

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 13.2.2002.

O.A.NO. 211/2001

Birma Ram Bera S/o Shri Bhanwarlal aged about 38 years, by caste Jat, resident of Quarter No. 306/6, Latif Enclave, Air Force Quarters, Air Force Station, Jodhpur (Appointed on the post of J.T.O. in the office of BSNL).

.....Applicant.

versus

1. The Union of India through the Secretary, Department of Communication, Sanchar Bhawan, New Delhi.
2. Bharat Sanchar Nigam Limited through the General Manager (Admn.) & Controller of Exams., Department of Communication, Sanchar Bhawan, New Delhi.
3. The Deputy General Manager (Admn.) & Controller of Exams. Bharat Sanchar Nigam Limited, C.G.M., Rajasthan Circle, Jaipur).
4. The Assistant General Manager (Admn.), Bharat Sanchar Nigam Limited, C.G.M., Rajasthan Circle, Jaipur.

.....Respondents.

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Mr. R.S.Choudhary, advocate, brief holder for
Mr. G.R.Punia, counsel for the applicant.

Mr. B.L.Bishnoi, advocate, brief holder for
Mr. Vijay Bishnoi, counsel for the respondents.

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CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member

Hon'ble Mr. J.K.Kaushik, Judicial Member

Gopal Singh

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PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER :

In this Application under section 19 of the Administrative Tribunals Act, 1985, applicant, Birma Ram Bera, has prayed for setting aside the impugned result placed at Annex. A/1 and for a direction to the respondents to consider the case of the applicant for appointment to the post of Junior Telecom Officer in the ex-servicemen category. The contention of the applicant is that in almost all fresh recruitments, reservation for ex-serviceman has been provided but there was no reservation for ex-serviceman in the recruitment of Junior Telecom Officer, held by the respondent-department. It has, therefore, been prayed by the applicant that the result prepared without providing any reservation for ex-serviceman, be quashed and the applicant be afforded an opportunity to compete for the same under ex-servicemen quota.

2. In the counter, it has been stated by the respondents that reservation for ex-servicemen exists only for Group 'C' and Group 'D' posts and there is no reservation as such in recruitment for Group 'B' posts. The learned counsel for the respondents has also drawn our attention to Government of India, Department of Personnel and Administrative Reforms Notification dated 15.12.1979 in this connection. We consider it appropriate to extract below the relevant provision under this notification for reservation of vacancies for ex-servicemen :-

Extract from Government Notification dated 15.12.1979

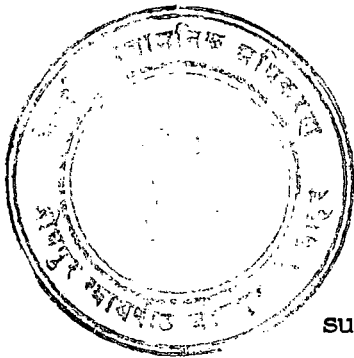
"4.Reservation of vacancies

(1) Ten per cent of the vacancies in the posts of the level of Assistant Commandant in all paramilitary forces; ten per cent of the vacancies in each of the categories of Group 'C' posts and of such posts in each Group 'C' Service, and twenty per cent of the vacancies in each of the categories of Group 'D' posts and of such posts in each Group 'D' service including

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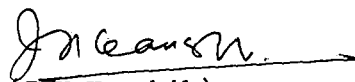
permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent or are likely to continue for three months and more, to be filled by direct recruitment in any year shall be reserved for being filled by ex-servicemen:

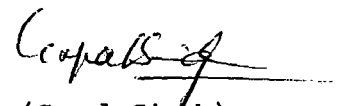
Provided the percentage of reservation so specified for ex-servicemen in a category of posts shall be increased or decreased in any one recruitment year to the extent to which the total number of vacancies reserved for ex-servicemen, Scheduled Castes and Scheduled Tribes (including the carried forward reservations for SC and ST) and for any other categories taken together, falls short or is in excess, as the case may be, of fifty per cent of the vacancies in that category of posts filled in that year."



The post of Junior Telecom Officer, is a Group 'B' post and as such, in terms of these provisions, the applicant is not entitled for special reservation for ex-servicemen, as has been prayed for. Thus, there is no merit in this application and the same is liable to be dismissed.

3. The O.A. is accordingly dismissed with no order as to costs.


(J.K. Kaushik)
Judl. Member


(Gopal Singh)
Adm. Member

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Part II and III destroyed
in my presence on 3-2-02
under the supervision of
section chief as per
order no. 1450-9

Section Chief (Record)

Received copy
Paco
on 2/2/02

Copy sent to applicant
vide no 133 cot 6/3/02

ADP
with sum
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13/5/02