



राष्ट्र हित

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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

President

G Veerabhadra Rao
9440648648

General Secretary

Ravi Shil Verma
8373967633

Finance Secretary

Badri Kumar Mehta
9868183579

All communication at E-mail - "chqaigetoa@gmail.com" only

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Dated 14.10.2024

To,
Shri A Robert J Ravi Ji,
Chairman & Managing Director,
BSNL, New Delhi.

Subject : Request for settling the long pending bottlenecks in promotions - Our request to consider the promotions of all eligible executives who have completed their residency period to settle the unrest and demotivation amongst all the executives and Request for your kind intervention to provide the Natural Justice to meritorious LDCE-2012 qualified SDEs, especially List 12 & 13 SDEs. - Regarding.

Respected Sir,

Your kind attention is invited towards the unrest and demotivation among LDCE - 2012 qualified SDEs especially those belonging to List 12 & 13 which was degraded from List 9. At present a significant number of posts in various streams are vacant due to ongoing court cases, particularly concerning DGM-equivalent promotions. More than 2500 LDCE-2012 qualified SDEs from List 11, 12 and 13 (VY 2008-09, 2006-07, and 2007-08, respectively) have been awaiting promotion for over 11 years despite the availability of 1500-1800 vacancies in the combined DGM+AGM grades. It will be pertinent to mention that detailed discussion with management has already taken place by this association and management side also expressed its willingness to consider the suggestions given by this association in the best interest of the executives.

Dear Sir, as intimated during discussions, we wish to highlight that the competitive quota people in general and BSNL recruits in particular have always been a subject to disadvantage in BSNL. While every organization strives to put its younger lot in front, in BSNL the contrary has happened and all such executives have been put to back. **We take this opportunity to highlight the injustices which have been meted out to the competitive quota qualified people belonging to List 12 and List 13 SDE seniority list as a unique case history where an organization by itself has gone against the spirit of its own RRs and that too without any court directions or directions from any external agency which raises a huge question mark on the thought process of those who were heading the affairs at that time.**

www.aigetoachq.org

Regd. Office : Flat No. 716, Studio Apartment, Omaxe Height, Sector-86, Faridabad, Haryana - 121006

However, **since the injustice has already been done but at least now the justice must be imparted. We humbly request your intervention to provide natural justice to the meritorious Limited departmental Competitive Exam (LDCE - 2012) -qualified SDEs, especially those from LDCE List 12 and 13.** There is huge need for provisioning of sufficient posts in various grades to fulfill the career aspirations of all the eligible executives and the same can very easily be done by expeditiously working on the methodology proposed by AIGETOA and agreed earlier by management in view of the facts as stated below:

History of the Injustices Meted out :

1. JTOs were directly recruited in BSNL in 2001 and 2002 onwards. In JTO cadre, the BSNL Recruits were made Junior stating that the vacancy for departmental candidates belonged to the DOT era Vacancies of 1998 onwards. In other words, BSNL stated that it follows Vacancy Year Concept while framing the Seniority in JTO cadre. **This implied that those getting promoted as JTOs later than the BSNL recruits were made senior by VY concept and were made senior to BSNL Recruits despite the date of Joining of BSNL Recruits being earlier than the Departmental JTOs. Hence the departmental quota JTOs got promoted as SDEs earlier to BSNL recruits as department followed Vacancy Year based Seniority in JTO cadre.**
2. **Delayed Promotions for LDCE - 2012 Candidates:** LDCE was introduced as a fast-track promotion mechanism, but these candidates, especially those from List 12 and 13 (VY 2006-07, 2007-08, and 2008-09), have faced several delays in receiving their due promotions. **Initially LDCE was scheduled to be held in July 2010, but got delayed due to court case and finally it happened in 2012, the result was further delayed due to court case and finally JTO to SDE promotion for these meritorious LDCE - 2012 qualified executives happened in July 2013, i.e. delayed by 3 years with no fault of theirs.**

Even many of the DPC promoted appeared for LDCE in 2012 for improving their seniority from the assigned vacancy years to the VY 2006-07 available LDCE quota. Almost all DPC promoted executives failed to qualify those exams and could not improve their seniority.

