

No. BSNLCO-SEA/14/3/2024-SEA

Dated 18.02.2025

To

All Heads of Telecom Circles/Metro Districts,
All Heads of Other Administrative Units,
Bharat Sanchar Nigam Limited.

Sub : Methodology for promotion in the grade of CAO on provisional basis – Reg.

In pursuance to interim order dated 20.01.2025 of Hon'ble High Court, Punjab & Haryana, Chandigarh (copy enclosed), it has been decided to publish the methodology for filling vacant posts in the cadre of Chief Accounts Officer on provisional basis, as detailed below :

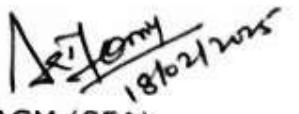
- i. Tentative seniority list of Accounts Officers is to be prepared on their joining in the grade of Accounts Officer.
- ii. The total number of posts lying vacant shall be filled provisionally by promotion making reservation of 15% for the Scheduled Caste candidates and 7.5% for the Scheduled Tribes candidate.
- iii. The promotion shall be granted in terms of reservation policy.
- iv. While making such promotions, number of posts which stand already filled from the respective category shall also be taken into consideration as having been filled.
- v. The promotion shall be given on provisional basis as per the interim order.
- vi. The promotion so granted shall also accompany their pay scales of the higher post.
- vii. Such promotions given will not give any one of them any entitlement of seniority, until the issue is decided finally by the Court.
- viii. The proposed provisional promotion would not create any right in favour of any individual, namely neither open category nor the reserved category persons.

2. The concerned executives may submit their representation (through proper channel), if any, regarding the above methodology within 10 days from the issuance of this letter. No representation shall be entertained thereafter.

3. All the circles are requested to forward the representations, if any received within the stipulated period, in consolidated manner to this office on the email id perseaco@gmail.com latest by 04.03.2025.

This issues with the approval of competent authority.

Encl.: As above


18/02/2025
AGM (SEA)

Copy to :

1. PPS to CMD BSNLCO
2. PPS to Director (Fin) / Director (HR) BSNLCO
3. PGM (Pers) BSNLCO
4. All Circle IFAs, BSNL Circles
5. All Executives concerned
6. Office copy / BSNL Intranet Portal

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**CM-349-CWP-2025 in/and CWP-12795-2024 (O&M)
BHARAT SANCHAR NIGAM LIMITED V/S UNION OF INDIA
THROUGH SECRETARY AND ORS**

**CM-344-CWP-2025 in/and CWP-12930-2024 (O&M)
BHARAT SANCHAR NIGAM LIMITED AND ORS V/S UNION OF
INDIA THROUGH SECRETARY AND ORS**

**CWP-13534-2024 (O&M)
BHARAT SANCHAR NIGAM LTD AND OTHERS V/S UNION OF
INDIA AND OTHERS**

Present: Mr. J.S. Attri, Sr. Advocate with
Mr. Pradeep Kumar Mathur, Advocate
Mr. Ram Lal Gupta, Advocate
for the petitioners.

Mr. Vijay Pal, Sr. Panel Counsel, and
Mr. Akash Lather, Advocate,
for respondent No.1-UOI.

Mr. G.S. Bal, Senior Advocate, with
Mr. Laxman Chaudhary, Advocate,
for respondent No.3 (in CWP-12795-2024).

Mr. Sandeep Siwatch, Advocate,
for respondents No.2 to 4 (in CWP-13534-2024);
with respondent No.4-in-person.

Application No.CM-349-CWP-2025 has been moved by the petitioners/BSNL wherein it is stated that the BSNL is facing a paucity of persons to man the posts of Chief Accounts Officer and as many as 750 posts of CAO are available and against them only 36 CAOs (4 unreserved, 3 scheduled castes, 29 scheduled tribes) are working. It is stated that BSNL is unable to promote the AOs who are waiting for last 20 years for promotion in the grade of CAOs due to directions passed by the CAT, Chandigarh Bench, vide impugned order dated 26.02.2024.

Learned counsel for the petitioners/BSNL submits that the issue with regard to collecting of quantifiable data for arriving at a conclusion to

award reservation in promotion is a subject matter which is required to be finally adjudicated by the Apex Court after the view taken by the Supreme Court in *Jarnail Singh and others vs. Lachmi Narain Gupta and others, reported in 2018 (10) SCC 396* going contrary to the earlier judgment passed in *M. Nagaraj vs. Union of India (2006) 8 SCC 212*.

Learned counsel has relied on the order passed by the Supreme Court in case of *Jarnail Singh and others vs. Lachmi Narain Gupta and others, reported in 2022 (10) SCC 595*, and submits that the observations made in the said order specifically held the conclusions drawn by this Court in *B.K. Pavitra vs. Union of India, (2019) 16 SCC 129*, approving the collection of data on the basis of groups, to be contrary to the law laid down in *M. Nagaraj (supra)* and *Jarnail Singh (supra)*.

Having noticed the observations made by the Supreme Court and as these cases are yet to be finalized, we are of the firm view that the writ petitioners/BSNL have to necessarily conduct an exercise of collection of data on the basis of the cadres. Meaning thereby, so far as the cadres of Accounts Officers, Senior Accounts Officers, Chief Accounts Officers, Assistant General Managers will have to be collectively taken into consideration to see the adequacy of representation of the reserved category persons. If they are adequately represented in conformity with the percentage of reservation as provided namely 15% to Scheduled Caste and 7.5% to Scheduled Tribes, further benefit of reservation would not be required to be given to them in promotion.

Be that as it may, as no exercise has been conducted as on date and there are several posts lying vacant, we propose to pass the following interim order so that the functioning of the BSNL continues without causing hindrance to the administration:

The petitioners would now prepare a tentative seniority list of the AOs based on their initial appointment in service (*inter se* merit list), and grant them promotion in terms of the reservation policy. In other words, the total number of posts lying vacant with them shall be filled provisionally by promotion making reservation of 15% for the Scheduled Caste candidates and 7.5% for the Scheduled Tribes candidate. While making such promotions, number of posts which stand already filled from the respective category shall also be taken into consideration as having been filled. The promotion so granted shall also accompany their pay scales of the higher post. However, such promotions given will not give any one of them any entitlement of seniority, until the issue is decided finally by this Court in the present petitions.

The exercise of promotion, as above, shall be conducted within a period of two months from today.

It is made clear that our directions as above would not create any right in favour of any individual, namely neither open category nor the reserved category persons.

List again on 25.03.2025.

Photocopy of this order be placed on the files of the connected cases.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

20.01.2025
mehta@gmail