



SC/ST EMPLOYEES WELFARE ASSOCIATION OF BSNL (SEWA)

(The Recognised Association in BSNL Regn. No. S/58891/07 Delhi)

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SEWA BSNLCHQ/2018-20

Dated 03.07.2018

To

Smt. Sujata T. Ray,
Director (HR), BSNL Board,
New Delhi.

Subject: Promotion from SDE (T) to DE/AGM-request for adherence of constitutional provisions as well as orders of Hon'ble Supreme Court of India with regard to applicability of reservation roster regarding.

Respected madam,

We humbly submit that the Hon'ble Supreme Court of India vide its judgment dated 19/10/2006 in the Case No. Writ Petition (Civil) 61 of 2002 (Petitioners): M. Nagaraj & Others vs Union of India & Others (Respondents) has upheld the validity of the Constitution amendment (Seventy-Seventh Amendment) Act, 1995, the constitution (Eighty-First Amendment) Act, 2000, the Constitution (Eighty-Second Amendment) Act, 2000 and the Constitution (Eighty-Fifth Amendment) Act, 2001.

The Government of India has pursued and vehemently defended the case in favour of reservation roster for SC/ST employees before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India on 17.5.2018 has passed the following Orders in

: Correspondance :

Special Leave Petition (Civil) No.30621 of 2011 -Jarnail Singh & Ors vs Lachhmi Narain Gupta & Ors,

" It is directed that pendency of this Special Leave Petition shall not stand in the way of Union of India taking steps for the purpose of promotion from 'reserved to reserved' and 'unreserved to unreserved' and also in the matter of promotion on merits. Post for further orders after summer vacation"

Further Hon'ble Supreme Court of India on dated 05.6.2018 in SLP(C) 28306/2017, in the matter of State of Maharashtra & Anr. vs Vijay Ghogre & Ors., has ordered as below,

"Heard learned counsel for the parties. Learned ASG has referred to order dated 17.05.2018 in SLP(C)No. 30621 of 2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP(C)No.30621 of 2011."

Accordingly Department of Personnel and Training (DoPT) vide F.No. 36012/11/2016- Estt.(Res-I) {Pt-II} has issued instructions to All Ministries/ Departments to bring this to the notice of all concerned for information and compliance. Therefore constitution provisions mandates to follow the reservation roster and DoPT has already issued instruction vide aforementioned orders to comply with aforementioned orders of Hon'ble Supreme Court of India dated 17.5.2018 and 5.6.2018.

It is learnt that promotion orders from SDE to AGM grade in telecom stream for all the candidates falling in list No. 8 is under discussion and consideration by Management. Our submission in this regard is that exercise of calculation of roster points for SC/ST executives should also be done immediately to include eligible SC/ST executives from list 9. Accordingly instructions be issued by Pers. Cell for asking VC

