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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1718/2001

New Delhi this the 16th day of July, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri V.K. Majotra, Member (A)

1. Federation of Bahunjan Telecom
Organisations (Regd.)
through its Secretary General
I-69-D, Dilshad Garden
Delhi-110 095.
2. Dharam Bir Singh
Working as S.D.O. Jor Bagh
Telephone Exchange, New Delhi-3.

-Applicants

(By Advocate: Dr. K.S. Chauhan, Dr. K.P.S. Dalal &
Shri Chand Kiran)

Versus

1. Union of India
through its Secretary
Department of Telecommunications
Sanchar Bhawan
20, Ashoka Road
New Delhi- 110 001.
2. Deputy Director General (Personnel)
Department of Telecommunications
Sanchar Bhawan
20, Ashoka Road
New Delhi-110 001.

-Respondents

ORDER (Oral)


By Shri V.K. Majotra, Member (A)


Applicant No.1 is a Federation of Bahunjan Telecom Organisations (Regd.). Shri Ram Sanahi is its elected Secretary General. Applicant No.2 Shri Dharam Bir Singh who is working as S.D.O. in Jor Bagh Exchange, New Delhi is stated to be an affected person. He belongs to a Scheduled Caste. It is alleged that there is a backlog of 1027 posts for the Scheduled Castes category and a backlog of 1506 posts in the case of Scheduled Tribes category in the matter of promotion to the post of Telecom Engineering Services Group-B (hereinafter

12

referred as 'TES Group-B') from the post of Junior Telecom Officer (JTO). It has been alleged that ^{according to the Respondents} whereas in the case of Scheduled Castes, there is a backlog of 192 (competitive quota) and 335 (qualifying quota), in the case of Scheduled Tribes the backlog vacancies is of 332 and 659 in the competitive and qualifying quotas.

2. We have heard the learned counsel of the applicants who states that the respondents have violated the ratio of Hon'ble Apex Court in R.K. Sabharwal & Ors. Vs. State of Punjab & Ors, (1995) 2 SCC 745. Whereas Annexure A-1 dated 18.11.98 has been appended to indicate the number of vacancies which have not yet been filled up by the respondents, the applicants have not filed in the OA any orders of the respondents whereby these vacancies have been filled up. The cause of action for the applicants on the basis of the post-based roster as prescribed by the directions contained in the case of R.K. Sabharwal (supra) will arise only when the respondents fill up the posts and such orders are challenged when SC/ST candidates do not get promotion as per their respective share on the basis of post-based rosters. In our considered view, therefore, at present this OA is pre-mature and is dismissed accordingly in-limine.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

CC.