3. **Seniority Disputes:** Despite the LDCE 2012 qualified SDEs qualifying the exam against VY 2006-07, 2007-08 to 2009-10, they were again made Junior to the SDEs who were promoted against the later year vacancies of 2010-11 by **applying seniority based on date of Joining which was totally in contrast to the words and spirit of SDE RR 2002.** The excuse taken was of Hon'ble Supreme Court Judgement in the case of S K Dubey Judgment which **was not at all applicable to the seniority list for the VY 2006-7 onwards as they were not the impugned list before Hon'ble Supreme Court.** Further, the judgement says that Date of Joining can be applied only if there is no rule in place **while in BSNL the rule was in place.** The SDE RR 2002 along with its amendment clearly states that there is a vacancy year-based quota. The DoPT rules are also applicable in case of BSNL which states that both Rota and Quota should be applied while framing seniority.

As early as in 2015, **DOT had issued a letter that Judgment of DEWAN CHAND case given by Hon'ble Chandigarh CAT (The case on which Hon'ble Supreme Court made the judgment in favor of date of joining for impugned list) should not be made precedent for future seniority lists** still BSNL applied it and that too only for Telecom Stream while applied Vacancy Year based Rota and Quota in all other streams except Telecom. DOPT guidelines and clarification issued by DoP&T for determination of seniority was completely ignored and **VY 2006 LDCE promoted SDE were made juniors to VY 2009, DPC promoted SDEs.**

In 2018 BSNL amended the SDE recruitment rules, which was proposed by a High Power Committee in year 2012. In 2015, Management Committee of the Board approved the proposal of making the seniority based on the Rota and Quota from Vacancy Year 2006-7 onwards and the matter was still pending to be considered by full board. Even the clarifications received from DoPT were in favor of Rota and Quota. Still the then Management and HR groups completely ignored these facts and made seniority list based on date of joining for the reasons best known to them.

In August 2020, BSNL published SDE seniority list based on vacancy year wise quota but the same was unilaterally reverted by BSNL in 2021, perhaps for the first time in history of BSNL, management changed its own stand and that too without directions from any court or any external agency. This raises a huge question mark on the thought process of those involved in the process and is a fit question of inquiry as the decisions were taken by contravening the legal opinion obtained from the retired Justice of Hon'ble Supreme Court and the clarifications received from DoT duly vetted by Ministry of Legal Affairs. Even the first legal opinion received from BSNL Senior advocate was in favor of Vacancy Year Based Quota promotion but the same was again got modified. This is another example which proves that the only intent was to degrade the competitive quota SDEs in the seniority list, else there was no point in asking one more opinion from the same Senior Advocate by framing a different set of questionnaires.

BSNL has been referring the various Judgments of High Court and Supreme Court to justify their unilateral action but the fact is that **BSNL never protected its own recruitment rules and never kept the true facts in front of Honorable Courts that BSNL is following DoPT guidelines if the provision doesn't exist in RRs,** Because the parties in favor of date of Joining, never allowed the true picture to be kept on Record before Hon'ble Court, even the clarification from DoP&T was not placed before the Hon'ble Supreme Court. This can be checked and verified from the available legal records.

AIGETOA has been raising the issue of inquiry on the matter against the officials involved in the process and we once again raise the same demand to initiate inquiry against the officers involved in the process and do the justice to the deprived executives belonging to the LDCE 2012 qualified group.

4. **Other Court Directives and DoPT Guidelines:** Multiple court judgments, including those in the N R Parmar case and the K. Meghachandra Singh case, have clarified the determination of inter-se seniority based on the vacancy year rather than the date of joining. However, BSNL has yet to implement these orders correctly, leading to the current backlog in promotions for LDCE officers.

5. **Conclusion:**

In the background as mentioned above, we would like to bring to your kind attention, the whole chronology of the events which led to this situation and request for the kind consideration to get the Justice for list 12 & 13 SDEs of LDCE-2012 at the earliest please.

