



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
EXECUTIVES' ASSOCIATION  
CENTRAL HEADQUARTERS  
NEW DELHI**

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No.:AIBSNLEA/CHQ/CMD/2011-12

Dated:16.12.2011

To

Shri. R.K.Upadhyay,  
Chairman cum Managing Director, BSNL,  
New Delhi- 110001.

**Subject :** Regularization of Officiating JTO's- Based on direction in OA 248/2010 at Hon. CAT Ernakulam, Kerala Filed by this Association represented by Sri.P. Radhakrishnan JTO (CSR) Kannur, Kerala & Circle Organising Secretary AIBSNLEA, Kerala Circle and others.

**Ref:-** 1)This Association's letter No.AIBSNLEA/CHQ/2010-11 dated 19-9-2011 and related correspondences quoted therein.  
2) Order of Hon. CAT Ernakulam dated 26<sup>th</sup> Sept 2011 on OA No.248/2010 filed by Sri. P.Radhakrishnan JTO, Circle Org. Secretary, AIBSNLEA, representing this Association.

**Respected Sir,**

In continuation to our letter dated 19-9-2011 cited above regarding the long pending case of regularization of qualified TTAs working as officiating JTOs for the past several years in various parts of the country, **we request you to refer the orders issued by the Hon. CAT Ernakulam on OA No.248/2010 filed by us in this regard.** Accordingly we are representing the matter afresh for your immediate intervention and amicable settlement.

In this regard we would like to reiterate the valid points raised by us in this matter vide various correspondences made with your office.

1) All of the affected members are working as JTO on officiating basis early from 2005 onwards in various circles. Originally, they were technicians and on restructuring got appointed as TTA. Majority of them have completed more than half of their length of service. All are qualified professionals with Diploma/ Degree various disciplines of Engineering. The recruitment to the cadre of Junior Telecom Officer (JTO) was initially governed by the Recruitment Rules of 1990. There was 35% quota to be filled by qualified officials belonging to Group C who passed a qualifying test.

2) An examination to this quota was conducted in 1995. Later the rules were amended, and the Recruitment Rules of 1996 were promulgated. In that rule also, there was a 35% quota to be filled by the qualifying test.

3) However, the said qualifying examination was not conducted for long years. Instead, the persons who had qualified in the 1995 qualifying test were continued to be appointed to all the vacancies in the quota. The petitioners and similar others became eligible for promotion as Junior Telecom Officer, under 35% quota by screening test under the Recruitment Rules of 1996. This was the only channel of promotion for TTA in the said Rules. Finally the test was conducted only in 2000, by which time the Recruitment Rules of 1996 had already been replaced by the 1999 Recruitment Rules.

4) They qualified in the screening test conducted under the 1996 Recruitment Rule in 2000. This was the only one examination conducted under the said rules. It may be noted that in all earlier rules competitive channel were not denied to any cadre even if eligible under qualifying/ screening channel. But under the 1996 rules even that chance was refused to them. For many of them this was the first and last chance for promotion in their entire career.

5) Based on an agreement with the Trade Unions, it was decided that the direct recruitment quota also would be filled by appointing those qualified under the 35% quota. Accordingly, persons who passed the 1995 examination were appointed up to the year 2002. It is submitted that those who appeared for the only test conducted under the 1996 rules, in 2000, got no chance of promotion. Later, in a phased manner, more vacancies were allotted from the Direct Recruitment quota for appointment of those qualified under the 2000 examination.

6) They had been trained( Phase-I) to the cadre of JTO as per the revised syllabus of the BSNL Graduate Engineer JTO 's. But they have not been regularized as JTO till date. Whereas BSNL has been continuing to recruit JTO' s based on a later R/R i.e., BSNL JTO R/R-2001, from open market and posting such new entrants senior to them. As per the standing rule, every year's vacancies are to be filled by the R/R pertaining to the respective years. The ongoing procedure results in posting a candidate recruited by a later R/R, senior to a candidate from an earlier R/R, losing seniority and monetary benefit to the senior candidate. This is also contrary to the written agreement made with the trade unions at the time of absorption of officials to BSNL.

7) Now further attempt to fill vacancies after 2001 under promotion quota as per the new recruitment rules is under way. It is submitted that their claim for regular appointment has to be considered at the earliest, before the recruitment under the new rule is made.

