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8 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 2000.

9 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.

10 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.

11 That, on the basis of above discussion it is clear that all JTOs listed in revised impugned Seniority list should not be allotted the seniority against vacancies 1993-94 & previous years.

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 i.e.

Suggestion :- If, DOT want to fill up the competitive quota vacancies of year 1993-1994 & previous years. A limited competitive examination may be conducted by issue a separate notification as per TES (Group- 'B') recruitment Rules, 1981 to fill up the vacancies.

Thanks and oblige

Your's faithfully

Bhupendra Singh Bhadauria
(DOT Staff No. 32301)

Copy to:-

1. Shri B. M. David, The Under Secretary (SGT) Department of Telecommunication, 421, Sanchar Bhavan, 20-Ashoka Road, New Delhi-110001
(Advance Copy)
2. Smt. Bindu Roy A.D.G. (Pers-II) Corporate office 4th floor, Bharat Sanchar Bhawan Janpath, New Delhi-1, Tele: 011-23037191, Fax: 011-23734156
3. CGMT, UP (West) Telecom Circle, BSNL, Shastrinagar, Meerut
4. GMTD, BSNL, GPO Compound, Meerut

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Dated: 26.5.2009

To
The GM (Personnel), BSNL
New Delhi- 110001.

(Through proper channel)

Subject: Request for fixing my seniority in TES Grp B above the candidates who have passed the competitive exam after me.

Sir,

Most humbly and respectfully I would like to state the following few lines for your kind consideration and favorable action please.

1. That I have joined DOT as JTO on regular basis in the month of September 1990 and my recruitment year is 1989.
2. That I was promoted to TES Grp B(SDE) on regular basis in the year 2001 on seniority cum fitness basis.(**Annexure A1**). My staff No. was fixed as 107344. Till my promotion in 2001, no qualifying or competitive exam was held for the JTOs (belonging to recruitment year 1989 & onward) for promotion to TES Grp B cadre against the competitive quota vacancies.
3. Later in 2002, a departmental competitive examination was held advertising competitive vacancies for the year 23.7.1996 to 1997, 1997 to 1998, 1998 to 1999, 1999 to 2000 & 2000 to 2001. I qualified in the said competitive exam. (Order No.5-9/2003-DE dated 15.12.2003. (**Annexure A2**). My seniority fixed is 20218 and has not received any pay benefit till date.
4. That my juniors such as
 - **Shri Bhagabat Sahu**, belonging to same rectt. year that of mine i.e. 1989, who could not pass the exam held in 2002 and **passed the Special Supplementary Departmental Qualifying-Com-Competitive Examination for promotion to TES Gr-B held in 2003 has been placed senior approximately 10000 above me** (His seniority no. is 10975.1). He has got notional pay benefit and has been promoted to STS.
 - **Shri Laxman Meher**, belonging to rectt. year 1993, joining the dept. in Oct 1997 who did not pass the exam held in 2002, not even eligible for vacancies year 1996-97 when exam was held in 2002, **passed the Special Supplementary Departmental Qualifying-Com-Competitive Examination for promotion to TES Gr-B held in 2003** and not only

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became eligible for vacancies belonging to year 1994-95, 1995-1996 but also has been placed senior to me by approximately 4000. His seniority no. is 16818.1.

(16820.1)

5. That as per the provisions of recruitment rules, the competitive quota vacancies of any year cannot be left unfilled and is carried forward. If the competitive quota vacancies for the year 1994 to 95, 1995 to 1996 and 1996 to 22.7.96 existed when the exam was held in 2003, then it is obvious that these vacancies also existed when the exam was held in 2002.
6. It is further submitted that Shri Laxman Meher and many others who could not qualify the exam in 2002 were not eligible for the competitive vacancies belonging to year 1996-97, 1997-98 etc. when exam was held in 2002. But at a later stage when they qualified the exam held in 2003, they were made eligible to be placed against the competitive vacancies for the preceding years 1994-1995, 1995-1996, 1996-22.7.1996. **The question arise**
 - i) As to how the competitive vacancies for a year can be kept unfilled.
 - ii) Further, if Sh. Laxman meher & others were not eligible for competitive quota vacancies for the year 1996-97, 1998-99 etc., then how they become eligible for the vacancies year 1994-1995, 1995-1996 and 1996-22.7.1996.
 - iii) Also, how by passing the exam held in 2003 they are made senior to me who passed the exam held in 2002.
7. That according to Supreme Court order dated 26-4-2000 (Union of India vs Madras Tele. SC & ST welfare association) - Annexure A3
 - i) *"Once the statutory rules have come into force and procedure has also been prescribed under the said rules for preparation of the eligibility list of officers for promotion to the engineering service, it is that procedure which has to be adopted and the earlier administrative instruction cannot be adhered to....."*
 - ii) *"For the same recruitment year, the seniority in the feeder cadre of Junior Engineers has to be decided in accordance with Para (iii) of the Memo dated 28 June 1966 and in accordance with the statutory recruitment rules....."*

