



All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

(The Recognised Representative Association of BSNL)

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GS/AIGETOA/2022/55

dated 09.06.2022

To,

The CMD BSNL,
BSNL Board, BSNL CO,
H. C. Mathur Lane, New Delhi

Subject: Consistently changing stand of the management on various issues and new found tendency to unsettle already settled issues citing DoPT Rules/RRs Provision in a selected manner – Our Strong Objection to frequent change in the SDE Seniority List 12 comprising of LDCE qualified executives-Regarding.

Reference: BSNL Corporate Office letter no. BSNLCO-PERS/ 13(22)/5/2021-PERS I dated 31.05.2022

Respected Sir,

Your kind attention is invited to the letter under reference#1 vide which already finalized SDE Seniority List 12 has again been modified citing DoP&T guidelines. Though, AIGETOA has strongly objected to the principle followed in finalizing these lists which has resulted into huge loss of seniority to the competitive quota people, and now this one more modification in already finalized list has come as a huge shock for all. It seems that HR section of BSNL is hell bent on creating unrest in organization with everyday changing stand and reversal of its own decisions taken years ago. It will be pertinent to mention that current scrapping of backlog quota and putting the candidates selected against this backlog quota down in the lists is one more glaring example of the inconsistency in the decision of the management, especially in last few years. Sometimes the management cites lack of provisions in RR and sometimes they say DoP&T guidelines are not applicable in BSNL and then they use the same DoP&T guidelines to again unsettle their own decisions taken earlier.

Further it cannot be a mere coincidence that every time the relatively young and competitive quota people are at receiving end in BSNL. This trend is a very dangerous trend where an issue of seniority which was settled in 2020 by the department has been reversed in 2021 and finalized in Feb-2022 but again the finalized list changed in May-2022. It means executive can never feel themselves at ease because HR team is changing their own decisions at a gap every year and there is no guarantee that decisions taken now will not be changed in future. This clearly shows a lack of understanding and high headedness in approach of the HR group. What right management has got to unsettle the decisions already taken years back and put executives in a state on unrest and confusion? Why the executives should suffer every time for the decision of the management?

In the backdrop of above, we wish to highlight the insensitive and consistently changing approach of the management on critical issues pertaining to the executives, where they are changing their own decisions taken years before. Few glaring examples are as stated below:

1. The provisional List 9 was published in July/August 2020 for the vacancy Year 2006-7 wherein the Competitive and Seniority Cum Fitness Quota people of same vacancy year were placed in the list as per their respective date of joining in the cadre. **Even in this published list provision of Rota was blatantly ignored despite provisions for the same being there in DoP&T guidelines and BSNL being bound to follow DoP&T guidelines in case the provisions in RR doesn't exist meaning DoP&T guidelines will act as Rule in such cases where RR Doesn't provide any explicit provisions in the matter.** Despite such rules in force, management blatantly ignored the Rota Rule and went ahead with provisioning of Quota in the circulated provisional seniority list.

Regn. No. : HR/019/2018/02138

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

2. Thereafter, one fine day, a thought comes in the mind of the management that earlier decision taken by the same section was not at all correct and was not in line with Hon'ble Supreme Court Judgment, and they start the process of changing their own decision; one year after the earlier decision, which was taken with due approval of the Director HR/CMD BSNL. All these while they just keep their unidirectional approach with completely misinterpreted version of RR as well as Hon'ble Supreme Court Judgment. **Even submission of Legal Opinion on the Judgment as well as proper interpretation of RR from a Retired Justice of Hon'ble Supreme Court was not enough to deter on their motive of putting competitive quota persons at bay.** *Such was their inconsistency on the matter that they even went against their own affidavit submitted in Hon'ble PCAT where they have ensured that delay in conduction of exam will not impact the seniority of the competitive quota people and the same shall be protected.*

3. Thereafter, they change their earlier decision and circulate a provisional list wherein they kept even the failed candidates of LDCE 2012 above the LDCE 2012 passed candidates. **Ignoring all objections and submissions from the association as well as individuals, management finalizes the list stating that DoP&T guidelines are not at all applicable in case of SDE RRs.** In the finalized list, neither vacancy year-based quota nor the ROTA was extended to the competitive quota people. Those who were not even eligible to be promoted against vacancies of 2006-7 and 2007-8 LDCEs were placed above the eligible candidates of 2006-7 and 2007-8 vacancy years. **Needless to mention is the fact that competitive quota people were again at the receiving end.**

4. Now, once again management suddenly realizes that whatever they did in February 2022 was not correct and there is again a need to correct the principle. They decided to do away with backlog vacancies citing DoP&T guidelines of 1986, which they themselves have been ignoring in the SDE Seniority lists 7, 8, 9, 10, 11, 12 & 13. The candidates against these backlog vacancies were selected almost 10 years back and their promotion orders were released in July 2013. After a gap of 9 years, management decides what they did in 2013 was not correct and now there is need to change the principle followed and they do it without any second thought and that also on a very sensitive issue of Back Log Vacancies of Reserved Quota Candidates. Here, all hesitations of the people dealing the matter go for a toss just because this action will create more complexity in already complexified matters by BSNL on the issue of seniority. Intent is very much visible to keep the meritorious competitive quota people engaged in legal entangles and the reason is cited as the provisions of DoP&T guidelines, whose applicability in SDE Seniority, they themselves have denied.

5. Same DOP&T guidelines stipulates provisions of one year relaxation in eligibility criteria in case a Junior is promoted before a Senior, both in SCF as well as Competitive Quota, but it falls to attract the attention of HR group and they don't hesitate in placing people up in the rank below the people lower down in the rank stating that this relaxation is not applicable for LDCE quota despite provisions in SDE RRs as well as DoP&T guidelines. Not only that, but they also don't hesitate in reverting SDEs already promoted SDEs, 12 years after they promote them citing a prospective clarification while when the matter was clarified from the section at the time of deciding the eligibility, at that time department made those executives eligible to appear in the exam. It will be pertinent to mention that persons at the receiving end are again the competitive quota people with highest merits.

Above are few actions of the management, which has been mentioned just to highlight the inconsistency in not only, taking decisions but also in agreeing to the applicability of the DoP&T guidelines. It is very much clear that DoP&T guidelines are also used on selective basis as per their suitability and comfort. *Such type of consistently changing stands and reversal of their own decisions taken years before, ignoring their own affidavits submitted years before, reverting candidates promoted years before is creating a huge unrest, confusion, and demotivation at field level in the minds of all executives and their belief in system is completely shattered now.* **This becomes furthermore objectionable when the executive is left to bear the brunt without any fault on his part and he is made to suffer because of lapses and delay on the part of organization.**

We hereby put our strong objection on such insensitive attitude of the management and request your kind intervention in putting the things in right perspective. We hereby request for a corrective action on the points submitted above, failing which this association shall be forced to assume that management deliberately wants confusion and complexity to prevail in the system and their basic purpose appears to avoid smooth and hassle-free promotions to AGM grade of all the eligible SDEs. Then only remedy that will be left for the association as representative of executives shall be to resort to organizational action programs. We sincerely feel that management will take note of this unrest and will take necessary remedial action to avoid disruption of industrial peace.

Thanking you.

Yours Sincerely

Sd/--

(MD. WASI AHMAD)
General Secretary

Copy to:

1. The Director (HR), BSNL Board, New Delhi for kind information please.
2. The PGM SR, BSNL CO New Delhi for kind information please.