8) All of the aggrieved members have been working as JTO on officiating basis from 2005 onwards. They had been qualified for appointment as JTO from 2000 onwards. It may kindly be noted that there is no possibility of filling the vacancies up to 2001 in the Direct Recruitment Quota in accordance with the rules on the date of occurrence of the vacancy because the rules have undergone changes, and the vacancies of the subsequent years have been filled as per the new rules. There is a clear breakdown of quota rule and in such circumstances, the officiating promotions

made to those qualified for promotion has to be regularized. They are all entitled to be regularly appointed with effect from at least the date of their first officiating appointment in 2005 or like that.

9) They were given a chance to appear for 35 % quota of vacancy under the 1996 rules when the exams were conducted as per court orders in 2000. In all the previous rules there were clauses protecting those who had qualified in the examination previously. The protection is restated in the agreement with the employees unions made at the time of corporatisation also. In such circumstances, those who have qualified for appointment as per the prior rules ought to be preferred to those appointed under the new rules.

10) It is also pertinent to note that they had been trained and have qualified the training tests as per the standards prescribed. Moreover all of them have the experience of more than 6 years in the post of JTO and are discharging their duties as JTO with absolutely no room for any complaint thereby maintaining the desired level of benchmark.

**11) If the authority attempts to deny/delay promotion under the period of JTO R/R-1996 to such persons, at any circumstance, under the available channel, it would result in denying all the promotion avenues in recruitment rule to a cadre, which is unjust. At the time of conversion of DoT to BSNL (Corporation) on 1/10/2000, there has been a decision by the Board Of Directors of BSNL held on 2/1/2001 to the effect that any JTOs going to be recruited by the new entity BSNL, would rank junior to those who are standing qualified but not appointed in DoT and absorbed by BSNL subsequently. The above provision was also agreed with 3 staff federations. Also an undertaking to this effect was obtained from the JTO's recruited by BSNL subsequently.**

12) It is to be noted that from among those who were qualified under the 1996 Rules, about 3500 were already appointed regularly by diversion of vacancies in the Direct Recruitment Quota. Some were further given protection by creating supernumerary posts. About 2000 or so remaining in the qualified list cannot be treated differently for the purpose of promotion. This amounts to gross discrimination. Equals should not be treated unequally.

13) It is also to be noted that the petitioners and similar others have been working as JTO de-facto and de-jure for the last several years. They were subjected to the promotion test, selected, empanelled and trained not only at the substantial expenditure of the department, but also with unstinting efforts from them. They were therefore legitimately expecting that they would be regularized as JTOs under the period of relevant JTO R/R – 1996. It is on the basis of that expectation they have been training themselves all these years. In the above circumstances any attempt to fill up the vacancies of JTO by recruiting fresh candidates from open market or department candidates junior to them would be unjust, demoralizing, painful and against their legitimate expectation.

**14) It is submitted that the vacancies under 35% quota upto year 2005 is sufficient to accommodate all the officiating JTOs in service. The authority may please take note of the fact that the vacancies under 35% quota upto the year 2009, can only be filled with those having 10 tears of service as TTA. In view of the same, there will be large number of vacancies in excess after accommodating the officiating JTO's. The Sr.TOA' s who are eligible against the vacancies from 2000 to 2009 will be less than 200 all throughout India. Even after accommodating all the officiating JTO's, the Sr.TO's will have their due vacancies to be selected and appointed. Officiating JTO'S will certainly have preference in No man's vacancy (No group in BSNL has any claim) under 35% quota from 2000 to 2009**

15) It is submitted that TTA' s who entered into service in 2002 to 2003 will not be eligible for vacancies upto the year 2010. No other group in BSNL will have a claim against the vacancies under 35% quota remaining unfilled from 2000 to 2009.

16) In this circumstance, **in the light of the order of Hon CAT Ernakulam, we reiterate the suggestions put forward by us in this matter vide our letter dated 19-9-2011 cited above for an amicable settlement of the issue.** There has been a proposal for a one-time up-gradation of their posts in the parent cadre ( TTAs) so that no additional posts will be required to accommodate such personnel. ***The up-gradation will not result in any contempt.*** The decision of Punjab and Haryana Court is only against diversion of direct recruitment vacancies. Without diversion of vacancies the grievances can be settled amicably. There is no logic in keeping the issue on hold for ever in the name of a pending case of contempt of court related to an entirely different matter. There is no element of sub judice at all.

We would, therefore, request you to kindly intervene and settle the long pending issue as suggested in our various letters on this matter. We vehemently uphold the demands raised in this regard in our earlier letter dated 19-09-2011.

