



**ALL INDIA
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EXECUTIVES' ASSOCIATION
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No. AIBSNLEA/ CHQ/ Director (HR)/2023-24

Dated 02.06.2023

To

Shri Arvind Vadnerkar ji ,
Director (HR), BSNL Board New Delhi-110001.

Sub : Request for appointment of 34 LICE 2012 JAOs (Presently working 13 only) on Regular basis in BSNL Kerala circle, consequent on final disposal of Civil appeal No 9872, 9873, 9874 & 9965 of 2014 (earlier SLP Nos. 14956/2012, 15365/2012, 16345/2012 & 15743/2012) at Supreme court –reg.

Ref 1) Notification No. Rectt/3-4/2012/2 dated 5.9.2012
2) Rectt/3-4/2012/30 dated 23.11.2012
3) No 9-31/2015-SEA dated 07.06.2016
4) KRL CO-11/20(3)/6/2020-HR & ADMN dated 15.5.2023

Respected Sir,

I would like to draw your kind attention to the above cited subject regarding the appointment of 34 LICE 2012 JAOS in Kerala circle on regular basis and extend further promotion and all other benefits consequent on final disposal of Civil appeal No 9872, 9873, 9874 & 9965 of 2014 at Supreme Court.

As per the notification under Ref (1), 101 JAO vacancies were notified under OC (other category) by Kerala circle for JAO LICE 2012 and conducted the exam along with other Circles. Except Kerala, all other circles published the results and appointments were made against all notified vacancies including carry forward vacancies. But in Kerala circle, the result was announced only for the then current year 40 vacancies and posting were made as JAOs on 26/8/2013. In the notification it was specified that the appointment against the carried over vacancies will be subject to the result of pending SLP before Apex court. The SLP before Hon. Supreme court was regarding earlier LICE examination conducted in 2010. The remaining candidates (34 no's) who has passed the examination had requested to the Circle administration to implement its own notification and post them as JAOs as done by all other circles, but it was not considered. So these qualified candidates were constrained to approach Hon. Central Administrative Tribunal (CAT) Ernakulam with their grievance.

As per order of CAT Ernakulam, the result was published, and they were posted as officiating JAOs on 12/5/2014. They were sent for 4 weeks Phase-I Induction Training from 5/5/2015 which was completed on 30/5/2015. Even after completion of the induction training, they were not posted as regular JAOs. On 22.03.2016, CAT disposed the OA 180/00072/2014 and directed BSNL to appoint the 34 applicants, who cleared the 2012 examination as JAOs subject to the outcome of SLP Nos. 14956/2012, 15365/2012,

16345/2012 & 15743/2012 pending before the Apex Court and subject to the conditions in the notification.

Vide corporate office letter ref (3)No 9-31/2015-SEA dated 07.06.2016, they were appointed as **JAO on Probation** subject to the pending SLPs before Apex court w.e.f. 22.3.2016(CAT Order date). In June 2018, JAOs of 2012 batch who have passed in the same examination and posted in 2013 were promoted to the cadre of AO. But those who posted on 22.3.2016 were not considered for promotion citing the reason that they are not having 3 years' service in JAO cadre and are not eligible for promotion as per AO Recruitment Rules.

On 21.3.2020, they have completed 4 years of service in JAO cadre and crossed the minimum of the next IDA scale and became eligible for time bound promotion under EPP. Time bound financial upgradation from E1 to E2 under EPP was ordered to them w.e.f 10.11.2020, by Kerala Circle. But it was cancelled by as per corporate office instructions subsequently. They were denied Time bound upgradation under EPP and NEPP. It is very heavyhearted them when their Juniors of 2015 Direct JAOs, 2016 Departmental JAOs and 2018 Departmental JAOs who have completed 4 years of service in JAO cadre were allowed Time bound financial upgradation from E1 to E2 under EPP but these 34 LICE 2012 JAOs were denied the same .

Sir,

The honourable Supreme Court, in the Judgment specifically pronounced that "However, having regard to the circumstances, we would expect the appellant (BSNL) to take the said examination process forward and issue /consequential orders /directions in accordance with law without further delay"/ directing BSNL that "if the respondents is otherwise eligible and entitled, his/her case may examined by authority in accordance with law in the interest of justice"

Vide letter Ref(4) KRL CO-11/20(3)/6/2020-HR & ADMN dated 15.5.2023, Kerala Circle have issued a letter to PGM (Personal), BSNL CO, ND seeking instruction/ guidelines regarding the future course of action to be taken by the Circle in regularizing the appointments of these JAOs. Now only 13 number of these JAOs are left in service.

The regular promotion to 34 JAOs was denied only due to the SLP Pending with Supreme Court. Now the Civil appeal (the then SLP), filed by BSNL in apex court is finally heard and disposed off in favour of BSNL. No further hurdles are in front of us to regularise the promotion of these much-affected officials who are working as JAOs from 2014 onwards. Hence, it is humbly requested to cause immediate actions for the regular appointment of these 34 JAOs and extend further promotion and benefits at par with LICE 2012 JAOs who got regular promotion in September 2013.

With Kind Regards,

Your Sincerely


Shaji V

Copy for kind information and necessary action to:

1. Shri Rajiv Kumar, Director (Finance) BSNL Board New Delhi-110001
2. Shri P.C. Bhatt, PGM (EF) BSNL CO, New Delhi-110001
3. Shri S.N. Gupta, GM (Pers.), BSNL CO, New Delhi-110001