- 1] Management termed LDCE as a fast-track promotion and in no way, executives had any fault for the delay in promotion.
- 2] Despite that, the seniority of LDCE - 2012 qualified executives has already been modified several times BSNL is doing injustice to these competitive quota executives of List-12 (VY 2006-07 of LDCE) and List-13 (VY 2007-08 to 2009-10 of LDCE) by revising their seniority.
- 3] The Court orders referred to prepare the seniority list do not relate to List 9 as the list 9 onwards were not an impugned list before Hon'ble Supreme Court
- 4] The Seniority List 9 to 13 circulated by Department is not in line with the SDR RR 2002 subsequently amended vide 30th July 2007 vide no. 20-1/2001/Pers-II where in an explicit mention of vacancy year wise quota is given
- 5] The seniority is to be determined among the SDEs selected against one vacancy year only i.e. for each vacancy year 2006-07, 2007-08 and so on, separate seniority list is to be issued. Person Not eligible for 2006-07 Vacancy Year and placed in 2007-08 Vacancy year cannot be made senior to the person eligible for Vacancy year 2006-07. Hence, for seniority determination, quota is to be followed as per RR.
- 6] The DoP&T guidelines clearly extend the provision of Rota and Quota. But in the extant case these guidelines have been blatantly ignored.
- 7] A DOPT OM dated 04.03.2014 has been issued in reference to the Judgment pronounced by Hon'ble Supreme Court on 27.11.2012 in the matter of Civil Appeal No 7514-7515/2005 filed by N.R Parmar vs UOI & ors and in the said OM it is stated that ".....DoPT O&M no. 20011/1/2006-Estt (D) dated 03.03.2008 is stated as non-existent/withdrawn as initio....."and in the said judgment and the OM it is clear that the determination of inter-se seniority became effective from the day of the said judgment on the basis of vacancy year and not on the basis of date of joining.
- 8] According to DoPT's OM of 13.08.2021 referring to the judgment of the Hon'ble Supreme Court in Civil Appeal no. 8833-8835 of 2019 in the case of K Meghachandra

Singh & Ors vs Ningam Siro & Ors, in para no 7 it states that it has been decided to modify the instructions relating to determining inter se seniority between promotes and direct recruits.

- 9] DoPTs OM no 2011/1/2012-Estt(D) dated 04.03.2014 issued in pursuance of order dated 27.11.2012 in N.R Parmar case is treated as non -est/withdrawn w.e.f 19.11.2019.
- 10] The order dated 19.11.2019 is prospective, so cases of inter se seniority of direct recruits and promotes, already decided in terms of OM no.20011/1/2012-Estt.(D) dated 04.03.2014, will not be disturbed i.e. old cases will not be reopened.
- 11] The judgment pronounced by the Hon'ble Supreme Court dated 12.08.2014 in the matter of BSNL & Ors vs S. Sadasivan & Ors and also in the judgment of Hon. Supreme Court in the matter of Vinod Verma vs UOI & Ors, which were referred in the BSNL speaking order dated 09.07.2021, have determined the principle of inter-se seniority and in the said judgments, the seniority of LDCE 2012 was never challenged.
- 12] Fixing of seniority as per Quota-Rota is in practice in all the Ministries/ Department. The same is being applied in BSNL also as evident in civil stream. SDE (Civil) seniority fixation - Seniority fixed as per Quota-Rota. Even the seniority principle in CSS cadre is following the Rota and Quota. It will be pertinent to mention that verbatim used in all RRs remains same word to word. Only in case of Telecom, the interpretation has been made differently and other streams still continue to follow Rota and Quota.
- 13] It is pertinent to mention here that many SDEs already promoted through DPC process have participated in LDCE 2012 to improve their seniority by qualifying LDCE exam, as it was part of well-established process. But the then management contravened BSNL's own method and those who could not qualify for the exam were placed senior.
- 14] While vacating the stay for DPC in year 2011, BSNL submitted affidavit at Hon'ble PCAT in 2011 by categorically mentioning that the seniority of the candidates belonging to the competitive quota shall be protected and the delay will not affect the seniority.

Present Status:

The executives who cleared the LDCE in the year 2012 and have been working in the SDE grade for more than 11 years and their seniority was pushed down to List 12 and 13 for no fault on their part need to be extended immediate justice and that can be imparted only if all eligible SDEs are considered for promotions without any further delay. This is really an extremely sad state of

affairs that BSNL has extended only one promotion to these technically qualified engineering graduates from leading colleges of India in their entire career span of 22 years and that too after clearing the internal LDCE have been pushed down in the seniority list. **Hence management must consider exploring all options to extend the promotions to all eligible executives to ensure justice to the deprived lot who also have cleared the competitive exam for earlier vacancy years and also after VRS, all executives are carrying double loads. Promotions for all eligible SDEs will energize the entire organization. It will be worth to mention that there is absolutely no financial burden is there on the BSNL in executing these promotions.**

It is appreciated that current HR team has completed the SDE (T) to AGM (T) promotion process for V.Y. 2023 for 660 posts; wherein the 438 SDE (T) were promoted to AGM (T) in the month of May 2024 through DPC; and LICE exam is conducted for 222 AGM (T) whose keys are already issued, and results/promotion orders will be issued on receiving the clearance from CAT Chandigarh. Still, the significant posts in all streams have been lying vacant for a long due to various court cases on DGM equivalent promotions, like more than 2500 SDEs of List 11-12-13 (VY 2008-09, 06-07 & 07-08 respectively) are waiting for promotions despite having around 1500-1800 vacancies in combined DGM+AGM grade.