With kind regards,

**Yours Sincerely,  
-sd-  
(Prahlad Rai)  
GS, AIBSNLEA.**

**Copy to:**

- 1. Shri A.N. Rai, Director(HR), BSNL CO, New Delhi-110001**
- 2. Shri R.K. Goyal, GM(Estt.), BSNL CO, New Delhi-110001**

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.Nos.207/10 & 248/10

Monday this the 26<sup>th</sup> day of September 2011

**C O R A M :**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

**O.A.No.207/10**

1. Harilal R.S.,  
S/o.Ramachandran Nair N,  
JTO (Officiating), Telephone Exchange,  
Panavoor, Trivandrum District.  
Residing at Chirakkara Bhavan,  
Vellanchira, Panavoor Post,  
Trivandrum District – 695 568.
2. Sreejith C.V.,  
S/o.late Krishnan C.P.,  
JTO (Officiating), Computer Cell,  
O/o.AGM Computer, GMTD Kannur.  
Residing at CV House, Karuva Kadalayi PO,  
Kannur – 670 007.
3. Anil Kumar S,  
S/o.Sreedharan Nair P.,  
JTO (Officiating), CSC,  
BSNL Bhavan, Trivandrum.  
Residing at Santha Bhavan,  
TC 29/310, Anakkuzhi Lane,  
Pettah Post, Trivandrum District.
4. Narayanan K.M.,  
S/o.late C.H.Gopalan Nambiar,  
JTO (Officiating), Telephone Exchange,  
Iritty, Kannur District.  
Residing at Cholaparambath House,  
34 Punnad, Punnad PO, Kannur District,  
Kerala – 670 703.





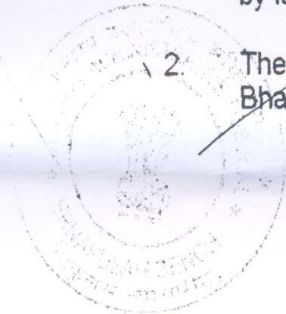
5. Sadeesan Nair N,  
S/o.Narayanan Nair N,  
JTO (Officiating), Telephone Exchange,  
Udayamkulangara, Trivandrum District.  
Residing at Narayaneeyam, Kadakulam,  
Plamoottukkada Post, Trivandrum District.
6. Dineshan K.K.,  
S/o.A.Balakrishnan Nambiar,  
JTO (Officiating) A&P Stores, BSNL,  
Edakkad PO, Muzhappailangad – 670 662.  
Residing at Alavoor House, Cheleri PO,  
Kannur 670 604.
7. Manmadhan R.S.,  
S/o.R.Sukumaram Unnithan,  
JTO (Officiating) Telephone Exchange,  
Kaipattoor, Kozhenchery Division,  
Pathanamthitta District.  
Residing at Mullamthanath House,  
Ulavakkad, Nooranad Post, Allapuzha District.
8. Vinod Kumar M,  
S/o.Kunhiraman Nambiar,  
JTO (Officiating) Telephone Exchange,  
Irrity, Kannur District.  
Residing at Vijaya Nivas, Irrity PO, Kannur District.
9. Surendran P.,  
S/o.Pushpangathan R.,  
Junior Telecom Officer, Punnakulam,  
Vizhinjam Division, Trivandrum District.  
Residing at Kottiya Kulathinkara Veedu,  
Kulathamal, Chakkottukonam Post,  
Trivandrum District.

...Applicants

(By Advocate Mr.V.Sajith Kumar)

**V e r s u s**

1. The Bharat Sanchar Nigam Limited represented  
by its Chairman & Managing Director, New Delhi.
2. The Chief General Manager,  
Bharat Sanchar Nigam Limited, Trivandrum.



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3. Chandrika Panamboor,  
T.T.A., O/o.Sub Divisional Engineer,  
BSNL, Poonkunnam, Trissur.
4. Santhosh Antony,  
T.T.A., O/o.Sub Divisional Engineer,  
BSNL, Thirunakkara, Kottayam.
5. Shafi M.S.,  
T.T.A., Circle Telecom Training Centre,  
BSNL, Trivandrum.
6. Jayan P.S.,  
T.T.A., Customer Service Centre,  
Central Telegraph Office, BSNL, Trivandrum. ...Respondents

(By Advocates Mr.Johnson Gomez [R1-2]  
& Mr.P.K.Madhusoodhanan [R3-6])

