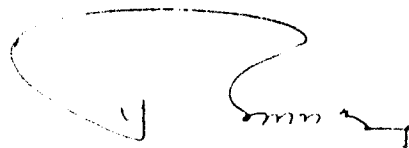


152

10. That, not only on the basis of facts mentioned above, but also on the basis of Supreme Court Judgment in case Suraj Prakash and other Vs state of J & K and others, AIR (2000). (SC) 2386, 2000(4) scale 268; 2000 (3) supreme 637; 2000(2) RSJ (SC) 648 no officer of impugned Seniority list can be given seniority from back date i.e before year of his or her appointment as SDE i.e. before year 2001.
11. That, as per Judgment dated 29.09.2001 of CAT Chennai in OA No.305 of 2001 T. Nagrajan and others vs Govt. of India and others, Seniority can be given from the date of appointment only.
12. That, as per Judgment dated 02.04.2008 of Hon'ble High Court Chennai in W.P as 21961 of 2001 Govt. of India Vs CAT Chennai, Seniority can be given from the date of appointment only.
13. That, on the basis of above discussion it is clear that JTOs listed in revised impugned Seniority list should not be ranked senior in Seniority list of SDE cadre, than I.

Therefore, I humbly request that seniority of all JTOs mentioned in Seniority list should be fixed as per Court Judgments mentioned above and below than I only.

Dated: - 24.04.2008.



(Parmanand)
SDE (Estt.)

O/o The General Manager,
Telecom Distt, Ghaziabad

Copy in Advance to: - Smt. Bindu Roy, ADG (Pers-II) Bharat Sanchar Bhawan,
Janpath, New Delhi. 01 w.r.t. letter no. 15-8/2006-Pers-II
dated 07.04.2008, for information please.

130/
53

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprises)
O/o Chief General Manager Telecom
UP (W) Circle, 1st Floor, MDA Building, Meerut-250001.

To,
The AGM (staff-I)
O/o C.G.M.T.U.P (W) Circle
Meerut.

Through proper channel

No: - UPT (W)/LC/General-Staff/2007

Dated: - 24/04/2008

Sub: - Representation of Shri Dhara Singh AD (Legal) against the Revised
seniority list of Competitive quota as per O.P No. 21656 of 2001 &
37134/2001 titled UOI Vs George Paul & K.C Jose.

Kindly find enclosed herewith the representation against the revised
seniority list mentioned under subject for further necessary action at your end
please.

Encls: - As above



Vipin Kumar
(Vipin Kumar) 24/04/08

AGM (Legal)

Tel. 0121-2666444.

Fax. 0121-2666134.

Email: agmlcomt@ymail.com

155

6. That, I was given officiating promotion in T E S Group-'B' service since July 1996 on local arrangement basis in exigencies of services.
7. That, as per PARA '4' of Telegraph Engineering recruitment Rules, 1981, two chances for appearing in competitive examination was to be given to the officers who have already qualified in Departmental Qualifying Examination held before the commencement of these Rules.
8. That, in similar manner two chances were to be given to the officers who have already qualified in Departmental Qualifying Examination held before the commencement of TES (Group-'B') Recruitment Rules-1996.
9. That, before the commencement of TES (Group-'B') Recruitment Rules-1996, only one chance was given to officers who have qualified the TES (Group-'B') Examinations as per recruitment Rules, 1981.
10. That, New JTO Recruitment Rules were framed in 1996.
11. That, logically and for natural justice all the JTOs who have passed the TES (group 'B') qualifying examination as per TES (group 'B') recruitment Rules, 1981, prevailing till 22-07 1996, were promoted on regular basis in Oct -1998, against the vacancies available till 1996.
12. That, I was allotted Seniority No. 19331 & staff no. 37214 in seniority list no. 5 dated. 28.03.2001. Later on, I was allotted Sr. No. 26924 in Revised security List no. 06 dated 12.01.2005.
13. That, Prime facie it is clear that vide DOT letter mentioned above, seniority of JTOs have been allotted against the vacancies of years 1973 to 1993 which is wrong and illegal itself on the basis of line no. 7, 8 & 9 of Para 01 of above said letter also. The said lines are reproduced below " It has been decided to re-fix, their seniority as per their fulfilling the eligibility for appearing in the competitive examination for the respective years of vacancies".
14. That, in above revised seniority list other details like Telecom Circle, date of joining in JTO Cadre/ Recruitment year etc. are not mentioned.
15. That, on seeing the service record of some JTOs/SDEs of UP (W) Circle of impugned Seniority list it is noticed that some JTOs joined their services in 1992 as detailed below.

