



## All India Graduate Engineer Telecom Officers Association Central Headquarters

President  
**Laxman Banoth**  
9490144699

General Secretary  
**Ravi Shil Verma**  
8373967633

Finance Secretary  
**Yogendra Jharwal**  
9414000877

All communication at E-mail - "gs@aigetoachq.org" only

No. GS/AIGETOA/2019/9

Dated 29.01.2019

To,  
**Shri Anupam Shrivastava**  
**Chairman & managing Director**  
**BSNL, New Delhi.**

**Subject : Preparation of a single List of SDEs for promotion to the cadre of DE based on Rota-Quota in the order of Vacancy Year and taking necessary corrective action by Personnel section of BSNL CO, Regarding.**

R/sir,

We seek Your kind attention to the manner in which the seniority/ promotion is being handled in Pers section of BSNL C.O. which gives a clear impression that SDEs promoted through LDCE stream are being subjected to clear cut disadvantage with respect to their seniority and promotional aspects. In contrast, out of turn action is taken to extend the benefit to other set of Promotees by sometimes even putting GOI rules at stake. This bizarre state of HR system has forced many LDCEans to approach Court for redressal of their legitimate rights. We would like to submit the following facts to your good self for your kind consideration:

1. Even after having a Supreme Court order dated 11.8.2017 in hand, LDCE 2002 qualified SDEs(T) are being deprived of their right. DOT has already endorsed the said Supreme Court order vide their letter dated 31.12.2018 directing that for promotion etc. DOT's seniority list 6 and 7 has to be given effect. It is hardly a few minutes job for BSNL to endorse this order as DOT's seniority lists 6 and 7 exists. **But even after 30 days, same has yet not been done. In 2015, when DOT asked to revise the same seniority lists 6 and 7 comprising of more than 10000 SDEs(T) by implementing Chandigarh CAT decision, despite being against GOI rules, BSNL took only 1 day to issue the order.**
2. In AGM (T) level, the vacancies were very less. To accommodate all the SCF promotee SDEs (T) of List 6 and 7 along with LDCE 2002 promotees, BSNL created AGM level posts and that too without seeking any approval from DoT despite clear cut instructions from DoT to do so in case of matters relating to pensionary implications. Further, LDCE promotees of 2001-02, 2002-03 were not considered for promotion from SDE(T) to AGM whereas the SCF promotees of same vacancy years have been promoted. **By not promoting the LDCE promotees of 2001-02 and 2002-03 from SDE(T) to AGM(T), the LDCEans and relatively younger executives have been denied of their due rights.** This happened only because separate lists were maintained. The preparation of separate lists resulted into various litigations.

Regn. No. : HR/019/2016/02138

Regd. Office : Flat No. A-302, Life Style Residency, Plot no: GH 41-42, Sector-65, Faridabad, Haryana-121006

3. **THE SDE RR clearly states that seniority list is to be prepared vacancy year wise. We fail to understand the reason behind preparing the lists separately i.e 5, 6, 7,8. The list 9 has not been prepared yet. There should be a clear direction that a single List should be prepared for one Vacancy Year based on Rota Quota Principal as different yard sticks cannot be used for the same cadre. In other words, either all lists should be merged into a single list with seniority being defined as per Vacancy year & Rota-Quota or separate Lists should be prepared for different vacancy year containing executives from both the LDCE as well as SCF stream in the order of Rota Quota prevailing at that time.**
4. **Based on the vacancy Year wise list, all SDEs promoted till date and all SDEs to be promoted further should be assigned their respective seniority numbers to put an end to all the litigations happening with respect to this.**
5. DPC stipulates year wise panels for promotion. So when SDEs are to be considered for promotion to DE, all the persons (DPC promotees & LDCE promotees) selected against a VY have to be considered for promotion before persons from next VY are considered.
6. The corrective action with regard to maintaining this parity between LDCE quota and SCF quota in the ratio prescribed by the prevailing RRs at that time should immediately be done and all the left out SDEs from different LDCE vacancy year should be promoted without any further delay. In this connection, the facts of the instant case is as under:
  - a. As per BSNL order no. 5-4/2005-DE date 9.2.2007, LDCE for promotion to grade of SDE(T) under 25% quota to be held on 10<sup>th</sup> June 2007 was notified on **9<sup>th</sup> Feb 2007** by Departmental Exam Branch, BSNL C.O. This LDCE was to be held as per SDE(T) RR 2002 for **vacancy year 2001-2002 to 2005-2006.**
  - b. Before the exam could be held, BSNL Pers II Cell vide their order no. 26-1/2007-Pers-II dated **3.4.2007** issued a **provisional seniority list of SDEs(T) (List 8) for vacancy year 2002-03, 2003-04, 2004-2005** (part). In this list, every 4<sup>th</sup> slot was kept blank for CQ. In the said letter it was mentioned that the vacancy positions of SDEs(T) in BSNL have been recalculated and revised from 2001-02 onwards as a result of abolition of 1966 posts of TES Grp B in the year 2000 and due to diversion of some posts of SDEs(T) in MTNL after the finalization of absorption of SDEs(T) in BSNL. As a result, officers promoted from JTOs(T) to SDEs(T) vide office order dated 16.9.2004, 25.1.2005, 8.8.2005 and other miscellaneous orders issued in continuation thereof or otherwise have been re-allotted vacancy years 2002-03, 2003-04. And 2004-05(Part).

