



All India Graduate Engineer Telecom Officers Association

(An Association of DR Graduate Engineers / Account Officers of BSNL)

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Dated 05.02.2018

To,
Smt Sujata Ray
Director (HR)
BSNL, New Delhi

Subject: Step Motherly treatment being meted to executives who have successfully passed the JTO to SDE LDCE exams conducted by the department from time to time, Regarding.

R/Madam,

We want to draw your kind attention towards the step motherly treatment being given to the officers who have successfully passed the JTO to SDE LDCE exams conducted by the department from time to time. The examinations were conducted in accordance with the then prevailing RRs and were to be accommodated in a certain vacancy year in the prescribed LDCE quota for such officers. They appeared in the competitive exam in order to ensure that they have better promotional prospects and thus can reach to the higher strata being more meritorious than the rest.

As of now their dreams of getting better promotional aspects have been shattered and are being treated very poorly by the management. They are in lurch as the management has completely disowned them and have left them to the mercy of the outcome of various court cases. BSNL instead of following the court cases proactively, have been more or less sitting silent over the pain of thousands and thousands of LDCE passed executives waiting for their next promotion and in fact first promotion for some.

The seniority of almost all the LDCE passed officers has been struck up in the quagmire of the fight between the one quota of officers versus the other and has been resultantly bogged down by numerous litigations. The department is simply watching the fight between the officers and is not able to protect the seniority of these LDCE passed officers which has been assigned by the department only. If you critically examine all such cases, the LDCEans have suffered tremendously on account of time and money, leading to sagging morale and ultimately losing out on various promotional aspects and are as follows:

Regn. No. : HR/019/2016/02138

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1. **The JTOs who have passed the LDCE conducted in the year 2015** are yet to get their first promotion even after a lapse of more than two year. No efforts are being made to promote these officers to the rank of SDE till date. Their frustration has reached to its height and they are still looking towards the management for an early solution. A stalemate in their promotion is forcing these officers to move to various courts for obtaining their legitimate promotion. It is already known that based on the affidavit filed by the BSNL, Hon'ble CAT Chandigarh had in Nov-2016 given three months' time to BSNL for amendment in the SDE RR 2002 to avoid the seniority issue between SCF and LDCE quota promotions in the SDE cadre.

Even After passing of almost 15 months, SDE RR amendment is still not approved by BSNL Board (If approved then notifications has not been issued) and the applicants were again forced to approach the Hon'ble CAT for execution of its direction. CAT has directed BSNL to implement its earlier orders before next hearing which is due on 15.02.2018. **Instead of complying with the directions of the Hon'ble CAT, BSNL has approached the Hon'ble High Court. Now, Hon'ble High Court has dismissed the petition and has imposed a penalty of Rs. 25000/- on BSNL for abuse of process of law. *The practice by BSNL to exhaust all legal remedies in each and every case must be curtailed so as to ensure that such humiliation in the Hon'ble courts is not faced by BSNL in future and the legitimate rights of the employees may be given its due importance.*** National Litigation Policy also states the same thing that organization should try to minimize the court cases.

The mentioned SDE RR amendment was categorically delayed by quoting HR plan finalization which is pending since long time and it appears that approval of HR plan is being ignored for the reasons best known to the concerned section dealing with the issue. It is imperative on part of BSNL management to finalize the SDR RR amendment urgently as the fate of around 1800 young executives' first promotion is entirely linked with this amendment. We are simply clueless on the reasons which are holding up the notification of amended RRs, as bigger exercises like formulation of CPSE hierarchy policy has seen the light of the day but a simple modification in RRs which is well within the purview of even Management Committee, is yet to be notified.

It's high time that BSNL take steps to issue the promotion orders of the LDCE 2015 exam passed candidates instead of lingering the matter on the pretext of court cases. **Where ever, BSNL feels that promotion is under dispute, the promotion orders of those executives should be issued subject to outcome of the court cases, as there are sufficient vacancies to take care of the executives who have cleared the exam. This will smoothen the path for implementation of CPSU hierarchy also.** When, the court cases will be decided, the seniority of the executives can be re-fixed, based on the outcome of the court cases. **Not to issue promotion orders at all on the pretext of pending cases is totally uncalled for and BSNL should devise methods to extend the long awaited promotion instead of waiting for their frustration level to reach its zenith.** We request your kind intervention in directing the Personnel section to issue promotion orders as these candidates have been waiting for the promotion orders for almost two years now after declaration of their results.

It is also pertinent to mention here that introduction of new policy before posting of these LDCE qualified candidates will create legal hurdle as after qualification of LDCE examination these candidate are equivalent to SDE (T). **Therefore, posting of LDCE candidates will also be necessary to avoid legal hurdle in CPSU hierarchy implementation and its smooth implementation.**

2. **LDCE-2012: Extending 'one increment' on promotion to the grade of SDE(T) after qualifying LDCE exam on 04-03-2012:** LDCE for SDE (T) against 33% quota for the vacancy year 2006-07 was due in year 2007-08. Personnel cell of BSNL CO vide letter no:5.2/2009-DE dated 18.03.2010 notified the LDCE for SDE(T) against 33% quota to be held on 04/07/2010 including all the vacancies of four years i.e from 2006 - 2007 to 2009 - 2010. The examination was further postponed and finally held on 04/03/2012. However, the final result of the examination was declared on 02/07/2013 and the promotion orders were issued subsequently on 04/07/2013 onwards.

The delay of about 5 years from the due date and delay of about 2 years in conducting LDCE and issuance promotion order from the date its initial notification was purely on either administrative or legal grounds and the candidates suffered for no fault of theirs. Due to this delay in conducting of examination, declaration of result and issuing of promotion order, the benefits of one increment on functional promotion to SDE (T) through LDCE is denied to many executives. The ground for this denial was that they have already been upgraded to E3 pay scale at that time through TBP of BSNL EPP. But the actual case is that, if at all the exam / results / promotions done in a time frame, these executives would have got the natural benefit of one increment on promotion even though the justified service years were already lost. Similar Benefit was extended to some set of executives under direction of Hon'ble court but the same was denied to other similarly placed executives citing a financial constraint which is nothing but denying natural justice of equality to all. Same will be fate of the LDCE passed candidates of 2015 who will lose increment merely out of administrative delays.

3. **The LDCE passed executives as per 1996 RRs** are also into courts. It is utterly surprising that these RRs have not been adequately protected by the management in the court of law. **In spite of these officers getting an interim order in their favor, department has not acted positively in the direction and are finding one alibi or other by denying them their due seniority. Herein again, it will be worthwhile to mention that instead of holding the promotions, BSNL should issue the orders and seniority of the candidates can be fixed after clarity on the matter is achieved through court.** We request your kind intervention in issuance of the promotion orders of this set of executives also as we feel that they are capable enough to take higher responsibilities **with sufficient age profile on their side** and delay in issuance of promotion orders is simply leading to denying them of their due residency period in getting the next promotions.
4. **Another group of officers, though miniscule in number and famously called 147 group** are also running pillar to posts to ensure that their seniority and promotions are protected. In spite of having RRs in their favor, the judgment of Hon'ble SC is read in a way to harm their legitimate seniority position. It is surprising that department is not willing to protect their seniority in the court of law.

These officers are experienced and have been looking after the key posts, non-hesitant in going to Hard Tenure Stations and are fully equipped to take up higher responsibilities as the age profile is completely on their side. The methods / strategies may be devised to ensure that these candidates seniority are protected with suitable analysis of RRs. This is a fit case where BSNL should have approached Hon'ble court for clarity on the judgement but BSNL instead prefers to appeal in cases like execution order for SDE RR where writing on the wall is quite clear.

From the above illustrations it is amply clear that be it LDCE 2015 JTOs, LDCE 2012, LDCE 2008, LDCE 2002 and 147 all are stuck up due to lack of clear cut stand taken by the department and in other words youngsters have always suffered in this department. It is unfortunate that when the same is being asked from the management about their lackadaisical approach, the onus is being very cleverly shifted by blaming all of us and evading from the complete responsibility of safeguarding the seniority of the LDCE quota officers.

All the LDCEs were conducted by the department as per the then prevailing RRs and seniority assigned to these officers was also given as per prevailing rules. Ways must be explored to immediately promote LDCE passed 2015 JTOs to the rank of SDEs instead of lingering the matter on the pretext of court cases by trying to seek shelter in the higher courts which results in huge expenditure on the part of already suffering executives who have to pay the legal expenses from their own pockets. Taking cue from the Judgment of Hon'ble High Court Chandigarh, BSNL should try to notify the SDE RRs immediately instead of appealing in higher courts as court is only directing management to do what is due from BSNL side. Further, the management should most aggressively defend the promotion and seniority of LDCE officers given from time to time. This gesture of the department will go in a long way in boosting the morale of such officers who are meritorious and will work for the department with more vigor and enthusiasm.

With Regards

Yours Sincerely

Sd/-

Ravi Shil Verma
GS, AIGETOA

Copy To:

1. Shri Anupam Shrivastava, CMD BSNL for kind information please.
2. Shri Keshav Rao, GM (Pers) for kind information please.