

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

T.A Nos. 84, 85,86, 87, 88,89, 90, 91,  
92, 93, 94, 95, 96 and 97 of 2008

Wednesday, this the 15th day of July, 2009.

CORAM :

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER  
HON'BLE Ms. K NOORJEHAN, ADMINISTRATIVE MEMBER

T.A.84/2008

1. M.V.Salilakumar,  
Junior Telecom Officer (Officiating),  
O/o the Divisional Engineer (Computer),  
Bharat Sanchar Nigam Limited,  
Alappuzha.
2. Jayanthi M.L.  
Junior Telecom Officer (Officiating) Transmission,  
Bharat Sanchar Nigam Limited,  
Telephone Bhavan,Alappuzha.
3. Santhosh Joseph,  
Junior Telecom Officer (Officiating),  
OFS Maintenance, STSR,  
Bharat Sanchar Nigam Limited,  
Telephone Bhavan, Near Pichu Iyer Junction,  
Alappuzha.
4. P.Anilkumar,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
SRRC, RLU Exchange Building,  
Alappuzha-1.
5. V.K.Sarathchandran,  
Junior Telecom Officer (Officiating),  
Cable Planning-I,  
Bharat Sanchar Nigam Limited,  
BSNL Bhavan, Alappuzha.
6. D.Baijumon,  
Junior Telecom Officer (Officiating), Installation,  
Bharat Sanchar Nigam Limited,  
Telephone Bhavan, Alappuzha.

7. P.Sreekumary,  
Junior Telecom Officer (Officiating),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Thanneermukkom, Varanam.P.O.  
Alappuzha.
8. P.T.Baiju,  
Junior Telecom Officer (Officiating),BSS, IMPCS,  
Bharat Sanchar Nigam Limited,  
Alappuzha.
9. A.Kamaluden,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange,  
Thrikunnapuzha, Alappuzha.
10. B.Santhoshkumar,  
Junior Telecom Officer (Officiating), Transmission,  
Bharat Sanchar Nigam Limited,  
O/ the Sub Divisional Engineer, Transmission,  
Alappuzha.
11. S.Pradeep,  
Junior Telecom Officer (Officiating), External-II,  
Bharat Sanchar Nigam Limited,  
Kanjikuzhy, Kottayam.
12. V.Davis,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
Bharananganam, Kottayam.
13. K.Prakasan,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
T/E, Vaikom, Kottayam.
14. K.V.Johnkutty,  
Junior Telecom Officer (Officiating),(BSS) IMPCS,  
Bharat Sanchar Nigam Limited,  
Kanjirappally.P.O., Kottayam.
15. Cyriac Sebastian,  
Junior Telecom Officer (Officiating),(External)  
Bharat Sanchar Nigam Limited,  
Erattupetta, Kottayam.
16. Betty Varghese,

Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
Kuravilangadu, Kottayam.

17. Prince J Paruvanany,  
Junior Telecom Officer (Officiating), External,  
Bharat Sanchar Nigam Limited,  
O/o the Sub Divisional Engineer,  
External, Pala.
18. Manoj Antony,  
Junior Telecom Officer (Officiating), External,  
Bharat Sanchar Nigam Limited,  
Erumely, Kottayam.
19. Anilkumar N,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
O/o the Sub Divisional Engineer(G)  
Pallichathodu, Kottayam.
20. V.Premkumar,  
Junior Telecom Officer (Officiating) OFS, OD-1, STSR,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange Building, Thirunakkara,  
Kottayam. ..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Alappuzha.
4. The General Manager,  
Bharat Sanchar Nigam Limited,  
Kottayam. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.85/2008

1. Vamanan.C.,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
REC Chathamangalam, Calicut.
2. Abdul Jaleel,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Korome,  
Thondernad.P.O., Wayanad.
3. T.K.Shyamkumar,  
Junior Telecom Officer, Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Perambra, Calicut.
4. Jayadevan.U.K.,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Bhoomivathukkal, Calicut.
5. E.P.Viswanathan,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Meppayyur.P.O., Calicut.
6. K.Sunil Kumar,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Omassery, Calicut.
7. Sudheevan.E.,  
Junior Telecom Officer(Officiating),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Purakkadavu, Calicut.
8. T.K.Momalan,  
Junior Telecom Officer(Internal),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Kodenchery, Calicut.
9. K.C.Biju,  
Junior Telecom Officer(BSS) IMPCS,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Vellayil, Calicut.

..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Calicut.

..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.86/2008

1. Jyothiprasadan.P.K.  
Junior Telecom Officer(G)(Officiating),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Panamanna, Palakkad.
2. K.V.Usha,  
Junior Telecom Officer(Officiating),  
NMS O/o the General Manager Telecom,  
Bharat Sanchar Nigam Limited,  
Palakkad.
3. K.Lakshmi Narayanan,  
Junior Telecom Officer(Officiating)(Mobile),  
O/o the Assistant General Manager (Marketing),  
Bharat Sanchar Nigam Limited,  
Panamanna, Palakkad.
4. Ramanand.U,  
Junior Telecom Officer(Officiating)(Installation),  
O/o the Sub Divisional Engineer,  
Bharat Sanchar Nigam Limited,  
SSA Installation, Telephone Exchange,  
Palakkad.
5. Shylaja.T,  
Junior Telecom Officer NIB II,  
O/o the Sub Divisional Engineer(NIB),  
Telephone Exchange,  
Palakkad.

6. Sebi Louis.M.,  
Junior Telecom Officer(Broad Band),  
O/o the Sub Divisional Engineer(NIB INET)  
Telephone Exchange, Palakkad.
  7. Sunanda.C.J.,  
Junior Telecom Officer(Officiating),  
Telephone Exchange,  
Kalleppully, Palakkad.
  8. Muralidharan.T.S.,  
Junior Telecom Officer(Officiating),  
TO/o the Sub Divisional Engineer,  
Bharat Sanchar Nigam Limited,  
Chittur, Palakkad.
  9. K.G.Sunanda Bai,  
Junior Telecom Officer(Officiating),  
O/o Assistant General Manager, RRC, Trivandrum,  
SRRC,Bharat Sanchar Nigam Limited,  
Palakkad.
  10. Prafulla.P.K.  
Junior Telecom Officer(External),  
O/o the Sub Divisional Engineer(Central-I),  
Telephone Exchange, Olavakode,  
Bharat Sanchar Nigam Limited,  
Palakkad.
  11. Sobhana.K.C.  
Junior Telecom Officer(EIOB),  
O/o the Sub Divisional Engineer(EIOB),  
Telephone Exchange,  
Palakkad.
  12. Safiya.A.,  
Junior Telecom Officer(PCM),  
Bharat Sanchar Nigam Limited,  
O/o Transmission MTCEE,  
Telephone Exchange, Palakkad.
- ..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),

Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.

3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Palakkad.

