



All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

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GS/AIGETOA/2019/52

Dated 14.08.2019

To,

Shri Sheetla Prasad Ji,
Director (HR), BSNL Board,
Bharat Sanchar Bhawan, New Delhi.

Sub.: Imparting justice to the executives belonging to 147+ LDCE group in the light of judgment passed by the Hon'ble Punjab and Haryana High Court at Chandigarh in CWP No. 25405 of 2018 and judgment dated 02.7.2019 passed by the Hon'ble CAT, Bangalore in OA No. 170/00533-534 of 2018

Respected Sir,

We would like to draw your kind attention towards the plight of executives belonging to 147+ LDCE group. These officers are facing reversion up to the post of SDE vide order dated 06.06.2018 of BSNL Corporate office, New Delhi. I have been apprised by these officers that recent judgment passed by the Hon'ble High Court of Punjab & Haryana and Hon'ble CAT Bangalore have given strength to their claim and needs to be implemented in true sense. A brief of these judgements are being enumerated for further submission and your kind consideration.

- The Hon'ble High Court of Punjab & Haryana in its judgment dated 10.07.2019 passed in CWP No. 25405/2018 (Sanjay Singh Pathania & Ors. Vs UOI) has quashed the order dated 06.06.2018 issued by BSNL Corporate Office and also set aside the judgment dated 07.08.2018 which was passed by Hon'ble CAT, Chandigarh in terms of judgment dated 13.07.2018 passed by Hon'ble CAT, Principal Bench in O.A. No. 2598/2018 (Sanjay Kumar Agarwal & Ors Vs UOI). The Hon'ble HC in the order says that;

"In this view of the matter, the present petition is allowed and impugned orders are set aside. The respondent is directed to hear the petitioner after affording him reasonable opportunity of hearing and pass appropriate orders in accordance with law within a period of eight weeks from today."

- In another judgment in OA No. 170/00533-534 of 2018 (G. Kumareshan & Anr. Vs UOI), the Hon'ble CAT, Bangalore Bench has quashed the order dated 06.06.2018 issued by BSNL. The Hon'ble CAT in the order says that:

"This is clearly wrong since the rules were amended in the year 1986 and the issue of regular service etc. are no longer relevant. Therefore, we have to hold that the issue has been handled by an improper understanding of the orders of the Hon'ble High court of Kerala which did not go into the rule position and the eligibility condition thereon. This is an interpretation interpolated by the respondents and this cannot come in the way of the promotion given to the applicants and therefore, the order at Annexure-A6 is quashed."

The applicants are eligible for all the consequential benefits thereon. The respondents shall do so within a period of two (2) months from the date of receipt of the order."

Annexure-A6 is the order date 06.06.2018 of BSNL Corporate Office, New Delhi.

These executives are good officers and most of them were working in middle level management before 06.06.2018 and their reversion has shattered their dream to serve BSNL in the best capacity. Now, the Hon'ble Courts are please to pass orders rendering justice to them and asked BSNL to execute it within two months of the time from the date of the order. One month has already passed and these officers are still waiting to get any direction from BSNL Corporate Office, New Delhi in this regard.

Therefore, in view of above, we request you to render justice by reinstating them at their pre-06.06.2018 position. This will give them an opportunity to serve BSNL with more dedication and belongingness. We are looking forward for a considerate view from your good self in this regard.

With warm regards,

Enclosures: As above.

Dated: 14.08.2019

Yours Sincerely,

--Sd/--

**[MD. WASI AHMAD]
General Secretary**

Copy to:

1. Shri P. K. PurwarJi, Chairman & Managing Director, BSNL, N. Delhi for kind information pl.
2. Shri Arun Kumar Ji, PGM (Pers), BSNL Corporate Office, N. Delhi for kind information Pl.