

131

3758/2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
New Delhi

Dt.31 /08/2009

NOTICE
(Under Rule 29 of the Central Administrative Tribunal
Rules of Practice, 1993)

Original Application No. 2126/2009

Applicant (s)

All India BSNL & Ors. V/S U.O.I... & Ors. Respondents.

Represented by Advocate

Represented by Adovcate

Mrs. Rani Chhabra

Sh

To

1. Department of Telecommunications
through Secretary Telecom Sanchar Bhawan,
20, Ashoka Road, New Delhi – 110001.
2. Chairman Cum Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan,
Janpath New Delhi -110001.
3. General Manager (Personnel),
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, 4th Floor,
Janpath, New Delhi-110001.
4. Raj Kishore Pradhan, DE, RTTC
BSNL Vani Vihar through CGMT, BSNL,
Orissa Circle, Bhubaneshwar (Orissa)
5. Ramesh Chandra Khuntia, DE,
O/o the GMTD, BSNL, Door Sanchar Bhawan,
Cuttack-753012, through CGMT, BSNL, Orissa
Circle. Bhubaneshwar (Orissa)
6. Sannadyave Gowda M. D., DE,
through CGMT BSN,
Karnataka Circle, Bangalore

7. Sarada Prasad Samantaray, DE Marketing
O/o the CGMT, BSNL, 4th floor
Door Sanchar Bhawan, Bhubaneswar-751022,
through CGMT, BSNL, Orissa Circle,
Bhubaneswar (Orissa)
8. Satyapriya Mohanty, SDE,
through CGMT, BSNL,
NE-II Dimapur, Nagaland
9. Sudhakaran G, DE, through CGMT BSNL,
Kerala Circle, Tiruvantapuram (Kerala)
10. Malay Kanti Dasgupta, DE, through CGMT,
BSNL, Kolkatta Telecom District, Kolkatta.
11. Ramesh V, DE, through CGMT BSNL,
Southern Telecom Region, Chennai
12. Thangavel S, DE, O/o CGMT BSNL,
Tamil Nadu Circle, Chennai
13. K.K. Mishra ,AGM (IT), through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
14. Vijayan A, DE, through CGMT BSNL,
Kerala Circle, Tiruvantapuram (Kerala)
15. Trilochan Nanda, DET, O/o GMTD BSNL
Door Sanchar Bhawan Cuttak through CGMT,
BSNL, Orissa Circle, Bhubaneswar (Orissa)
16. Shyamal Munshi, SDE, through CGMT BSNL
West Bengal Circle, Kolkatta
17. Vinod Kumar K.V., DE, through CGMT BSNL,
Kerala Circle, Tiruvantapuram (Kerala)
18. Manivannan K., DE, through CGMT, BSNL,
Telecom District, Chennai
19. G.V. Bhaskar Rao, DE, through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
20. Suryamurthy N, DE, through CGMT BSNL,
Southern Telecom Region, Chennai
21. P.K. Shukla, DE, through CGMT BSNL,
Gujrat Circle, Ahemdabad
22. Suriendra Pal Singh Sandhu, DE, through CGMT
BSNL, Punjab Circle, Chandigarh
23. Baskaran C. K. , DE, through CGMT, BSNL,
Telecom District Chennai
24. Punam Lata, DE, through CGMT BSNL NTR,
Kidwai Bhawan, Janpath, New Delhi-01
25. Debendra Ch. Pradhan, DE, through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
26. Rajendra Kumar Behera
TDE , BSNL , Phulabani, through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
27. Abhaya Kumar Swain, DE, through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
28. Manasendu Das,
DE CMTS,BSNL, Telephone Bhawan ,
Bhubaneswar-751001, through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
29. Manoj Kumar Tripathy,
DE CMTS,BSNL, Telephone Bhawan,Sambalpur
through CGMT, BSNL, Orissa Circle, Bhubaneswar (Orissa)
30. H.D. Kulkarni, DE, through CGMT BSNL, BRBR
AITT Jabalpur (MP)

