



राष्ट्र हित

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अधिकारी हित

All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

(The Recognised Representative Association of BSNL)

(Affiliated to BMS)



Regn. no. HR/019/2018/02138

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GS/AIGETOA /2023-24/130

Dated 11.01.2024

To,

**Shri P K Purwar Ji,
Chairman & Managing Director
BSNL Board,
New Delhi.**

Subject: Request to implement Reservation in promotion to Persons with Benchmark Disabilities (PwBD), case of SDE to AGM - Reg

Ref: DoPT OM No.36012/1/2020-Estt(Res-II) dated 28.12.2023

Respected Sir,

We wish to highlight before your good self, the matter of significant concern regarding the delay in implementing Reservation in promotion to PwBD from **Sub Divisional Engineer (SDE) to Assistant General Manager (AGM)**. Despite DoPT's OM, 36012/1/2020-Estt(Res-II) dated 17.05.2022 & 26.04.2023, based on Hon'ble Supreme Court's direction to implement reservation in promotion for PwBD from Group B to lower rung in Group A, the same was not implemented in BSNL.

This is to bring to your kind attention that DoPT has issued guidelines in order to avoid litigations in the aforesaid matter vide their OM dated 26.04.2023, wherein **it is stated that the judgment/orders given by the Hon'ble Courts are required to be complied with within the time frame given by the Hon'ble Courts.**

As per The Rights of Persons with Disabilities Act, 2016, Section 34(1)

"Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities...."

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time."

The same has been endorsed by Hon'ble Supreme Court, vide its Judgement dated 30.06.2016 in WP(C) No.521/2008, titled '**Rajeev Kumar Gupta Vs UOI**'

Regn. No. HR/019/2018/02138

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In a Contempt Petition (Civil) No.873/2023 filed recently by Shri S. S. Sundaram against Department of Revenue, Hon'ble SC has ruled that

"Though it is pointed out that the judgement of this Court of which breach is alleged, has been complied with effect from 15.7.2023, the fact remains that the judgement is of 30.6.2016 directing the respondents to implement the 1995 Act. Therefore, the respondent will have to consider of giving at least notional promotion to those who are eligible from an earlier date."

Following this direction of Hon'ble SC, DoPT has issued an OM dated 28.12.2023 regarding Reservation in Promotion to PwBD with effect from 30.06.2016. Accordingly, DoP&T has directed to consider the eligible PWD officers for extending the notional promotions from the date they become eligible for the promotions.

As, there is complete clarity now on the date of effect of the guidelines with respect to extending the PWD reservations and the fact that BSNL has already done the DPC of the eligible PWD SDEs, there is no point in keeping the promotions of the eligible PWD officers on hold anymore. Hence, we request for your kind intervention in directing the concerned section to take necessary steps to issue the promotion orders immediately for the eligible PwBD SDEs to AGMs as per the recent DoPT instructions and Hon'ble Supreme Court guidelines.

With regards,



(Ravi Shil Verma)
General Secretary, AIGETOA

Copy to:

1. Dr. Neeraj Mittal Ji, Hon'ble Secretary DoT for kind information please.
2. Dr. Kalyan Sagar Nippani Ji, Director HR, BSNL Board for kind information and n/a please.
3. Sh Adhir Singhal Ji, PGM Pers, BSNL CO for information and n/a please.