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All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

(A Recognised Association of BSNL Executives)

(Affiliated to BMS)



Regn. no. HR/019/2018/02138

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GS / AIGETOA / 2024-25 / 29

Dated 28.06.2024

To,
Shri P K Purwar Ji,
Chairman & Managing Director,
BSNL Corporate Office,
Janpath, New Delhi.

Subject: Request for implementation of Reservation in Promotion for Persons with Benchmark disabilities in the cadres - Reg

- Ref :** 1. DOPT OM 36012/1/2020-Estt (Res-I) dated 17.05.2022 and 28.12.2023.
2. PCAT direction in "**Ravindra Kumar Gupta Vs Union of India & Ors**" dated 29.02.2024.
3. MoC Department of Posts Order No X-20/17/2024-SPN-II dated 18.06.2024.
4. GS/AIGETOA/2023-24/130 letter dated 11.01.2024.
5. GS / AIGETOA / 2024-25 / 13 Dated 14.05.2024.

Respected Sir,

We request your kind intervention for the implementation of reservation in promotion for PwBD employees in BSNL. Despite our earlier letter cited under Ref (4 and 5), BSNL has not move forward with for promoting the eligible PwBDs in the cadre of SDE to AGM (T). We wish to highlight that there is a significant delay in implementing Reservation in promotion to PwBDs from Sub Divisional Engineer (T) to Assistant General Manager (T), despite the following orders/directions.

We hope that the Reservation for Promotion in the cadre of SDE (T) to AGM (T) the VC is called from eligible Persons with Disabilities (PwBD) and now it is being processed by Personnel Section. It has come to our notice that all 85 eligible PwBD executives in the cadre of SDE (T) were not covered for promotion.

- 1] This is to state that the said Persons with Benchmark Disabilities (PwBD) were working as Sub Divisional Engineer, since 2013.
- 2] Section 34 in The Rights of Persons with Disabilities Act, 2016, provides that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time.
- 3] As per BSNL Management Services-Recruitment Rules, an engineering graduate with total 7 years of qualifying service as SDE (Telecom), as on 1st January of the year is eligible for promotion to the cadre of AGM (Telecom). As per the above MSRR, the said PwBD executives

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are eligible for promotion to the cadre of AGM (Telecom) w.e.f 01.01.2021.

- 4] 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.”

Accordingly, the DoPT vide its OM No. 36012/1/2020-Estt (Res-I) dated 28th December 2023 has directed to extend benefit to eligible PwBDs w.e.f. 30.06.2016 after holding review DPC as per extent instructions issued by the DoPT in this matter. BSNL has endorsed this OM on 06.02.2024. **In this OM, DoPT has detailed the procedure for creating supernumerary post based on Hon'ble SC's judgement.**

- 5] Hon'ble PCAT in its direction in **OA 1657/2022** titled **“Ravindra Kumar Gupta Vs Union of India & Ors”** [Ministry of Communications, Department of Telecom (Bharat Sanchar Nigam Limited)] dated 29.02.2024 to implement reservation in promotion for persons with bench-mark disabilities as outlined in the DoP&T OM, and promote all eligible SDE (T) to AGM (T) within 12 weeks from receipt of PCAT direction.
- 6] **However, even after expiry of 15 weeks, subsequent to the receipt of directions from the Hon'ble PCAT the same is not yet implemented. This to humbly state that non-implementation PCAT directions by BSNL will only invite more legal complexities.**
- 7] Despite Hon'ble Supreme Court's judgement in this matter, Hon'ble PCAT's direction in OA 1657/2022, and DoPT's guidelines in this matter, BSNL has not implemented reservation in promotion for Persons with Benchmark Disabilities in the cadre of SDE to AGM.
- 8] **Recently, Department of Posts under Ministry of Communications, Govt of India has issued an order X-20/17/2024-SPN-II dated 18.06.2024**, wherein it has clarified the procedure for computation of number of vacancies. The extract of Para 3 of above order is reproduced below:-

“3(a) Computation of number of vacancies to be reserved:

Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in a Group as a whole, although the PwBDs would be posted against the category of posts identified as suitable for them.”

As per Para 2 of above order:-

“DOPT further vide OM No. 36012/1/2020-Estt(Res-II) dated 28.12.2023 has issued principle for providing of reservation in promotion to PwBD employees. It is also clarified in that reservation is to be granted notionally from 30.06.2016 in respective vacancy year.”

- 9] As per DoPT OM dated 28.12.2023(i), all eligible PwD employees in posts and services of the Central Government, will be considered for grant of the benefit of reservation in promotion up to the lowest rung of Group 'A' on notional basis w.e.f. 30.6.2016. Further, this benefit may be extended after holding Review DPC as per the extant instructions issued by DoPT on the

subject. In case the PwD employees are found eligible and suitable for promotion from any date subsequent to 30.6.2016, then the benefit of reservation in promotion may be extended to them from the date they become eligible for promotion. This promotion on notional basis includes promotion on seniority quota as well as Departmental Examination/Departmental Competitive Examination.

10] To sum up, as per DoPT OM No. 36012/1/2020-Estt (Res-I) dated 28th December 2023, all 85 eligible SDE(T) may be promoted as AGM(T), notionally according to their eligibility dates .

In view of the above, it is requested to implement Reservation in Promotion for Persons with Disabilities as per DoPT OM No. 36012/1/2020-Estt (Res-I) dated 28th December 2023 in true spirit and issue promotion orders of all eligible 85 PwBDs from SDE(T) to AGM(T) please.

Encl: As above.

With Regards,



[Ravi Shil Verma]
General Secretary

Copy to:

1. Dr. Kalyan Sagar Nippani Ji, Director (HR) for kind information & n/a pls.