..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.87/2008

1. Michael.P.M.  
Junior Telecom Officer (CML Computer),  
Computer Section, E10B Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Chembookkavu, Trichur-20.
2. Nandakumar.K.K.  
Junior Telecom Officer (Officiating),  
O/o the SDE( Of Installation),  
Bharat Sanchar Nigam Limited,  
Old CTO Building, Trichur.
3. Rahila Beegum.K.H.,  
Junior Telecom Officer (Officiating),  
O/o the SDE Thiruvillwamala,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Pazhayannur.P.O.  
Vadakkancherry.
4. Louis.U.M.,  
Junior Telecom Officer (Officiating)NH,  
Bharat Sanchar Nigam Limited,  
Kodakara, Trichur.
5. Devassy.N.V.  
Junior Telecom Officer (Officiating),  
O/o the DE( SAN) Transmission Project,  
Bharat Sanchar Nigam Limited,  
CTST Complex, Gandhinagar,  
Ernakulam, Kochi-12.
6. Devi.P.K.  
Junior Telecom Officer (Officiating),  
(Back End CSR),  
Bharat Sanchar Nigam Limited,  
Chalakudi Telephone Exchange Building,  
Chalakudi, Trichur.
7. Maggie George,

Junior Telecom Officer (Internal),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Mala, Trichur.

8. Raimon.C.P.,  
Junior Telecom Officer (Computer),  
Computer Section, Bharat Sanchar Nigam Limited,  
E10B Telephone Exchange, Chembookkavu, Trichur.
9. Sivaraj.K.G.,  
Junior Telecom Officer (Of MTCE),  
O/o the SDE (Of MTCE),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Pattalam Road, Trichur.
10. Jesson.K.A.  
Junior Telecom Officer (Internal),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Kandasankadavu, Trichur.
11. Anil Kumar.P,  
Junior Telecom Officer (BSS) IMPCS,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange Building, Chalakudy, Trichur. .. Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Trichur. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.88/2008

1. A.Harikumaran Nair,  
Junior Telecom Officer (Installation and BB),  
O/o the Divisional Engineer(Installation),  
Bharat Sanchar Nigam Limited,  
Thiruvalla, Pathanamthitta.



2. Umesh Kumar.A.M.,  
Junior Telecom Officer (Officiating) TXMN,  
O/o the Divisional Engineer(TXMN),  
Bharat Sanchar Nigam Limited,  
Telephone Bhavan, Thiruvalla, Pathanamthitta.
3. Mathews P Thomas,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
Ranni-Perunad, Pathanamthitta.
4. Abey Jacob,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer(BSS) IMPCS,  
Bharat Sanchar Nigam Limited,  
IVth Floor, Telephone Bhavan, Pathanamthitta.
5. N.P.Shobhana,  
Junior Telecom Officer (Officiating),  
O/o the Divisional Engineer(Telecom),  
Bharat Sanchar Nigam Limited,  
Telephone Bhavan, Pathanamthitta. ..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Thiruvalla, Pathanamthitta. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.89/2008

1. S.Suseelan Pillai,  
Junior Telecom Officer (Officiating)(BSS) IMPCS,  
Bharat Sanchar Nigam Limited,  
Kottarakkara.

2. M.K.Sudhakaran,  
Junior Telecom Officer,  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Karavaloor, Punaloor.
3. Rajeev N,  
Junior Telecom Officer (External)-II,  
Bharat Sanchar Nigam Limited,  
Pathanapuram.
4. R.Rishikesan,  
Junior Telecom Officer (External),  
Bharat Sanchar Nigam Limited,  
Pathanapuram.
5. R.Rajam,  
Junior Telecom Officer (External)-I,  
Bharat Sanchar Nigam Limited,  
Pathanapuram.
6. Rajamohan.R,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Kollam.
7. M.Rajendran Nair,  
Junior Telecom Officer ,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Kottiyam.
8. Saji V.S.  
Junior Telecom Officer (P),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Chavara.
9. N.Ajayakumar,  
Junior Telecom Officer (External),  
O/o the Sub Divisional Engineer(P),  
Bharat Sanchar Nigam Limited,  
Sasthamkotta.
10. K.A.Rajan,  
Junior Telecom Officer Southern Trans. Project,  
O/o the Divisional Engineer,  
STP, Trivandrum.
11. L.Saraswathy Amma,  
Junior Telecom Officer (E),  
O/o SDEP, Ochira.

..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kollam. ...Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.90/2008

1. Sunil Kumar.V.,  
Junior Telecom Officer(Officiating),  
O/o the Sub Divisional Engineer (External),  
Bharat Sanchar Nigam Limited,  
Manacaud, Thiruvananthapuram.
2. Pushparajan.K.,  
Junior Telecom Officer(Officiating),  
Computer Centre, Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Kaithamukku, Thiruvananthapuram.
3. Sukumari.M.L.,  
Junior Telecom Officer(Officiating)(Marketing),  
O/o the General Manager, IMPCS, Mobile Services,  
Bharat Sanchar Nigam Limited,  
Thiruvananthapuram.
4. Sree Lekha,  
Junior Telecom Officer(Officiating),  
O/o the Assistant General Manager(NS & Marketing),  
Bharat Sanchar Nigam Limited,  
CPX Building, Thiruvananthapuram.
5. B.Jaya,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Chenkottukonam,

Thiruvananthapuram.

6. S.A.Radha,  
Junior Telecom Officer(External),  
Bharat Sanchar Nigam Limited,  
Kattakada, Thiruvananthapuram.
  7. P.R.Vijayalakshmi,  
Junior Telecom Officer(Officiating),  
O/o the Sub Divisional Engineer (External),  
Bharat Sanchar Nigam Limited,  
Poojappura, Thiruvananthapuram.
  8. O.S.Chandrika,  
Junior Telecom Officer(Officiating),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Paruthipara,  
Thiruvananthapuram.
  9. P.Manilal,  
Junior Telecom Officer(Officiating),  
O/o the Divisional Engineer ,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Kaithamukku,  
Thiruvananthapuram.
  10. R.S.Harilal,  
Junior Telecom Officer(Officiating),  
Telephone Exchange, Panavoor,  
Nedumangadu, Thiruvananthapuram.
  11. John.M.M.,  
Junior Telecom Officer(Officiating),  
O/o the Assistant General Manager (Computer),  
Bharat Sanchar Nigam Limited,  
Secondary Switching Area, NET,  
Kaithamukku Exchange, Thiruvananthapuram.
  12. Anilkumar.S,  
Junior Telecom Officer(Officiating),  
O/o the Sub Divisional Engineer  
Customer Service Centre (Mobile)  
BSNL Bhavan, Uppalam Road,  
Thiruvananthapuram.
- ..Applicants

(By Advocate Mr TC Govindaswamy)

1. The Chairman & Managing Director,

Bharat Sanchar Nigam Limited,  
New Delhi.

2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Trivandrum. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.91/2008

1. P.K.Antony,  
Junior Telecom Officer (Officiating),  
Kadavoor(G), Pothanicad  
Ernakulam.
2. Dunstan.A.J,  
Junior Telecom Officer (External),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Karimanoor, Kochi.
3. Saimy.C.S.,  
Junior Telecom Officer (Officiating),  
Telephone Exchange,Maneed.P.O.  
Bharat Sanchar Nigam Limited,  
Ernakulam.
4. Ambikadevi.M,  
Junior Telecom Officer,  
O/o the A.M(U),  
Panampilly Nagar, Ernakulam.
5. Bindu.C,  
Junior Telecom Officer,  
O/o the SDE, Nedumbassery,  
Telephone Exchange, Nedumbassery,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
6. M.M.Purushothaman,  
Junior Telecom Officer (Officiating),  
O/o the SDE, SRRC, CT SD Building,  
Gandhi Nagar, Kochi.