- c. The purpose of issuing such seniority list with slots kept vacant is not understood. It is felt that it was obviously issued to be challenged in Court and which happened? The seniority-cum-fitness (SCF) promotes challenged such seniority list. No persons from LDCE 2007 mode was available because exam was yet to be held. Due to non-defending of the case properly by BSNL, Chandigarh CAT vide its order dated **28.5.2009** gave judgment in favor of SCF directing to fix the seniority as per date of joining.
- d. The LDCE was held ultimately on **15.7.2007** and the result was declared on **8.7.2008** vide BSNL order no. 5-3/2007-DE dtd 8.7.2008. Due to certain Court orders, the result was not declared on year wise basis but was prepared based on merit only without taking into consideration the year wise eligibility and vacancies. Allotment of vacancy year and seniority was left to Pers II branch, BSNL C.O.
- e. The Pers II branch, BSNL C.O. on **26.5.2014**, vide BSNL order no. 56-08/2014-Pers(DPC) issued the list assigning the vacancy year based on merit position and eligibility condition.
- f. The Pers (DPC) branch on 14.3.2016 vide their letter no. 56-02/2016-Pers (DPC)/15/19 issued the seniority list SDEs(T) List 8. This list was issued complying Chandigarh CA order dated 25.8.2009 in TA No. 85-HR/2009 (CWP No. 13955/2007) filed by Sh Pawan Kumar Jindal and 11 others. In the said SDEs(T) seniority list 8, out of 5180 persons, top 1 to 3471 positions was given to SCF promotees whereas the LDCE promotees were kept at the bottom from 3472 to 5180. The **LDCE promotees of VY 2001-02 onward were placed below in seniority to SCF promotees of VY 2007-08**. How it is possible when the eligibility for VY 2001-02 is seen w.r.t. 1<sup>st</sup> July of 2001 and for VY 2007-08 is seen w.r.t. 1<sup>st</sup> July 2007. In Chandigarh CAT, ROTA was challenged and not quota. The seniority fixed in such a way has denied the yearwise quota whereby the SDEs(T) RR 2002 has been violated.
- g. In the Chandigarh CAT, no LDCE 2007 promotee SDEs(T) was available. Without being made the party, how a judgment can be implemented that too when case filed in Chandigarh CAT was for Haryana state jurisdiction only.
- h. In BSNL, it seems that the DPC section is driving the methodology for conducting DPC without bothering for the exact guidelines.
  - (i) As per SDEs(T) 2002, two lists exists for each vacancy year- one SCF list and other LDCE list.
  - (ii) The use of two lists comes into play only at the time of promotion from SDE to DE.
  - (iii) DPC stipulates year wise panels for promotion. So when SDEs are to be considered for promotion to DE, all the persons (DPC promotees & LDCE promotees) selected against a VY 2001-02 have to be considered for promotion before persons from next VY 2002-03 are considered.

Keeping in view of above, I request your kind self for the following:

- I. **Seniority List of SDEs (T) list 8 to be revised as per Supreme Court order 11.8.2017 followed by DOT's letter dated 31.3.2018 and Seniority List 9 also to be prepared immediately as per the Rota-Quota.** In fact, either multiple lists vacancy year wise be prepared or a single list maintaining the seniority as per vacancy year in the ratio prescribed as Rota-Quota Rule prevailing at that time be prepared.
- II. Seniority number of every executive should be provided in the cadre.
- III. Promotion of SDEs (T) of Subsequent Vacancy Years to Des/AGMs (T) at par with their corresponding SCF quota vacancy years in the ratio of Rota-Quota stipulated for that period.
- IV. Endorsement of DOT's letter 31.12.2018 immediately thus restoring the seniority list 6 and 7 issued by DOT and **preparation of List 8 and List 9** based on vacancy year and Rota Quota as stipulated in RRs. In fact a single seniority list should be prepared.
- V. Keeping the facts into consideration as mentioned above, suitable action may be taken for streamlining HR functions so that the seniority / promotion cases are dealt as per BSNL/GOI rules, guidelines without any undue favor to any group.

With Regards

Yours sincerely,  
Sd/-  
**[Ravi Shil Verma]**  
GS, AIGETOA

**Copy to:**

- 1. Smt Sujata T Ray, Director HR, BSNL Board for kind intervention please.**
- 2. Shri Arun Kumar, PGM (Pers), BSNL CO**
- 3. Shri A.M. Gupta, GM (SR) for intervention in settling the genuine grievances of the competitive quota executives.**