

- **POINT-I:** *The basic point of contention for all such SDEs promoted by Corporate Office New Delhi through the LDCE-2007 held on 15-07-2007 under vacancy year 2005-06 is that they have not rendered qualifying service of three years as on 01-07-2005.*
- **POINT-II:** *In this regard, we want to submit some rule points applicable as on that date and clarification given by BSNL Corporate Office New Delhi for determining eligibility criteria regarding qualifying service on the queries raised by different circles to determine the eligibility and allowing candidates to appear in the said LDCE-2007 Exam held on 15-07-2007, who were subsequently promoted to SDE(reg) by BSNL Corporate Office, New Delhi.*
- **POINT-III:** *The SDEs were promoted to the post of SDE(regular) through LDCE-2007 on the basis of provisions available in SDE RR-2002 and clarifications issued by the BSNL Corporate Office New Delhi till 15-07-2007.*
- **POINT-IV:** *The Column-12 of Schedule of SDE RR-2002 which deals with the eligibility criteria of qualifying service to appear in the LDC-2007E for promotion from JTO to SDE is reproduced as below:*

Promotion:

Note-1: 25% by Limited Departmental Competitive Examination (LDCE) from amongst Junior Telecom Officers (Telecom) who have rendered not less than three (3) years regular service in the grade on 1st July of the year of Examination.

Note-3: The crucial date for determining the eligibility list shall be of 1st July of the year to which vacancies pertain.

Note-5: Where juniors who have 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 one year.

- **POINT-V:** *On the queries raised by the Circles regarding eligibility of candidates as well as “short of service than qualifying service of three years” was clarified by BSNL Corporate Office dated 16th April-2007 as referred at #2. This clarification of Corporate office clearly says that eligibility has to be reckoned as per provisions given in Column 12 and its note as reproduced above under point-IV.*
- **POINT-VI:** *It is important to note here that the BSNL Corporate Office New Delhi redefined the note-5 of column 12 of SDE RR-2002, that the senior-junior clause will be applicable for Seniority cum fitness Promotion and NOT for LDCE Promotion, on 30th July’2010 vide letter number referred at #3. This redefinition of Note-5 of Column 12 of SDE RR-2002 was issued much after the executives were promoted through LDCE 2007 and hence they can’t be*

implemented retrospectively. Also, any change in Recruitment Rule is prerogative of the BSNL Management Committee or BSNL Board, then how personal section can issue a letter changing complete perspective of the clause 12(5) of SDE RR-2002. This part also needs a look from your kind end.

Now going into details of the case, there are THREE CATEGORIES in the list of candidates from SDE Seniority List 8 whose names are tagged under “PROMOTION UNDER REVIEW/ SUBJUDICE” and they are subjected to scrutiny by BSNL Corporate Office New Delhi.

- a. First category is of those 2001 Recruitment Year JTOs of Gujarat Circle, HP Circle, Jharkhand Circle, Karnataka Circle etc who have juniors available in the Circle JTO Gradation list and these juniors also belongs to the same recruitment year 2001 and completed three years of Regular Service as on 01.07.2005 and clearly eligible for vacancy year 05-06 in LDCE-2007 as per SDE RR-2002 mentioned in the notification. For example, in case of Gujarat 2001 batch JTOs (Batch No. 122) training was started on dated 8th July 2002 at RTTC Ahmadabad, Gujarat. Copy of letter of calling for training vide memo no. Rectt/OSJTO/Trg/55 dated @ AM the 1/7/2002 is here with attached, so these Gujarat recruited JTOs are having only 7 days short. As these JTOs are short of just 7 days and Circle administrations asked clarification for this as below to Corporate Office,
“In terms of Column 12 read note 5 thereto in RRs, 2002 of SDE(T), where juniors having qualifying eligibility service are being allowed for the examination, whether seniors would also be permitted to appear in examination provided they are not short of requisite qualifying /eligibility service by more than one year. ” and Pers section of Corporate Office reply is “As per column 12 and note there under of RRs, 2002 of SDE(T)” vide letter number **2-29/2005-Pers-II Dated April 16,2007 as referred at #2**. Based upon the same, Gujarat Circle made them eligible to appear in LDCE Exam 2007 vide letter number Rectt/LICE/SDE(T)/2007/19 dtd @ AM the 04/05/2007.