The above rule indicates that

- For same recruitment year, JTOs who qualified the exam held in 2002 should be placed senior to the JTOs who qualified the subsequent exam held in 2003.
- Since I belong to recruitment year 1989 and qualified the competitive exam in 2002, I should be placed senior to JTOs whose recruitment year 1989 (same as me) & onward and passed the exam held in 2003.

- The recruitment rules in force should be followed.
 - The rules in force for conduction of exam held in 2002 and 2003 were TES Grp B recruitment rules 1996. Exam held in the year 2002 was held as per recruitment rule 1996, but exam held in the year 2003 was held as per recruitment rules 1981. Thus validity of exam in 2003 is in question.
8. That the said juniors mentioned in Para 4 above have been made senior to me in violation of the above Supreme Court Ruling.
9. That due to many misinterpretations of the rules and court orders such wrong fixing of seniority has taken place which needs to be corrected. (Details of the reasons like how this happened, where the department seems to have done mistake, the points/ judgment that have been misunderstood, serious repercussions that are to follow and the best possible solution to the problem, may kindly be perused on **Annexure A4**).

PRAVER

Therefore, most respectfully it is prayed to look into the matter keeping in view of the Supreme Court order 2000 and place me (who qualified the exam held in 2002) senior to the JTOs who qualified the exam after me in 2003 and whose years of recruitments are 1989 (that of mine), 1990, 1991, 1992, 1993 & 1994.

Prayed accordingly

Yours faithfully,

(Sujata Sahu)
Deputy Manager (Comp-III), IT Cell,
BSNL C.O.
Staff No. 107344

How this happened?

- a) For TES Grp B, recruitment rules are there.
- b) **TES Grp B recruitment rules 1981** - Till July 1996, **TES Grp B recruitment rules 1981** existed. As per this rules two types of vacancies existed.
1. **Qualifying vacancies** - for which passing of qualifying exam was required which was later amended in 1987 to be filled by seniority cum fitness.
 2. **Competitive vacancies** - for which passing of competitive exams was required. However, for being eligible for competitive vacancies, one has to pass the qualifying exam first.
 3. The ratio of this vacancies was 1:2. In other words, one competitive quota and 2 qualifying quota.
 4. Competitive quota vacancies were to be filled by competitive exam only.
- c) **TES Grp B recruitment rules 1996** - In 1996, DOT came out with a new recruitment rules **TES Grp B recruitment rules 1996** wherein again same two types of vacancies were specified.
1. **Seniority cum fitness vacancies**: Since in 1987, the qualifying vacancies were amended to be filled by seniority-cum-fitness, the same was continued.
 2. **Competitive quota vacancies** - for which passing of competitive exams was required. Since, qualifying vacancies were replaced to be filled by seniority-cum fitness, the qualifying exam did not have any relevance and was therefore, not referred to in the TSE Grp rectt. rules 1996 as a pre-condition for passing the competition exam. The syllabus was modified and latest technologies were included.
 3. However, the ratio of this vacancies was improved and seniority-cum-fitness was given more weightage. The ratio was changed to 1:3. In other words, one competitive quota and 3 seniority cum fitness quota.
 4. Competitive quota vacancies were to be filled by competitive exam only
- d) Now, with the introduction of recruitment rules in 1996,
1. The JTOs who had passed the qualifying exam (i.e. senior JTOs) felt aggrieved and demanded for conduction of competitive exam exclusively for them before department could conduct exam where junior JTOs who have not passed the qualifying exam could become eligible and compete. They represented that after the conduction of qualifying exam in 1991, department has never conducted competitive exam and so, were deprived of a fair opportunity. Therefore, they demanded that department should conduct competitive exam where only those JTOs can apply who have already passed the qualifying exam.
 2. Since in the past, recruitment rules 1981 has also such provisions (refer Appendix I -4 note:) i.e.

