



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. No. 350/01147/2019.

Date of order : This the 6th Day of November, 2019

Hon'bleMrs.Bidisha Banerjee, Judicial Member

Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative Member

Shri Bidhan Chandra Roy,
Son of late Abinash Chandra Roy
Residing at Kamal Apartment
3rd Floor F/No. C/7 School Road,
Post Office Raiganj, District Uttar Dinajpur,
Pin 733134.Applicant

By Advocate : Mr S.K.Chakraborty

-Versus -

1. Bharat Sansar Nigam Ltd.
Represented by the Director
General, Telecommunication,
Sanchar Bhavan, Sansad Marg,
New Delhi - 110001.
2. Assistant Director General
(Department of Examination)
Sanchar Bhavan, Sansad Marg,
New Delhi - 110001.
3. Chief General Manager,
Telecom having his office at 1,
Council House street, Kolkata-700001.
4. Dy. General Manager (Recruitment)
Telecom, having his office at 1,
Council House street, Kolkata-700001.
5. The Telecom District Manager,
B.S.N.L , having his office at
Karnajora, District - Uttar Dinajpur,
Pin- 733132.

.....Respondents.

By Advocate Mr R.Mukherjee.

ORDER (ORAL)

MRS BIDISHA BANERJEE, MEMBER(J)

Heard learned counsel for the parties. Perused the pleadings and materials placed on record.

2. The applicant who has retired from service on 31.01.2019 from BSNL and relieved of his duties upon superannuation has filed this O.A on 20.08.2019 i.e. after his retirement to seek quashing of a departmental Circular dated 31.01.1995 as ultra vires and has sought for awarding him unlimited grace marks in promotion as per Circular dated 04.05.1981 in regard to a selection held in the year 2003 when the 1995 rules of selection was in force.

3. We note that in terms of the Circular dated 04.05.1981, a relaxation of standards in favour of SC and ST candidates in qualifying confirmation and Departmental Promotion Examination was provided for giving them unlimited grace marks to make them qualify. The Department of Telecom issued a Circular on 31.01.95 introducing the following clauses :

- a) All SC/STs who have failed for want of aggregate marks only but have passed in all the 3 subjects of JAOs Part-II examination and for subjects for JAOs Part-I examination may be qualified allowing them the requisite grace marks i.e. with 33% marks.
- b) All SC/STs candidates who have qualified at least in two subjects of JAOs Part-I examination and three subjects of JAOs Part-II examination and secured not less than 25% marks in the 3rd or the fourth subject, as the case may be, in the

aggregate (without insisting upon a pass in practical) may be declared as qualified by allowing the register grace marks."

The applicant appeared at the Departmental Examination of JAO Part-II of BSNL scheduled to be held between 25th -27th June 2003 and therefore, subjected himself to the rules in regard to relaxation as holding the field as on the date of selection. He never questioned applicability of such rules, at the relevant time. After his retirement he has sought to challenge the rules which held the field as on the date of his selection, without even preferring an M.A to seek condonation of delay in preferring the O.A.

4. Since the learned counsel for the applicant did not ask for any liberty to prefer such M.A, the O.A being hopelessly barred by limitation and as no case for interference is made out, is accordingly dismissed. There shall be no order as to costs.

(DR NANDITA CHATTERJEE)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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