

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00291/2018

Dated Wednesday the 28th day of February Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

P.Arulselvam (HR No. 199902131),
Junior Telecom Officer,
BSNL Civil Sub Division,
Cuddalore 607001.
residing at:
No. 151/1, Annai Moogambigai Nagar,
Koothapakkam,
Cuddalore 607002.Applicant

By Advocate M/s. MNS Law Associates

Vs

Union of India rep by,
1.The Director (HR),
BSNL Corporate Office,
No. 222, II floor, Eastern Court,
Janpath, New Delhi 110001.
2.The GM (Rectt),
2nd floor, Room no. 225,
Eastern Court, BSNL Corporate Office,
Janpath, New Delhi 110001.
3.Asst. General Manager (DE-I),
BSNL Corporate Office,
Departmental Examination Branch,
No. 222, II floor, Eastern Court,
Janpath, New Delhi 110001.Respondents

By Advocate Mr. S. Gopinath

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- i. To direct the respondents to include the name of the applicant in the results declared in the Limited Departmental Competitive Examination held on 15th December 2013 for promotion to the grade of Sub-Divisional Engineer (Civil) from JTO as the promotions have been made against the Hon'ble Apex Court's decision and declare him successful.
- ii. To direct the respondents to appoint the applicant as Sub Divisional Engineer (Civil) based on the marks scored vis-a-vis the candidates who had scored lesser marks than him and promoted, against the vacancies for the periods 2010-2011, 2011-2012 and 2012-2013 under the General category with all service benefits as the reservations in promotions have been made in violation of the Court's decisions listed above;
- iii. To set aside the impugned order No. 30-2/2013-DE (Pt.) dated 25.03.2014 relating to declaration of results for promotion to JTO (C) to SDE(C) ;
- iv. To pass such further orders this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. Learned counsel for the applicant submits that the applicant was aggrieved by the non-disposal of his Annexure A5 representation dt. 20.09.2017 pleading against the policy of reservation in promotion. It is submitted that the applicant had scored higher marks than several of his juniors who had been promoted only on the ground of reservation. However, the respondents had not acted in accordance with the law laid down by the Hon'ble Apex Court in the case of *M. Nagaraj & others Vs. Union of India* for continuing the policy of reservation in promotions.

3. Mr. S. Gopinath takes notice for the respondents.

4. On perusal, it is seen that the applicant had not highlighted in his representation, the issues involved except to merely cite the decision of

the Hon'ble Supreme Court in the case of *M. Nagaraj and others* and a couple of other cases decided by the Hon'ble High Court of Delhi and the Chandigarh Bench of this Tribunal. Learned counsel for the applicant would submit that the applicant may be permitted also to refer to the DoPT decision in the matter not to make any promotions based on such policy till the matter is finally decided by the Hon'ble Apex Court and submit a comprehensive representation seeking a review of the orders promoting his juniors.

5. Learned counsel for the respondents has no objection.
6. In view of the aforesaid submission, the applicant is permitted to make a comprehensive representation to the respondents arguing against the policy of reservation in terms of the law laid down by the Hon'ble Apex Court within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same in accordance with law and pass a reasoned and speaking order within a period of two months thereafter.
7. OA is disposed of with the above direction at the admission stage.

(R. Ramanujam)
Member(A)
28.02.2018

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