"after the commencement of these rules, the first two examinations shall only be competitive for which eligibility shall be restricted to only those officers who have already qualified in the department Qualifying examination held before the commencement of these rules."

3. At that time against these rules, the JTOs belonging to recruiting year 1973 agitated before the Supreme Court stating that after 1978 when they became eligible to take qualifying exam no qualifying exam was held till May 7, 1981 when 1981 rules were introduced thereby denying them equality of opportunity in the matter of promotion, Supreme Court vide its order dated 23 April 1985 upheld the view of the department and while disposing of the case in favor of DOT mentioned that

(Supreme Court order 1985)

" It is a known principle of service jurisprudence that even though minimum eligibility criterion is fixed enabling one to take the examination yet the examination can be confined on a rational basis to recruits upto a certain number of years. That constitutes recognition of long experience and not permitting some late juniors to score a march. If by 1982, nearly 4000 Junior Engineers of pre 1973 batches had become eligible for taking competitive examination, the department would be perfectly justified in keeping the examination open only to persons who have put in such a long service and leaving others to wait for the next examination. If for taking examination this aspect introduces classification, it is based on rational and intelligible differentia which has a nexus to the object sought to be achieved. By the note, for a period of two years only pre-1973 Junior Engineers who had cleared qualifying examination were given a chance to take competitive examination. If this introduces a classification, it is valid. It caters to a well-known situation in service jurisprudence that there must be some ratio of candidates to vacancies. And it is based on long experience as a rational basis for classification. Viewed from this angle, we find nothing in the policy underlying the note to rule (4) as being either discriminatory or arbitrary or denying equality of opportunity in the matter of promotion. It had the desired effect of not having a glut of Junior Engineers taking examination compared to fewer number of vacancies. Length and experience were given recognition by the note. The promotion can be thus by stages exposing the promotional avenue gradually to persons having longer experience. This seems to be the policy underlying the note and we see nothing improper or unconstitutional in it."

4. *Keeping the above Supreme Court direction in mind, DOT also shared the same view in the Ernakulam court to hold the exam exclusively for those who have passed the qualifying exam. However, in the Ernakulam Court a reference to Supreme Court order 1985 was not mentioned.*
- e) However, JTOs belonging to SC/ST category agitated for holding of qualifying exams as there existed qualifying vacancies meant for them because after 1994, the post for SC/ST in the promotion cadre was yet not identified for the years 1992 onwards upto 1996.
- f) Therefore, **keeping (d) & (e) in view**, DOT notified an exam wherein for competitive exam, only those JTOs were allowed who have passed the qualifying exam. For SC/ST category they held the qualifying exam. But here they did a mistake by allowing newly eligible SC/ST category candidates to sit in the competitive part also.
- g) By allowing SC/ST candidates to apply for competitive exam, the otherwise, ineligible general JTOs agitated and High Court of Ernakulam by interim order directed to hold a qualifying cum competitive exam for general categories JTOs also.

- h) But before such interim order was passed by Ernakulam High Court, DOT had already notified a competitive exam based on new recruitment rules 1996. This exam was notified on 30.5.2001 which was ultimately held on 1.12.2002 and result was declared on 15.12.2003.
- i) Thereafter, keeping in view of Ernakulam high Court order, DOT notified a qualifying cum competitive exam on 17.4.2003 which was held on 28-31 July 2003 and result was declared on 9.9.2004, 9.11.2004 and 10.11.2004
- j) When the exam was held in 2002, I was already working in the cadre of TES Grp B as on seniority basis, I was promoted in December 2001. However, seeing it as an opportunity to gain my seniority, I prepared and passed the competitive exam that was held in 2002.
- k) Thereafter, again at a later date when department notified for holding exam that was held in 2003, I was surprised to note that this time the exam was being held based on old recruitment rules. Noting that the exam was held on interim order of Ernakulam High Court & the promotion was subject to outcome of Court's decision, I felt that since I have done well in the exam held in 2002 and expected to pass that exam which I did, I lacked the interest to re-prepare for an exam that was held as per old recruitment rules following the outdated & obsolete subjects. By preparing for such exam, there was absolutely no gain of telecom knowledge.
- l) The result of exam held in 2002 was published on 15.12.2003 where I was declared pass. I, although being a TES grp B on date, re-joined against the competitive quota vacancies.
- m) Later, on 13th July 2006, the final decision of the Ernakulam Court came. It was to our utter surprise that the department while fixing the seniority combined the result of exam held in 2000 & 2003 without taking into account the result of 2002 and fixed the seniority over and above us. The candidates of exam held in 2000 & 2003 belonged to
- Recruiting year from 1979 to 1984 - 20 candidates
 - Recruiting year 1989 - 36 candidates
 - Recruiting year 1990, 1991, 1992, 1993 & 1994 - 91 candidates

