



# All India Graduate Engineers & Telecom Officers Association

## Central Headquarter, New Delhi

( The Recognised Representative Association of BSNL )

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**GS/AIGETOA/2022-23/04**

**Dated: 21.11.2022**

To

**Shri P K Purwar**  
**Chairman & Managing Director**  
**Bharat Sanchar Nigam Limited**  
**Janpath, New Delhi.**

**Subject: - Incorrect interpretation of Hon'ble Kolkata CAT orders dated 13.09.2022, subsequently reiterated again vide order dated 11.11.2022 & Restoration of Seniority of LDCE-2012 qualified executives wrt VY / ROTA-QUOTA allotment in terms with the Hon'ble Supreme Court Judgement in the matter of K Meghachandra Singh and promoting all eligible SDEs to the AGM grade before moving on to the Amended MSRR regime- reg**

R/Sir,

Your Kind attention is once again requested towards the Hon CAT, KOLKATA judgement in OA NO 350/01626/2022 dated 13/09/2022 subsequently reiterated vide order dated 11.11. 2022 wherein Hon'ble Kolkata CAT has clearly directed BSNL to draft the seniority in terms of Hon'ble Supreme Court Judgment in the matter of K Meghachandra Singh. Hon Court has directed to publish the seniority list in the cadre of SDE (T) in the light of DoPT OM 13-08-2021 and to address the grievance of the applicant.

However, instead of complying the directions in its true spirits, HR group has decided to move ahead with the promotion orders which quotes the validity of Hon'ble Supreme Court Judgment in the matter of S K Dubey and others for seniority lists in BSNL ignoring the fact that in the aforesaid judgement, only Seniority List 6,7 & later on List 8 were sub-judice and further the amendments, Letters and other DoP&T OMs have completely been ignored by finalising the lists. **HR group has also completely ignored the directions of Hon'ble Kolkata CAT vide which BSNL has been directed to follow the Rota Quota for promotions held between 27.11.2012 to 18.11.2019 in line with the Hon'ble Supreme Court Directions in the matter of K Meghachandra Singh which is the only court direction for fixation of Seniority in the Seniority Lists 9 to 13.**

The DoPT order dated 13.08.2021 clearly stipulates that the Rota and Quota are to be followed for all the promotions held between 27.11.2012 to 18.11.2019. **It will be pertinent to mention that the lists covering promotions in SDE Telecom cadre held after November 2008 were never under dispute or under litigation and that there was no direction from any court on manner or formulation of seniority for candidates belonging to these lists i.e List 9 to 12.** Further, the Direction from DOT after vetting from Ministry of Legal Affairs clearly states that **the direction with respect to fixation of seniority on the basis of date of joining as done in the case of list 6 & 7 and thereafter list 8 should not be quoted as a precedent for subsequent lists.** In addition to this, management committee has already cleared the fixation of seniority for List 9 onwards on the basis of Rota and Quota in August 2015 for all the promotions held after November 2008 for which seniority list was not finalised till August 2015 and the proposal is pending before BSNL Board.

Further with Similar Verbatim and Similar words in the case of SDE/Deputy Manager RRs of other streams i.e. Civil, Electrical, CSS etc, the method/formula for fixation of seniority in these streams remains based on application of both Rota and Quota as there is no litigation on these lists, **then how can a different formula or manner can be used for fixing the Seniority Lists for Telecom Stream on which there was no litigation at any point of time before publication of the lists and were never the impinged list before Hon'ble Supreme Court.**

**It is very clear that only formula which exists as on date today for fixation of seniority for candidates belonging to List 9 and onwards is Rota and Quota based upon the directions of DoP&T, DoT, Ministry of Legal Affairs and Hon'ble CAT Kolkata Judgment which has upheld the applicability of DoP&T guidelines in the case of candidates belonging to the list 9 and onwards. Management has also acknowledged this fact by reiterating the Rota-Quota Rule as a method of seniority fixation for SDE stream vide another amendment for SDE RRs in 2018.**

Your good self also may also recall the submission of legal opinion through this association by Retired Justice G S Singhvi ji, Hon SC of India during dated 20-07-2021 that Rota- Quota rule should be applied for determination of inter-se-seniority between the officers promoted on the basis of seniority cum fitness and LDCE need to decide as per the OMs from DoPT from time to time. **The amendment made in 2018 SDE RR also not made a new incorporation rather it was a reiteration of Quota Rota rule for the purpose of inter se seniority and clarificatory in nature.** Seniority issues never popped up in other Cadres like electrical and CSS because, Rota Quota was followed in their Seniority list. **Even DOT following the same as clarified by the department of telecommunication to BSNL despite the applicability of Hon'ble Supreme Court Judgement directly in their case.**