**O.A.No.248/10**

1. All India BSNL Executives Association  
represented by its Circle Organising Secretary,  
P.Radhakrishnan, S/o.K.P.Krishan,  
JTO (CSR Backend) BSNL Bhavan, Kannur.  
Residing at Payyaratta House, Kallyassery South,  
Anjampeedika PO, Via Mottammal, Kannur.
2. P.Radhakrishnan,  
S/o.K.P.Krishan,  
JTO (CSR Backend) BSNL Bhavan, Kannur.  
Residing at Payyaratta House, Kallyassery South,  
Anjampeedika PO, Via Mottammal, Kannur.
3. Balakrishnan M.P.,  
S/o.late P.K.Kelu,  
JTO (Group), Telephone Exchange,  
Kathiroor, Kannur.  
Residing at Meethale Peruvankandiyil,  
Kariyadu Therur, Kariyadu South – 673 316.
4. K.V.Mohanan,  
S/o.Kunhikoran,  
JTO (Group),  
Telephone Exchange, Ramanthady.  
Residing at Kooloth, Near Siva Temple,  
Vilayankode PO, Kannur – 670 501.



.4.

5. Radhamani P.P.,  
D/o.Balan Nambiyar KOP,  
JTO, O/o.SDE External, Payyannoor.  
Residing at Avani, Vengara PO,  
Kannur – 670 305.

...Applicants

(By Advocate Mr.M.R.Hariraj)

**Versus**

1. Union of India represented by the Secretary  
to Govt. of India, Department of Communications,  
New Delhi.
2. Bharath Sanchar Nigam Ltd., represented  
by its Chairman and Managing Director,  
Sanchar Bhavan, New Delhi.
3. Chief General Manager, Telecom,  
BSNL, Kerala Circle, Trivandrum.
4. T.Jalajamany Amma,  
Senior TOA (Phones), O/o.DGM Marketing,  
CTO Building, Statue, Thiruvananthapuram – 33.
5. Lalitha Skariah,  
Senior TOA (Phones),  
RLU Exchange, BSNL,  
Paruthippara, Thiruvananthapuram – 695 005.

... Respondents

(By Advocates Mr.George Joseph,ACGSC [R1],  
Mr.Johnson Gomez [R2-3] & Mr.Vishnu S Chempazhanthiyil [R4-5])

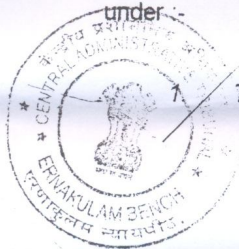
This application having been heard on 26<sup>th</sup> September 2011 this  
Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**

In the above two Original Applications the reliefs sought for is as

under :-



To quash Annexure A-9 (a) and Annexure A-9 (b).



2. To direct the respondents to consider the regularisation of applicants against the JTO vacancies arisen from 1996 to 2000 and issue regularisation orders granting all consequential benefits.

3. In the alternative direct the respondents to accommodate the applicants and other similarly situated as regular JTO's by creating supernumerary vacancies as ordered in Annexure A-6.

2. The Applicants, according to the counsel, serving as JTOs since 2005 are entitled to regularisation in the said post against vacancies that arose from 1996 to 2000 under the then existing rules.

3. After completion of pleadings, when these cases came up for final hearing, counsel for the applicants submitted that the matter could in all expectation be amicably resolved by liaising with the administration and the Original Applications may be disposed of accordingly giving liberty to the applicants to revive by way of a fresh Original Application, if at all necessity arises.

4. Vide order dated 22.3.2010 in O.A.248/10, Annexure A-1 order therein has been stayed.

5. When the applicants expressed their firm faith in the Department and hope that administratively the issue can be resolved, it is only appropriate that their prayer for disposal of the Original Applications with permission to file representation, if any, to the Department is allowed. For, as observed





OA-248/10

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by the Apex Court in the case of Kanta Goel Vs. B.P.Pathak (1977) 2 SCC 814, so heartening to the Judges' bosom would be the happy ending of a bitterly fought litigation, if justice is accomplished by the parties settling the difference. If such an application is made by the applicants in the two Original Applications the same may be considered by the Department within a period of two months from the date of receipt of such representation. It is only in case the applicants are aggrieved by any decision on their representation that the applicants may file fresh Original Application in respect of their grievances that might arise from the decision of the Department. Original Applications are closed with the above direction.

(Dated this the 26<sup>th</sup> day of September 2011)

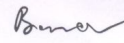
  
K.NOORJEHAN  
ADMINISTRATIVE MEMBER

  
DR.K.B.S.RAJAN  
JUDICIAL MEMBER

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CERTIFIED TRUE COPY

Date 5/10/2011

  
Deputy Registrar