31. Brahmananda Pati, DE, through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
32. Sailes Mohapatra, DE, through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
33. Manmohan Khullar, DE, through CGMT BSNL, Punjab Circle, Chandigarh
34. Jayanti Panda DE
O/o the GMTD, BSNL Door Sanchar Bhawan, Bhubaneswar-751022, through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
35. Bhagabat Sahu DE
CMTS, BSNL, Telephone Bhawan, Bhubaneswar-751001, through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
36. Golak Bihari Nayak D E
OFC, ETR, BSNL, Telephone Bhawan, Koraput, through CGMT, BSNL, Eastern Telecom Region, Kolkatta
37. Udaya Narayan Das, DE,
through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
38. Sanjib Kumar Routray, DE,
through CGMT, BSNL, Orissa Circle. Bhubaneswar (Orissa)
39. Atul Kumar Jain, DE,
AGM in BSNL Corporate Office,
through CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-01
40. S.S. Rajpoot, DE,
through CGMT, BSNL,
Western Telecom Region, Mumbai
41. Chetan Kr. Jain,
AGM in BSNL Corporate Office,
through CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-01
42. Anup-Kumar Verma,
AGM in BSNL Corporate Office,
through CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-01
43. Bhupendra Kausik,
AGM in BSNL Corporate Office,
through CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-01
44. Altab Ahmed Khan
AGM in BSNL Corporate Office,
through CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-01
45. Sujata Choudhary, DE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
46. T H Saratchandra Meetei, DE,
through CGMT BSNL,
North East II Deemapur (Nagaland)
47. Geeta Rani Swain, DE,
through CGMT, BSNL,
Orissa Circle. Bhubaneswar (Orissa)

→ 4 →

48. Vevekananda Nath DE,
through CGMT, BSNL,
Assam Circle, Gauhati
49. Seshadev Mishra DE,
ETP, Telephone Bhawan, Bajrakabati Road,
Cuttack-753001 through CGMT, BSNL,
Eastern Telecom Project, Kolkatta
50. Surajit Chakraborty, DE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
51. Arun Kumar Pandey, DE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
52. Brinda Prasad, DE,
through CGMT BSNL, Mumbai
53. Pradeep Rathore,
DE, through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
54. Surendra Babu, SDE,
through CGMT BSNL, UP (W)
Circle, Meerut
55. Yogesh Kumar Sharma,
DE, through CGMT BSNL,
Madhya Pradesh Circle, Bhopal
56. Dhananjoy Mondal, SDE,
through CGMT BSNL,
Kolkatta Telecom District Kolkatta
57. Sharad Kumar Srivastava, SDE,
through CGMT BSNL,
Western Telecom Region, Mumbai
58. B. P. Kuyate, SDE,
through CGMT BSNL, Maharashtra
Circle, Mumbai
59. Sanjib Sardar, SDE,
through CGMT BSNL, Kolkatta
Telecom factory Kolkatta
60. N. G. Dazzi, SDE,
through CGMT BSNL, North east II
Deemapur, (Nagaland)
61. Sanjay Kumar Jain, SDE,
through CGMT BSNL,
Punjab Circle, Chandigarh
62. Prasenjit Bhattacharjee, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
63. Rajeev Kumar Gangwar, SDE,
through CGMT BSNL,
Rajasthan Circle, Jaipur
64. Shiv Kumar S, SDE,
through CGMT BSNL,
Karnatak Circle, Bangalore
65. Indira Thakur, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla

- 15
66. Utpal Ch. Bowmick, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
67. Suraj Prakash Taneja, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
68. Anil Dhiman, SDE,
through CGMT BSNL Himachal
Pradesh Circle, Shimla
69. Pradeep Kumar Sahoo DE
O/o GM TD, BSNL, Door Sanchar Bhawan,
Rourkela through CGMT, BSNL, Orissa Circle.
Bhubaneswar (Orissa)
70. Ajit Kumar Das DE
BB O/o GM TD, Telephone Bhawan,
Berhampur, Ganjam through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
71. Manoj Kumar Chhotray, DE
O/o GM TD, BSNL, Balasore-1 through CGMT,
BSNL, Orissa Circle. Bhubaneswar (Orissa)
72. Ramesh Ch. Sahu, SDE,
through CGMT, BSNL,
Orissa Circle. Bhubaneswar (Orissa)
73. Hrushikesh Patra DE
Trans., O/o GM TD, Telephone Bhawan,
Berhampur, Ganjam, through CGMT, BSNL,
Orissa Circle. Bhubaneswar (Orissa)
74. Srinivas Mohapatra DE,
O/o GM TD, Telephone Bhawan,
Berhampur, Ganjam, through CGMT, BSNL,
Orissa Circle. Bhubaneswar (Orissa)
75. Gouragopal Pattnaik DE
CMTS, Telephone Bhawan, Berhampur,
Ganjam, through CGMT, BSNL, Orissa Circle.
Bhubaneswar (Orissa)
76. Avas Majhi, SDE,
through CGMT, BSNL,
Orissa Circle. Bhubaneswar (Orissa)
77. Ramesh Kumar SDE
O/o D E OFC, ETR, Telephone Bhawan,
Koraput, through CGMT, BSNL, Orissa Circle.
Bhubaneswar (Orissa)
78. Manoj Kumar Mullick, DE
O/o the GMTD, BSNL Door Sanchar Bhawan,
Bhubaneswar-751022, through CGMT, BSNL,
Orissa Circle, Bhubaneswar (Orissa)
79. Ram Krishna Paul, SDE,
through CGMT, BSNL,
Assam Circle, Gauhati
80. Rajkumar Mishra, DE
O/o G M CMTS, Orissa Circle,
IDCO Tower 7th floor, Bhubaneswar-22,
through CGMT, BSNL, Orissa Circle.
Bhubaneswar (Orissa)

- 6 -

81. Shiv Kr. Rishishwar, DE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
82. P. Damodar DE
O/o GM TD, BSNL, Telephone Bhawan,
Koraput, through CGMT, BSNL, Orissa Circle.
Bhuvaneshwar (Orissa)
83. Arijan Kumar Mallick DE
Trans., Telephone Bhawan, Bijrakabati Road,
Cuttack-753001 through CGMT
BSNL, Orissa Circle. Bhuvaneshwar (Orissa)
84. Nishit K. Upadhaya, SDE, BSNL,
Madhya Pradesh Circle, Bhopal
85. Hemant Gupta, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
86. Ch. Debandra Singh, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
87. E. Dinesh, SDE,
through CGMT BSNL,
Andhra Pradesh Circle, Hyderabad
88. G. Ravi Kumar, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
89. Sanjay Singh Pathania, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
90. MD. Siraj Mohiddin, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
91. Deepak Guleria, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
92. Mrinal Roy, SDE,
through CGMT, BSNL,
Assam Circle, Gauhati
93. B. Sridhar, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
94. Amit Prakash, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
95. Amresh Kumar, SDE,
through CGMT BSNL NTR,
Kidwai Bhawan, Janpath, New Delhi-01
96. Rajesh Kumar Kashyap, SDE,
through CGMT BSNL NTR,
Kidwai Bhawan, Janpath, New Delhi-01
97. Indira Sekhar Sudhansu Mishra SDE
through CMD, BSNL, Bharat Sanchar Bhawan,
Janpath, New Delhi
98. Pratibha Gupta, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal

7

19

99. Rajesh Singh Thakur, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
100. Shaik Vazeeruddin, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
101. Mohd. Salaruddin, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
102. Umesh Kumar, SDE
through CMD, BSNL, Bharat Sanchar Bhawan,
Janpath, New Delhi
103. Milan Jain, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
104. Manoj Kumar Mishra, SDE,
through CGMT BSNL
NTR, Kidwai Bhawan, Janpath, New Delhi-01
105. Sanjay Kumar Agarwal, SDE,
through CGMT BSNL,
UP (W) Circle, Meerut
106. Vivek Namdeo, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
107. Bhavna Sharma, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
108. Rupendra Pathak, SDE,
through CGMT, BSNL,
Bihar Circle, Patna
109. Sheela V, SDE,
through CGMT BSNL,
Karnatak Circle, Bangalore
110. Hari Kishan Tambia, SDE,
through CGMT BSNL,
Rajasthan Circle, Jaipur
111. Ravindra Shukla, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
112. K.B. Upasani, SDE,
through CGMT BSNL,
Maharashtra Circle, Mumbai
113. A Shivakumar, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
114. Brahmananda Nayak DE
O/o D G M Mtce. , ETR MW Campus
Bhubaneswar-751012, through CGMT, BSNL,
Orissa Circle. Bhubaneshwar (Orissa)
115. Ajay Kumar Tiwari, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
116. Abhay Gupta, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal

8

117. Dharmendra Kumar Jain, SDE,
through CGMT, BSNL, Madhya Pradesh Circle,
Bhopal
118. Anita Bhardwaj, SDE,
through CGMT BSNL
Himachal Pradesh Circle, Shimla
119. Alok Kumar Srivastava, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
120. S.K. Agarwal, SDE,
through CGMT BSNL,
Chhattisgarh Circle, Raipur
121. Singh D.S., SDE,
CGMT MTNL Mumbai
122. Girish S, SDE,
through CGMT BSNL,
Karnatak Circle, Bangalore
123. Janak Raj, SDE,
through CGMT BSNL,
Haryana Circle, Ambala
124. Ram Bilas Verma, SDE,
through CGMT BSNL NTR,
Kidwai Bhawan, Janpath, New Delhi-01
125. S.N. Laghate, SDE,
through CGMT, BSNL,
Madhya Pradesh Circle, Bhopal
126. M. Giridhar, SDE,
through CGMT, BSNL,
Andhra Pradesh Circle, Hyderabad
127. Biswajit Lenka DE
CMTS ,Telephone Bhawan , Keonjhar,
through CGMT, BSNL, Orissa Circle.
Bhuvaneshwar (Orissa)
128. R.G. Dalvi, SDE,
through CGMT BSNL,
Maharashtra Circle, Mumbai
129. Nongmeikapam, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
130. Bijay Karmakar, SDE,
through CGMT, BSNL,
Kolkatta Telecom District, Kolkatta.
131. R. M. Bhatia, SDE,
through CGMT BSNL,
Maharashtra Circle, Mumbai
132. Sushanta Kumar Mishra DE
O/o TDM , BSNL , Bolangir, through CGMT,
BSNL, Orissa Circle. Bhuvaneshwar (Orissa)
133. H. Khogen Singh, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)
134. Laxman Meher DE
O/o the GMTD,BSNL, Kachery Road,
Sambalpur-768001, through CGMT, BSNL,
Orissa Circle. Bhuvaneshwar (Orissa)
135. M Birendra Singh, SDE,
through CGMT BSNL,
North East Circle, Shilong (Meighlaya)

9

136. P.S. Parmar, SDE,
through CGMT BSNL,
Gujarat Circle, Ahemdabad
137. Sathiyam D, SDE,
through CGMT BSNL,
Tamil Nadu Circle, Chennai
138. Kumareshan G, SDE,
through CGMT BSNL,
Karnatak Circle, Bangalore
139. Rajeshwari K, SDE,
through CGMT BSNL,
Tamil Nadu Circle, Chennai
140. Sivagama Sundari S, SDE,
through CGMT BSNL,
Tamil Nadu Circle, Chennai
141. Jitesh Kumar, SDE,
through CGMT BSNL,
Punjab Circle, Chandigarh
142. J K. Patel, SDE,
through CGMT BSNL,
Gujarat Circle, Ahemdabad

All the respondents be served Respondents
through Bharat Sanchar Nigam Ltd.
Bharat Sanchar Bhuvan,
4th Floor Janpath, New Delhi-110001

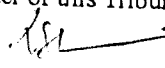
Whereas an application filed by the above name applicant(s) under Section 19 of the Administrative Tribunals Act, 1985, as in the copy annexed hereunto has been registered and upon Preliminary hearing, the Tribunal has directed to issue notice regarding Interim Relief. In order to contest the application, you may file your reply along with the documents in support thereof and after serving copy of the same on the applicant or his Legal Practitioner before the next date of hearing and appear before this Tribunal, either in person or through a Legal Practitioner/Presenting Officer appointed by you in this behalf.

