Applicants.

By Advocate Shri B.K.Sharma, S.Sarma.

- Versus -

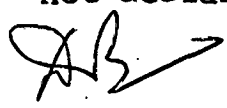
Union of India & Ors. . . . Respondents.

By Advocate Sri S.Ali,Sr.C.G.S.C.

O R D E R

BARUAH J.(V.C)

49 applicants have approached this Tribunal by filing the present Original Application seeking certain directions. At the material time they were working as Telecom Technical Assistants in the department of Telecommunication and posted at various places in both Assam Circle and N.E.Circle. By Annexure-1 letter dated 13.12.1994 the applicants were allowed to appear in the screening test against 35% quota for the purpose of promotion to Junior Telecom Officer. Thereafter their candidature had been rejected by Annexure-4 letter dated 25.1.1995 issued by the Director of Telecom, Departmental Examination Section. Being aggrieved the applicants approached this Tribunal by filing O.A.No. 13/95. The said O.A. was disposed of by this Tribunal by order dated 27.1.1995 directing the respondents to allow the applicants to appear in the examination. By Annexure-6 letter dated 27.1.1995 similar test had also been taken by the department and accordingly they appeared ⁱⁿ the examination. But unfortunately the result of the said examination was not declared. Situated thus, the applicants have approached



contd...

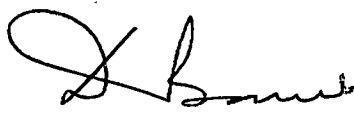
this Tribunal by filing the present application. During the pendency of this present application the results had been declared. However, no further action has yet been taken in respect of those applicants who passed the examination.

2. We have heard Mr B.K.Sharma, learned counsel appearing on behalf of the applicants and Mr S.Ali, learned Sr.C.G.S.C for the respondents. On hearing the counsel for the parties we dispose of this application with a direction to the respondents to take the follow up actions in respect of those applicants who passed the departmental examination as early as possible at any rate within a period of 2 months from the date of receipt of this order. We make it clear that if the applicants are still aggrieved regarding the follow up action including the fixation of seniority etc. liberty is given to the applicants to approach this Tribunal.

Application is disposed of. No order as to costs.



(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER



(D.N.BARUAH)
VICE CHAIRMAN

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. 107 of 1996

Shri Rupak Medhi & 48 others ... Applicants

- Versus -

Union of India & Others ... Respondents

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For use in Tribunal's office :

Date of filing : 25.6.96
Registration No.: 107/96

[Signature]
11/6/96 REGISTRAR

*Recd Golap Sarma -
Asst CHJC
CAT
Gauhati
25/6/96*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 107 of 1996

BETWEEN

1. Shri Rupak Medhi,
O/O the DET (SW), Guwahati-3
2. Md. Moinul Islam,
O/O the DET (MWP), Guwahati-3.
3. Md. Nazrul Islam,
O/O the DET (SW), Guwahati-3.
4. Shri Hitendra Kr. Choudhury,
O/O the DET (MWP), Guwahati-3.
5. Shri Jagannath Kakati,
O/O the DET (MW Mtce), Guwahati-1
6. Shri Sabiram Kalita,
O/O the DET (MW Mtce), Guwahati-1.
7. Shri Rajani Kr. Deka,
O/O the Regional Engineer Mtce.
N.C. Road, Ujanbazar, Guwahati-1
8. Shri Ranjit Sarmah,
~~xxx~~ O/O the Regional Engineer, Mtce.
B.C. Road, Ujanbazar, Guwahati-1.
9. Shri Amiya Kr. Sarmah,
o/o the Principal, C.T.T.C. Bharalumukh,
10. Shri Kadam Ali Ahmed,
O/O the DET OFC (P)
Chenikuthi, Guwahati-3.
11. Abdul Malik
O/O the SDE (UHF),
19 Wing, C/O 99 APO, Army P.O.
12. Abdul Aziz, O/O S.D.E.
Rangia Ex~~xxxx~~ Exchange, Rangia
13. Ribul Saikia,
O/O the SDE,
Telephone Exchange, Bokakhat
14. Shri Kanak Das,
O/O the S.D.E
Howly Telephone Exchange, P.O. Howly
15. Shri Mintu Kr. Barah
Gp. Exchange,
Under SDO (T) Nagaon

Contd....P/2.

11
filed by me approved
D. Mehta
25-6-96

R. S.

16. Md. Habibur Rahman,
Kuwaritol Exchange, Nagaon
17. Shri S.K. Kar,
1 LT, Exchange,
under SDE, Nagaon
18. Priya Ballav Das,
under SDOT Hojai
19. Md. Jaher Ali,
O/O the SDE, Biswanath Chariali,
20. Mrs. Pubali Bhuyan,
O/O the SDE, Biswanath Chariali
21. Shri Nabajyoti Baruah,
Dhekiajuli Telephone Exchange,
Dhekiajuli.
22. Shri Nilim Saikia,
Balipara Telephone Exchange
23. Shri Ranjan Shome,
Rangapara Tele. Exchange.
24. Shri Pradip Koch,
O/O the SDE Silapathar Exchange,
25. Shri Nipu Nath,
Dhemaji Telephone Exchange
26. Shri L.C. Deka,
Adabari Telephone Exchange, Guwahati
27. Shri S.S. Saha,
Golakganj Telephone Exchange.
28. Shri Jogen Medhi,
Mankachar Tele. Exchange.
29. Ms. Barnali Barali
Doomboma Tele. Exchange.
30. Shri Sushil Kr. Sarma, T.T.A
O/O the Sub Divisional Engineer, Telecom.
Udalguri-784509
31. Shri Manik Ch. Deka,
O/O the J.T.O., Kharupetia
Telephone Exchange, Kharupetia
32. Shri Ganesh Ch. Daimari,
O/O the DE, E10-B, D TAA, GH-1,
Panbazar, Guwahati-1.

Contd....P/3.

R. Sh

33. Shri ~~Amith~~abh Dutta,
Morabhat Telephone Exchange
34. Mrs. Aruna Chetia,
O/O the TDE, Tinsukia
35. Shri Jayprakash Sarma,
Duliajan Telephone Exchange
36. Shri Gobinda Sarma,
Sorbhog Telephone Exchange, Barpeta
37. Shri Hemanta Hazarika,
O/O T.D.E. Tezpur
38. Shri Anil Chandra Das,
Bijni Telephone Exchange
39. Shri Monoranjan Das,
Barpeta Telephone Exchange
40. Shri N. Hussain
Tarabari Telephone Exchange.
41. Shri Dipak Deb,
C-DOT, Exchange, Dibrugarh.
42. Shri Dhruba Deb Borah,
Sarupathar Telephone Exchange.
43. Shri Sanjay Gogoi,
Golaghat Telephone Exchange,
44. Shri Satyen Kr. Sarmah
O/O the TDE, Dibrugarh
45. Shri Prasanta Kr. Gogoi,
O/O SDE, Naharkati'a Tele. Exchange.
46. Shri Ananta Kr. Hazarika,
O/O the Principal CTTC, Bharalumukh,
Guwahati-9.
47. Shri Pradeep Das,
Goalpara Telephone Exchange
48. Shri Saif Uddin Ahmed,
Goalpara Telephone Exchange
49. Shri Hitesh Choudhury,
Goalpara Telephone Exchange

... APPLICANTS

AND

Lmsh

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 Bhawan, Parliament Street,
New Delhi-110 001.

... RESPONDENTS

DETAILS OF APPLICATION

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

The application is not directed against any particular order but the same has been filed for a direction to declare the results of examination held for promotion to J.T.O. cadre and imparting necessary training thereafter on successful completion of training to give the applicants all consequential benefits of posting, seniority etc.

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.

Contd...P/5.

RMS

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 working as Telecom Technical Assistants in different offices 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, Shillong.

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 relief 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 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 ~~xx~~ 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 i.s. Rs.1320-2040/-. The applicants in the cadre of Telecom Technical Assistants are technically better equipped because of their qualification and training course 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

Contd....P/7.

