



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

President
P. VENUGOPAL
Ph. 9868283969 (M)

Financial Secretary
B. RAVINDRANATH
Ph. 9868101880 (M)

General Secretary
PRAHLAD RAI
Ph. 09868278222 (M)

No. AIBSNLEA/CHQ/CMD/2012-13

Dated:15.05.2012

To

**Shri R.K. Upadhyay
CMD, BSNL,
New-Delhi-1.**

Sub: - Case of regularization of Officiating JTOs - Filing of wrong information in Civil Writ Petition before Hon. High Court of Haryana, Chandigarh, by the petitioners in CWP- 5608/2007 and collusion of BSNL authorities in petitioners' favour- reg.

Ref:- This Association letter no. AIBSNLEA/CHQ/CMD/2011-12 dt.07-04-2012.

Sir,

Please refer to our letter cited above demanding inquiry into the suspected collusion by certain officers of BSNL for defeating the BSNL Board decision on regularization of officiating JTOs. The nature of action initiated by your goodself in this regard is not known. But certain information collected by our members under the provisions of RTI Act 2005 regarding the service particulars of the petitioners in CWP 5608/2007 filed before the Hon'ble High Court of Punjab and Haryana at Chandigarh, reveals the real face of collusion and favoritism, amounting to unpardonable mischief within a government organization.

In Para No. 5 of the CWP- 5608/2007, out of the 8 petitioners,
Petitioner no.1 Mr. Dalbir Singh claims that he is having 20 years experience.
Petitioner no.2 Mr. Ishpal Singh claims that he has 20 years experience.
Petitioner no.3.Mr. Naresh Kumar Ahuja claims 15 years &
Petitioner no.4.Mr. Sarwan Kumar claims 20 years experience.

The said petition was filed in **April 2007** and the date of its judgment is **30th May 2008**. **Information received from competent authorities under the provisions of RTI Act reveals that, even as on the date of the judgment, the petitioners 1 to 8 did not possess the minimum requisite service required to appear in the Departmental test as per the Recruitment Rule in force, which was 10 years then.** Their service particulars are tabulated below:-

Pet. No.	Name of Petitioner	Date of appointment in BSNL	Total service at the time of filing the writ petition on 15-04-07 in Hon'ble Chandigarh High Court by him.
1.	Dalbir Singh	14-09-2002	4years 7months
2.	Ishpal Singh	25-11-2002	4years 4months 21days
3.	Naresh Kumar	23-11-2002	4years 4months 23days
4.	Sarwan Kumar	23-11-2002	4years 4months 23days
5.	Deepak Varma	18-11-2002	4years 4months 28days
6.	Veerendra Kumar	08-07-2002	4years 9months 07days
7.	Subhash	25-11-2002	4years 4 months21days.
8.	Adesh Kumar	18-07-2002	4years 8months 27days

It is to be noted that all the petitioners in the CWP entered in the Department in the year 2002 only and they possessed less than 5 years service at the time of filing the petition in the year 2007, but filed wrong information in the Civil Writ Petition (**in para no.5 of the CWP it is specifically stated that they have 15/20 years of experience**) thereby misguided the Hon'ble Court.

We would like to bring to your kind notice that BSNL, in its written statement filed by Shri. Bharadwaj AGM(L) O/o CGM Haryana Telecom Circle **did not object this. It was further submitted by him that "the contents of para no. 5 of the WP need no reply"** which means that the service particulars wrongly stated in Para no.5 of the petition were not at all countered. Hence the Hon'ble court accepted those wrong information and considered it as correct. If the BSNL officers concerned had properly countered the same with facts and figures producing the appointment particulars as documental proof, the petition could have got dismissed at the admission stage itself.

Moreover, it is seen from the written statement (**Reply on merits Para 4 (vi)**) filed by Haryana Telecom Circle on behalf of BSNL that, BSNL has indirectly agreed that they were eligible for appearing in the screening test, but did not avail their chance. In short both the petitioners and the BSNL Officers furnished false statements before the court of law and this has resulted in losing the case by BSNL in Chandigarh Court alone.

Only when BSNL lost the case and a Contempt of Court Case (C.C.O.P No. 1431 of 2008 in CWP 5608 of 2007) was filed by some of the petitioners viz, Shri. Deepak Varma & others against Shri. Kuldeep Goyal, CMD BSNL & another, in the High Court at Chandigarh, the BSNL Corporate Office came with the clarification that the petitioners in the CWP joined in the department only in the year 2002 and were not eligible for appearing in the examination against 35% quota as per the RR in force. But the fact that this was originally suppressed by the CGM, Haryana in the counter affidavit of CWP, has not been mentioned in the reply to COCP, even now.

They become eligible only in the year 2009, that too with the relaxation of experience from 10 years to 7 years. They approached the Court of Law in the year 2007 itself even without having the minimum required service for offering themselves as candidates for promotion. If this had been furnished already by the CGM Haryana in the counter affidavit, the decision of the court would have been different.

Hence we earnestly place the following demands:-

- 1. Order for an immediate inquiry to find out why the officers who filed the reply statement in the above said CWP 5608/2007, did not verify the service particulars of the petitioners, especially when the petitions are thoroughly related with the length of service.**
- 2. We also demand to proceed against the said petitioners both legally and departmentally for furnishing false information before the court of law and thereby unnecessarily dragging BSNL to Court.**
- 3. We further make a demand to bring this matter before the appropriate forum, even at this belated stage, for getting a legal remedy.**
- 4. Action may please be initiated against the BSNL officers involved in this misdeed which badly affected the future of thousands of employees.**

This is in addition to the demands placed by us already vide our letter of even number dated 7-4-2012 on this same issue.

A very early action in this matter is solicited please.

With kind regards,

Yours Sincerely,
-sd-
(Prahlaad Rai)
General Secretary

Copy to:-

Director (HR)/ GM (Estt.), BSNL CO, New Delhi-110001.