



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**

Central Headquarters New Delhi

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No. AIBSNLEA/CHQ/CMD/2024/

Dated 19.08.2024

To

Shri Ravi A Robert Jerald ,

The CMD, BSNL ,

Bharat Sanchar Bhavan, New Delhi - 110001

Sub: Earnest request for the immediate reinstatement of 147 LDCE Executives in accordance with the Hon'ble Supreme Court's Order dated 16-07-2024 passed in SLP (C) 30281-30282/2019 in the matter of BSNL Vs. Sanjay Singh Pathania & Ors.

Ref: 1. Copy of Hon'ble Supreme Court Judgement dated 16 July 2024 in SLP(C) No. 30281-30282/2019.

2. Hon'ble High Court of Punjab and Haryana judgement dated 10.07.2019.

3. Affidavit submitted by BSNL before the Hon'ble Supreme Court, in I.A. No. 64440, in SLP (C) No. 24303/2013.

4. Exam Notification Letter No. 5-6/2003-DE dated 17th April 2003.

5. DOT letter . No. 1-1/98-STG.II Dated 26th Aug 2003 .

Respected Sir,

We respectfully submit the following matter for your earnest attention and favorable consideration in resolving the long-standing case, commonly referred to as 147 Case.

Sir, the BSNL Corporate Office, through its letters (1) No. 412-03/2017-Pers.I/IV dated 06.06.2018, (2) No. 412-03/3017-Pers.I/III dated 06.06.2018, and (3) No. 56-04/2017-Pers (DPC)/Pt/06 dated 06.06.2018, has reverted the 147 LDCE executives from the posts of DGM/AGM to AGM/SDE.

This Order of BSNL dated 06.06.2018 was challenged before various courts.

In this regards, Hon'ble HC of Punjab and Haryana in its Order dated 10.07.2019 in CWP No. 25405 of 2018 in the matter of Sanjay Singh Pathania & Ors Vs. Union of India, has set aside the 06.06.2018 order of BSNL, and directed BSNL to hear the 147 LDCE executives after affording reasonable opportunity of hearing and **pass appropriate orders in accordance with Law.**

Against this Judgement of Hon'ble HC of Punjab and Haryana dated 10.07.2019, BSNL has filled SLP (C) 30281-30282/ 2019 before the Hon'ble Supreme Court .

The Hon'ble Supreme Court vide its judgement dated 16-07-2024 had dismissed the SLP filed by BSNL against the Judgement of Hon'ble HC of Punjab & Haryana and upheld the judgement of Hon'ble HC of Punjab and Haryana and directed to settle the matter as per Law.

It is important to note that vide order dated 10.07.2019, Hon'ble HC of Punjab and Haryana has set aside the above referred BSNL Orders dated 06.06.2018. So, now as on date BSNL Order dated 06.06.2018 is quashed and considered null and void.

Further, we want to draw your kind attention towards following facts in the matter: -

1. Kindly refer the Affidavit submitted by BSNL before the Hon'ble Supreme Court in I.A. No. 64440, in SLP (C) No. 24303/2013 filed against the judgement of Kerala HC dated 01.07.2013. By this Affidavit BSNL has admitted before the Hon'ble Supreme Court that the seniority of the 147 executives accepted and endorsed by the Expert Committee is as per Law and in accordance with the judgement dated 01.07.2013 of the Hon'ble HC of Kerala. Further it had submitted that the seniority had been acted upon and accordingly prayed for dismissal of the SLPs filed against the order of Hon'ble HC of Kerala, in view of the developments in the matter.

Then after, the Hon'ble Supreme Court in its judgment dated 12.12.2017 in C. A. No. 392, upheld the judgment dated 01.07.2013 of the Hon'ble High Court of Kerala by perusing the records such as Expert committee report, Affidavit of BSNL dated 31.08.2016 (I.A. no. 64440) and dismissed all the SLPs (CA No. 392 of 2017) filled against the judgment of Hon'ble High Court of Kerala.

2. **The Qualifying-cum-Competitive exam 2000/2003 was notified and conducted in accordance with the Recruitment Rules 1981 as amended in 1986. According to the exam Notification dated 17th April 2003 "All JTOs (SC/ST/OC) recruited against the vacancies caused upto the year 1993 were eligible to appear in both the parts Viz. Qualifying as well as Competitive part of the said Qualifying-cum-Competitive examination".**
3. Kindly refer the L. No. 1-1/98-STG.II Dated 26th Aug 2003 issued by DOT to all Circles regarding Clarification on the points raised by the circles for Special supplementary and Qualifying Exam held in Sept. 2003. In this clarification DOT has well define that there was no any requirement of 5 years of regular service in the cadre of JTO for appearing in the examination and JTOs appointed against the vacancies for upto 1993 was eligible to appear in the examination irrespective of length of service, **in accordance with the Recruitment Rules 1981 as amended in 1986.**
4. By this order dated 06.06.2018, BSNL had implemented two different RRs for two different group of executives in one and same exam (i.e. Qualifying-cum-Competitive exam 2000/2003). BSNL has considered eligibility of 147 LDCE executives (who passed both Qualifying and competitive parts of the exam) under unamended RR 1981 and reverted them from the post of DGM(Adhoc)/AGM to AGM/SDE. And on the other hand BSNL had implemented amended RR 1981 as amended in 1986 (as per notification) for the

executives (around 300) who has passed only Qualifying part but failed in Competitive Part in the same exam and their promotion and seniority was maintained and now, only these Qualifying passed executives are working as DGMT(Adhoc) in BSNL.

Thus, by order dated 06.06.2018, BSNL has discriminated among different groups of executives, resulting in injustice to the 147 executives. This action violates their fundamental rights under the constitution, specifically Articles 14 (equality before the law), 15 (prohibition of discrimination), and 16 (equal opportunities in public employment).

5. **The Recruitment Rules are rules notified under proviso to Article 309 of constitution making them sacrosanct. As such, these rules are considered part of the law and must be adhered to without exception.**

Hence in view of above, and in compliance with the Hon'ble Supreme Court's order dated 16th July 2024, it is fervently requested that BSNL may immediately withdraw the orders dated 6th June 2018 and reinstate all the 147 LDCE executives with the seniority and promotions as they hold as on 5th June 2018. Further, seniority may be finalized in terms of submissions made in the affidavit dated 31.08.2016, that is, as per law as defined in the statutory Recruitment rules 1981 as amended in 1986, and terms and conditions as contained in the exam notification, ensuring no discrimination.

Thank you, Sir, for your attention to this matter.

With Kind regards

Yours Sincerely



All the letters in reference are enclosed please.

Copy for kind information and n/a to:

1. Sh (Dr) Kalyan Sagar Nippani , the Director (HR) , BSNL Board, New Delhi
2. Ms. Anita Johri, CGM (SR), BSNL CO, New Delhi.
3. Sh. Adhir Kumar Singhal, PGM (Pers), BSNL CO, New Delhi.