Ry

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 Hs, R TAs and TTAs 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~~

Contd....P/8

Raj

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 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 had prepared and kept themselves in readiness to appear in the screening test scheduled to be conducted on 29.1.95 at Guwahati. Be it stated here that the said examination was being conducted at Guwahati on 29.1.95 covering both the circles of Telecommunications i.e. Assam Circle and N.E. Circle. Be it further stated here that there was an amendment in syllabus in question and that was conveyed by letter No. RECTT.3/35-94 dated 19.1.95 and ~~xxx~~ the amendment was also brought to the notice of the candidates including the applicants and accordingly, the applicants 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/8.

Bm

4.9 That it will be worthwhile to mention here that some of the incumbents in the cadre of PI, TA and AEA have since come over to the cadre of ~~XX~~ 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 ~~xxx~~ were 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 would not be allowed to appear in the ensuing qualifying screening test scheduled on 29.1.95. The applicants had come to know about the contents of the said letter in the evening hours of 25.1.95. 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. Pursuant to this impugned order dated 25.1.95, the incumbents in the cadre of TTA apprehended that they would not be allowed to sit in the examination dated 29.1.95 and in fact they have been so told in the office.

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

4.10 That the applicants state that the said Annexure-4 letter came to the applicant as a bolt from the blue inasmuch as their exclusion at the eleventh hour from the examination in question, 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 had prepared themselves for the examination in accordance with the syllabus. Many TTAs had come to Guwahati to appear in the examination.

4.11 That some of the present applicants numbering 20 filed O.A. No. 13/95 making a grievance against the aforesaid ~~xxxxxxx~~ decision of excluding them from the preview of the examination. The said O.A. was taken up on 27.1.95 and this Hon'ble Tribunal was pleased to pass an interim order allowing the said applicants to appear in the in the said examination.

A copy of the said order dated 27.1.95 is annexed herewith as ANNEXURE-5.

4.12 That alongside the said order dated 27.1.95, allowing the said applicants to appear in the said examination the Govt. of India, Directorate of Telecommunication Departmental Examination Section under the signature of the Director (DE & VP) issued a FAX message No. 12-1/94-DE dated 27.1.95 conveying the decision that the TTAs should be allowed to appear at the screening test on 29.1.95. The said FAX message was stated to be pursuant to a Judgment of the Hon'ble CAT, M Ernakulam Bench.

A copy of the said FAX Message dated 27.1.95 is annexed herewith as ANNEXURE-6.

4.13 That the applicants state that on the aforesaid development, the plight of the applicants for that matter the incumbents in the cadre of TTAs can well be imagined inasmuch as first they were allowed to appear in the ~~selection~~ examination and thereafter just on the eve of examination, they were debarred from appearing in the examination for which they had approached this Hon'ble Tribunal. Again thereafter by the aforesaid FAX message dated 27.1.95, the incumbents in the cadre of TTAs were allowed to appear in the examination. Thus at the span of only three days, lots of development took place in the matter seriously telling upon the chances of TTAs in the examination. Such a situation was for no fault of the applicants or for that matter the incumbents in the cadre of TTAs. Be that as it may be virtue of the interim order of this Hon'ble Tribunal and was also on the strength of Annexure-6 FAX message dated 27.1.95, all the applicants could appear in the examination. Accordingly to their assessment all of them had fairly done well in the examination and now it is their legitimate expectation that all of them would come out successful in the examination. However what is being agitated in this application is the latter part of the story which has been created by the respondents due to their non-challant attitude towards the matter. In spite of their appearing in the examination along with the incumbents of their cadres as mentioned above, their results have not been declared so far but on the other hand results of the other cadres have been declared and they have been sent for training

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Roz.

also and on successful completion of training they have joined the promotional posts of JTOs. However, the incumbents in the cadre of TTAs are still deprived from such benefit inspite of the fact that they have appeared in the examination.

4.14 That soncequent upon the aforesaid development the O.A. 13/95 was disposed of by an order dated 30.1.95¹ inasmuch as the only prayer made in the said application was to allow the applicants therein to appear in the examination in question. In view of the ~~fax~~ FAX message dated 27.1.95 allowing the ~~applicants~~ incumbents in the cadre of TTAs to appear in the examination, the grievances of the applicants were redressed and according nothing survived to be agitated in the said O.A.. Thus the O.A. was disposed of by an order dated 30.1.95.

A copy of the said order dated 30.1.95 is annexed herewith as ANNEXURE-7.

4.15 That the applicants state that many of the incumbents in the cadre of TTA x filed various applications before different Benches of the Hon'ble Tribunal. On the other hand some of the incumbents in the other cadre also filed applications making a grievance against allowing the TTAs to appear in the examination for the purpose of promotion to the cadre of JTOs. For quite some time, there was a confusion and chaos and the results of the TTAs were withheld. Although in the meantime, the results of the cadre of Phone Inspector, Transmission Assistants and Auto. Exchange Assistants was declared. Their results were declared by affixing the result-sheet ~~ix~~ on the Notice Board of the respondents, "with the note" that the results of the TTAs who had appeared in the screening test was withheld as per DOT's instructions."

A copy of the result sheet dated 30.5.95 is annexed herewith as ANNEXURE-8.

4.16 That some of the applicants made representations before the authorities urging for declaration of their results ; but to no avail. Representation was also made on behalf of the Diploma Engineers Telecom Association (India), a constituent Union of all India Federation of Telecom Engineers and affiliated to National Telecom Staff Federation. The applicants crave leave of this Hon'ble Tribunal to produce copies of the representation as well as the representation of the Association mentioned above at the time of hearing of the instant application.

4.17 That ~~xxx~~ while the matter was rested with thus all the chance to appear in the departmental competitive examination for promotion to JTOs cadre (15% quota) came for the incumbents of the cadre of TTA, again certain confusion arose as to whether they are entitled to be considered for such promotion against 15% quota for departmental competitive examination. The matter was clarified by the Government of India, Ministry of Communication vide letter No. 5-20/95-NCG dated 2.2.96. By the said communication, it was conveyed that that since TTAs have been allowed to participate in the qualifying screening test against 35% quota of vacancies and they have also ~~xxx~~ appeared in the said last examination held on 29.1.95, hence they cannot be allowed to ~~participate~~ participate against 15% quota of vacancies.

A copy of the said communication dated 2.2.96 is annexed herewith as ANNEXURE-9.

4.18 That the applicants state that in view of the above decision contained in Annexure-9 communication dated

2.2.96, they were debarred from appearing in the competitive examination for promotion to JTOs cadre in consideration of the fact that they have already appeared in the qualifying screening test against 35% quota of vacancies. But now really position is that against that screening test also they have not got any fruitful result in view of the non-declaration of results and consequential force of action.

4.19 That with the aforesaid development and having not received any result, the applicants gave a legal notice through their Advocate to the Chief General Manager, Telecom, Assam Circle, Guwahati-7 making a demand for declaration of their results forthwith. Response to the said notice ~~the~~ was sent by the Chief General Manager, Assam Telecom Circle vide his letter No. STES-21/26/Pt-II/95 dated 14.9.95 intimating the Advocate concerned that the answer books of TTAS who had appeared in the screening test have been kept separately in sealed covers ~~xxxx~~ as per direction received from the Hon'ble CAT, Principal Bench and that the ~~xxxx~~ status as regard those answer books would be maintained till further direction are received from the Hon'ble CAT, Principal Bench.

A copy of the said communication dated 14.9.95 is annexed herewith as ANNEXURE-10.

The applicants crave leave of this Hon'ble Tribunal to produce the copy of the Notice issued on ~~be~~ their behalf by their Advocate on 4.9.95.

4.20 That when nothing was done in the matter, the applicants were constrained, after receipt of the aforesaid communication dated 14.9.95, to make further demands to the

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respondents through their Advocate urging for declaration of results and despatch of successful candidates for training. In the said notice, it was made clear that the letter dated 14.9.95 (Annexure-10) was after the final disposal of the case in question by the Hon'ble CAT, Principal Bench. It will be pertinent to mention here that ~~both~~ although in the Annexure-10 communication dated 14.9.95, it was intimated that a decision would be taken after the disposal of the case before the Central Administrative Tribunal, Principal Bench, but in fact by that time, the Principal Bench had already decided the matter in O.A. 207/95 by their order dated 19.7.95. This depicts total non-application of mind on the part of the respondents.

