



# All India Graduate Engineers & Telecom Officers Association

## Central Headquarter, New Delhi

President  
**Ravi Shil Verma**  
8373967633

General Secretary  
**Md. Wasi Ahmad**  
9431200347

Finance Secretary  
**Yogendra Jharwal**  
9414000877

All communication at E-mail - "gs@aigetoachq.org" only

GS/AIGETOA/2019/56

Dated 13.09.2019

To,

**The Chairman and Managing Director,  
Bharat Sanchar Nigam Limited,  
BSNL Corporate Office, New Delhi.**

**Subject:** Immediate withdrawal of the Show Cause Notice (SCN) and reversion letters issued to the SDEs having short service but qualified LDCE-2007 held on 15.07.2007-Regarding

**Reference:**

- F. No. 56-02/2016-Pers. (DPC)/104 dated 06.09.2019 of BSNL Corporate Office, New Delhi
- F. No. 56-02/2016-Pers. (DPC)/105 dated 06.09.2019 of BSNL Corporate Office, New Delhi
- GS/AIGETOA/2019/45 dated 20.07.2019 of GS-AIGETOA
- No. 2-29/2005-Pers.II dated 16.04.2007 of ADG(Pers. II), BSNL CO, New Delhi
- No. 2-16/2009-Pers.II dated 30<sup>th</sup> July'2010 of BSNL CO, New Delhi
- No. 20-2/4 2 001-Pers.II dated 23.01.2013 of AGM(Pers. II), BSNL CO, New Delhi

**Respected Sir,**

We would like to draw your kind attention towards the reversion letter and show cause notice (SCN) issued by BSNL Corporate Office, New Delhi to the executives, who were having short of three years service but qualified in the LDCE held on 15.07.2007. It seems that the Personal Section is acting in a selective manner when they issue such letters to executives for reversion after working in the cadre for more than ten (10) years for their no fault. One side the section is adamant to revert above LDCE-2007 qualified SDEs who have short of three years of service, while other side hundreds of executives who got promoted to the post of SDE through LDCE-2002 in the similar circumstances has been allowed to continue. This association has already briefed to PGM (Pers) about facts and circumstances in a detailed meeting and also apprised that the prevailing RR provisions clearly made them eligible. It was also apprised him clearly that in a similar way hundreds of executives got qualified in LDCE-2002 and promoted to the post of SDEs, even when they were also short of three years of qualifying service but never reverted back. So, in the light of above facts, we seek your kind attention towards following:

- The candidates who have been reverted or issued Show Cause Notice (SCN) never concealed any facts from the department and it was their Circle, who decided their eligibility and allowed them to appear in LDCE-2007 and Corporate Office promoted them to the post of SDE after they qualified Competitive Exam LDCE-2007. So, after working for more than ten years in SDE, the decision of Corporate Office to revert or issue SCN to them is completely discriminatory.
- The qualifying eligibility service to appear in LDCE is three years as on 1<sup>st</sup> July of the Vacancy Year and candidates appeared for Vacancy Year 2005-06. Circles allowed many candidates to appear in the LDCE 2007, invoking prevailing provisions of clause 12(5) of SDE RR 2002.
- The clause 12(5) of the SDE RR says that, "**Where juniors who had completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of requisite qualifying/eligibility service by more than 1 year.**"

- When Circles asked CO New Delhi about clarification regarding allowing of candidates to appear in LDCE-2007 as per senior-junior clause 12(5) where seniors are short of three years service; Corporate office didn't deny their appearance in LDCE but asked the circles to follow column 12 which includes 12(5) for eligibility in its letter dated 16.4.2007 as referred at #4.
- A combined reading of letters of Corporate office vide No 2-29/2005-Pers.II dated 16.04.2007 and No 2-16/2009 Pers. II dated 10.07.2007 clearly demonstrate that on the exam date of LDCE-2007, clause 12(5) of the SDE RR was applicable for LDCE appearing candidates.
- ***Further, all Circles have again and again vetted their eligibility under senior-junior clause 12(5) of SDE RR and certified it as per the prevailing provisions of SDE RR 2002 as on date of LDCE-2007. When all Circles have certified their eligibility again and again then how BSNL CO, New Delhi can negate it, else responsibility should be fixed up on Circles before reverting.***
- The Corporate Office, New Delhi letter bearing 2-16/2009-Pers.II dated July 30, 2010 issued at a later date of LDCE-2007, declaring that clause 12(5) will not be applicable for candidates appearing in LDCE can't be implemented retrospectively. It's another fact that such letter shouldn't have been issued without approval of BSNL board. ***Further, Corporate Office proposed amendment in SDE RR 2002 as circulated vide letter under reference #6 dated 23<sup>rd</sup> Jan-2013 itself proposed that clause 12(5) will not be applicable for LDCE aspirants, which proves that it was valid at the time of LDCE-2007 and amendment proposed.***
- ***It is important to note that any amendment in RR can't be implemented retrospectively. Hence the senior-junior clause giving one year relaxation under certain condition in clause 12(5) of SDE RR 2002 was very much applicable for candidates appearing in LDCE 2007.*** So, the letters declaring the candidates ineligible is completely discriminatory, biased & unfair.
- At the same time, ***RTI reply received from Maharashtra Circle clearly says that 53 out of 54 candidates selected from the Circle in LDCE-2002 have not completed three years of requisite service. But all such candidates were allowed to work in SDE and not reverted to the substantive JTO grade.*** If the details will be worked out for all circles, this figure may run into hundreds of executives promoted through LDCE-2002 who were short of three years of requisite service and they were covered with same provisions as the applicants of LDCE-2007.
- But the management didn't wake up in LDCE-2002 case even after submission of facts by the association in May-2012 & July-2019. They were allowed to continue in SDE grade since 2004 and most of them now promoted to AGM. While other side, Pers Section proactively worked to declare similarly placed candidates of LDCE-2007 as ineligible and proceeding to revert them to their substantive cadre of JTO. It seems that this is happening due to the fact that executives covering under LDCE-2007 are BSNL recruits while LDCE-2002 executives were absorbed.
- ***It is important to note that the SDEs, who have been issued Reversion and SCN, couldn't utilize their two chances to appear in LDCE in 2012 & 2015 due to successfully promoted in LDCE-2007. Their reversion to substantive grade JTO will be a great injustice if implemented.***

**Therefore, in the light of above facts, we demand that both the letters i.e. reversion and SCN should be immediately cancelled and an enquiry should be constituted to find out the compulsive reasons behind leaving all similarly placed candidates of LDCE-2002 despite the fact that SDE RR 1996 and SDE RR 2002, both stipulates 3 years qualifying service for appearing in LDCE. If relaxation is applicable for 1996 RRs, there is no reason that those promoted through SDE RR 2002 should not get this relaxation when the senior-junior clause is similar in both the RRs.**

With warm regards,

Dated: 13.09.2019

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

Copy to:

1. The Director (HR), BSNL Board for kind information and NA please.
2. The PGM (Pers), BSNL CO, New Delhi for kind information and NA please.
3. The GM (SR), BSNL CO, New Delhi for kind information and NA please.