In view of administrative exigency, AGMs are given the charge of DGM in temporary arrangements and they occupy posts of both DGM & AGM simultaneously and as a result the downstream eligible executives keep on waiting for their promotions, despite no legal hurdle and no financial implication.

In this regard, it is humbly submitted that the case may be considered such that ***Wherever promotions for one post could not be carried out for long period due to legal hurdles, sanctioned strength of that post shall be added with sanctioned strength of feeder post for the time till the court decides on the issue, and promotions be done to feeder cadre so that combined working heads becomes equal to combined sanctioned strength.*** Since an executive doing Adhoc/LA/ Officiating will execute the duties of looking after post only and the substantive post part of that executive keeps laying vacant. This practice of giving temporary charge of the post to executives effectively reduces the working strength at substantive posts by equal numbers. ***It is requested that a working executive should not be counted on two posts simultaneously. This will free the post for the regular promotions down the stream for all aspirant executives.*** It is thus requested that the case may be perused and worked out to equate the (total sanctioned strength of a post + feeder post) to the (total working strength of post + feeder post). **Further, instead of charge on Look After basis, the charge of higher grades may be given on entrustment basis so that the administrative feasibility of counting the feeder cadre post becomes easy.**

By this way, around 1500-1800 SDEs can get promotion to AGM grade immediately but still a significant chunk will be left out. We request for adding another 15% - 20% posts across the promotional cadres which will remain well within the 2021 overall sanctioned strength of the organization. Even the existing norms empower the Management Committee of the Board to augment the promotional posts without changing the overall sanctioned strength of the organization.

We also request for reconsideration of introducing an upper cap in the residency period for all the grades and streams on personal upgradation basis which will do away with all the problems of various streams and cadres and will sort out the promotion issues permanently. This will also ensure a smooth and assured career progression for all current and future batches across all grades and streams. BSNL management assured to execute this earlier but later on retracted from its stand. **A maximum upper cap on the residency will give one promotion to the eligible executives who have completed their residency in the grade and have been stagnating in the grade for long across all cadres.**

Management must appreciate the fact that the executives remaining in the organization, post VRS era have been sincerely, dedicatedly and efficiently discharging the multiple responsibilities which has been assigned to them owing to sudden reduction in staff. Executives are even discharging those duties which do not come into the job profile just for betterment and well-being of our beloved organization BSNL and hence they should not be made subject to harassment on the career aspects just because they chose to continue in the organization. Management must consider itself duty bound to fulfill the career aspirations of the executives working in the organization if not for anything then at least for the fact that they have faced all challenges and kept organization moving in its toughest times even by spending the money from their pockets and giving their blood and sweat to the organization.

With several key projects underway in BSNL, including network expansion and 4G saturation, the shortage of middle-management staff is severely affecting project execution and performance monitoring. Promotions would help address these gaps, improve project delivery, and enhance overall organizational performance.

Further, Promotions boost morale, make executives part of the managerial structure, and create a more motivated workforce. Furthermore, such promotions come with no additional financial burden, as most SDEs are already drawing salaries higher than the AGM grade.

We sincerely hope and believe that your good self will take the cognizance of the unrest and demotivation amongst the executives and trust that your benevolence will consider our request favorably to take the necessary actions to expedite the promotion process and extend the much-awaited justice to the deprived lot of BSNL who have always found themselves on the receiving end.

With Regards,

**[Ravi Shil Verma]
General Secretary**

Copy to:

1. Dr Kalyan Sagar N Ji, Director (HR), BSNL, New Delhi
2. Shri Dinesh Mahur Ji, PGM (Pers), BSNL CO, New Delhi.
3. Smt Anita Johri Ji, PGM (SR & Restg), BSNL CO, New Delhi.