7. C.T.Thomas,  
Junior Telecom Officer (External),  
South Mattancherry, Kochi-2.
8. K.G.Asok Kumar,  
Junior Telecom Officer (Officiating),  
O/o the SDE (AXE),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Aluva.
9. Peter.P.P.  
Junior Telecom Officer (Officiating),  
O/o the Divisional Engineer,  
Survey Access Network, Transmission Project,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
10. Antony.C.V,  
Junior Telecom Officer (Officiating),  
Telephone Exchange, Moothakunnam,  
O/o the SDE Groups, North Parur,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
11. A.Ayyappan,  
Junior Telecom Officer (Officiating),  
Telephone Exchange, Kuttampuzha.P.O.  
Bharat Sanchar Nigam Limited,  
Ernakulam.
12. Poulouse.C.V.  
Junior Telecom Officer (Officiating),  
MSC WLL, Telephone Exchange,  
Boat Jetty, Ernakulam.
13. Vijayan.P.R.  
Junior Telecom Officer (Officiating),  
Telephone Exchange, Neriamangalam,  
(Group Exchange),  
Bharat Sanchar Nigam Limited,  
Kottayam.
14. Vincent.K.M,  
Junior Telecom Officer (Officiating),  
Telephone Exchange, Oonnukal,  
Bharat Sanchar Nigam Limited,  
Kothamangalam.
15. Davis Paul,

- Junior Telecom Officer (Officiating),  
JTO Cables, O/o the SDE,  
North Paravur, Ernakulam.
16. T.N.Asok Kumar,  
Junior Telecom Officer (Officiating),  
O/o the DET, A/T, T&D Circle,  
III Floor, Govardhanan Building,  
Chittoor Road, Ernakulam.
  17. K.P.Kuriakose,  
Junior Telecom Officer (Officiating),  
O/o the SDE, BSS III,  
4th Floor, Catholic Centre, Kochi,  
Ernakulam.
  18. C.S.Raja Gopal,  
Junior Telecom Officer (Officiating),  
O/o the SDE, BSSI, 4th Floor,  
Broadway, Ernakulam.
  19. P.V.Abraham,  
Junior Telecom Officer,  
O/o the SDE Vengalloor,  
Thodupuzha, Ernakulam.
  20. N.K.Thankan,  
Junior Telecom Officer (Officiating),  
O/o the SDE TD SMDF,  
Thripunithura, Ernakulam.
  21. G.Subramanian,  
Junior Telecom Officer (Officiating),  
O/o the De Survey & Access Network,  
Transmission Projects, Ernakulam.
  22. Johny.B.A.  
Junior Telecom Officer (Officiating),  
O/o the DE Transmission Project,  
Ernakulam.
  23. Baiju.V.,  
Junior Telecom Officer (Officiating),  
Telephone Exchange, Muttam,  
Thodupuzha, Ernakulam.
  24. Baby.P.J,  
Junior Telecom Officer (Officiating),  
Transmission Maintenance,  
Telephone Exchange, Aluva.

25. Manoj G Varma,  
Junior Telecom Officer (External) West,  
Telephone Exchange,Maneed.P.O.  
Kottayam.
  26. Mathew K.Y.,  
Junior Telecom Officer,  
O/o the SDE Installation,  
Kadavanthara.P.O., Ernakulam.
  27. Devassy.T.P.,  
Junior Telecom Officer),  
O/o the Telephone Exchange, Mannathoor,  
Ernakulam.
  28. T.V.Alexander,  
Junior Telecom Officer, CSC F/E,  
BSNL Bhavan, Ernakulam.
  29. C.J.George,  
Junior Telecom Officer,  
O/o the Telephone Exchange,  
(NIB/Broadband) Division,  
Panambilly Nagar, Ernakulam.
  30. Korathu Paul,  
Junior Telecom Officer,  
Telephone Exchange,  
Keezhillam, Ernakulam.
  31. Roy Kuruvilla,  
Junior Telecom Officer, External(South),  
Muvattupuzha.
  32. Kuriachan.K.P.  
Junior Telecom Officer (Officiating),  
O/o the SDE(P) External (North),  
Muvattupuzha, Ernakulam.
- ..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,



Kerala Circle, Trivandrum.

3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Ernakulam. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.92/2008

1. Mohamed Abdurahiman N,  
Junior Telecom Officer (Officiating)(Installation),  
O/o the Divisional Engineer (Installation),  
Bharat Sanchar Nigam Limited,  
P.O.Manjeri, Malappuram.
2. K.Venugopalan,  
Junior Telecom Officer (Officiating)(Broadband),  
Bharat Sanchar Nigam Limited,  
OCB Telephone Exchange,  
Manjeri, Malappuram.
3. Mammadisakutty.M.K.  
Junior Telecom Officer (Officiating),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Edavennepara, Malappuram.
4. P.P.Dasan,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer (Installation),  
Bharat Sanchar Nigam Limited,  
OCB Telephone Exchange, Tirur.
5. Shajimon.T.K.,  
Junior Telecom Officer (Officiating),  
O/o the Divisional Engineer (Installation),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange Tanalur, Tirur.
6. T.Abdul Basheer,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer (Installation),  
Bharat Sanchar Nigam Limited,  
Tirur-4.
7. M.Hamza,  
Junior Telecom Officer (Officiating)(Extl),  
Telephone Exchange,  
Bharat Sanchar Nigam Limited,

Perinthalmanna, Malappuram.

8. Rahmathullah Kotta,  
Junior Telecom Officer (Officiating)(WLL)M.S.C  
Bharat Sanchar Nigam Limited,  
Telephone Exchange Building,  
Manjeri, Malappuram.
9. Abdul Aziz A.P.,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Wandoor.
10. Kunhalan.E,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
OCB Exchange, Manjeri.
11. Ilyas Kollathodi,  
Junior Telecom Officer (Officiating),  
O/o the Divisional Engineer (Installation),  
Bharat Sanchar Nigam Limited,  
Chengara.P.O, Malappuram.
12. Mohandas.C,  
Junior Telecom Officer (Officiating)),  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Keezhuparamba.
13. Ismail Vadakkum Padam,  
Junior Telecom Officer (Officiating)(G),  
Bharat Sanchar Nigam Limited,  
Chungathara. ..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Malappuram. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.93/2008

1. R.Rameswan,  
Junior Telecom Officer,  
O/o the Divisional Engineer,  
Cable A/T, TVM SSA,  
Trivandrum.
2. S.Jayakumar,  
Junior Telecom Officer,  
Cables, Sreekariam,  
Trivandrum.
3. J.M.Sreekumar,  
Junior Telecom Officer,  
Transmission Maintenance,  
BSNL Exchange, Neyyattinkara.
4. K.Ramachandran Nair,  
Junior Telecom Officer,  
O/o the Sub Divisional Engineer,  
Vizhinjam.
5. Sadeesan Nair,  
Junior Telecom Officer,  
BSNL Chenka, Neyyattinkara,  
Trivandrum.
6. Suresh Kumar.V.K.,  
Junior Telecom Officer,  
BSNL Neyyattinkara,  
Trivandrum.
7. R.K.Beena,  
Junior Telecom Officer,  
O/o CGMT,  
Trivandrum.
8. P.S.Venugopal,  
Junior Telecom Officer,  
O/o SDET,  
Varkala,  
Trivandrum.
9. Suman,  
Junior Telecom Officer,  
O/o SDET, BSNL,  
Trivandrum.

