

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA NO.836/2016
CP NO.301/2016
MA NO.812/2016
MA NO.1524/2016
MA NO.2120/2016**

NEW DELHI THIS THE 22ND DAY OF SEPTEMBER, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)

1. Mohd. Ashique Khan (PM-3137),
Age 53 years,
S/o Sh. Mohd. Mobin Khan,
R/o A-60, Gali No.2 & 3,
Mahavir Enclave-II, New Delhi.
2. Ram Nandan Roy (PM-2112)
Age 57 years,
S/o Sh. Ram Udhar Roy,
R/o B-106, Gali No.50,
Mahavir Enclave, Part-III,
New Delhi.
3. Udai Singh (PM-1725),
Age 57 years,
S/o Late Shri Mangat Singh,
R/o A4C/79, Janak Puri,
New Delhi. ...Applicants

(By Advocate: Shri U. Srivastava)

VERSUS

1. Union of India
Through the Secretary,
Ministry of Communication &
Information Technology,
Department of Telecommunication,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi.
2. The Chairman & Managing Director,
MTNL, Jiwan Bharti Building, 124
Connaught Circus, New Delhi.
3. The Executive Director,
MTNL, KL Bhawan, New Delhi.
4. The Manager R&E, MTNL,
O/o the Executive Director,
KL Bhawan, New Delhi.
5. Sh. Harkesh Batra (PI-1777)

6. Sh. Uttam Singh (PL-1857)
7. Narender Kumar (PM-0049)
8. Hoti Lal (PM-0050). ...Respondents

(By Advocate: Shri Subhash Gosain for R-1 & Shri Mohd Faisal for R-2 to 4)

ORDER (Oral)

HON'BLE MR P.K. BASU, MEMBER (A):

This matter was heard earlier on 01.06.2016.

2. The applicants, in this case, were appointed as Daily Rated Mazdoor for the period 1980-1984 and they were regularized as Mazdoor during the period 1982-1995. Thereafter, they were duly promoted as Phone Mechanic in Grade NE-6 in the year 1995-1996. After 08 years of services as Phone Mechanic in Grade NE-7 and again after 07 years of services as Phone Mechanic in Grade NE-7 all the applicants are eligible for NE-8.

3. The respondents vide order dated 07.09.2007 amended the Recruitment Rules of Telecom Technical Assistant (TTA) in which following amendment was carried out:

- " b) The following categories of employees shall also be eligible for 30% of vacancies earmarked for recruitment by absorption out of 50% earmarked for departmental vacancies.
 - i. Technicians in NE-6 and above scale subject to seniority and medical fitness.
 - ii. Telecom Mechanics with Graduate Degree or above and working in NE-7 scale subject to availability of vacancies in the absorption quota and seniority and medical fitness."

4. Since, all the applicants were in NE-7 level and Graduate Degree holder, it is prayed that their case may be considered for promotion as TTA, as per the amended Recruitment Rules.

5. The respondents after obtaining the educational qualification of the concerned employees prepared a select panel in the cadre of Phone Mechanic for promotion of TTA vide order dated 04.02.2011 wherein names of 292 candidates were mentioned in the select panel in the cadre of Phone Mechanic for promotion to TTA. It is the contention of the learned counsel for the respondents that out of 292, 74 were promoted as TTA at that time and 207 vacancies existed. Currently, only 129 of Phone Mechanics are available having graduation degree, which has also been confirmed in reply to the RTI application dated 20.07.2016, which has been filed by the applicants.

5. Learned counsel for the respondents states that currently there are 266 vacancies of TTA and, therefore, in order to ensure proper functioning of the organization, they have amended the Recruitment Rules in November 2015 relaxing the educational qualifications for the post of TTA as one time relaxation to make more people eligible for the post.

6. It is stated that this amendment was done only for the post of TTA as sufficient number of Phone Mechanics were not eligible as per the earlier Recruitment Rules.

7. The simple contention of the applicants is that since 129 graduate Phone Mechanics are available, there is no need to go in for the amendment to adjust non-Graduate Degree Holders.

8. As stated above, the respondents' argument is that total number of vacancies is 262, therefore, they had relaxed the educational qualification to make more people eligible for the post.

9. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

10. We think that in the interest of proper functioning of MTNL as well as in the interest of justice, while filling up 262 vacancies for the post of TTA in future, they should first consider promoting the graduate Phone Mechanics provided they are otherwise eligible as per the RRs. Then they should go to the next lower level of qualification i.e. 10+2 and, thereafter, those with matric certificate as per the amended RRs.

11. The OA and CP No.301/2016 are both disposed of with the above directions. Notices in CP are discharged. MA No.812/2016 for joining together is allowed and other MAs are dismissed. A time frame of 90 days from the date of receipt of a copy of this order is fixed for compliance of this order.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)

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