A copy of the notice dated ^{20.2.96}~~22.9.96~~ is annexed herewith as ANNEXURE-11.

Further a copy of the Judgment of the Hon'ble CAT, Principal Bench is annexed herewith as ANNEXURE-12.

4.21 That the applicants state that by the aforesaid Judgment, the Hon'ble CAT, Principal Bench issued a direction to take further action regarding evaluation of the answer books of the applicants therein and to despatch the successful candidates for training strictly in accordance with law. The extant rules and instruction as well as the judicial pronouncement on the subject made from time to time. After the aforesaid Judgment of the Hon'ble CAT Principal Bench, there remains nothing on the way of the respondents to stall the process of sending the incumbents

in the cadre of TTAs ~~xx~~ who would come out successful in the test, for training and consequential promotion to the cadre of JTO. However, the respondents ~~xx~~ ~~the~~ has been sleeping over the matter to the detriment to the applicants.

4.22 That the applicants state that the case filed by by the incumbents of other cadres making grievance against the inclusion of the TTAs for being considered for promotion to the cadre of JTOs was disposed by the Hon'ble CAT, Ernakulam Bench in O.A. 37/95 by its order dated 5.7.95. By the said order, it was directed that the applicants therein should make a representation before the appropriate authority and the appropriate authority would decide the matter. Accordingly, in the light of the said direction of the Hon'ble CAT, Ernakulam Bench, the representation made by the applicants therein was considered by the Chairman, Telecom Commission. After careful consideration of the same an order was passed vide No. 22-22/95-TE.MD dated 5.1.96 holding that there is no justification to withdraw the earlier orders relating to TTAs by which they were treated at par with the incumbents of other cadre and were made eligible to appear against 35% promotion quota.

A copy of the said order dated 5.1.96 is annexed herewith as ANNEXURE-13.

A copy of the order passed by the Hon'ble CAT Ernakulam Bench in O.A. 37/95 is annexed herewith as ANNEXURE-14.

4.23 That from the aforesaid facts and circumstances it is now crystal clear that there is no impediment against

the declaration of the results of the applicants and for that matter the incumbents in the cadre of ITAs and to take follow up action as such sending successful candidates for training and their promotions to the cadre of JTOs. Further in view of the facts and circumstances of the case their seniority is also to be reckoned at par with the incumbents of other cadres inasmuch as they ~~xxx~~ had appeared in the said examination and although the incumbents in the other cadres have sent for training and have also joined promotional post. The applicants cannot be deprived of their consequential benefits of training (in case they come out successful in the ~~xx~~ screening test), promotion with retrospective effect with arrear salary etc. and reckoning of seniority etc. with retrospective effect, inasmuch as the delay in declaration of their results and consequential follow up action cannot be attributed to them and ~~xx~~ such a situation has been created by the respondents due to apathy and non-challant attitude to the matter. The applicants cannot be made to suffer for such an attitude on the part of the respondents.

4.24 That surprisingly the applicants are in complete dark in ^{spite} ~~in respect~~ of the favourable position created by the aforesaid development. Till date, the results have not been declared not to speak of sending them for training and during that all consequential benefits. Some of the incumbents in the cadre of ITAs ~~xx~~ had approached the Hon'ble CAT, Hyderabad Bench by filing O.A. 649/95 making grievance against the non-declaration of their results. The Hon'ble Bench has since disposed of the said O.A. by its order dated 30.4.96. As per the said order the respondents have been directed as follows :

- (i) the evaluation of the answer books of the applicants within 3 weeks of the receipt of the copy of this order
- (ii) declaration of the results within 30 days thereafter
- (iii) communication of the final decision as regards their promotion or otherwise to the cadre of JTOs within 30 days thereafter.

A copy of the said Judgment and order dated 30.4.96 is annexed herewith as ANNEXURE-15.

4.25 That the applicants state that in view of the aforesaid position of the case, they are entitled to the reliefs as sought for in this application. The respondents cannot sit over the matter indefinitely which will seriously tell upon the service career of the applicants. They are entitled to get their results and in case of their success in the screening test, they are also entitled to undertake necessary training and thereafter they are entitled to be promoted to the cadre of JTOs with all consequential benefits such as retrospective promotion at par with ~~those~~ others, arrear salary and seniority etc. Hence this application seeking for appropriate relief from this Hon'ble Tribunal.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that prima facie the ~~applicant's~~ inaction on the part of the respondents is illegal and not sustainable.

5.2 For that the applicants ~~have~~ having appeared in the examination, as per the promise made out to them by the respondents and giving rise to legitimate expectation they cannot be deprived of their consequential benefits.

5.3 For that the ~~applicant~~ having the Hon'ble Principal Bench having decided the matter favourably, the respondents are duty bound to do the needful immediately instead of keeping the matter hanging indefinitely.

5.4 For that the CAT, Hyderabad Bench having decided the matter in favour of the applicants therein, same principle is required to be adopted in respect of the incumbents in the cadre of TTAs without requiring ~~them~~ each and every candidate to come before the Hon'ble Tribunal. But the respondents have turned a deaf ears to the legitimate grievances of the candidates and hence this application seeking appropriate relief.

5.5 For that ~~the~~ all the cases pertaining ~~the~~ to the matter having been decided and the applicants having been denied to appear in the departmental competitive examination (15% quota) solely on the ground that they have been allowed to appear against 35%, the respondents cannot just sit over the matter much to the agony of the applicants.

5.6 For that the apathy and non-challant attitude on the part of the respondents are writ large on the face of it which is required to be remedied by appropriate direction of this Hon'ble Tribunal.

5.7 For that in any view of the matter, the impugned action/inaction on the part of the respondents are not sustainable.

6. DETAILS OF REMEDIES EXHAUSTED :
~~5x8~~

The applicants have got no other alternative remedy than to approach this Hon'ble Tribunal.

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

The applicants further declare that they have not previously filed any application, writ petition or suit regarding this 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.

8. RELIEFS SOUGHT :

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 direct the respondents to immediately declare the results of the applicants who appeared in the qualifying screening test against 35% for promotion to the JTOs as ~~notified~~ indicated under the head 'Facts of the Case'.
- (ii) Upon such declaration of results to send such of the applicants for training who come out successful in the screening test
- (iii) Upon completion of training successfully to promote them to the cadre of JTOs with retrospective effect from the date when the incumbents in the other cadres were appointed with all consequential benefits of arrear salary, seniority etc.
- (iv) Cost of this application,
- (v) 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 ~~the~~ an interim order directing the respondents to declare the results of the applicants without any further delay and to send the successful applicants for required training.

10.

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O :


(i) I.P.O. No. 09 3463 26 (ii) Date 24.6.96
(iii) Payable at : Guwahati.

12. ENCLOSURES :

As stated in the Index

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

I, Shri Rupak Medhi, son of Shri S. Medhi, aged about 30 years, at present working as Telecom Technical Asstt. in the office of the DET, Switching, Task Force, Silpukhuri, Guwahati-3 do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge ; those made in paragraph 5 are true to my legal advice. I have not suppressed any material fact. I am also duly authorised by the other applicants to sign this verification on behalf of all of us and I sign this verification on this the 24th June 1996 at Guwahati.


(Rupak Medhi).

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

No. 27-2/94-TE-11

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/BSA/TA/NOs in view of their qualification
and training in new xnn 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/NOs. etc.

3. However, length of service in the cadre of PI/TAs/
AEAs/NO/TTAs will be the criteria for sending them for
JTOs training.


Yours faithfully,

sd/-

(BUDH PRAKASH)

Assistant Director General (TE)

Attested.


Advocate.

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

No. RECTE-3/35-94/16

Dated at Guwahati the 23-12-94

To

- 1-2. The Telecom District Manager/GM/DR.
- 3-7. The TDEs, BGN/TZ/NGG/SC/JRT.

Sub : Departmental Qualifying Screening Test of
RSA/PI/NO 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.

Encls : 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., GM/DR.
- 3-5 The Circle Secretaries of concerned Unions.
- 6 File No. RECTE-3/25-89 (Part).
7. File No. RECTE-1/16-Part-II (Rigs).

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

Attested.



Advocate.

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/NGC/SD/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 ASA, PI, TA, NO 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/-

(K. 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-RIg-11.
4. Service Unions concerned.