10. SajeeshT.Sundar,  
Junior Telecom Officer,  
BSNL Customer Service Centre,  
Telephone Exchange Building,  
Cherukunnam, Varkala, Trivandrum.
  11. A.H.Beena,  
Junior Telecom Officer,  
BSNL Pallickal.P.O.  
Trivandrum.
  12. S.Jayaprasad,  
Junior Telecom Officer,  
Telecom Bhavan, BSNL,  
Medical College.P.O., Trivandrum.
  13. Esther Baby.P.,  
Junior Telecom Officer,  
BSNL Kattakada,  
Trivandrum.
  14. Renuka.K.R.,  
Junior Telecom Officer,  
Pongumoodu, Koovalassery,  
Trivandrum.
  15. K.Jayakumari,  
Junior Telecom Officer,  
BSNL Venjaranmodu,  
Trivandrum.
  16. Jayasree.T.A.  
Junior Telecom Officer,  
Network Planning Section,  
O/o CGMT, Trivandrum.
  17. Prabha Kumari.P.,  
Junior Telecom Officer,  
C-Dot RRC, BSNL,  
Trivandrum.
- ..Applicants

(By Advocate Mr V.Sajithkumar)

v.

1. Bharat Sanchar Nigam Limited,  
represented by its  
Chairman & Managing Director,  
New Delhi.

2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Trivandrum. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.94/2008

1. N.A.Aboobacker,  
Junior Telecom Officer(G),  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Arakkulam, Idukki Dist.
2. Celina Salomi.M.G.,  
Junior Telecom Officer(C-DOT),  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Perumbavoor.
3. RajanT.K.,  
Junior Telecom Officer(External) North,  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Palarivattom, Kochi.
4. James Kurian,  
Junior Telecom Officer(Internal),  
Bharat Sanchar Nigam Ltd.,  
Karimannoor.
5. Francis Joseph,  
Junior Telecom Officer(G),  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Udayamperoor.
6. Benny Joseph,  
Junior Telecom Officer(O),  
Bharat Sanchar Nigam Ltd.,  
O/o the SDE (MDF),  
Telephone Exchange,  
Thodupuzha.
7. Ismail.E.I,

Junior Telecom Officer,  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Karimkunnam.

8. M.K.Anwar Babu,  
Junior Telecom Officer,  
Bharat Sanchar Nigam Ltd.,  
Telephone Exchange,  
Vazhithala.
  9. Philomina Varghese,  
Junior Telecom Officer(MDF),  
Bharat Sanchar Nigam Ltd.,  
O/o the Sub Divisional Engineer(Internal),  
Telephone Exchange,  
Thodupuzha.
  10. Rema K.P.  
Junior Telecom Officer(Internal),  
Bharat Sanchar Nigam Ltd.,  
O/o the Sub Divisional Engineer(Internal),  
Telephone Exchange,  
Thodupuzha.
  11. James V.R,  
Junior Telecom Officer(O),  
Bharat Sanchar Nigam Ltd.,  
Transmission Maintenance,  
Telephone Exchange,  
Thodupuzha.
- ..Applicants

(By Advocate Mr P.Chandrasekharan)

v.

1. Bharat Sanchar Nigam Limited,  
represented by its  
Chairman & Managing Director,  
New Delhi.
  2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
  3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
- ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.95/2008

1. Paulin Medona.M,  
Junior Telecom Officer,  
Telephone Bhavan, Medical College.P.O.  
BSNL, Trivandrum.
2. K.K.Sujatha,  
Junior Telecom Officer,  
Kaniyapuram,  
BSNL, Trivandrum.
3. Lekshmi.V.V.,  
Junior Telecom Officer,  
O/o CGMT, Trivandrum.
4. Rajeeve.C.R.  
Junior Telecom Officer,  
O/o CGMT, Trivandrum.
5. R.Jayanthi Devi,  
Junior Telecom Officer,  
Kaithamukku, Trivandrum.
6. Madhusoodanan Nair.S.S.,  
Junior Telecom Officer, BSNL,  
O/o CGMT, Trivandrum.
7. M.Ramesh,  
Junior Telecom Officer, BSNL,  
Kumarapuram, Trivandrum.
8. Jagannath.T,  
Junior Telecom Officer, BSNL,  
Thiruvallom, Trivandrum.
9. G.S.Jayanthi,  
Junior Telecom Officer, BSNL,  
Thiruvallom, Trivandrum.
10. R.Arul Jyothi,  
Junior Telecom Officer, BSNL,  
O/o SDE, Parassala, Trivandrum.
11. G.R.Hemantha Kumar,  
Junior Telecom Officer, BSNL,  
O/o SDET, Vanchiyoor, Trivandrum.

12. Mohanakumar.K,  
Junior Telecom Officer, BSNL,  
RTTC, Kaimanam, Trivandrum.
13. Poleson.A,  
Junior Telecom Officer, BSNL,  
O/o GM Mobile Services,  
Pulimoodu, Trivandrum.
14. B.Malini,  
Junior Telecom Officer, BSNL,  
TXMN MTCE, Kaithamukku, Trivandrum.
15. S.Santhi,  
Junior Telecom Officer, BSNL,  
O/o DE, NIB, Telephone Exchange,  
Kaithamukku, Trivandrum.

..Applicants

(By Advocate Mr V Sajithkumar)

v.

1. Bharat Sanchar Nigam Limited,  
represented by its  
Chairman & Managing Director,  
New Delhi.
2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager,  
Bharat Sanchar Nigam Limited,  
Trivandrum.

..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.96/2008

1. A.V.Baby,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer,  
Bharat Sanchar Nigam Limited,  
SRRC, CTSD Buildings,  
Gandhi Nagar, Kochi.
2. George D Valiaveetil,  
Junior Telecom Officer (Officiating),  
OFC(S), Vytilla,



Ernakulam.

