



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION
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No. AIBSNLEA/CHQ/Director(Fin)/2012

DATED: 07-05-2012

To

**Shri K.C.G.K Pillai
Director (Finance), BSNL
Bharat Sanchar Bhawan,
NEW DELHI-110001.**

Subject: Postal JAOs-issue of Confirmation orders on completion of probation period -Reg.

Sir,

Kindly refer our earlier letter dated 29.02.2012 (copy enclosed) regarding above subject. No action appears to have been taken so far. We would like to add the following points on this issue for further consideration and issue of favorable orders.

- i) That these officials were appointed as JAOs in BSNL on 14/02/2005 on immediate absorption basis against Direct Recruitment Quota after tendering technical resignation from Parent department in accordance with DOT OM No **18-11/2000-SEA II dated 30/09/2000**.
- ii) That these JAOs were kept on probation for a period of 2 years as circulated in the terms and conditions (condition vii) vide BSNL letter No 4-85/2003-SEA BSNL dated 05/11/2004, and have successfully completed two years probation period as well as all the three phases of training.
- iii) That it has come to my notice, these JAOs have made several requests for considering their case for confirmation on completion of probation in JAO cadre, but every time, they have been told that there are two court cases pending against JAOs absorbed in BSNL who were absorbed as external candidates from other Ministries/Department of Posts, therefore, case cannot be considered for confirmation whereas confirmation is to be considered on successful completion of probation period as per the DOPT guidelines.
- iv) Further, Department of Telecommunication vide its Order No **37-5/2003-SEA (Legal)** dated 13/04/2009 (copy enclosed for ready reference), has clarified that “ **in order to overcome staff shortage and smooth**

functioning of BSNL at the initial stage, DOT facilitated the arrangement for absorption of JAOs already working in the various telecom circles on deputation basis for many years as per OM 18-11/2000-SEA II dated 30/09/2000". In the above orders DOT, SEA(Legal section) also clarified that " The two court cases filed by two individuals namely Shri R.P. Maurya and Shri Ram Kishan are stated to be pending for their absorption as JAO in BSNL. Accordingly, even in the event of decision in favour of these officials, the services of JAOs already absorbed, as external candidates after tendering technical resignation from their parent department cannot be dispensed with. The decision, whatsoever, may be limited to benefitting the two applicants only. In the light of above, BSNL Board may consider all the relevant issues holistically and process confirmation/promotion of JAOs absorbed external candidates."

It is reiterated that the court cases filed by Shri S.P. Tripathi vide OA no.630/96 has been dismissed on 04-03-2004 and another case filed by Shri R.P. Mourya vide OA no 224/1997(CWP No.5650/2002(MPT) has also been dismissed. The official communication sent to SEA, DoT etc., obtained through RTI are also enclosed herewith .As on date no court case is pending against these JAOs.(Gist of court cases is enclosed herewith)

In view of above, we request you that these JAOs may be considered for confirmation as per the directions of DOT vide its No 37-5/2003-SEA (Legal) dated 13/04/2009 and issue necessary orders immediately.

Yours faithfully,
-sd-
(Prahlad Rai)
General Secretary

Copy to:

The GM (TP & RA) &L/A GM(FP)for favor of information and necessary action.