



All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

(Recognised Representative Association of BSNL)

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GS/AIGETOA/2020/96

Dated 31.08.2020

To,

Shri P. K. Purwar,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited, New Delhi.

Subject: Issuance of SDE Seniority List of remaining Vacancy Years i.e. 2007-08 onwards for each vacancy Year separately following the basic essence of SDE RR 2002 and subsequent modification-Reg.

Reference: L. No. BSNLCO-PERS/13(21)/1/2020-PERS1 dt 10.08.2020 of BSNL CO, New Delhi

Respected Sir,

We would like to submit here that provisional seniority list of SDE for vacancy year 2006-07 has been issued but the seniority list of remaining vacancy years i.e. 2007-08 onwards has not been issued till date. This has created serious resentment among those SDEs who belongs to vacancy years beyond 2006-07. It is quite surprising that BSNL is not able to finalize the seniority status of the SDEs, who were promoted to the grade of SDE through Accelerated Promotion Channel i.e. LDCE against particular vacancy year and working in the cadre since more than 6-7 years. In this regard, we would like to submit that Seniority of all SDEs who have been born in the cadre should be released for every vacancy year separately without further delay.

Here, we would like to draw your kind attention towards the fact that SDE Recruitment Rule 2002 basic provision to Promote JTOs to the SDE grade is based on the Principle of VACANCY YEAR and QUOTA for two different modes of intake i.e. DPC and LDCE. The post of SDE is 100% Promotional Post, which is filled by the JTOs through two different modes i.e. Seniority cum Fitness (DPC) and Limited Departmental Examination (LDCE) in 2:1 ratio w.e.f. Vacancy Year 2006-07 as per the SDE RR 2002 and the subsequent modifications issued by BSNL Corporate Office vide L. No. 20-1/2001-Pers-II dated 30.07.2007. Eligibility of JTO for promotion to SDE grade through Seniority cum fitness or LDCE Mode is decided on the basis of his fulfillment of Basic Criteria of Residency Period in JTO for a particular Vacancy Year of SDE as per SDE RR 2002.

The SDE Recruitment Rule 2002 clearly defines about QUOTA and Vacancy Year concept and the RR has already been modified for provision of ROTA also. Even in earlier absence of ROTA, it is a well-settled law that if the existing rules do not cover any aspect/subject, the Government of India rules are to be followed. The DoP&T Rules on the matter clearly state that in the extant case, the Rota Quota method has to be followed wherever there are two modes of intake. Moreover, on the same subject, the administrative Ministry i.e. **DoT in consultation with DoP&T and Department of Legal affairs has clearly stated to BSNL that the implementation of the said judgment should not be quoted as precedence in other similar cases.** Hence the criteria of S. K. Dubey's Case (Date of Joining

as criteria of seniority) can't be implemented for other vacancy years, for the reason that lists no. 6, 7 and 8 were the only lists impugned before the CAT Chandigarh and not the list referred above or those under process and hence **the Judgment given in the case of List 6, 7 & 8 simply can't be used as a precedence for Lists of vacancy year 2006-07 onwards. Even in the said impugned lists case, it was seniority issue which was under challenge and Vacancy Year wise Quota was never under challenge and this fact was completely ignored.**

We have apprised time and again to the respected Director (HR) and PGM (Pers) with all details and supported documents and requested to publish the SDE seniority list in accordance with the basic spirit of the SDE RR 2002 for every vacancy year separately. But what we have observed that some officers at MIDDLE MANAGEMENT LEVEL IN PERSONNEL SECTION ARE DELAYING THE THINGS WITHOUT ANY VALID REASONS and are not putting the facts before higher ups, may be under influence from some corners who may not be happy with the idea of Vacancy Year Concept. If Vacancy Year concept is not followed, the quota stipulated in SDE RR 2002 vides instruction dated 30.07.2007 will break and shall go against the RRs. This fact has been deliberately kept suppressed and involvement of some vested interests cannot be ruled out as one of the officers kept file pending for months and also he is in habit of delaying files on this subject with comments like PI discuss etc. This needs to be thoroughly enquired also.

Sir, Management termed LDCE as a fast track promotion and in no way applicant has any fault for delay in promotion. Also BSNL itself vide L. No. 20-1/2001-Pers-II Dated 30th July 2007 modified the **SDE RR 2002 to extend QUOTA among SCF and LDCE in a ratio of 67:33 from Vacancy Year 2006-07 onwards.** Similarly, In Dec 2012 committee formed by BSNL vide O. No. 20-24/2001-Pers-II dated 26.06.2012 has **recommended for inter-se-seniority in the ratio 2:1 between Seniority-Cum-Fitness & Competitive Quota respectively, which was later on approved and incorporated in SDE RR 2002.** Further, on query of BSNL (Vide U.O. No. 2-2/2011 –Pers-II dated 18.9.2012), Department of Telecommunication vide No. 20-16.2012-STG-II clarified on fixing Inter-Se-Seniority between SCF and LDCE quota and mention the executive instruction on applicability of ROTA-QUOTA between SCF and LDCE candidates.

Hence in the light of above facts, we request for immediate release of SDE Seniority list of remaining vacancy years 2007-08 onwards for every vacancy year separately and as per basic essence of the SDE RR 2002 and subsequent direction of the Department of Telecom and standing instructions of the DoP&T on the subject.

With warm regards,

Sd/--
[MD. WASIAHMAD]
General Secretary

Copy to:

1. The Director (HR) BSNL Board, BSNL CO, New Delhi kind information PI.
2. The PGM (Pers) BSNL Corporate Office New Delhi for kind information and N/A PI.