3. Antony.K.J.,  
Junior Telecom Officer (Officiating) Broadband,  
O/o the Sub Divisional Engineer(External),  
Bharat Sanchar Nigam Limited,  
Mattancherry, Kochi.
4. Latha K.M.,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer(P) INTL,  
Bharat Sanchar Nigam Limited,  
Mattancherry, Kochi.
5. R.Unnikrishnan,  
Junior Telecom Officer (Officiating),  
MSC, WLL, Boat Jetty Telephone Exchange,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
6. T.G.Sasikumar,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer OLB TANDEM,  
Bharat Sanchar Nigam Limited,  
Boat Jetty Telephone Exchange Building,  
Ernakulam.
7. Joseph.V.C,  
Junior Telecom Officer (Officiating),  
Bharat Sanchar Nigam Limited,  
B/BTelephone Exchange, Willingdon Island,  
Ernakulam.
8. P.R.Saralakumari,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer NMS,  
Bharat Sanchar Nigam Limited,  
Boat Jetty Telephone Exchange Building,  
Ernakulam.
9. Mathaikunju.K.P.  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer NMS  
Bharat Sanchar Nigam Limited,  
Boat Jetty Telephone Exchange Building,  
Ernakulam.
10. Sreedevi.T.P.  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer Transmission Maintenance,

Bharat Sanchar Nigam Limited,  
Ernakulam.

11. K.G.Vijayamohandas,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer OFS O/D STSR,,  
Bharat Sanchar Nigam Limited,  
Muvattupuzha.
12. Joseph>P.R.  
Junior Telecom Officer (Officiating),  
O/o the Deputy General Manager, Transmission Project,  
Bharat Sanchar Nigam Limited,  
CTSD Compoex, Gandhi Nagar,  
Ernakulam.
13. Babu.K.A.  
Junior Telecom Officer (Officiating),  
Survey & Access Network, Transmission Project,  
Bharat Sanchar Nigam Limited,  
Ernakulam.
14. Hemachandran Nair G,  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer (KMSR),  
Bharat Sanchar Nigam Limited,  
Kalamassery Telephone Exchange,  
Ernakulam.
15. Varghese P.O.  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer(G) Kalady,  
Bharat Sanchar Nigam Limited,  
Telephone Exchange, Manjapra.P.O.  
Ernakulam.
16. Alias M.P.  
Junior Telecom Officer (Officiating),  
O/o the Sub Divisional Engineer(G) TKRA,,  
Bharat Sanchar Nigam Limited,  
Kangarappady, Thrikkakara.  
Ernakulam.

..Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.

2. The Chief General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Kerala Circle, Trivandrum.
3. The General Manager(Telecom),  
Bharat Sanchar Nigam Limited,  
Secondary Switching Area,  
Ernakulam. ..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

T.A.97/2008

1. P.Sreekumar,  
JTO(Cables),  
O/o the SDE Cables,  
Vytilla.
2. C Devidas,  
JTO(Broadband)  
Ernakulam.
3. A.K.Ganalolan,  
JTO(A/c & Power),  
Telephone Exchange,  
Palarivattom.
4. P.J.Nelson,  
JTO, O/o the SDE ,  
Transmission Project, Thotttekattu Road,  
Ernakulam.
5. Abdulla O.A,  
JTO(F/E),  
Telephone Exchange, Palarivattom. ..Applicants

(By Advocate Mr P Sreekumar)

v.

1. Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi.
2. The Chief General Manager,  
Kerala Telecommunications, BSNL,  
Thiruvananthapuram.
3. The Principal General Manager,

Bharat Sanchar Nigam Limited,  
Ernakulam.

..Respondents

(By Advocate Mr Mathew K Philip, ACGSC )

This application having been finally heard on 30.4.2009, the Tribunal on 15.7.2009 delivered the following:

**O R D E R**

**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

These cases have been filed by the petitioners earlier before the Hon'ble High Court of Kerala as Writ Petitions. When the original jurisdiction of the parties in the service matters has been conferred upon this Tribunal, they have been transferred and got re-numbered as Transfer Applications. As all these cases are identical, they have been heard together and disposed of by this common order.

2. Facts in T.A.94/2008 have been considered and they are as under: The applicants were initially appointed as Telecom Technical Assistants (TTSs for short) which is one of the feeder cadre for promotion to the posts of Junior Telecom Officer (JTO for short). According to the "Junior Telecom Officer Recruitment Rules, 2001", the method of recruitment is (i) 50% by direct recruitment quota and (ii) 50% by promotion through Limited Internal Competitive Examination. Out of the 50% direct recruitment quota, 35% are recruited on promotion through Internal Competitive Examination from amongst certain Group'C' employees such as Phone Inspector/Auto Exchange Assistants/Wireless Operators/Transmission Assistants/Telecom Technical Assistants/Sr. Telecom Office Assistants etc. possessing the required qualification. The remaining 15% of the promotee quota are recruited through the Internal Competitive Examination from amongst the Group'C' employees of Telcom Engineering. The said rules also provide for selection and training as follows:

"The candidates selected both against the direct recruitment quota of vacancies and internal promotion quota of vacancies shall have to successfully undergo training as per the training plan laid down by the Company."

According to Exhibit P-16, training syllabus approved by the CMD, BSNL, in addition to the Pre Basic I & Pre Basic II trainings as applicable to departmental candidates, the Phase-I training consisting of 14 weeks of training. The first 10 weeks in "Training Centres" and remaining 4 weeks for "Training on Job". On successful completion of the above mentioned 14 weeks of training (10 weeks Phase I and 4 weeks field training) the trainees will be appointed as JTOs.

3. The applicants have been promoted temporarily as JTOs for 179 days at a time, giving intermittent brakes. All of them have been promoted on temporary

basis to officiate a JTOs. They have been working on full time basis on the last over 2 years. Their promotions were also against substantive vacancies of JTOs. The applicants have undergone the pre basic training and Phase I 10 weeks' training in the Training Centre successfully. Though they were ready and willing to undergo the remaining 4 weeks' on the Job Training, they were not sent by the respondent-department. Without such training, they have been appointed as JTOs on temporary basis. Such temporary appointments were warranted due to pressure of work and the shortage of JTOs appointed on regular basis. Out of the sanctioned strength of 2276 in Kerala Circle, only 1314 are regular/permanent appointees and the balance 490 are temporary hands.

4. Before the aforesaid 2001 recruitment rules came into operation, the JTO Recruitment Rules, 1996 was governing the appointments and promotion of JTOs. According to the said Rules, successful completion of the prescribed training as per the training plan before the appointment as JTOs was compulsory. The relevant provision reads as under:

"The candidates selected both against 50% direct recruitment quota vacancies and the 50% department promotion transfer vacancies, shall before their appointment as Junior Telecom Officers, have to successfully undergo prescribed training as per the training plan laid down and amended by the Department from time to time."

According to the applicants, the words "before their appointment as Junior Telecom Officers" appearing in the 1996 rules have been specifically omitted in the 2001 Rules so as to make it clear that the prior completion of the training is no longer necessary and the completion of training is not part of the qualification or eligibility for appointment to the post of JTOs. The relevant provision contained in the 2001 Rules are as under:

"(ii) The candidates selected both against the direct recruitment quota of vacancies and internal promotion quota of vacancies shall have to successfully undergo training as pr the training plan laid down by the Company."