(w)

Contd. 2

156

Name of Officer S/Shn	Staff no.	New Seniority No.	Old Seniority No.	Rect t. Year	Date of Joining as JTO	Year of Competitive Exam Passed.	Date of Joining as regular SDE
Atul Kr. Jain	<u>108281</u> 37957	<u>16238.1</u> 10883.1	30020	1989	Dec-92	2003 Suppl. to 2000	28.12.2001
Chetan Kr. Jain	<u>108858</u> 37968	<u>16267.1</u> 10887.1	30629	1989	Dec-92	-Do-	28.12.2001
Anup Kr. Verma	<u>107162</u> 37977	<u>16291.1</u> 10889.1	28846	1989	1994	-Do-	28.12.2001
Bhupendra Kaushik	<u>107538</u> 37979	<u>16298.1</u> 10891.1	29276	1989	Dec-92	-Do-	28.12.2001


16. That, it is possible that the rest JTOs of said impugned Seniority list have similar candidature Date of birth of JTOs shows that i.e. Joined Department in 1992 and were not eligible to appear in competition Exam as mentioned in preceding Para.
17. That, from the said impugned seniority list it is clear that all JTOs are given seniority against the vacancies of years fro. 1973 to 1993 which is wrong and illegal, because as per Para 5 (b) of Schedule of TES (Group 'B') recruitment Rules, 1981, JTOs mentioned in revised Seniority list were only eligible to appear in Qualifying cum-Limited Competitive examination in 1998 i.e. after completion of five years regular service in JTO cadre because they have joined as JTO in year 1992 and they were eligibly to appear in against the vacancy created after the year of 1997 only. Hence they should be allotted Seniority against the vacancy of year 1998 only.
18. That, not only on the basis of facts mentioned above, but also on the basis of Supreme Court Judgment in case Suraj Prakash and other Vs state of J & K and others, AIR (2000). (SC) 2386, 2000(4) scale 268: 2000 (3) supreme 637: 2000(2) RSJ (SC) 648 no one officer of impugned Seniority list can be given seniority from back date i.e. before year of his or her appointment as SDE i.e. before year 2001.
19. That, as per Judgment dated 29.09.2001 of CAT Chennai in OA No.305 of 2001 T. Nagrajan and others vs Govt. of India and others, Seniority can be given from the date of appointment only.

(Signature)
Concluded.

- 157
20. That, as per Judgment dated 02.04.2008 of Hon'ble High Court Chennai in W.P as 21961 of 2001 Govt. of India Vs CAT Chennai, Seniority given from the date of appointment only.
 21. That, on the basis of above discussion it is clear that JTOs listed in revised impugned Seniority list should not be ranked senior in Seniority list of SDE cadre, than I.

Therefore, I humbly request that seniority of all JTOs mentioned in Seniority list should be fixed as per Court Judgments mentioned above and below than I only.

Dated: - 24.04.2008.


(Dhara Singh)
Assit. Dir. (Legal)
O/o CGMT U.P (W) Circle,
MDA Building Meerut

Copy in Advance to: - Smt. Bindu Roy, ADG (Pers-II) Bharat Sanchar Bhawan,
Janpath, New Delhi. 01 w.r.t. letter no. 15-8/2006-Pers-II
dated 07.04.2008 , for information please.

158

To,
Shri B.M David
The under secretary to the Govt. of India
DOT, Room No. 421, Sanchar Bhawan,
20, Ashoka Road, New Delhi- 01.

Through proper channel

Sub: - Representation against the Revised Seniority list of Competitive quota as per O.P No. 21656 of 2001 & 37134/2001 titled UOI Vs George Paul & K.C Jose.

Ref: - Your office letter no.2-32/2001-STG-II dated 27-03-2008.

Sir,

I came to know through INTERNET that vide your office letter under reference on the subject that the seniority of 147 JTOs is being revised. In this regard I submit some following facts and genuine and legal objections on the said Seniority List.

1. That, my recruitment year of JTO cadre is 1979.
2. That, I joined as JTO in 1981.
3. That, as per Telegraph Engineering Service (Group-'B' posts) recruitment Rules, 1981, in short TES (Group-'B') Recruitment Rules, 1981. I was allowed to appear in the TES group 'B' Qualifying examination for promotion in TES group 'B' service in 1985 against the 66-2/3 quota. I passed the same Exam.
4. That, from 1989 to till July 1996 no competitive Examination to fill up the vacancy against 33-1/2% quota was held.
5. That, New Telecommunication Engineering Service (Group-'B') Recruitment Rules, 1996 was framed on 26.09.1996.
6. That, I was promoted in TES Group-'B' service since July 1994.

7. That, as per PARA '4' of Telegraph Engineering recruitment Rules, 1981, two chances for appearing in competitive examination was to be given to the officers who have already qualified in Departmental Qualifying Examination held before the commencement of these Rules.
8. That, in similar manner two chances were to be given to the officers who have already qualified in Departmental Qualifying Examination held before the commencement of TES (Group-'B') Recruitment Rules-1996.
9. That, New JTO Recruitment Rules were framed in 1996.
10. That, I was allotted Sr. No. 14207 and staff No 17732 in seniority List no. 06 dated 07.06.95.
11. That, Prime facie it is clear that vide DOT letter mentioned above, seniority of JTOs have been allotted against the vacancies of years 1987 to 1993 along with the JTOs of recruitment year 1967 and who passed TES Group 'B' Qualifying examination in 1987, which is wrong and illegal itself on the basis of line no. 7, 8 & 9 of Para 01 of above said letter also. The said lines are reproduced below " It has been decided to prefix, their seniority as per their fulfilling the eligibility for appearing in the competitive examination for the respective years of vacancies".
12. That, in above revised seniority list other details like Telecom Circle, date of joining in JTO Cadre/ Recruitment year etc. are not mentioned.
13. That, on seeing the service record of some JTOs/SDEs of UP (W) Circle of impugned Seniority list it is noticed that some JTOs joined their services in 1992 as detailed below.