Similarly, based on the clarification of BSNL Corporate Office dated 16/04/2007 as referred at #2, other circles also allowed those JTOs of 2001 batch who were short of service by less than one year from the qualifying service of three years but their juniors in Circle Gradation list (**of same 2001 batch**) had completed three years of service and were clearly eligible to appear in LDCE-2007 for vacancy year 2005-06.

Above details clearly shows that all such candidates, who have not rendered three years of qualifying service but allowed on the basis of senior-junior clause of the Circle JTO Gradation list in the light of provisions of Column-12 (note-5) of SDE RR-2002, qualified LDCE-2007

held on 15-07-2007 and subsequently promoted as SDE (regular) by Corporate Office, New Delhi were clearly eligible and legitimate as per the prevailing Recruitment Rule positions on that date. There is no ambiguity in their eligibility w.r.t. prevailing SDE RR-2002 as on date of LDCE-2007 and clarification issued by Corporate Office, New Delhi dated 16/04/2007 as placed at #2. Hence any action/notice towards their reversal will be totally discriminatory, prejudiced and provocative and will have its own consequences.

- b. Second category people are those people who don't have any junior belongs to 2001 batch in their Circle Gradation List as none of the JTO of 2001 batch of that Circle have completed 3 years of Service in the grade as on 01-07-2005, e.g. the case of Tamilnadu / Chennai Circle. However, as the 2001 JTO Recruitment is through all India Exam and the seniority of JTOs is prepared on all India basis on the basis of marked obtained in JTO Training, these candidates also are eligible based on Senior Junior Clause. Further the whole batch 2001 JTO of Tamilnadu/ Chennai couldn't be sent on training due to the constraint on part of BSNL and not on candidates. So, it is not justified to penalize them for the constraint of department and they are made ineligible appear in the LDCE-2007 exam while JTO of same 2001 batch in other circles are allowed to appear in the LDCE-2007 Exam. The basic intent of this clause is that a candidate cannot be penalized for administrative delays in conducting the trainings.
- c. Third category of JTOs were of 2002 batch who were allowed by their Circles to appear in the LDCE-2007 held on 15-07-2007 even when they neither rendered three years of qualifying service in the JTO grade nor covered under senior-junior clause of provisions of 12(5) of SDE RR-2002 on a selective basis. Although, they may not be technically eligible but promoted to the post of SDE(regular) by the BSNL Corporate office after qualifying the LDCE-2007 and allowed to work in the grade since last more than ten years. It is also important to note that these candidates have not suppressed any fact and even then the department allowed them to appear and then promoted to post of the SDE(T) on qualifying LDCE-2007. Further, two LDCE have been conducted and promotions affected thereafter and they didn't appeared as they were already working in the SDE grade and hence they have lost the optimum chances in the career.

Additional Points:

Similar issue was also propped up in case of JTOs appeared in previous LDCE conducted on 1/12/2002 when some of 55 such JTOs in Maharashtra were found to be promoted to the SDE grade by virtue of the same senior junior clause through LDCE quota. However, at that time Personnel Section did not find it a suitable reason to issue Show Cause Notice for reversal to such candidates or issue clarification to state that senior Junior Clause is not applicable for promotion through LDCE. It clearly shows once again that biased and prejudiced action targeting BSNL Recruits is being taken which needs introspection.

The promotion in BSNL from JTO to SDE for BSNL recruited Executives are already a nightmare considering the past record. In such a situation and in the light of above facts, any process of reversal of these candidates at this belated stage will be gross injustice to them. If there was a lapse, it was on the part of department as the candidates have not suppressed any fact but explicitly given correct information. Even with this information, the department allowed them to appear in the exam and promoted them to SDE(T) on successfully qualifying the LDCE-2007 and allowed them to work in SDE grade continuously from more than ten years. So, the candidates can't be punished for lapses of the department, if any, else it will unnecessary create disharmony and industrial unrest.