Therefore, notice is hereby given to you to appear before this Bench of the Tribunal in person or through a Legal Practitioner/Presenting Officer in this matter at 10.30 a.m. of the 6th day of October, 2009. If you fail to appear, the application will be heard and disposed of in your absence without any further notice to you.

Given under my hand and seal of the Tribunal this the 31th day of August 2009.

(By order of this Tribunal)

Encls : Paper-book to Rspondents & order dated.11.08.2009


Section Officer J-I
For Principal Registrar



Item No.2

OA No.2126/2009

MA No.1432/2009

11.08.2009

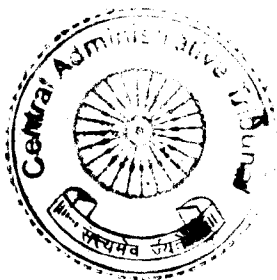
Present : Mrs. Rani Chhabra counsel for applicant.

Heard. Issue notice to the respondents returnable on 6.10.2009. In the meantime, any promotion made will be subject to the outcome of the OA.

(Dr. Ramesh Chandra Panda)
Member (A)

(Mrs. Meera Chhibber)
Member (J)

/p/




श्री. रानी चहबरा (अपीतिका)
श्री. मेरा चहबरा (अपीतिका)
श्री. रानी चहबरा (अपीतिका)
श्री. मेरा चहबरा (अपीतिका)
श्री. रानी चहबरा (अपीतिका)
श्री. मेरा चहबरा (अपीतिका)

11/08/09

श्री. रानी चहबरा (अपीतिका)
Section Officer (J)
श्री. रानी चहबरा (अपीतिका)
Central Administrative Tribunal
प्लॉट नं. 1, बंगला, नई दिल्ली
Principal Bench, New Delhi

8.	Annexure A- 3 A true and correct copy of TES Recruitment Rules, 1996	89 – 92
9.	Annexure A- 4 A true and correct copy of the Order dated 28.1.2002	93 – 94
9A	Annexure A- 4A A true copy of the representative alongwith reply of respondent	94 A - 94H
10.	Annexure A- 5 A true and correct copy of the judgment and order dated 13.7.2006 passed by the Hon'ble High Court of Kerala	95 – 106
11.	Annexure A- 7 A true Photo Copy of OM dated 03.07.1986	107 – 116
12.	Annexure A- 8 A true Photo Copy of OM dated 10.03.1989	117 – 122
13.	Annexure A-9 A true chart of all candidates including private respondents showing the detail	123 – 128
14.	Annexure A-10 A true and correct copy of the Order dated 21.8.2007 passed by the Orissa High Court	129 – 130
15.	Annexure A-11 A true and correct copy of the order dated 9.10.2007 passed by the Kerala High Court	131 – 136
16.	Annexure A-12 "Colly" A True and correct copies of the objections submitted by the Applicant Association as well as various others	137 – 175
17.	Annexure A-14 A true and correct copy of the judgment and order dated 2.4.2008 passed by the Hon'ble High Court of Madras	176 – 199

18.	Annexure A-15 A true and correct Photo copy of the objection dated 19.8.2008	200 – 203
19.	Annexure A-17 A true and correct copy of the objections dated 30.09.08	204 – 206
20.	An application under Section 4(5)(a) of CAT Rules with verification	207 – 208
21.	An application under Section 25 of CAT Act with verification	209 – 211
22.	An application under Rule 6 of CAT procedure Rules.	212
23.	Vakalatnama	

FILED BY

[MRS. RANI CHHABRA]
Advocate for the Applicant
125, Lawyers' Chamber
Supreme Court of India
New Delhi -110001

Filed On: .07.2009

A

SYNOPSIS AND LIST OF DATES

That the Applicants belong to Telecom Engineering Service Group B Cadre (hereinafter referred in short as TES Group B in BSNL) and presently they have been working as SDEs/Officiating Divisional Engineers at different stations.

