



ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

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No: AIBSNLEA/CHQ/CMD/2020

Dated 27.08.2020

To

Shri P.K. Purwar Ji,
CMD BSNL,
New Delhi- 110001.

**Subject: Discrepancies in the Seniority List No.9 of SDE (T)
published on 10.08.2020- Reg**

Reference: (1) AIBSNLEA/CHQ/CMD/2020 dated 09.01.2020.
(2) BSNLCO-PERS/13(21)/1/2020-PERS1 dated 10.08.2020.

Respected Sir,

We would like to draw your kind attention on the above cited subject and reference at Sl.No.1, wherein it was requested to prepare the Provisional Seniority List 9 of SDE (T) may be prepared purely on the basis of the date of joining pursuant to the orders contained in the Judgements of Hon'ble CAT Chandigarh & Hon'ble Supreme Court.

But to our surprise, the Provisional Seniority List No. 9 was prepared on the Date of Joining within the Vacancy year instead of purely on the basis of the Data of Joining in accordance with the Judgements of Hon'ble CAT Chandigarh & Hon'ble Supreme Court, which is clear violation of Hon'ble CAT Chandigarh & Hon'ble Supreme Court judgements, though the List No. 9 is not incumbent of above said Court cases.

The Post of Sub Divisional Engineer (Telecom), SDE (T) in short, is a 100% promotional post. The promotion to the post of SDE (T) is from the post of Junior Telecom Officer (Telecom) JTO (T) in short. 75% of the vacancies to be filled by promotion on the basis of Seniority cum Fitness (SCF) and 25% of the vacancies to be filled by Limited Departmental Competitive Examinations (LDCE) from amongst JTO(T)s who have completed 3 years of regular service as per **RR 2002**. The quota was modified as 67% for SCF and 33% for LDCE from the Vacancy year 2006-07 onwards in amendment 2007.

The inter-se Seniority between the 67% SCF quota and 33% LDCE quota (that is 2:1 Rotation is applicable WEF 28/08/2018 only) was introduced as an addition/modification to the SDE (T) RR dated on 08.05.2018.

Next the Provisional Seniority List 9 of SDE(T) is said to have been prepared on the basis of date of joining in SDE(T) cadre in accordance with the Hon'ble SC judgment dated 12.08.2014 (BSNL & others Vs Sh S.K.Dubey & Others) and the judgment dated 02.04.2019 in the case of Shri Vinod Verma Vs UOI & others.

The SDE (T) Seniority list 6, 7 was prepared based on the Hon'ble Punjab Chandigarh Court Judgement and Hon'ble Supreme Court Judgement dated 12.08.2014. SDE(T) Seniority List 8 was not incumbent of the these judgements. But while issuing the Provisional List 8 dt. 14.03.2016 it was clearly mentioned that based on the Hon'ble Punjab Chandigarh Court Judgement, the list was prepared i.e, purely based on the Date of Joining only.

But in the SLP filed in the Hon'ble Supreme Court, the List 8 was included and in Judgment dated 02.04.2019, case of Shri Vinod Verma Vs UOI & others and list 6,7,8 are also incumbent of the case and the Final Judgement was delivered based on the Date of Joining only.

In similar way the SDE(T) List 9 must be prepared based on the Date of Joining pursuant to the above said judgements as follows in comparison with the List 6,7,8 since **there is no provision in RR of BSNL and the amendment was made in RR with effect from 28/08/2015 is as follows:**

The SDE(T) RR 2002 amendment (That is Modification/addition/deletion in SDE(T) RR 2002) circulation dated 08-May-2018 –*"the Inter-se Seniority of the officers promoted against Seniority Quota(SQ-67%) and those who are promoted through LDCE/LICE quota (CQ-33%) against the particular vacancy year shall be fixed in the ratio of 2:1 irrespective of the year of appointment/date of joining".*"This Modification applicable with effect from 28/08/2015".

The Provisional Seniority List 9 is published by BSNL on 10.08.2020 which is the subject matter of challenge since List-9 is prepared based on Date of Joining within the vacancy year, which is clear violation of Hon'ble CAT Chandigarh & Hon'ble Supreme Court judgements, though List 9 is not incumbent of any above Court Cases.

Due to this methodology followed by the Pers. branch in preparation of the said the Provisional Seniority List 9, nearly 2000 SDE(T)s of Seniority Cum Fitness Quota (SCF) pertained to Vacancy years 2007-08 and 2008-2009 are affected, which created serious resentment, demoralization and panic among the Senior Executives. AIBSNLEA CHQ received more than 300 representations against the discrepancies in the Provisional Seniority List-9 published on 10.08.2020.

The methodology followed in the Provisional Seniority List 9 is furnished below for favour of kind information please.

That is 2006-2007 SCF Quota SDE(T)s promoted on 15.05.2009 were placed in the Top of the list and 2006-2007 CQ promoted on 02.07.2013 placed below them.

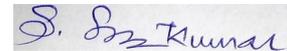
- a) In view of the above, **it is feared that the same analogy for the officers promoted through 67% SCF quota (Seniority quota denoted as SQ) on 15.05.2009 for the vacancy year 2007-08 and 67% SCF Quota on 30.03.2011 for the vacancy year 2008-09 are to be placed below the officers promoted on 02.07.2013 (CQ officials promoted for the vacancy year 2006-2007) through 33%**

LDCE quota exam held subsequently on 04.03.2012) which is clear deviation.

- b) Next The officers promoted through 67% SCF quota (Seniority quota denoted as SQ) on 30.03.2011 for the vacancy year 2008-09 are to be placed below the officers promoted on 02.07.2013 (for the vacancy year 2006-2007 & 2007-2008) through 33% LDCE quota exam held subsequently on 04.03.2012) which is clear deviation.
- c) Sir, due to above discrepancies in List 9, 2007-2008 & 2008-2009 SCF Promoted SDE(T) officials will be losing their Seniority and the Promotion opportunities, which creates resentment, mental agony and demoralization among Senior Executives since the List 9 was prepared not in accordance with the Hon'ble CAT Chandigarh and Hon'ble Supreme Court Judgements.
- d) In view of the foregoing facts, we request your good-self to kindly intervene in the matter and cause to issue necessary instructions to the officers concerned to revise the SDE (T) Seniority list No.9 purely based on the **date of joining pursuant to the Hon'ble CAT Chandigarh and Hon'ble Supreme Court Judgements** so as to retain the Seniority of the affected Executives with reference to Date of Joining to mitigate the their sufferings.

With kind regards,

Yours Sincerely,



(S. Sivakumar)
General Secretary

Copy for favour of kind information & necessary action to:

1. Shri Arvind Vadnerkar, Director (HR), BSNL Board, New Delhi-110001.