Their seniority was fixed according to their recruitment year and inter-se on merit list, but I who belonged to recruitment year 1989 and passed the competitive exam held in 2002 was not considered.

- n) Why the exam held in between i.e. 2002 was not included is not understandable and is totally a discrimination of the fundamental right conferred to us by the constitution i.e. Right to Equality & violation of Supreme Court order 2000.
- o) As a result, the candidates who did not pass the exam held in 2002, by passing the exam held at a later date i.e. in 2003 became senior to all those candidates who passed the exam held in 2002.
- p) To make the situation further worse for us, the JTOs who were not eligible for the vacancies year 1996-97 when exam was held in 2002 were made eligible for the vacancies year 1994-95, 1995-96 when the exam was held in 2003.
- q) Here it is pointed out that IN the exam held in 2002 where a total no. of 1633 candidates passed, hardly the name of 10 candidates who passed the exam held in 2003 is seen.
- r) It is totally illegal if the competitive vacancies of 1994-95, 1995-96 were kept vacant for exam that was held in 2003 and not carried forward when exam was held at a prior date i.e. in 2002. Can the vacancies remain unfilled? Except in this case, never ever have the department kept the competitive quota vacancies unfilled and not carried forward. This is a set rule that competitive quota vacancies are to be filled by competitive exam only and the unfilled vacancies are carried forward to the next holding date of the

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competitive exam. This procedure has been followed by the department always except in our case. Not only in DOT this rule has been followed but also BSNL follows this rule.

Where the department seems to have done mistake?

- a) By conducting exam in 2000 only for qualifying pass candidates, Dept was right as Supreme Court also upheld such step taken by department in the past. (Refer Supreme Court order dated 23.4.85 mentioned in para C(d) above). We do not question about allowing the SC/ST officers to appear for the qualifying part also. But allowing them to appear in the competitive part was a mistake as it is against the Supreme Court order 2000 (Refer para ____).
- b) Thereafter, conduction of exam in 2003 was not in order as it violated the directives of Supreme Court order 2000. (refer para B(ii) above) . It gave
 - (i) the candidates belonging to recruitment year 1979 upto 1984 who skipped the exam held in 2000 or did not appear the exam due to non preparation a **second opportunity** to sit for the exam. (the candidates who had appeared in 2000 were not allowed to sit in this exam)
 - (ii) the candidates belonging to recruitment year 1989 & onward a second chance who did not fared well when exam was held In 2002.
 - (iii) The candidates who actually joined after 1996 to sit in a exam held as per old syllabus and as per rules prior to 1996.
- c) Now for Ernakulam High Court order 2003, dept could have moved the Supreme Court as already an exam as per recrutt rule 1996 was conducted in 2002. For fixing the seniority the guidelines given by Supreme court order 2000 should be followed which makes it simple for implementation (Refer para B(ii) above .
- d) The exam as per rect. Rule 1981 could have been possibly held in 1995 at best because in 1996 Dept came out with a new recruitment rule. So allowing a candidate who joined the department after 1995, 1996 & 1997 is highly improper and violation of Supreme Court order 2000.

Points that have been misunderstood:

Supreme Court order dated 25.10.96 states that

- the vacancies which were existing till the new rules came into force would be filled up in accordance with the rules which were in force to these rules.
- It meant only about the vacancies as the vacancies ratio were differer. because as per recruitment rule 1981 the vacancy position was 2 :1 and as per recruitment rule 1996 the vacancy position was 3:1.
- It did not mean that exam should also be dealt as per recruitment rules 1981 because 1996 recruitment rules were already into existence. This has been clearly supported in Supreme Court judgment 2000 passed by higher bench that

"Once the statutory rules have come into force and procedure has also been prescribed under exam in 2002. This will also lead to holding of two streams of exams parallely, the said rules for preparation of the eligibility list of officers for promotion to the engineering

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service, it is that procedure which has to be adopted and the earlier administrative instruction cannot be adhered to...."

