

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 157 of 1996

Friday this the 8th day of March, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. G.Renuka, Technician C-Dot Regional Repair Centre, Office of the Chief General Manager, Telecom, Trivandrum.
2. M.M.John, Technician E-10B Exchange Trivandrum.11.

(1st applicant through authorised agent 2nd applicant M.M.John).

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Chief General Manager, Telecom, Kerala Circle, Trivandrum.
2. Union of India represented by Secretary to Government, Ministry of Communication, New Delhi.

(By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC)

The application having been heard on 8th March, 1996 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants complain that only 43 out of 55 vacancies of Junior Telecom Officers are filled in the 15 per cent competitive examination quota; they seek a direction to fill the remaining posts.

2. Respondents have filed a reply, stating that there are not 55 but 54 vacancies in this category, and that only the results of 43 candidates were declared, keeping 11 posts vacant. These are earmarked for members of the Scheduled Castes (five), Scheduled Tribes (three) and Reserve Trained Pool candidates (three). Reserve

Trained Pool vacancies are kept vacant, awaiting the decision of the Supreme Court in SLP No.94 CC 26973 (sic).

3. There is no justification in keeping eight posts vacant, five for members of Scheduled Castes and three for members of Scheduled Tribes on the ground that there are no eligible candidates. Quota reserved for a particular category of socially backward, must go to them. This is to be done by carrying forward the quota, and not by leaving the posts vacant.

4. When there are posts available and when there are candidates available, consistent with the mandates of Article 16, the posts have to be filled. The concept of equality of opportunity in matters of employment must be given its whole meaning.

5. This, we understand, is the principle laid down by the Apex Court in Karnataka State Road Transport Corporation Vs. B.K. Doreswamy & Others, 1994(2) LLJ 1052.

6. Respondents are directed to fill up the eight vacancies aforementioned from the merit quota. They will also ensure that the quota intended for members of the Scheduled Castes and Scheduled Tribes are carried forward.

7. Original Application is allowed as aforesaid. No costs.

Dated the 8th day of March, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN