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No. GS/AIGETOA/2018/24

Dated 05.07.2018

To,

Smt Sujata T Ray
Director (HR)
BSNL Board,
Bharat Sanchar Nigam Limited
Janpath, New Delhi.

Sub: Preparation of AIEL in the Cadre of JTOs and Promotion from JTO (T) to SDE (T) under SCF quota Reg.

REF- 1. Hon HC, Kerala Judgment dated 5-6-2018 on OP CAT 25, 45 & 126/2015
2. BSNL letter dated 14-6-2018 (published in intranet on 16-6-2018)

Respected Madam,

This is to bring to your kind notice with regard to the proposed move for filing SLP in Hon'ble Supreme Court/Clarification Petition in Hon'ble HC to derail the entire JTO to SDE, DPC process which is on the go after intervention by your good self. The move is against the aspirations of thousands of BSNL recruits (DR JTOs and LICE JTOs to claim on SCF promotions). Moreover, filing an SLP after part implementation of a Judgment is completely uncalled for.

The Hon HC, Kerala judgment was crystal clear and pronounced after a thorough understanding of the procedures / DoPT / GoI / DoT / BSNL guidelines and rules. Hon'ble Court clarified the matter of interpolation of excess Promotees who occupied JTO vacancies in excess of PR Quota wrt direct recruit JTOs, which in turn mutually beneficial to DR JTOs and BR LICE JTOs in the equal line. The matter was already explained in the meeting held on 25-6-2018 and accordingly the DPC promotion works was on the go in full swing.

With due respect we would like to put forth the below submissions, in addition to the details we submitted in the subject matter from time to time, on seniority & gradation list preparation in the cadre of JTOs where 50% by LICE & 50 % by direct recruitment. The matter under dispute were with regard to fixation of seniority in 1:1 and backdated YOR for excess PR JTOs made from DoT period TTA/ JE absorbees (who became JTOs later after training) and awarded en block seniority over DRs JTOs. The Hon HC, Kerala through its verdict both aspects were clarified.

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

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- a. The inter-se-seniority between Promotees and Direct recruits by 1:1 Rota Quota Rule & The intra seniority ie respective seniority within a set of direct recruits / within a set of promotes by the rules already followed by BSNL
- b. The back dated YOR / excess PR JTO occupancy may be offset by interpolation and arranging the PR JTOs as per their date of promotion

Your kind attention is sought on the operating part of the judgment viz para 14 & para 15, along with observations from Para-11 which details the fixation of seniority/ joining. The part of judgment (para-15) which related the above is reproduced as follows:

*“ The upshot of the discussions is that the directly recruited JTOs like the petitioners and the promotee JTOs in excess of their quota **by virtue of quota rota rule available in DOT are to be assigned inter se seniority in the integrated eligibility list of JTOs for promotion to the post of SDE taking into account their actual date of appointment and date of promotion certainly, subject to their respective seniority in the concerned appointment order/ promotion order and the rules of rotation of quotas**”*

Here it is clear that , the inter-se-seniority between PRs (in excess and later joinees) & DRs should be assigned in 1:1 in the integrated eligibility list and need to be taken into account of their DoA / DoP , **Subject to their respective seniority in the concerned appointment order & rules of rotation of quotas**. In OM MHA DG P&T dated 22/12/1959 onwards P&T / DoT/BSNL was following the seniority fixation based on training centre marks , but within the specified identical set (ie within the same set of DRs / same set of PRs – not across). **The respective seniority/ intra seniority was** undisputed thing in the entire proceedings, that the training centre marks are being taken into assign the seniority **WITHIN** same year of rect of DRs / OR **WITHIN** same year of rect of PRs. The DG P&T order dated 28/12/1963, DoPT OM 24/6/1978, DoPT 3/07/1986, DoT order 26/11/2001, DoPT various OMs including the latest dated 4/3/2014 depicts the line of seniority within /between DRs & PRs.

The contention from BSNL specifically mentioned in judgment Para-11 (page -29) , **the inter –se-seniority** ie between a set of DRs and PRs ,

*“In the context....., by itself sufficient to hold that the date of successful completion of pre-appointment training or the marks obtained in such training **cannot be taken as the basis for fixation of seniority between promotes and direct recruits**”.*

Going in the same paragraph (page 31) mention without any ambiguity

*“ At any rate , **the contention that senioirity between directly recruited JTOs and promote JTOs would be fixed only on the marks obtained in the training cannot be accepted** in the light of the admitted fact that centres. At at the same time , it is to be noted that there is no dispute by the official respondent..... **the inter-se-senioirty between direct recruits and promotes on their posting would be made only in the ratio 1:1 and rotation of quotas**.*

Further in the same paragraph (page 32) , clearly mentions to whom & when the date of appointment / promotions is concerned , it is for both DRs & PRs – not to any particular group .

*“ We are of the view that the pragmatic way of fixing such seniority in the said circum stances would be to reckon the date of appointment as regard the direct recruits and the date of promotion as regards the promotes, **once they successfully complete the training and then interpose them in the seniority list in accordance with the rotation of quotas, reckoning their due seniority or position in their respective list of appointment or order of promotion.**”*

It is of utter surprise that where the actual dispute ie “**excess of PR Quota** “was available/ to be clarified with facts figures (**excess PR quota calculation** should be taken with **excess quota occupancy during 1996-2000 occupancy /through relaxed standards & excess quota diversion from 2001-2007**), actions for ensuring part promotions promotions for 3117 absorbees Vs 22 DRs and unnecessarily put BSNL management into contempt of Hon Court directions.

Hon’ble court refers in the judgment itself that, the period, on which the promotions to be effected

“a final eligibility list in respect of those persons shall be prepared expeditiously in the light of the positions settled hereinbefore and it shall be incorporated in the integrated final eligibility list of JTOs for the period mentioned in Annexure A7 of the Ext P1 dated 11.5.2012, for promotion to the post of SDE. This shall be done, at any rate within a period of six months”.

The period mentioned in the letter dated 11.05.2012, Ltr 2-18/2007 Pers II (Pt.1) mention about the period as “**Future promotions in SDE(T) grade under seniority quota**” – Thus the whole future promotions till judgment date (or say upto 2017-18 vacancy) could have been well taken by management to issue the promotion orders.

Your kind attention is also requested towards the fact that , there was neither any part implementation nor any part AIEL was ordered by Hon Court , If at all BSNL need to comply for promotions if any , in the mean time , then it should be done **absolutely in the ratio 1:1 only between senior most PRs and senior most DR JTOs** .

*“ Needless to say that taking in to account the dearth of sufficient personnel to mann the post of SDE, **it shall be open to the official respondents to effect promotions against unfilled vacancies of SDE equally distributing the vacancy among the senior most directly recruited JTOs and senior most promote JTOs, subject to finalization of the final eligibility list of JTOs in the manner mentioned hereinbefore**”*

Thus the Hon HC, Kerala after studying the whole aspects, had given one of the clear judgment. We here by express our concern that, due to misinterpretation, the merit and real requirement of hapless executives in both PR- LICE BR JTOs & DR JTO quota should not go in vain / (already affected by the order dated 15-06-2018) should not be thrust to any further dark corners , which is least expected from Management, in the interest of whole JTO executives (DR as well as LICE Promoted).

Now already through the filling up of partial posts, many BSNL Recruit DR JTOs & LICE JTOs deprived of the promotion despite being eligible for promotion even with availability of sufficient number of vacancies. **The process for filling up all the available vacancies in JTO to SDE Cadre by calling the eligibility particulars of remaining eligible batches for the vacancies till 2017-18 or even additional vacancies to ensure the promotions in shortest possible time. The process is already on the go, and this at any cost shouldn't be affected.**

The further litigations / challenge on the same from management side may directly affect the persons who already promoted on 15-06-2018 (3139 promotions) , even including their reversion as the part promotion order was executed after judgment of Hon HC , Kerala judgment dated 05-06-2018. The same set of promotions also made effect with fixing of seniority criteria based on training centre marks spanned in different dates / even different year of promotions.

We humbly request that the court verdict may be followed in true spirit in line with clear directions from Hon HC, Kerala and complete the DPC process already crossed half way mark by this month end.

With Best Regards

Yours Truly

(Ravi Shil Verma)
General Secretary

Copy to:

1. Shri Anupam Shrivastava Ji, CMD BSNL for Kind information please.
2. GM (Pers), BSNL CO, New Delhi for kind information and n/a please.