Serious repercussions that are to follow:

1. The person who as JE/JTO have passed the qualifying exam held in 2003 would claim to place him senior above the person (myself) who as SDE passed the competitive exam in 2002, because it is now learnt that department is now claiming that there was a calculation mistake and actually there exist approx 2500 vacancies more under qualifying quota (before 1996).
2. It is learnt that there were a number of vacancies under competitive quota for the year 1994-95, 95-96. Now, for the unfilled vacancies, the JTOs/SDEs who have yet not passed the competitive exam would claim to hold the exam as per 1981 rectt rules & if such things happens, they would supersede me who passed the competitive one as per rectt. rules to fill the vacancies upto 1996 and other to fill the current vacancies.

Possible solution to the above problem is:

Keeping in view that the JTOs who have passed the qualifying cum competitive exam held in 2003 have already been promoted to regular post of TES Grp B, therefore, it would be improper to revert them. But, while fixing the seniority Supreme Court Order 2000 may be followed which states that:

"For the same recruitment year, the seniority in the feeder cadre of Junior Engineers has to be decided in accordance with para (iii) of the Memo dtd 28 June 1966 and in accordance with the statutory recruitment rules....."

The para (iii) of the memo is that the JE who passes the exam earlier will be senior to the JE who passes the exam later.

Following the above rule set by Supreme Court, the result of the successful JTOs who passed the exam held in 2000, 2002 & 2003 should be combined and seniority should be fixed following the steps as under

1. Seniority according to recruitment year,
2. Then according to year of passing of exam and
3. Then according to merit list of result.

This will redress the Supreme Court order and as well as the Ernakulam High Court order.

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To:-
The Under Secretary (SGT)
Department of Telecommunication
421, Sanchar Bhavan, 20-Ashoka Road
Tele Exch. Brahmpuri, New Delhi-110001

From:-
Ashok Kumar Sharma
(DOT Staff No. 32629)
Sub Divisional Engineer (OCB)
Meerut

(THROUGH PROPER CHANNEL)

Sub:- O.P.Nos.21656/2001 & 37134/2001 titled UOI Vs George Paul & K. C. Josh-
circulation of revised seniority list of competitive quota Officers – regarding.

Ref:- DoT's letter No. 2-32/2001-STG.II dated 27-03-08 & B.S.N.L's letter No.
15-8/2006-Pers-II Dated 07-04-08

Respected Sir;

It has come to my knowledge vide DoT letter dt.27-03-08 under reference that your office is going to revise seniority list due to re-fixation of seniority of the 147 Officers circulated under above cited letter as per their eligibility for appearing in the competitive Exam for the respective year of vacancies. In this connection, objections against the revised seniority, if any have been invited by your office.

In the light of the above, I would like to make the following submission for your kind perusal and necessary action in the matter:-

1. That, my year of recruitment of as J.T.O. is 1981 and I have passed the TEs Gr 'B' Qualifying Exam in 1988 against the 66-2/3 quota as per TES Group B recruitment rule 1981. I have been promoted for TEs Gr. 'B' post vide DoT order No. 2-43/94-STG.II dtd. 03-06-94. The eligibility list was circulated vide DoT Letter No. 16-12/92-STG-II dt. 14-01-1993 & my promotion was made against the vacancies for the year 1993-94.

2. That Vide DoT No. 5-7/98-DE DT.06-11-98 Qualifying cum Competitive Exam for TEs Gr.B was announced in which it was given that all qualified JTOs including TEs Gr.B Officers promoted against vacancies for 1994-95,95-96 and 96-97 (up to 22-07-1996) were only eligible to appear in the competitive part.

3 That, this implies that this exam for competitive part was not for the vacancies against year 1993-94 & previous years. Since I was already promoted against vacancies for 1993-94 and seeing that the exam was being held for the vacancies w.r.t, which I was already holding higher seniority, hence there was no question to appear in the said exam.

4 This Exam was held in Nov.2000 and in continuation of this Exam vide BSNL letter no.5-6/2003-de dt. 17-04-03 special supplementary Deptl Qualifying –cum-competitive exam for TEs Gr. B was conducted in Sep 2003. In this notification at para 3 all the JTO's recruited against vacancies up to year 1993 were eligible. The para 8 of this order also states that all other conditions given in letter no. 5-7/98-DE dt 06-11-98 and dt. 13-11-98 issued from Dir (DE&VP) DOT HQ, ND will be applicable for this exam also. This notification

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states that only the JTOs who were having recruitment year up to 1993 and not qualified for TEs Gr.B Exam may appear in Qualifying cum Competitive exam. It is not understood as how the successful officers against this notification can be give seniority against competitive quota of vacancies before 1993-94.

