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No. AIBSNLEA/CHQ/DRHR/2017

Date: 29.03.2017

To

Smt Sujata Ray,
Director (HR),
BSNL Board,
New Delhi.

Subject: **Implementation of High Court/CAT Orders consequent upon dismissal of SLP (C) No.17130-17131 by the Hon'ble Supreme Court vide order dated 12-7-2016 in respect of the promotion of Stenographers Grade-III to Grade-II in Tamil Nadu Circle**

Reference: **1) BSNL CO, New Delhi F No.15-78/2007-Pers.II Dt.2-9-2016
2) BSNL CO No.250-32-2014-Estt.III dated 9-3-2017**

Respected Madam,

On the subject and reference cited above, we would like to draw your kind attention and request your good self to consider the case on merits. BSNL CO, New Delhi has given approval vide letters under reference (1 & 2) above for implementation of the Judgment of Hon'ble CAT, Madras Bench in W.P No. 70 & 71 of 2009 and Judgment of Hon'ble High Court of Madras in W.P. No. 28269 and 28270 consequent to dismissal of SLP No. 17130-17131/2012 by the Hon'ble Supreme Court vide Order dated 15-07-2016. In both the above cited letters it is stated "to carry out promotions in the Stenographers cadre as per the existing vacancies and chain of vacancies prior to 1-1-2004 and as per Recruitment Rules in operation as on 31-12-2003.

In compliance of this, Tamil Nadu Circle had called CR Dossiers of 18 Stenographers for conducting DPC for their promotion from Grade-III to Stenographer Gr. II and forwarded the findings of DPC to Corporate Office for approval vide No. TSA/37-30/2016/PA/29 dated 06-01-2017 for promoting these stenographers to Steno Gr. II with effect from 06-02-2004 which is in violation of the Judgments of the Hon'ble Courts and BSNL directions cited above.

Now, the non-compliance of the above orders by Tamil Nadu Circle is due to the following reasons:-

1. Tamil Nadu Circle has referred the names of 23 Stenographers Gr-II who have completed 5 years as per RR of 2003 during Nov-Dec 2003 (prior to 31-12-2003) for promotion to Gr. I and referred to DPC on 18/11/2003, without considering the chain of vacancies arose due to the above said promotion from the existing eligible Stenographers Gr-III to Grade-II.
2. The promotion order for the 23 Steno Grade-II to Grade-I was issued on 6/2/2004, which became null and void due to restructuring order which came into effect from 1-1-2004 as there is no Steno Grade-II on 1-1-2004.
3. As TN Circle had not followed the correct DPC procedures, which has been found fault with by both the Hon'ble Tribunal, Chennai as well as Hon'ble High Court, Madras the vacancies of 2003 were not filled up and carried over to 2004 when restructuring was issued by BSNL CO.

4. The Courts have directed BSNL to fill up by constituting DPC for promotion to the existing vacancies and chain of vacancies arose due to promotion of persons to PA from Grade I and to Grade I from Grade II respectively on or before 31.12.2003.
5. Now, Tamil Nadu Circle is reluctant to conduct review DPC for the 23 Steno Grade-II to Grade-I who have satisfied the eligibility conditions for promotion for 2003 vacancies (prior to change of RR between Nov-Dec 2003) but who were promoted in 2004. This is against the DoP&T DPC rulings where detailed timeframe is given for filling up the vacancies of a particular year by the end of the year and which should not be carried over to the next year.
6. The stenographers were called for a meeting by GM (Admn/HR) of TN Circle on 24-03-2017 to discuss this issue. Instead of taking steps to implement the directions of the Hon'ble Courts by convening review DPC, the administration is saying that there were only two vacancies available as on 31-12-2003 and they are going to fill up only two vacancies without taking into account the chain of vacancies as directed in the said judgments.
7. Instead of reading the judgments of Hon'ble Tribunal and Hon'ble High Court in tandem, they are arbitrarily proposing to fill up 2 vacancies without taking into account the chain of vacancies of the eligible cases against available vacancies, which is against the tone, tenor and spirit of the judgements. 18 vacancies of Steno Gr. II were found to be available and approved for filling up by the competent authority i.e. by CGM TN Circle on 29-2-2008 in the file noting for which incidentally the present Administration conducted DPC in December, 2016 for filling up of these same posts.

Respected Madam,

It is brought to your kind notice that the Hon'ble Tribunal in its judgment has directed BSNL to fill up the vacancies, which arose prior to 31.12.2003 in the cadre of PS from among the eligible candidates and thereafter the resultant vacancies would be filled up from among the eligible category people as per the old Rules. In the appeal filed by BSNL against the above judgment, the Hon'ble High Court of Madras has upheld that the respondents (Stenographers) are entitled to the relief granted by the Tribunal for promotion to the existing vacancies and chain of vacancies arose due to promotion of persons to PA from PS to Grade-I and from Grade-I to Grade-II respectively on or before 31-12-2003. The appeal filed by the BSNL before the Hon'ble Supreme Court has been dismissed on 15-7-2016

Under these circumstances, it is requested to kindly intervene in this matter and cause to issue necessary directions to CGM TN Circle for conducting review DPC for promotion in the cadre of PS from Gr. I , Gr-II to Gr-I and Gr. II from Gr. III as directed by the Honorable Courts in accordance with RR available up-to 31-12-2003. By this act BSNL can avoid one contempt petition for non-implementation of the judgment as 8 months has elapsed from the dismissal of the SLP by Hon'ble Supreme Court.

With kind regards,

Encl: 1) CAT judgment
 2) HC judgment
 3) Note sheet approval
 4) Steno Gr.II to Grade.I order dt.6-2-2004 which needs to be reviewed

Yours Sincerely,
 -sd-
(PRAHLAD RAI)
General Secretary

Copy to:

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