Sd/-

FOR CHIEF GENERAL MANAGER TELECOM
ASSAM CIRCLE GUWAHATI-781007.

Attested.

Advocate

ANNEXURE-4

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

MUST IMMEDIATE
BY FAX

No.12-1/94-DE

Dated 25th January 1995.

BY : REOPENING

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/-

(JONIL MISHRA)

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

Attested


Advocate

...

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-26-

ANNEXURE-5

36

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 Administrative Tribunal Procedure Rules.

Heard Mr B.K. Sharma (SOO). 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),



Attested.

[Signature]
Advocate

27.1.95



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. TIAs) 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/TIAs 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

Attested.

[Signature]
Advocate,

27.1.95



Manager, Telecom, Assam Circle, asked the Telecom District Manager (GH/DR) 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 alongwith 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.

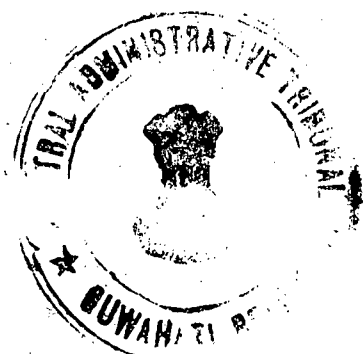
The applicants who are working at different stations in the State of Assam and other stations in the North Eastern Region seemed to have arrived at Guwahati in preparation to appear at the said examination

Attestd.

Advocate,

27.1.95

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 ^{has} 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 TTAs 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."

Attes co.

Bmt
Advocate,

W

27.1.95

The subject mentioned in the letter is 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 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 moved ex parte and as I am inclined to grant an 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 an interim order a prima facie case is also required to be ^{liberally} considered, ⁱⁿ 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 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

Attes.ed.

Advocate.



27.1.95

31-



also issued and as can be seen ^{the} 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 ^{offices} 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 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 ~~the~~ 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.

Attested.

[Signature]
Advocate.

[Signature]

27.1.95

- 32 -

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. Deorah College, 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 ^{and to} ~~respondents~~ ^{respondents} ~~in immediately~~ ^{in 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 ~~as~~ ^{and} desire 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 ^{by appointment} through the Deputy Registrar(CC).

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



Attested.

G.S.S.
Advocate.

27.1.95

3

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^{as to} 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 ~~at~~ 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 applicants 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 applicant's the respondents ordinarily are expected to adopt the same course in respect of other similarly situated candidates who have been issued the hall permits.



Attested.
[Signature]
Advocate.

O.A.No.13/95

OFFICE NOTE

COURT ORDERS

27.1.95

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 respondents 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.



Certified to be true Copy

प्रमाणित प्रतिलिपि

Section Officer (J)

अनुभाग अधिकारी (न्यायिक शाखा)
Central Administrative Tribunalकेन्द्रीय प्रशासनिक न्यायालय
Guwahati Bench, Guwahati-5
गुवाहाटी न्यायापीठ, गुवाहाटी-5

Sd/- VICE CHAIRMAN

Attested.

Advocate

- 35 -

ANNEXURE-6

Govt. of India
Directorate of Telecommunications
Departmental Examination Section
New Delhi 110 001

MOST IMMEDIATE
BY FAX

No. 12-1/94-DE

Dated 27th January, 1995

To

All Chief General Managers Telecom. Circles.
The C.G.M. Telephones, Calcutta, Madras.
The C.G.M. Mtce., NTR, New Delhi.
The C.G.M. MTNL, Bombay.

SUBJECT: SCREENING TEST in replacement of Departmental
qualifying examination for promotion of
PLS/AEAs/WOS/TAS to the cadre of JUNIOR TELECOM.
OFFICERS to be held on 29th JANUARY, 1995.

Sir,

In supersession of this office letter of even no.
dated 25th January, 1995 it has now been decided in view of
the judgement of the CAT Annakulam Branch 23rd January, 1995
Directing that the examination be held as proposed, that
TTAs should be allowed to appear at the Screening Test to
be conducted on 29th January, 1995 who have already been
issued hall permits for the same. A copy of the question
paper for the TTAs is being sent to the co-ordinator. The
requisite number of copies may be made by the co-ordinator
of the examination of the circles under his strict
supervision at this end.

I shall be available on the following
telephone nos. 3715907 & 3032864 to attend to any
query/clarification from the Examination Centres on 29th
January, 1995 between 10:00 & 12:30 p.m.

Yours faithfully

Sushil

(SUSHIL MISHRA)
Director (DE&VP)
Tele.no. 3715907
3032864.

Attested.

[Signature]
Advocate.

Pls intimate to
all concerned.
27/1/95

AL (S & A)

- 36 - ANNEXURE. 7
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI
ORIGINAL APPLICATION NO. 13 OF 1995

Rupak Madhi & ers. Applicant

-vs-

Union of India & ers Respondents

-PRESENT-

THE HON'BLE JUSTICE SHRI M.G. CHOUDHARI, VICE CHAIRMAN
THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (ADMN)

For the applicant : Shri B.K. Sharma, Advocate

For the Respdts. : Shri G. Sarma, Adl. C.G.S.C.

DATE

ORDER

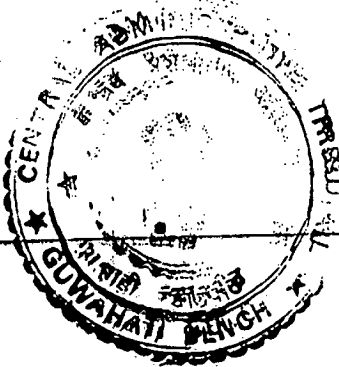
30.1.95

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

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

Mr G. Sarma, the learned Adl. 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 23.1.95. In view of the same the application does not survive. It is made clear that the ad-interim

contd...



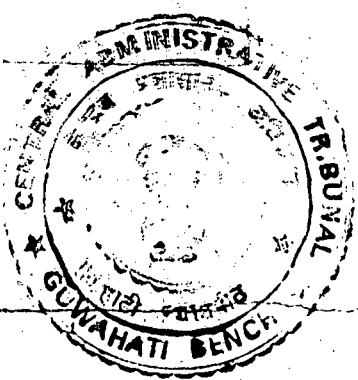
Attested.


Advocate,

30.1.95

order dated 27.1.1995^{UC} 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} to 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.



Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

Certified to be true Copy
প্রমাণিত প্রতিলিপি

[Signature] 28/2/95

So. for attestation (a)
জনস্বাক্ষর অধিকারী (প্রমাণিত) স্বাক্ষর.
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ট্রিবিয়াল
Guwahati Bench, Guwahati-5
গুৱাহাটী ন্যায়দীক্ষ, গুৱাহাটী-৫

Attes. ed.
[Signature]
Advocate.

Notice Board, **ANNEXURE-8**
DEPARTMENT OF TELECOMMUNICATIONS

(15)

उत्तर देने समय कृपया
निम्न संदर्भ दें !
In reply
Please quote

From: Result of
Qualifying screening
Test for JROS
To: RSA, PI, Wo
SUBJECT

पत्र संख्या
No.

दिनांक
Dated at

List of Successful Candidates

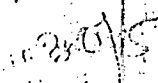
Roll no.

- Asm - 001, 002, 004, 005, 006, 007, 008,
009, 013, 015, 016, 017, 018, 019, 020, 021,
022, 023, 024, 027, 028, 029, 031, 032, 034,
035, 036, 038, 039, 040, 041, 042, 045, 047,
048, 050, 051, 052, 053, 054, 055, 056, 057, 058,
059, 060, 061, 062, 063, 065, 066, 067, 069, 070,
071, 072, 073, 074, 076, 077, 079, 080, 081, 082,
084, 085, 086, 088, 089, 090, 091, 092, 093,
094, 095, 097, 098, 100, 101, 102, 105, 107, 109,
110, 111, 112, 113, 115, 117, 118, 119, 120, 122, 123,
124, 127, 128, 129, 132, 133, 134, 135, 136,
137, 138, 139, 140, 141, 142, 143, 144, 146, 147,
148, 149, ~~150~~ 151, 152, 184, 202.

N.B. The Result of TTA who had appeared in
screening test is with-hold as per DOT instruction.