5. In the case of comparable cadre of Junior Accounts Officers who are governed by the Junior Accounts Officer Recruitment Rules 2001 (Exhibit P-19), the candidates who have passed JAO Part II competitive examination but have not undergone the requisite training were given temporary officiating promotion as JAOs. Even though their pay had been fixed originally under FR 35 below the pay prescribed for JAO, later, vide Exhibit P-20 order dated 17.5.2007, their pay was re-fixed under FR 22(1)(a)(1) in the scale of pay of JAO. The applicants have also submitted that they have been paid pay and allowances applicable to the post of JTO in terms of F.R 17 read with F.R 22(1)(a)(1) from the inception of their promotion as JTOs. The aforesaid rules were as under:

"F.R 17

(1) Subject to any exceptions specifically made in these rules and to the provision of sub rule (2) an officer shall begin to draw the pay and

allowances attached to his tenure of a post with effect from the date when he assumes the duties of the post, and shall cease to draw them as soon as he ceases to discharge those duties:

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.¶

F.R 22.(I)(a)(1) reads as under:

"The initial pay of a Government servant who is appointed to a post on a time scale of pay is regulated as follows:

(a)(1) Where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or whichever is more."

F.R.35 reads as under:

"The Central Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules."

6. The applicants have further submitted that they fulfil the eligibility conditions for appointment to the post of JTO in all respects and the said post carries duties and responsibilities of greater importance than the post of TTA. As such, their pay cannot be fixed at an amount less than the pay admissible to a JTO under the rules. They have also relied upon the Exhibit P-23 judgment of the Hon'ble High Court of Kerala in P.J.Nelson and others v. The Chairman and M.D, BSNL, New Delhi, in W.P.(C) No.35938/2005(S), wherein the petitioners therein were similarly placed as the applicants. The Hon'ble High Court held as under:

"The petitioners are presently working as Junior Telecom Officers under the respondents. They are holding the substantive post of Telecom Technical Assistant (TTA) in the scale of pay of Rs.7100-200-10100 under the 2nd respondent. They were temporarily promoted as Junior Telecom Officers in the scale of pay of Rs.9850-250-14600. Their pay was fixed on their promotion, applying F.R.22(I)(a)(1) and their carry home pay was increased by Rs.1500/- per month. Exts.P1 to P3 are the

appointment orders, under which they were promoted. The opening sentence of Part II of Ext.P1 reads as follows:

"In pursuance to the instructions contained in BSNL Corporate Office order No.5.4/2004/Pers-IV dated 13.05.2004 which conveyed through CGMT TVM Memo No.ST III/2.5/Offg/2005/Pt dated 27.04.05, the following TTAs who have successfully completed JTO Phase 1 training are temporarily promoted to officiate locally as JTOs with immediate effect."

The same words are used in other promotion orders also issued to the petitioners. They submit they are discharging higher responsibilities in the promoted post, when compared to the duties and responsibilities of the post of Telecom Technical Assistant. They have all the requisite qualifications prescribed in the Recruitment Rules. They have undergone the qualifying test and so, they were included in the panel of employees eligible for promotion as Junior Telecom Officers. In other words, they satisfied all the stipulations contained in F.R.22(I)(a)

(1) and therefore, they were granted fixation under the said Rule. While so, the 2nd respondent issued Ext.P7 communication, directing to re-fix their pay under F.R 35. Feeling aggrieved by the steps taken under Ext.P7, they have approached this Court, filing this Writ Petition.

2. This Court admitted the Writ Petition and granted interim stay of Ext.P7. The petitioners submit, the fixation of their pay on promotion has been rightly done under F.R.22(I)(a)(1) and the present attempt to do the fixation under F.R.35 is plainly ultra vires and illegal. Therefore, they seek to quash Ext.P7 also seek further consequential reliefs.

3. The respondents have filed a counter affidavit. They resist the prayers in the Writ Petition and support Ext.P7. According to them, the petitioners have to undergo in-service training and complete it before they can be granted the scale of pay of the promoted post. As evident from Ext.P1 order, they have completed only Phase I training. Therefore, it is submitted that they do not satisfy the requirement of acquisition of necessary qualification in terms of F.R.22(I)(a)(1), to get the scale of pay of the officiating post. The post to which the petitioners were promoted, were not regularized also. So, they are being promoted for short spells from time to time with a break of one day, it is submitted.

4. Heard the learned counsel on both sides. They reiterated their respective contentions. F.R.22(I)(a)(1) reads as follows:

"The initial pay of a Government servant who is appointed to a post on a time scale of pay is regulated as follows:

(a)(1) Where a Government servant holding a post, other than

a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or whichever is more.

[Save in cases of appointment on deputation to an ex cadre post, or to a post on ad hoc basis or on direct recruitment basis], the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In cases where an ad hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment/promotion, to be exercised within one month from the date of such regular appointment:

Provided that where a Government servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time scale of the lower post, drawing pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time scale of the lower post or whichever is more.¶

F.R.35 reads as follows:

"The Central Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules."

The learned counsel for the petitioners made available to me the Recruitment Rules governing the qualification and method of appointment to the post of Junior Telecom Officer. 50% of the vacancies are to be filled up by direct recruitment and the remaining by promotion. Out of the 50% set apart for promotion, 35% vacancies are



to be filled up by promotion from various categories of employees, including Telecom Technical Assistants. The qualification prescribed for them is High School/Matriculation and six years regular service. They have to qualify a screening test also. It is common case that the petitioners possess the above three qualifications. So, they are eligible to be promoted on temporary basis to the post of Junior Telecom Officer. The dispute raised, concerning lack of Phase II and Phase III training, cannot be upheld, in the light of the Recruitment Rules. F.R.22(I)(a)(1) specifically says that they should possess the qualifications prescribed in the Recruitment Rules. Since completion of the training in three phases is not a prescribed qualification in the Recruitment Rules, the respondents cannot deny them the fixation benefit under F.R.22(I)(a)(1) in the scale of pay applicable to the post of Junior Telecom Officer, on the ground that they have not cleared the three phases of training. The temporary nature of the posts or the non-regularisation of the posts etc. are matters irrelevant as far as fixation of pay is concerned. So, I feel that the objections raised by the respondents will not disentitle the petitioners to continue to get the scale of pay that has been fixed and granted to them under F.R.22(I)(a)(1). In the result, the Writ Petition is allowed and Ext.P7 is quashed. W.P.(C) Nos.35263, 35439, 35481, 35498,35501,35663, 35667, 35668, 35724, 35725, 35726, 35903, 35917 & 35938/2005 & 67/2006:

The decision in W.P.(C) 28349/2005 will govern these cases also. Accordingly, the Writ Petitions are disposed of."

Similarly, in the Exhibit P-24 judgment in W.A.1735/2006 dated 1.6.2007  $\Upsilon$  The Chairman & Managing Director, BSNL, New Delhi  $\Upsilon$  K.C.George & others, the Hon'ble High Court held as under:

"3. We are of the view that before re-fixing the pay the affected parties should have been given an opportunity of being heard. This has not been done in this case. In such circumstances, we are inclined to dispose of these Writ Appeals directing the appellant to give an opportunity to the respondents  $\Upsilon$  writ petitioners to file objections, if any, against Ext.P7 communication and to the consequential memos

issued to them for re-fixation of the pay. Writ petitioners shall file their objections before the first appellant within three weeks from today. The first appellant will consider their objections after giving an opportunity of being heard to the representative nominated by the officers and pass appropriate orders in accordance with law within three months from the date of receipt of the objections. Till final decision is taken by the first appellant or he concerned officer, status quo as on today will be maintained.

