

Room No.221, SCT Cell, The Eastern Court,

BSNL Corporate Office, Janpath,



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

No. 60-10/2017-SCT/709

Dated: 27.11.2019.

To,

1. All Head of circles & Telecom Districts (Kolkata/Chennai)
Bharat Sanchar Nigam Limited.
2. CGM (Arch.), CGM (BW), CGM (Elect), PGM (Pers.), Sr. GM (Estt.),
GM (FP) & GM (Rectt.) BSNL Corporate office, New Delhi

Subject: Orders of Hon'ble Supreme Court in Civil Appeal No. 10396/2018 arising out of SPL No. 13011/2018 Gajanan Marotrao Nimje & Others Vs RBI & Others and Civil Appeal Nos 10387-10388/2018 arising out of SPL No. 18555-18556 /2018 SG Barapatre & Others Vs Shri Ananta Gajanan Gaiki & Others regarding Appointment of candidates belonging to Halba/Halba Koshti /Koshti caste/community against vacancies reserved for the Scheduled Tribes; representation received – Regarding.

Kindly find enclosed herewith DOPT OM No. 36012/12/2013-Estt.(Res.) dated 08.04.2019 on the above mentioned subject containing observation of Hon'ble Supreme Court regarding Appointment of candidates belonging to Halba/Halba Koshti /Koshti caste/community as follows:

1. ".....all applicants (who are from Halba koshti/koshti/Halba communities) shall be placed below the list of the general category candidates as on 28.11.2000 and will be continued as such till their superannuation.
2. All the benefit which the appellants earned as reserved category candidate after 28.11.2000 will be surrendered/recovered.
3. After 28.11.2000 the benefits available to the reserved category candidates will be given to the members of the reserved category regarding whom there is no dispute.
4. There shall be no recovery of any benefits from the employees who are already superannuated....."
5. For all purposes, those people will get themselves arrayed in the General Category as on 28.11.2000 and placed below the last of the general category candidate as on that date.

In view of the above, it is requested to take action on OM dated 08.04.2019 in the following manner:

- i) Issue of notice to the employees from Halba koshti/koshti/Halba communities under due acknowledgement from them enclosing DOPT OM No. 36012/12/2013-Estt.(Res.) dated 08.04.2019 informing that they will be arrayed in the General Category as on 28.11.2000 and placed below the last of the general category candidate and action in their case will be taken as per the said DoPT OM.

- ii) After 28.11.2000 the benefits available to these candidates will be taken back and transferred to the members of the reserved category regarding whom there is no dispute. That means they will be considered as General Category candidates after this date and therefore their verification of cast Certificate by Scrutiny Committee will not be necessary now. Regarding recovery of benefits, instructions given in the OM shall be followed.

This has been issued with the approval of the competent authority.

Encl: As above


(Ranvir Singh Chauhan)

AGM (SCT)

Tel. No. 011-23037363

FAX: 011-23766143

Mail id - sctcellbsnlco@gmail.com

Copy to: - 1. Maharashtra Telecom Circle, w.r.t. your office letter no. A/DE/SC-ST/false fake/cast certificate /2018-19/CO MUM/conf/12 dated 04/10/2019. It is requested to take appropriate action as above.

✓ 2. Intranet Portal, BSNL

No.36012/12/2013-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment (Reservation-I) Section

North Block, New Delhi
Dated 08.04.2019

OFFICE MEMORANDUM

Subject: Orders of Hon'ble Supreme Court in Civil Appeal No 10396/2018 arising out of SLP No.13011/2018 Gajanan Marotrao Nimje & Others Vs RBI & Others and Civil Appeals Nos 10387-10388/2018 arising out of SLP Nos 18555-18556/2018 SG Barapatre & Others Vs Shri Ananta Gajanan Gaiki & Others regarding Appointment of candidates belonging to Halba/Halba Koshti/Koshti caste/community against vacancies reserved for the Scheduled Tribes; representations received - Regarding

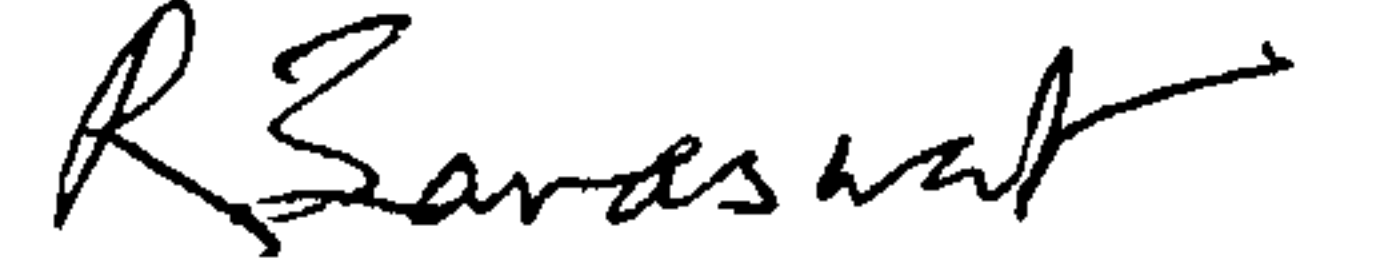
With reference to the subject cited above, attention is drawn to the Hon'ble Supreme Court judgment dated 11.10.2018 in Civil Appeal No 10396/2018 arising out of SLP No.13011/2018 Gajanan Marotrao Nimje & Others Vs RBI & Others In which the Apex Court has, inter-alia, passed the following order:-

"..... all appellants (who are from Halba Koshti/Koshti/Halba communities) shall be placed below the list of the general category candidates as on 28.11.2000 and will be continued as such till their superannuation. All the benefits which the appellants earned as reserved category candidates after 28.11.2000 will be surrendered/ recovered. After 28.11.2000 the benefits available to the reserved category candidates will be given to the members of the reserved category regarding whom there is no dispute. There shall be no recovery of any benefits from the employees who are already superannuated...."

2. A similar stand has been taken by the Hon'ble Supreme Court in Civil Appeals Nos 10387-10388/2018 arising out of SLP Nos 18555-18556/2018 SG Barapatre & Others Vs Shri Ananta Gajanan Gaiki & Others dated 10.10.2018 as under:-

"..... For all purposes, those people will get themselves arrayed in the general category as on 28.11.2000 and placed below the last of the general category candidate as on that date."

3. All Ministries/ Departments are requested to furnish action taken in the light of the above judgements. Copies of the aforesaid judgements are annexed herewith for ready reference.



(Raju Saraswat)

Under Secretary to the Govt.of India

Tele/Fax-23092110

1. Secretaries of All the Ministries/Departments of the Government of India
2. Secretary, Ministry of Tribal Affairs.
3. Secretary, department of Financial Services.
4. Secretary, Department of Public Enterprises.
5. Chairman, Railway Board Ministry of Railways.
6. Secretary, National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi.
7. Secretary, National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
8. Secretary, National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K.Puram, New Delhi.
9. Hindi Section, DOPT for providing the Hindi Translation.
10. NIC, DOPT for placing on the website of the Department.