Attested.

Advocate.

N.B.

Advocate.

- 39 -

ANNEXURE - 9

No.5-20/95-NCG
Government of India
Ministry of Communications
Department of Telecommunications
20-Ashoka Road, Sanchar Bhavan, ND

Dated:-

22.96

To,

The Chief General Manager
Kerala Telecom Circle
Trivandrum

Sub:-Eligibility for TIA's to appear for the
departmental competitive examination for
promotion to JIO cadre - 15% quota -
clarification regarding.

necc/5024/95 dated 29.12.95 vide letter No. noted
above and to say that after merger of ASTT's cadre
with that of JIOs the cadres who were eligible to
participate in the departmental examination for ASTT
cadre were made eligible to participate in the
departmental competitive examination (15% quota) for
promotion to JIO cadre vide notification No.5-11/89-NCG (Vol-II)
dated 12.1.95.

(*) Since TIAs have been allowed to participate in
the qualifying screening test against 35% quota of
vacancies and they have also appeared in the last
examination held on 29.1.95, hence they cannot be
allowed to participate against 15% quota of
vacancies.

(J.P. SRIVASTAVA)
Asstt. Director Gen.(ST-C)
Ph3032468

Copy to:

All Heads of Circles / Telecom Distts &
Heads of all other administrative offices.

Attested.

Advocate.

Govt. of India
Department of Telecommunications
Office of the Chief General Manager::Assam Telecom. Circle
Ulubari::Guwahati-781007.

No:SPES-21/26/Pt-II/95

Dated at Guwahati, the 14.09.95

To

Shri B.Mehta,
C/o. Shri B.K.Sharma(Advocate)
Santipur,Guwahati-11.

Sub:- Publication of the result of the ITAs who appeared at
the Screening Test held on 29.01.95 for promotion to
the cadre of JTO.

Ref:- Your letter dtd.04.09.95.

Sir,

With reference to your above quoted letter on the
subject mentioned above it is intimated that the Answer Books of
the ITAs who have appeared in the Screening Test held on 29.01.95
for promotion to the cadre of JTO have been kept separately in
sealed cover as per directions received from Honb'le CAT Princi-
pal Bench, New Delhi in OA No.207/95 & MA 235/95 dated 27.01.95
conveyed through I.C., H.Q.

The status as regarding these Answer Books will be
maintained till further directions are received from Honb'le CAT
Principal Bench, New Delhi.

Yours faithfully,

(H.S. Mehta)

14.9.95
Asstt. Director Telecom.(HRD)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

o/c

Attested.


Advocate,

B. Mehta, C/O Shri B.K. Sharma, Advocate.
 Advocate Santipur, Main Branch Road,
 Guwahati High Court Guwahati - 781009. - 41-
 And
 Central Administrative Tribunal
 Guwahati.

Durgasabor
 (Near Kamakhya Gate)
 Narayan Path
 P. O. Bharalumukh
 Guwahati-781009

Ref No: 001/0000/1995/0000

Date.....20th Feb. '96

To

The Chief General Manager,
 Assam Telecom Circle,
 Ulubari, Guwahati-781009

Sub : Publication of the result of the TTAs
 who appeared at the screening test held
 on 29.10.95 for promotion to the cadre
 of JTO.

Ref : Your letter No. STES-21/26/Pt-II/95
 dated 14.09.95.

Sir,

Under instructions and on behalf of my clients,
 the Telecom. Technical Assistants, who were allowed and/or appeared
 at the Screening Test held on 29.01.95 for the promotion to the
 cadre of Junior Telecom Officer (JTO), I give you this notice
 as under :

1. That my clients aforesaid made representation
 praying for declaration of the result of the said Screening Test
 followed by a notice dated 04.09.95 from this end requiring you
 to publish the result of ^{the} aforesaid test to which it was intimated
 vide your letter dated 14.09.95 as quoted above that the answer
 scripts of the TTAs for the said test have been kept separately
 in sealed cover as per direction from the Hon'ble Central
 Administrative Tribunal, Principal Bench, New Delhi in O.A. No.
 207/95 and M.A. 235/95 dated 27.10.95. In this connection, I
 would like to mention here that the said O.A. No. 207/95 of the
 Principal Bench was disposed of on 19.07.95 i.e. prior to issue of
 your letter quoted above as such, the question of keeping the
 answer scripts in sealed cover thereafter, does not arise at all at
 this belated date.

GUWAHATI G.P.O 4587332
 REG AD A6881

NAME: THE CHIEF GEN. M.A. TELECOM.
 ALU
 CITY: G-

ING FOR PS. P. 2-STAMP RE. 2
 AMT: 6.33 045.111 14.02/95 11142

india post



Attested.

Advocate.

Contd...P/2.

- 2 -

That my clients were so long expecting that they would get an opportunity to take part in the Screening Test for their future prospect in ^{Senior} Career and with that idea in ~~my~~ view actually participated in the said test but withholding the result for such a long time without any cogent ground even after disposal of all the pending litigations is not only arbitrary, illegal and violative of Article 14 and 16 but also is detrimental to the incentive for personal development degenerating the efficiency in service and ~~skills~~ the very desire to serve properly.

In view of the above, I would urge upon you to open the seal cover, evaluate the answer scripts of my clients at the earliest convenience and despatch the successful candidates for training without any further delay. Since my clients are always loyal to the administration in discharging their duties efficiently and are at all times maintaining absolute integrity and devotion to duty they have no intention to go ^{for} litigation for each cause of action.

I sincerely hope with honest belief that their grievances shall be mitigated with reasonable promptitude and there will be no reason to torment you any more.

With regards,

Yours sincerely,

Attested.

Advocate.

(B. Mehta)
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

C.A.No.207/95

New Delhi: July 19th, 1995.

HON'BLE MR. S.R.ADIGE, MEMBER(A)

HON'BLE DR. A.VEDAVALLI, MEMBER (J)

1. Diploma Engineers Telecom. Association(India),
through

its General Secretary Shri P.C.Saraswat,
New Delhi - 110059.

2. Vighneshwar Pandey,
S/o Sh.Nara Singh Pandey,
MEK-428, Gali No.10, Mahipalpur Extension,
New Delhi -37.

.....Applicants

By Advocate Shri K.P.S.Sunder Rao.

1. Union of India, through

Its Secretary,
Department of Telecommunication/Telecom.,
Sanchar Bhawan, Ashoka Road,
New Delhi.

2. Department of Telecom.,
Office of the General Manager,
MTCE 'N' Region, Kidwai Bhawan,
New Delhi.

3. Chief General Manager,
MTNL, Khursheedlal Bhawan,
Janpath,
New Delhi.

4. Director (DE & VP),
Dak Bhawan, Parliament Street,
New Delhi

.....

5. Association of Phone Inspectors

TA's, AEAs & WJA (APRAW-INDIA)
through Bachhi Singh,
c/o VFT, Kidwai Bhawan,
New Delhi -1

.....Respondents.

By Advocate Shri M.M.Sudan by Shri B.K. Puri
Shri Bacchi Singh for Respondent No.5

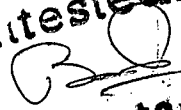
ATTESTED

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A)

Principal Bench
New Delhi
19/7/95

Filed By The Diploma Engineers
Telecom Association of India through its General Secretary

Attested.

Advocate.

...aswat and one other, a prayer has been made to declare the action of the respondents in not allowing the applicants (ITAs) to appear in ensuing qualifying examination for the post of JTOs against the 35% quota to be held on 29.1.95 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution and to issue a consequential direction to the respondents to implement the scheme of recruitment of JTOs by promotion in terms of letter dated 16.10.90.

2. A prayer had been made for interim relief that pending the disposal of the O.A., the operation of letter dated 25.1.95 prohibiting the applicants from appearing in the said examination, be suspended and the applicants be permitted to appear at the departmental qualifying examination for promotion to JTOs' cadre to be held on 29.1.95, or alternatively direct the postponement of the examination scheduled to be held on 29.1.95.