- 1966 Initially recruitment to the SDE Cadre was governed by Telegraph Engineering Service group II Recruitment Rules 1966.
- 07.05.1981 The said Recruitment Rules 1966 were superseded by TES Recruitment Rules 1981 prescribing the made of TES group B post on promotion basis which prescribe 66 2/3 % by selection amongst JEs Now designated as JTOs on the basis of Qualifying examination conducted by Department and 33 1/3 percent through Limited Departmental Competition Examination Relevant Rules are mentioned in Para 4.4 of the Petition.
- 1986 R.Rs 1981 were amended by changing the nomenclature of the post by making it Telecommunication Engineering Service instead of Telegraph Engineering Service.
- 1990 Department of Telecom created 3200 & Deposits by upgradation considering huge stagnation in the cadre of JTOs and further took decision for suspending DCE examination for three year 1990-91, 1991-92, 1992-93.
- In the year 1990 the Department created 3200 sub Divisional Engineering posts by up gradation with matching savings. The upgradation was done considering huge stagnation in the cadre of Junior Telecom Officers. The Department in order to promote senior and eligible Junior Telecom Officers took decision for suspending the Limited

B

Departmental Competitive Examination for three years, that is for the years, 1990-91, 1991-92 and 1992-93.. As a result the vacancies that accrued for 1/3rd competitive quota went to the 2/3rd quota and all vacancies of both quota upto the years 1992 -93 were filled up in accordance with the seniority cum fitness.

Recruitment of all applicants in the feeder cadre falls between the years 1978 to 1984, and had taken their Departmental Qualifying Examination way back from 1985 to 1991 and had joined on the post of TES Group 'B' from 1994 to 1998 as per Recruitment Rules 1981 against 2/3rd quota of Departmental Qualifying Examination.

23.07.1996 In the year 1996, Recruitment Rules 1981 stood superseded by new Telecommunication Engineering Service Group B Recruitment Rules, 1996 which came into force on 23.07.1996. Under the said Rules, 75% quota was to be filled up amongst the JTO on seniority cum fitness basis and 25% quota was to be filled up on the basis of LDCE.

Since no LDCE was held, therefore some JTOs of SC/ST and also Other Category, who could not have been passed the Departmental Qualifying Examination held in 1985, 1987, 1988, 1989, 1990 and 1991 filed cases before the Central Administrative Tribunal, Ernakulam, Kerala including O.A.No.1497 of 1996 seeking direction for conducting Qualifying cum Competitive Examination for the vacancies available prior to coming into force of Recruitment Rules, 1996. In fact, the DOT submitted affidavit before Hon'ble Supreme Court on 25.10.1996 in

C

SLP (Civil) No. 26071/1995 that the vacancies are to be filled up according to the Rules in existence upto the date of vacancies. Accordingly Hon'ble Supreme Court passed judgment dated 25.10.96. Taking advantage of this order passed by the Hon'ble Supreme Court, the SC, ST and OC categories submitted that since the vacancies under LDCE quota falling upto 22.07.1996 prior to the commencement of Recruitment Rules, 1996 were not filled, therefore the direction be issued to the department accordingly.

01.05.1998

The Central Administrative Tribunal, Ernakulam, Kerala vide its order dated 1.5.98 in O.A.No.1497/1996 and in other connected cases directed the Department of Telecommunication to hold a combined Qualifying cum Competitive Examination with the following directions.

"Para 35- In sum, we direct that the Department shall fill up the vacancies arising up to 22.07.96 only with the officials of JEs/JTOs cadre who have qualified and may qualify themselves at the Qualifying Examination part of the DE, one combined Departmental Examination for the quota of SC/ST vacancies for the TES Group -B cadre earmarked for the Qualified Officers and fill up 1/3rd quota earmarked for the competitive Officers who have qualify themselves or may qualify themselves at the same combined Departmental cum Competitive Examination. The posts earmarked for SC/ST in the promotional cadre of TES Group 'B' are directed to be filled up appropriately with the qualified SC/ST officials from the feeder cadre of JEs/JTOs based on the results of this Examination. As we have already directed, that the Combined Departmental