

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.19837 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus to declare the action of the respondents in not considering the candidature of the petitioner for promotion to the post of Junior Telecom Officer against 15% quota as wholly arbitrary, illegal and void and consequently direct the respondents to consider the case of the petitioner under the 15% quota of promotions against the posts diverted from the quota of direct recruits and also declare that the petitioner is entitled for all consequential benefits such as promotion with effect from the corresponding date on which the candidates from the 35% quota have been so promoted, pay fixation, payment of arrears of salary and seniority etc.,

2. The petitioner was selected as Telephone Operator in the year 1985, and thereafter, he was promoted as Telephone Supervisor. The grievance of the petitioner is that though he was qualified to the post of Junior Telecom Officer, his case was not considered. Hence the writ petition.

3. Learned counsel appearing for the petitioner contended that as per the Junior Telecom Officer Recruitment Rules, 1996, 15% quota is allotted to the departmental candidates for promotion through competitive examination and hence, he prays to consider the case of the petitioner for promotion.

4. The respondents are bound by the Junior Telecom Officer Recruitment Rules, 1996. These rules provide for promotion of departmental candidates through a limited departmental competitive examination at the ratio of 15%. Therefore, the respondents are bound by the rules governing promotions to be effected to the post of Junior Telecom Officer.

5. Without going into the merits of the case, I feel it appropriate to dispose of the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Junior Telecom Officer under 15% quota in accordance with the rules within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 28-04-2016.

Hsd