3. This O.A. came up for preliminary hearing on 25.1.95 and after hearing the applicants' counsel, ^{A respondents} notices were directed to be issued. Meanwhile on the basis of available facts ^{and} law, an interim direction was given to the respondents to permit such of those applicants who had already been issued admit cards, or would otherwise have been issued admit cards but for impugned orders dated 25.1.95, to issue admit cards to enable them to participate in the said examination to be held on 29.1.95, subject to their answer books being kept separately in a sealed cover.

4. The respondents have now filed their reply in which it has been pointed out that consequent to the direction of the CAT, Ernakulam Bench dated 23.1.95,

Attes.ed.
[Signature]
Advocate.

the impugned order dated 25.1.95 debarring the applicants from appearing in the qualifying examination, has been superseded by respondents' letter dated 27.1.95 (Annexure-R4) and consequently ITAs were also allowed to appear in the qualifying examination on 29.1.95 and hence cause of action no longer existed.

5. Applicants' counsel Shri K.P.S. Sunder Rao has now prayed that the answer books of the applicants which were ordered to be kept in a sealed cover till further orders, vide our interim order dated 25.1.95, be evaluated and the successful candidates be sent for training in accordance with rules. While the counsel for the official Respondents Shri Punj states that there should be no objection to the same, this is opposed by Respondent No.5 (Association of Phone Inspectors) through their representative Shri Bachi Singh who has filed reply to the O.A. and has also been heard. Shri Bachi Singh asserts that the applicants are not entitled to promotion quota of 35% of posts as JTO's. In this connection, he has invited our attention to CAT, Calcutta Bench's order dated 27.1.95 in O.A.No.1250/95, rejecting the applicant's prayer for an interim order for allowing them to appear in the examination to be held on 29.1.95 and has also referred to certain other judgments of different benches of the Tribunal.

We note that the question whether or not the applicants are entitled to promotion to 35% quota of JTOs, as claimed by them, is seized of by CAT Ernakulam Bench in O.A.No.37/95, in which

Attested.

Advocate.

The immediate issue is the evaluation of the answer books of the applicants which were ordered to be kept in a sealed cover and despatch of the successful candidates for training. As the official respondents themselves have superseded their letter dated 25.1.95 debarring the applicants from appearing in the 29.1.95 examination by their subsequent letter dated 27.1.95 and the applicants accordingly did appear in the said examination on 29.1.95, ^{it will be open to the official respondents to take} ~~no~~ further action regarding evaluation of the answer books of the applicants and the despatch for training of the successful candidates ^{now be taken} strictly in accordance with law, the extant rules and instructions, as well as judicial pronouncements on the subject made from time to time.

11 EST No posts

(S.R.ADIGE)
MEMBER(A)

Advocate

- 47 -

ANNEXURE-13

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, New Delhi-110001

No. 22-22/95-TE-II

- 5 JAN 1996

COM CELL

Dated: 5-1-1996.

ORDER

Subject: Representation dated 2.8.95 submitted by Shri K.A. Meethian Pillai in terms of the judgement dated 5.7.95 of CAT (Ernakulam Bench) in O.A.No. 37/95.

The Hon'ble CAT (Ernakulam Bench) vide their judgement dated 5.7.95 in OA No.37/95 had directed the department that the representations received from the applicants regarding their grievance, if any, shall be considered by the Chairman, Telecom. Commission who was the 2nd respondent in the said O.A. and pass an appropriate order.

2. In pursuance of the said judgement Sh. K.A. Meethian Pillai, Transmission Assistant in Kerala Telecom Circle has submitted a representation dated 2.8.95 to the Chairman, Telecom Commission.

3. The representee has claimed that the 35% Departmental quota of vacancies for Recruitment to the cadre of J.T.Os should be exclusively reserved for the cadre of Pls/TAs/AEs/WOs.

4. The representation has been carefully considered by the Chairman, Telecom. Commission. The cadre of TTAs has come about as a result of the scheme of cadre restructuring. The TTAs are at par with the Pls/TAs, etc., in the matter of pay scale and are placed immediately below the cadre of JTOs. In fact the Pls/TAs, etc., have been given the option to switch over to the cadre of TTAs if they so desired. It was only after evaluating these developments properly that the department found it prudent to permit the TTAs to appear in the qualifying screening test alongwith the Pls/TAs, etc., against the unfilled quota of 35% vacancies.

5. ~~The above aspect has been once again reconsidered by the Chairman, Telecom. Commission and no further action has been taken to withdraw the said orders related to the TTAs.~~

6. ~~The representation thus is rejected.~~

(B.S. VERMA)
DIRECTOR (TE)

To

The Chief General Manager, Kerala Telecom Circle, Trivandrum for information with 3 copies of the above order. A copy of the order may be served to Shri K.A. Meethian Pillai, the representee.

RECEIVED FROM 11 3333301

1. 3.1996 12:32

P. 1

Attested.

[Signature]
Advocate

35

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

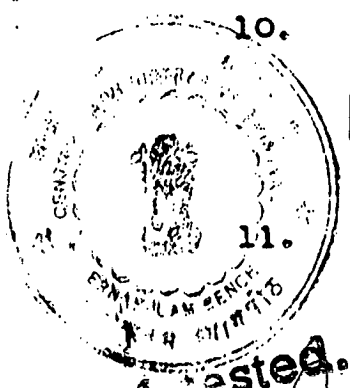
O.A. No. 37 of 1995.

Wednesday the 5th day of July, 1995.

CORAM:

HON'BLE MR. PV. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. P. SURYAPRAKASAM, JUDICIAL MEMBER

1. K.A. Meethian Pillai, S/o.Hassan Kunju, Aged 50 years, Transmission Assistant, Telephone Exchange, Palarivattom, Kannankulathu House, Uliyannur.P.O., Alwaye.683108.
2. K.P. John, S/o.K.M.Pathrose, Aged 40 years, Phone Inspector, Telephone Exchange, Aluva, residing at Kandanalil, Valampur, Pattimattom.P.O.
3. Mercy Thomas, D/o.K.M.Abraham, Aged 50 years, Phone Inspector, Office of the Assistant Engineer, External, Palarivattom, residing at 219 Mavelipuram Housing Colony, Kakkanadu.
4. R. Rajamani, S/o.S.Ramaswamy Nadar, Aged 38 years, Phone Inspector, Office of the Sub Divisional Engineer(O), Cable Maintenance, East.II, Trivandrum, residing at Indrasadanam, T.C.15/303, Trivandrum.10.
5. K.S. Udaya Kumar, S/o.P.Sivasankaran Nair, Aged 30 years, Phone Inspector, Office of the Assistant General Manager (Cable Planing), Nandavanam, Thiruvananthapuram.33, residing at Syamalajayam, Munchira, Puthukkada.P.O.
6. Haridas.K., S/o.P.S.Kuttappan, Aged 40 years, Transmission Assistant, Office of the Sub Divisional Engineer(SP), Nandavanam, Trivandrum.33, residing at Thakadivila House, Maidanam, Varkala.P.O.
7. K.M. Venugopalan, S/o,K. Madhavan, Aged 39 years, Phone Inspector, Office of the Sub Divisional Officer Phones(E-II), Thiruvananthapuram, residing at Puthenveedu, Sasthavattom.P.O., Perunguzhi(Via).
8. R. Vijayalakshmi Amma, D/o.S.K. Neelakantan Nair, Aged 44 years, Transmission Assistant, Office of the General Manager Telecommunication, Bharathi Mansion, Palamoodu, Trivandrum.4, residing at Sithara, Malayam.P.O., Malayinkil.
9. O.G.Mohandas, S/o.R.Govindan Nair, Aged 36 years, Phone Inspector, Telephone Exchange, Kaniyapuram, Thiruvananthapuram, residing at Harisree, Thittamangalam, Kodunganoor.P.O., Vattiyoorkavu, Trivandrum.13.
10. Devakumar.R., S/o.K.Rajasekharan Nair, Aged 38 years, Phone Inspector, Cash Section, Office of the General Manager Telecommunication Department, Trivandrum.23, residing at Quarter No.C1/7, RTTC Colony, Kaimanam.P.O., Trivandrum.40.
11. G. Ramachandran Unnithan, S/o.P. Govinda Pillai, Aged 40 years, Phone Inspector, Telephone Exchange, Kadakkal, Kollam, residing at Velantavila Veedu, Kadavoor, Pallickal.P.O., Trivandrum District.