The level of injustice can also be understood just by acknowledging the fact that **many of the candidates belonging to List 11 have become Senior to those placed in List 12 and 13 in JTO cadre by virtue of backdated seniority ignoring the date of joining concept and in SDE grade they have been assigned Seniority based on date of joining ignoring the vacancy Year Seniority Concept.** *Had uniform yardstick would have been applied across BSNL in all cadres and streams, many executives belonging to list 12 and 13 would have been placed senior to them.* Perhaps BSNL may be the only organisation where the qualified and meritorious candidates have been made subject to such brutal attack on their career prospects by few vested interest groups who were in the key HR positions earlier.

Thus by considering the whole scenario as stated above, it is imperative that the seniority of LDCE-2012 qualified candidates based on the VY was needed to be restored and promotions for the SDEs belonging to VY 2006-7 and 2007-8 should have been considered before moving on to the vacancy year 2008-9 onwards but management failed to recognise the need for imparting justice to these competitive Quota Candidates and went ahead with promotions of candidates who should have been placed junior to the executives belonging to the competitive quota of List 12 and List 13. **Now it has become imperious on the part of management to consider the executives of List 12 and 13 for promotions also as many of them should have been placed senior to the executives placed in Seniority List 9, 10 and 11.**

Further, **even the basic qualification needed to assume the post of AGMs have also been ignored. BSNL has relaxed qualification standards for all executives through footnote 2 while only the existing incumbents who were in the grade of SDEs as on date of publishing of MSRR should have been given the relaxation in qualification.** BSNL itself has agreed and submitted in court that SDEs as on the MSRR publishing date are the existing incumbents for the post of AGMs. Now through these promotions, BSNL has gone against its own submissions in court through the speaking order issued to AIGETOA by promoting non-engineering graduates belonging to list 11 onwards. **It will be pertinent to mention that litigation pending at Hon'ble Madras CAT is on applicability of the Foot Note 2 and not on the definition of the existing incumbents where both the applicants as well as department are of the same view that only the executives belonging to the grade of SDEs can be treated as existing incumbents.**

**Now since management already moved forward by promoting candidates from disputed seniority lists, the only way to end this complex situation is to promote the all eligible SDEs to the AGM grade as one time measure.** There is enough precedence in this organisation where promotions have been executed of full lists by creating extra vacancies on temporary basis to end the legal tangles. Even the National Litigation Policy also stipulates on the need for ending the legal disputes through out of court settlements and amicable discussions then why BSNL deliberately wants to keep the litigations ongoing. **This exercise will not result in any extra tweaking of the current structure except for creating some odd 200-300 AGM level posts which is already due in view of the merger of BBNL to BSNL along with its Vast Fibre Network.** *This will not only end the Seniority Dispute in the SDE/AGM Cadre for ever but will also smoothen all the structural changes in the organisation which current management in envisaging **and will create a smooth path for the future batches also.*** We have been emphasising this in almost all our meetings with your good self and at the level of Director HR and assurances have been extended to us from management side to consider the same in positive perspective.

Accordingly, in view of the facts and circumstances as stated above, this association submits that the merit of the judgment dated 13/09/2022, legal opinion submitted in this regard earlier by this association and the various DoPT OMs under reference may kindly be uphold in its true sense and accordingly the revised seniority may be published at the earliest and promotions for all eligible SDEs should be considered immediately before moving on to the amended MSRR regime.

**I hope your good self will recognise the pain of meritorious executives belonging to the competitive quota and will impart justice to these SDEs belonging to VY 2006-7, 2007-8 and onwards by promoting them altogether. Few SDEs despite being junior and few belonging to the later year vacancy Years have been promoted to the grade of AGMs in the current promotion list and now only way to end this complex situation is to extend justice by promoting all eligible SDEs to the AGM grade immediately.**

We once again request your good self to consider our submissions and extend promotions to all eligible SDEs before moving on to the amended MSRR regime.

Yours Sincerely

Sd/-

Pavan Akhand

For: General Secretary, AIGETOA

Copy to:

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