Judgment of the learned single Judge is therefore set aside and the Writ Appeals are disposed of as above."

7. The applicants have made a representation dated 18.9.2007 against

fixation/restructure of their pay under FR 35 on the following grounds:

- i) That the petitioners have qualified in the screening test conducted in the year 2000 as per JTO R/Rs 1996 by erstwhile DoT and empanelled for being promoted to the cadre of JTOs, subject to occurrence of vacancies. Further, having completed phase-I training, on account of exigencies of service and the existence of vacancies, petitioners have been promoted on officiating basis as JTOs in the scale of Rs.9850-250-14600 and pay has been fixed at the stage of Rs.9850/-as per provisions contained in FR 22(I)(a)(1) read with FR 17. However, subsequently pay has been regulated under the provisions of FR 35 by which maximum amount of Rs.1000 would be given above the basic pay and not in the scale of pay of the post of JTO.
- ii) That the above fixation under FR 35 is said to be based on the BSNL HQ letter No.5-4/2004-Pers.IV dated 13.5.2004, though they had no occasion to go through the said letter and the said letter has not been circulated so far.
- iii) That FR 35 cannot be invoked at all in the instant case, because FR 35 is an exception to the general rule and according to FR 35 "The central government may fix the pay of an officiating government servant at an amount less than that admissible under these rules". Also the relevant portion under which FR 35 is not to be invoked provides that "the effect of this order is that, restriction under FR 35 are not to be invoked when a government servant holding the post in substantive or temporary or officiating capacity is promoted or appointed in substantive or temporary or officiating capacity, as the case may be, subject to fulfillment of eligibility conditions as prescribed by relevant recruitment rules, to another post carrying duties and responsibilities of greater importance". That even if pay is restricted under FR 35, the limiting amount Rs.1000 has been with reference to CDA pay and not in case of IDA pay.
- iv) That in terms of FR 17, a government servant is entitled to draw the scale of pay of the post he holds. The pay thus fixed even if it is under FR 35 has to be only in the scale of pay of the post he holds and not at lesser stage. That FR 35 can be imposed only when the officiating promotion is without fulfilling the eligibility criteria for promotion to the post as per the relevant recruitment rules or when the promotion is to a scale holding a post without higher responsibility.
- v) That the eligibility referred to in FR 22(I)(a)(1) are the eligibility conditions to be considered for promotion and not otherwise. The provisions of FR 22(I)(a)(1) is being misinterpreted to suggest that the training prescribed for JTOs is an eligibility condition as per R/Rs. Further, since precondition of training before appointment is not mentioned in R/Rs of 1999 and 2001, the completion of training is not an eligibility condition for appointment. If that is to be treated even the execution of a bond must be treated as an eligibility condition for such an appointment. Further, if the interpretation of the authorities are to be accepted, there can be no

fixation of pay under FR 22(I)(a)(1) in all adhoc/temporary promotions because the selection/empanelment would be a precondition for appointment in all cases of regular promotion/appointments.

vi) That the 4 weeks field training is beyond their control as it has not been specifically ordered by the department because of exigencies of services and requirement of qualified personnel as JTO against existing vacancies.

vii) That the pay in the pay scale of JTO without any FR 35 restriction is already allowed to similar recruits (15% competitive quota) under the same JTO R/Rs 1996 immediately after phase-I training.

viii) That they are the technicians of the recruitment year 1989 or before and the qualifying channel of promotion under JTO R/Rs 1996 was the first promotional avenue. All other promotional avenues in the JTO R/Rs were denied to the TTAs. Many of the senior officials in the qualified list are either retired or at the verge of retirement without availing promotion. So, they may be regularly promoted to JTO cadre, as one time measure, preferably within the period of JTO R/Rs 1996.

ix) That the agreement was reached with the unions/federations vide no.BSNL/4/SR/2000 dated 2.1.2001 that those JTOs already standing qualified but not appointed in the erstwhile DoT will stand senior to those JTOs recruited by BSNL subsequently. Ignoring this, the JTOs recruited under JTO R/Rs 2001 are being regularised before regularising the petitioners even though they stand qualified in the earlier recruitment rule, JTO R/Rs 1996."

8. The respondents vide Annexure P-25 letter dated 20.11.2007 rejected the applicants' aforesaid representation dated 18.9.2007 on the following grounds:

i) The applicants have not been empanelled by DoT for promotion to JYO cadre, subject to occurrence of vacancies. The factual status is that the applicants qualified the screening test held in the year 2000 and DoT ordered consideration of promotion of qualified candidates as JTO against vacancies under 35% quota upto 31.8.1999 only. It further ordered that the remaining qualified officials will have no claims whatsoever for appointment as JTO. However, in respect of absorbed TTAs, who qualified in the screening test, matter was left to respective PSUs viz, BSNL/MTNL. The applicants did not come in the zone of consideration for promotion against the DoT notified vacancies. The BSNL Board decided to train and subsequent recruitment as JTOs of all the TTAs who have qualified in the screening test but could not be sent for training due to non availability of vacancies in the Departmental quota by way of diversion from DR quota @ 500 per year. Later, vide BSNL HQ letter No.5-4/2004-Pers.IV dated 13.5.2004 instructions were issued authorising Circle Heads to order officiating promotions to the waiting qualified TTAs against

JTO vacancies for a period upto 180 days as per following:

a) Waiting qualified TTAs, who could not be promoted against 35% JTO quota posts so far, will be deputed for JTO phase-I training as provided under training cell letter no.4-13/2000-Trg dated 21st October 2002 after such candidates give an undertaking that they will have no claim for local officiating or regular promotion as JTO after this training.

b) After successful completion of the abovesaid training, the officials will be sent back to respective circles and kept as trained pool. The officials of this trained pool in any Circle may be considered for local officiating promotion against vacant JTO posts. For this, the Heads of Circle will be competent to give purely local officiating promotion for a period upto 180 days. On local officiating promotion, the official will be liable to be posted anywhere within the territorial jurisdiction of Circle including non-recruiting units.

c) Select panel against 35% JTO posts will be drawn as per standing instructions from the trained pool. The official of the select panel will be imparted four weeks field training and thereafter will be appointed as regular ITOs as per standing instructions.

d) These instructions will remain applicable till officials in trained pool are available or issuance of any other instruction affecting the arrangement ordered herein, whichever is earlier. As per the JTO Recruitment Rules, on completion of prescribed induction training, which consists of Phase-I as well as Field Training, the candidate has to be regularly appointed as JTO. Since regular appointment as JTO was not feasible in view of the position explained above, for the purpose of officiating promotion, only Phase-I training was prescribed. As at the time of officiating promotion, the petitioners do not fulfil all the eligibility conditions prescribed in the relevant recruitment rules for appointment as JTO, as per the provisions of GOI order 3 below FR 35, DoPT OM No.1/1089-Estt (Pay-I) dated 22.10.1990, their pay was to be restricted under FR 35. As a corrective measure Kerala Circle inadvertently wrongly fixed the pay. As a corrective measure Kerala Circle vide letter No.ST-III/25/Offg/2005 dated 6.9.2005 issued instructions to fix pay under FR 35 restrictions. As per this the TTAs officiating as JTOs are eligible for maximum amount of Rs.1000/-above their basic pay. The provisions of FR 17 relate to drawal of pay and allowances of a post, however, the amount to be drawn is regulated in accordance with other relevant provisions of FRSR viz, FR 22, FR 35 etc as applicable in any individual case.

ii) The background of pay fixation of the petitioners under FR 35 is clarified at Sl.3(i) above. BSNL HQ letter dated 13.5.2004 is a letter which provided for officiating promotion to waitlisted TTAs.