A tested.

Advocate

12. V. Nirmala, D/o.K.V. Govinda Pillai, Aged 43 years, Phone Inspector, West-I Sub Division, Telephone Exchange, Thiruvananthapuram, residing at TC 48/808/1, Tharangam, Pashanchira Temple Road, Ambalathara, Trivandrum District.
13. R. Ramakrishna Dhas, S/o.A.M. Ramakrishna Pillai, Aged 48 years, Phone Inspector, Circle Telecommunication Training Centre, Trivandrum.695001, residing at T.C.39/702, Chalai, Pandurenga Store Lane, Trivandrum.695036.
14. K. Gilbert, S/o.Kamaldhas, Aged 40 years, Phone Inspector, Telephone Exchange, Nedumangad, residing at Zion Bhavan, Anakkuzhy, Meenmutti.P.O., Pacha(Via), Trivandrum District.
15. M. Reghunatha Panicker, S/o.Madhavan, Aged 52 years, Higher Grade Transmission Assistant, V.F.T(Variable Frequency Transmission) Station, Telephone Exchange, Trivandrum.
16. P.Krishnan Nair, S/o.M.Parameswaran Pillai, Aged 54 years, Phone Inspector, West II/2, Telephone Exchange, Trivandrum, residing at TC 36/136, Deepam, Vallakkadavu.P.O, Trivandrum.8.
17. S. Rengan, S/o.V. Subhayyan, Aged 46 years, Transmission Assistant, Air Conditioning Maintenance Centre, Thiruvananthapuram, residing at TC 28/2109, Fort, Trivandrum.23.
18. R. Vasantha, D/o.A. Rama Iyyer, Aged 50 years, Transmission Assistant, Carrier Station, Aluva, residing at Elenjickal Cheriyaalayam, High Road, Aluva.
19. M.N. Gopinathan Nair, S/o.T.K.Narayanan Nair, Aged 49 years, Transmission Assistant, Carrier Station, Aluva, residing at Madassery House, Kunnukara.P.C., Aluva.
20. Lissy Thomas, D/o.N.T.Thomas, Aged 35 years, Phone Inspector, Cables, Telephone Exchange, Palarivattom, residing at Tholath House, Balakrishnamenon Road, Edappally.P.O., Cochin.24.
21. P.M. George, S/o.P.C. Mathew, Aged 49 years, ~~Selection Grade Transmission Assistant, PCM & M/W~~ (Pulse Code Modulation and Micro Wave) Maintenance, Telephone Exchange, Palarivattom, residing at Pallippattu House, Near S.S. College, Mattoor, .. Applicants
(By Advocate Shri M.R. Rajenthiran Nair)

Vs.

1. Union of India, represented by Secretary to Government, Ministry to Communication, Secretariat, New Delhi.

....3/-

Noted.
Advocate

2. The Chairman,
Telecom Commission,
New Delhi.
3. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
4. Babu U.,
Telecom Technical Assistant,
O/o the Sub Divisional Engineer,
Phones, Chinnakada Exchange,
Kollam.
5. T.P. Ayyapakurup,
Telecom Technical Assistant,
E/10/B Exchange, Changanacherry.
6. S. Madhusoodanan Pillai,
Working at Telephone Exchange,
Vallikavu, Kollam, .. Respondents

(By Advocate Shri Raju K. Mathews (R.4 to 6)

(By Advocate Shri PR Ramachandra Menon, ACGSC (R.1-3)

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are Phone Inspectors or belong to allied categories. They contend that as a consequence of the direction of the Tribunal in OA-976/90 and OA-83/92 they were informed that 35% of the posts of Junior Telecom Officers (JTOs for short) was reserved for being filled up from among the members of their category. This benefit was extended till the year 2000. However, applicants allege that respondents have diluted this benefit by allowing other categories such as Telecom Technical Assistants to compete against the 35% quota. Applicants pray that the earlier assurance given to them that a 35% quota is reserved for their category should be enforced.

2. This essentially is a matter for respondents to consider as part of their policy of handling the category to which the applicants belong, which is stated to be a

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Attested.

Advocate.

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lasting cadre. Applicants are permitted to bring to the notice of 2nd respondent any grievances they have in this regard by means of a representation within one month. If such a representation is made 2nd respondent shall consider it and pass appropriate orders within four months of the receipt of the representation.

3. Application is disposed of with the aforesaid direction. No costs.

Wednesday this the 5th day of July, 1995.



sd/-
P SURYAPRAKASHAM
JUDICIAL MEMBER

sd/-
PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

CERTIFIED TRUE COPY

Date 5-1-96

M. M. M.
Deputy Registrar

"Certified that this is a true and accurate copy of the document/ order as per file (C.A. No. 37/1995). and that all documents therein have been legibly and faithfully copied with no modification"

- a. Serial number of the Application 3.
- b. Name of the applicant Mr. Moirud Islam.
- c. Date of presentation of application for copy 18-12-95.
- d. Number of pages 4 page.
- e. Copying fee charged urgent or ordinary Rs. 8/-
- f. Date of preparation of copy 5-1-96.
- g. Date of delivery of the copy to the applicant.

H
5/1/96

Attested.

Advocate.

AT HYDERABAD

Original Application No.649/1995

Dt. of decision: 30-4-1996

Between:

- | | |
|------------------------|--------------------------|
| 1. K. Sobha | 28. P. Mohan Rao |
| 2. G. Sumathi | 29. T. Veerabhadra Rao |
| 3. Marymadhavi latha | 30. M. Gopalakrishna Rao |
| 4. Ch. Ushasree | 31. A. Venugopala Raju |
| 5. B.K. Annapurna | 32. S. Kodanda Ram |
| 6. D. Sarada Devi | 33. P. Sridhar Babu |
| 7. P. Om Kumar | 34. K. Phanunjayan |
| 8. K. Adarsh Kumar | 35. D.E. Murugan |
| 9. C.V. Balaram | 36. C. Shankar Prasad |
| 10. J. Janaki | 37. M.V. Ramana Babu |
| 11. C. Sridevi | 38. G. Subrahmanyam |
| 12. G. Nageswari | 39. P.C.R. Rama Devi |
| 13. N. Srikrishna | 40. P. Narsimha Reddy |
| 14. B. Sanjeeva Rao | 41. B. Mallikarjun |
| 15. G. Varaprasada Rao | 42. G. Krishna Murthy |
| 16. C.N. Rao | 43. S.V. Ramanaya |
| 17. D.R. Ratnam | 44. S. Raghunatha Babu |
| 18. A. Sitarama Rao | 45. M.V. Rami Reddy |
| 19. J. Suresh Babu | 46. Ch. Sunder Rao |
| 20. K. Narayana Rao | 47. J. Lakshma Reddy |
| 21. D.J.D. Vara Kumar | 48. V. Nagendra Rao |
| 22. B. Laxmi Prasad | 49. V. Radhakishan |
| 23. K. Sivaji Rao | 50. A. Ramesh |
| 24. P. Nageswara Rao | 51. M.B. Balaramulu |
| 25. V. Seethapathi Rao | 52. V. Sobhanachalam |
| 26. K. Shakunthala | 53. D.A. Doula |
| 27. B. Veeranjanyulu | 54. D. Devender Rao |

.. Applicants

AND

1. The Secretary, Telecommunications,
New Delhi - 110 001
2. The Chief General Manager,
Telecommunications, A.P. Circle,
Hyderabad.

.. Respondents.

Counsel for the applicants : Sri P. A. Christian

Counsel for the Respondents: Sri V. Rajeshwar Rao

CORAM

Hon'ble Sri Justice M.G. Chaurhari : Vice Chairman

Hon'ble Sri H. Rajendra Prasad : Member (A)

Attested.

Advocate

JUDGEMENT

(Oral Order as per Hon'ble Sri H. Rajendra Prasad, Member (A))

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In this O.A., the applicants, 54 in number, who are all Telecom Technical Assistants, claim eligibility for promotion to JTOS cadre on the strength of the screening test/qualifying examination held on 29-1-1995, under 35% quota earmarked for certain Technical and allied cadres in the Department.