5 That, for example service record of some JTOs/SDEs UP (West) Circle of impugned seniority list is as below:-

Name of Officer S/Shn	Staff no.	New SeniorityNo.	Old Seniority No.	Rectt. 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>1088583</u> 7968	<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>1075383</u> 7979	<u>16298.1</u> 10891.1	29276	1989	1992	-Do-	28.12.2001

6 That, from the above said impugned seniority list it is clear that all JTOs are given seniority against the vacancies of years fro. 1977 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 mostly officers of the list 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.

7 That, Prime facie it is clear that vide DOT letter mentioned above, seniority of some JTOs who joined department in 1992, have been allotted against the vacancies of years 1977 to 1993 along with the JTOs of recruitment year 1970 and who passed TES Group 'B' Qualifying examination in 1977, 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 refix, their seniority as per their fulfilling the eligibility for appearing in the competitive examination for the respective years of vacancies".

8 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 2000.

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9 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.

10 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.

11 **That, on the basis of above discussion & notification it is clear that all JTOs listed in revised impugned Seniority list should not be allotted the seniority against vacancies 1993-94 & previous years.**

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 i.e.

Suggestion:- If, DOT want to fill up the competitive quota vacancies of year 1993-1994 & previous years. A limited competitive examination may be conducted by issue a separate notification as per TES (Group- 'B') recruitment Rules, 1981 to fill up the vacancies.

Thanks and oblige

Your's faithfully

Date: 26-04-2008

**Ashok Kumar Sharma
(DOT Staff No. 30238)**

Copy to:-

1. **Shri B. M. David**, The Under Secretary (SGT) Department of Telecommunication, 421, Sanchar Bhavan, 20-Ashoka Road, New Delhi-110001 (**Advance Copy**)
2. **Smt. Bindu Roy** A.D.G. (Pers-II) Corporate office 4th floor, Bharat Sanchar Bhawan Janpath, New Delhi-1, Tele: 011-23037191, Fax: 011-23734156
3. CGMT, UP (West) Telecom Circle, BSNL. Shastrinagar, Meerut
4. GMTD, BSNL, GPO Compound, Meerut

Amended A-1 19
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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2008

CORAM

THE HONOURABLE MR. JUSTICE P.K. MISRA

AND

THE HONOURABLE MR. JUSTICE K. CHANDRU

W.P.NOs.21961 & 22087 OF 2001

and

WPMP.Nos.32460 & 32616 of 2001

W.P.No.21961 of 2001

1. Government of India,
Rep. by Secretary,
Department of Telecommunications,
Ministry of Communication,
Sanchar Bhavan, New Delhi 1.

2. The Member (Services)
Telecom Commission,
Sanchar Bhavan,
No.20, Ashoka Road,
New Delhi 110 001.

.. Petitioners

Vs.

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1. Central Administrative Tribunal,
Rep. by its Registrar,
High Court Buildings,
Chennai 104.
2. T. Nagarajan
S/o.N. Thiagarajan
3. A. Sugumaran
S/o. Appandanathan
4. V. Venkataraman,
S/o.N. Viswanathan
5. R. Gothandaraman
S/o.T.S. Renga Iyengar
6. M. Shanmugam
S/o.M. Munusamy
7. K.V. Venkateswaran
S/oK.V. Venkataraman
8. A. Shamsudeen,
S/o. Abbas Rowther
9. M. Subramanian,
S/o.B.S. Meenakshisundaram

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10. K.S. Ramasamy
S/o.K.A. Subramanian

11. M. Jothimani
S/o.R. Manimuthu

.. Respondents

W.P.No.22087 of 2001

1. K. Viswanathan

2. Smt. Ambika Vijayan

3. V. Ganesan

4. Smt. Omana Manoharan

.. Petitioners

Vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench,
High Court Buildings,
Chennai 104.

2. Government of India,
Rep. by Secretary,
Department of Telecommunications,
Ministry of Communication,
Sanchar Bhavan,
20, Ashoka Road, New Delhi 1.