Had this letter not been there, the petitioners would not have got officiating promotion as ITO at all.

iii) The circumstances under which restrictions under FR 35 are invoked are explained at Sl.3(i) above. It is also added that provisions of FR 35 are not individual to any case, rather, depending upon nature of any case, relevant provisions of FRSR are attracted. Therefore, provisions of FR 35 quoted by petitioners are matter or records. The limiting amount of Rs.1000 as per DoPT OM NO.18/7/98-Estt(Pay-I) dated 15.12.1998 applies to IDA pay also because, in such matters, the GOI orders are being followed by BSNL and these are uniformly applied to all cases where such restrictions are attracted.

iv) The position with respect to applicability of FR 17 and restrictions under FR 35 are adequately explained at 3(i) and (iii) above.

v) Eligibility for promotion and pay fixation consequent to promotion are two entirely different issues. As per rule 5(2) of the relevant recruitment rules 1996, the selected candidates have to successfully undergone the prescribed training before their appointment as JTO. In fact, the training prescribed for regular appointment as JTOs in induction training and has to be undergone by all JTO selected against regular vacancies, even by those recruited under subsequent recruitment rules. By citing logic of Bond agreement, it appears that petitioners could not appreciate the difference between eligibility for appointment and conditions of appointment. Further, for all adhoc/temporary promotions selection/empanelment is required. In the case where the officiating promotion is on fulfilment of all the eligibility conditions prescribed in the relevant recruitment rules, the pay fixation is made in FR 22(I)(a)(1) and restrictions under FR 35 are not attracted.

vi) It is not true that due to exigencies of services the 4 weeks field training have not been imparted to the petitioners. As provided in the BSNL HQ letter dated 13.5.2004 also explained in para 3(i) above, the 4 weeks field training would be imparted to them at the time for their promotion as regular JTOs, as per the standing instructions.

vii) The 15% competitive quota qualified candidates have been selected for the vacancies upto 31.8.1999. For them the pre appointment training prescribed is as per the training plan mentioned in letter no.4-6/89-Trg dated 11.6.1992, wherein, Phase-I training of 16 weeks is prescribed as pre-appointment training. Selected candidates have undergone the prescribed training and regularly promoted to JTO cadre with applicable pay fixation as per rule. As such, restrictions under FR 35 are not attracted in their case.

viii) The submission made by the petitioners is totally wrong and misleading. They have already earned one promotion to TTAs cadre. Also, the TTAs who fulfilled the eligibility conditions prescribed in the recruitment Rules 1996 have never been denied their promotional opportunities. The request of the petitioners for regular promotion to JTO cadre cannot be accepted. The only opportunity of promotion they can be extended at present is that of officiating promotion to JTO cadre as provided under BSNL letter no.5-4/2004/Pers-IV dated 13.5.2004. Regular promotion to the cadre of JTO is to be regulated as per approval of the BSNL Board as explained in para 3(i) above.

ix) The submission made is totally wrong and misleading. The relevant portion of the agreement no.BSNL/4/SR/2000 dated 2.1.2001 with Unions/Federations, states that "The Group C & D employees who appear for any promotional examination whether direct or departmental and qualify in such examinations/outside coming through direct recruitment process, would rank junior to all the other employees in the promotional cadre who had already been qualified in earlier examination even though they get absorbed in BSNL subsequently." The agreement meant that departmental Gr.C and D employee who stand qualified for promotion in DoT may not lose their seniority to directly recruited employees of BSNL, only because of their delayed absorption in BSNL due to administrative reasons. It benefits those departmental candidates who stand qualified against the ITO vacancies upto 31.8.1999. The petitioners have not been selected for the vacancies upto 31.8.1999, as such, they are not covered by the agreement.

9. The respondents have also filed a separate counter affidavit on the above lines. They have stated that TTA is a Group'C' cadre post whereas JTO is Group'B' Gazetted (GCS Group'B') post having higher responsibilities. The TTAs can be promoted as JTOs only on fulfilment of all the eligibility conditions prescribed in the Recruitment Rules. The applicants were not empanelled for promotion as JTOs in the 35% departmental quota as vacancies were not available for hem in the said quota in the year 2000. In other words, the applicants did not come in the zone of consideration for promotion as JTOs against the notified vacancies upto 31.8.1999 as per JTO recruitment rules 1996. Further, as per the policy decision taken by the competent authority vide the BSNL corporate office letter ND No.5-4/2000-Pers IV dated 13.5.2004, the qualified TTAs were deputed for JTO Phase-I training on the assumption that they could be accommodated, step by step, by way of diverting vacancies from the direct recruitment quota. Thus the JTO Phase-I trained candidates had been kept as "Trained Pool" and they were considered for local officiating promotion as ITOs against vacant posts regulating their pay under the provisions contained in FR 35.

10. We have heard Shri TC Govindaswamy, Shri V.Sajithkumar and Shri P

Chandrasekharan for applicants and Shri Mathew K Philip, ACGSC for respondents. In our considered view, the Single Judge of the High Court in his Annexure P-23 in W.P.(C) No.28349/2005 and connected cases, considered the case in detail and held in clear terms that since the completion of the training in three phases is not a prescribed qualification in the Recruitment Rules, the respondents cannot deny petitioners therein the benefit of fixation of their pay under F.R.22(I)(a)(1) in the scale of pay applicable to the post of Junior Telecom Officer on the ground that they have not cleared the three phases of training. It was further held that the temporary nature of the posts, the non-regularisation of the posts etc are matters irrelevant as far as fixation of pay is concerned. The High Court vide judgment in W.A.No.1735/2006 and connected cases, set aside the aforesaid judgment of the Learned Single Judge only for the reason that the applicants have not been given any notice before their pay was fixed under FR 35 causing reduction in their emoluments. As held by the single judgment of the High Court (supra) what is relevant in the matter of fixation of pay is whether the applicants are performing duties attached to the posts of JTOs having higher responsibilities. There is no dispute in this regard. Hence these T.As succeed. Consequently, we set aside the Annexure P25 and P26 orders dated 20.11.2007 and 4.12.2007 respectively. Respondents are directed not to recover the pay and allowances already paid to the applicants in the scale of pay of JTO. They are further directed to continue to pay to the applicants pay and allowances due to them in the scale of pay of JTO as per Rule 22(I)(a)(1) of Fundamental Rules.

11. With the aforesaid directions, these T.As are allowed. There shall be no order as to costs.

K NOORJEHAN  
ADMINISTRATIVE MEMBER

GEORGE PARACKEN  
JUDICIAL MEMBER

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