



# All India Graduate Engineer Telecom Officers Association

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

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To,

The Director (HR)  
BSNL Corporate Office  
New Delhi



**Subject:** Regarding extending the benefit of notional date of promotion with consequential benefits like increment on promotion, fixation of pay, counting of experience for further promotions, annual increments etc. on promotion to SDE grade through 33% LDCE quota of SDE (T) held on 4th March-2012.

*Respected Madam,*

With reference to subject cited above this association would like to draw your kind attention on following facts for consideration in favor of justice.

LDCE for SDE(T) against 33% quota for the vacancy year 2006-07 was due in year 2007-08 but Pers 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 result of the examination was declared on 2nd July-2013 and the promotion orders were issued accordingly on 4th July-2013 onwards.

The delay of about 5 years from the due date and delay of about 2 years in conducting LDCE and issuing promotion order from the date its initial notification was purely on either administrative or legal ground and candidates have nothing to do with that. Because of this delay in conducting examination, declaring result and issuing promotion order, the benefits of one increment on functional promotion to SDE (T) through LDCE is denied to those who have already been upgraded to E3 pay scale on 01.01.2012.

If, LDCE for SDE (T) would have been conducted on 04/07/2010 as initially notified, candidates had not only got one additional increment on their regular promotion and then one another increment on financial upgradation but also their service would have been counted for next functional promotion.

In fact, in present circumstances, if financial upgradation in respect of any candidates would have been delayed beyond 05-07-2015 on account of his poor performance or due to some vigilance issue then also he was entitle for one increment on his regular promotion to SDE (T) through LDCE and then one additional increment at the time of financial upgradation.

Candidates must not be forced to bear loss of one increment as well as loss of service because of administrative/legal delay in conducting LDCE on time and performing well to achieve the benchmark for financial upgradation on time.

*In an identical case, the competitive examination for the 25% LDCE quota against the vacancies from 1996-97 to 2000-01 was initially announced to be held on 23.07.2001 and postponed from time to time and finally held on 01.12.2002. However, the result of the examination was declared on 15.12.2003 and the promotion orders were issued on 26.05.2004. Bangalore Bench of the Hon'ble CAT has already pronounce the judgment, vide O.A. No.181/2009 wherein Hon'ble Tribunal vide its judgment dated 26.04.2010 has directed the respondents DOT/BSNL to assign the notional date of promotion as SDE w.e.f. 23.01.2002, six months from the date on which the competitive examination was initially announced to be held. The judgment of the Hon Tribunal was upheld by Hon'ble High Court of Karnataka on 21.04.2011 in WP 37322/2010 and SLP in the apex court, 22720/2011 was also dismissed on 25.08.2011.*


Followed by the judicial finality, BSNL Vide letter no. 54-14/2009-Pers (Legal) dated 21 Oct 2011 has already implemented the Court decisions to the applicants to grant all consequential benefits such as counting of experience for further promotions, pay fixation, annual increments etc, with effect from 23.01.2002 i.e. six months from the date on which the competitive examination was initially announced.

**Prayer:**

As the issue raised here is identical to aforementioned case and same has already attained judicial finality in favor of the candidates, it is settled service jurisprudence; similarly situated persons should be treated similarly and only because one person has approached the court would not mean that persons similarly situated should be treated differently. Therefore, it is requested that benefits must be extended to all the LDCE qualified against exam held on 4<sup>th</sup> March-2012 in line with the judgment of Hon Tribunal of Bangalore bench by assigning notional date of promotion as SDE w.e.f. 18.09.2010 i.e. six months from the date 18.03.2010 on which the LDCE was initially announced to be held.

This association is having full faith on BSNL management rather running for judicial remedy especially when issue has already attained judicial finality hence hopping for early and in-house resolution of the issue. Resolution of the issue at your level will not only save time and money from both side but also increase binding and mutual trust which is much required at this crucial juncture.

Faithfully yours'

  
(Amit Roy)

For, General Secretary

16/12/15