2. The issue concerning the eligibility of officials belonging to the applicants grade had already figured before the Principal Bench in OA No. 207/95 and Ernakulam Bench in OA No. 37/95. In the light of the directions passed in the above OAs and the observations contained in both the judgements, read together, the point which arises now is whether or not the answer-scripts of the present applicants, which have been kept in a separate sealed cover without being valued should now be evaluated and further follow-up action taken on them. Considering all facts, it is found necessary to direct that the answer-scripts of the applicants in this O.A. should be valued now, and their results declared on the basis of their performance in the test held on 29-1-95. Action, if any, thereafter, to promote them to the cadre of JTOS (if they are successful in the test) in the light of the length of service requirements, as applicable in their case, shall be determined in accordance with the recruitment rules which have since been formulated by the department subsequent to the disposal of the O.A. before it by C.A.T., Ernakulam (the Jr. Telecom Officers Recruitment Rules, 1996 are stated to have been issued on 9-2-1996).

3. Necessary action shall be taken therefore completed within a reasonable time as under:

8/300
Attested.

Advocate

- (i) The validity of answer-letters of the applicants within three weeks of the receipt of a copy of this order;
- (ii) Declaration of results within one week thereof; and
- (iii) Communication of the final decision as regards their promotion or otherwise to the cadre of JTOs within 30 days thereafter.

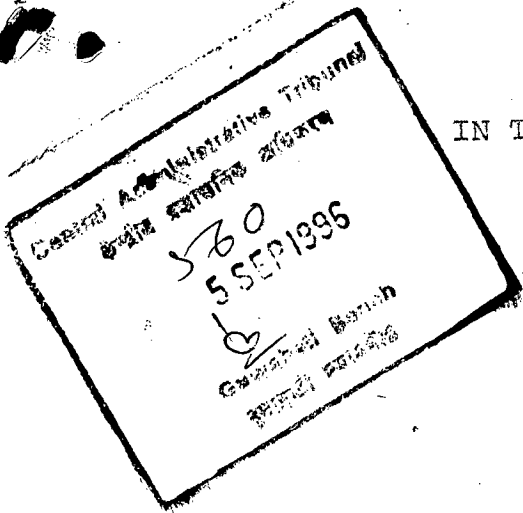
प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्र प्रशासनिक न्याय
Central Administrative Tribunal
हयदराबाद बेंच
HYDERABAD BENCH

XIV

Attes.ed.
[Signature]
Advocate.

13-5-96



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Filed by:

Shankar Das
6/9/96
(MD. SHAIKAT ALI)
Sr. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

In the matter of :

O.A. No. 107/96

Sri Rupak Medhi & Ors.

-versus-

Union of India & Ors.

-And-

In the matter of :

Written Statement submitted by
the Respondent Nos. 1, 2, 3, 4, 5
and 6.

WRITTEN STATEMENT

The humble respondents submit the written
statement as follows :

1. That with regard to the statements made in paragraphs 1, 2, 3 of the application the respondents have no comments.
2. That with regard to the statements made in paragraphs 4.1, 4.2, 4.3 of the application the respondents have no comments.
3. That with regard to the statements made in paragraph 4.4. of the application the respondents beg

Contd...P/2

XXXXXX to state that the promotion to the cadre of JTO from TTA is governed by the DOT letter No. 5-1/96 NCG dated 8.2.96 (JTO Recruitment Rules 1996) enclosed as Annexure-I.

4. That with regard to statement made in paragraph 4.5 of the application the respondents have no comments.
5. That with regard to statement made in paragraph 4.6 of the application the respondents beg to state that the same has been adequately replied against paragraph 4.4. of the application. It may be mentioned here that in DOT letter No. 27-2/94-TE-II dated 13.12.94 (Annexure-II) it has been clearly indicated that the length of service in the cadre will be criteria for sending TTA's for JTO training.
6. That with regard to statement made in paragraphs 4.7, 4.8, and 4.9 of the application the respondents have no comments being matter of records.
7. That with regard to statement made in paragraph 4.10 of the application the respondents beg to state that TTAs were allowed to appear in the test as per DOT letter No. 12-1/94-DE dated 27.1.95. Hence there is no violation of principle of natural justice.
8. That with regard to statements made in paragraph 4.11 of the application the respondents beg to state that the same is the matter of record in fact the O.A. 13/95 was disposed of as TTA were allowed to appear in the screening test on 29.1.1995.

9. That with regard to the statements made in paragraph 4.12 of the application the respondents have no comments being the same is matter of record.

10. That with regard to the statements made in paragraph 4.13 of the application the respondents beg to state that the declaration of results of TTA examination were withheld as per direction of DOT vide his letter No. 12-1/94-DE dated 2.2.95 (Annexure -III). Respondent 3 cannot decide unilaterally in this matter. A nos. of cases related to the policy of allowing TTAs to compete in 35% quota for promotion to JTO was filed in various benches of Central Administrative Tribunal. As the matter was subjudice and in earlier JTO recruitment rules, status of TTAs were not clearly defined. There was no decision on the part of the department in the matter. Now after formulation of new JTO recruitment rule 96 the status of TTA for promotion to JTO is prescribed and will be governed by that rule.

11. That with regard to the statement made in paragraph 4.14 of the application the respondents beg to state that the same has been adequately replied against para 4.11 of the application.

12. That with regard to the statements made in paragraph 4.15 of the application the respondents beg to state that respondent No. 3 has acted as per policy decision of DOT.

13. That with regard to the statements made in paragraph 4.16 of the application the respondents beg

to state that they have no comments the same being matters of record.

14. That with regard to the statements made in paragraph 4.17 of the application the respondents beg to state that the same has been adequately replied against para 4.4. of the application.

15. That with regard to statements made in paragraph 4.18 of the application the respondents beg to state that the same has been replied against para 4.13 of the application.

16. That with regard to the statements made in paragraph 4.19 of the application the respondents beg to state that they have no comments as the same being matters of record.

17. That with regard to statement made in paragraph 4.20 of the application the respondents beg to state that the decision of Principal Bench of the Central Administrative Tribunal in O.A. 207/95 as follows :

"It will be open to the official respondents to take the further action regarding evaluation of the answer books of the applicants and the despatch for training of successful candidate strictly in accordance with law, the extent rules and instructions as well as judicial pronouncements on the subject made from time to time". Hence it is felt that there is no violation of CAT direction so far."

18. That with regard to the statements made in paragraph 4.21 of the application the respondents beg to state that the same has been adequately replied against para 4.20 of the application.

19. That with regard to the statements made in paragraph 4.22 of the application the respondents beg to state that they have no comments on them.

20. That with regard to the statement made in paragraph 4.22 of the application the respondents beg to state that the same has been adequately replied against para 4.4. of the application.

21. That with regard to the statement made in paragraph 4.24 of the application the respondents beg to state that the respondents is not competent enough to decide on the issue. Whatever guidelines will be received from DOT in respect of Judgement of Hon'ble CAT/Hyderabad will be implemented.

22. That with regard to the statements made in paragraph 4.25 of the application the respondents beg to state that the same has already been replied against para 4.4. of the application.

23. That with regard to the grounds column made in paragraph 5 of the application the respondents beg to state that none of the grounds mentioned in paragraph 5 of the application is maintainable in law as well as in facts as such the same is liable to be dismissed.

24. That with regard to the statement made in paragraph 6 of the application the respondents beg to state that the respondents have no comments.
25. That with regard to the statement made in paragraph 7 of the application the respondents beg to state that they have no comments.
26. That with regard to the statements made in paragraph 8 of the application regarding relief sought for the respondents beg to state that the applicants are not entitled to any of the relief sought for as such the application is liable to be dismissed.
27. That with regard to the statements made in paragraphs 9,10,11, and 12 of the application the respondents beg to state that they have no comments.
28. That the respondents submit that the application has got no merits and as such the same is liable to be dismissed.

VERIFICATION

I , Shri B Dasgupta, working as Assistant Director Telecom (Legal), office of the Chief General Manager Telecom, Assam Circle, Guwahati-781007 as authorised to verify this written statement do hereby solemnly declare that the statements made are true to my knowledge belief and information.

and I sign this verification on this the 2nd day of September, 1996 at Guwahati

Bidyanath Dasgupta

DECLARENT

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Guwahati-781007.