



**ALL INDIA
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No.AIBSNLEA/CHQ/CMD/2023-24

Dated 29.05.2023

To

Shri P. K. Purwar ji,
CMD BSNL,
New Delhi -110 001

Sub: Request for exploring the possibility to approach Hon'ble Supreme Court of India to get vacation of 'Status Quo' in the court case pending for more than 4 years before Hon'ble CAT Chandigarh in OA No 60/1435/2018 in AO to CAO promotion, as this is a lone unresolved promotion which is pending since 30.11.2018 – regarding.

Respected Sir,

We would like to draw your kind attention to the above-cited subject and undoubtedly long pending AO to CAO promotions held due to the "Status Quo" in the Hon'ble CAT Chandigarh issued on 30.11.2018 waiting for the 'Vacation' of Status Quo since last more than 4 years despite the fact that ample vacancies as well as eligible officers are available.

BSNL has filed Write Petition in the Hon'ble High Court of Punjab and Haryana at Chandigarh challenging the Interim Order passed in OA No 60/1435/2018 on dated 30.11.2018. The Hon'ble High Court has delivered the judgment on dated 28.01.2020 in the CWP-9614-2019 (O&M) that: "We deemed it appropriate to dispose of the present WP with the direction to the learned CAT to decide at least the application moved by BSNL for Vacation/Modification of the initial impugned order within 15 days of the next hearing. The learned CAT is also requested to make an Endeavour to dispose of the main OA at the earliest..."

However, even after the lapse of more than three years from the directions delivered by Hon'ble HC of Punjab and Haryana in Jan 2020, no disposal has yet been done by Hon'ble CAT Chandigarh and BSNL is waiting for the vacation of status quo so far. It is appreciated that one Sr. Advocate from Hon'ble Supreme Court was also engaged and deputed in CAT Chandigarh by the BSNL Management and after appearing in four-five hearings in CAT Chandigarh, no relaxation has yet been granted by the CAT to BSNL whereas on the similar subject, no other case is held-up like this for such a long period due to proactive steps taken by BSNL in time.

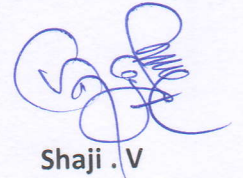
Sir, like other court cases where BSNL pleaded very actively in time and got suitable directions from the Hon'ble Courts in other similar subject cases for other streams, we strongly feel that BSNL should explore

the feasibility to approach Hon'ble Supreme Court against the CAT Chandigarh Status Quo order dt 30.11.2018 as the learned CAT has not disposed off yet the main OA as per the direction of Hon'ble High Court order dated 28.01.2020. It is pertinent to mention here that in other similar subject, SLPs are pending (BSNL Vs Prakash Vir & others and BSNL Vs Ramesh Kumar) in Hon'ble Supreme Court of India and due promotions were issued in almost all other streams except Finance wing during the recent past year.

It is our firm view that if BSNL will approach to higher court, certainly relief can be achieved for the go ahead for AO to CAO promotion. It is therefore once again fervently appeal to your good self to explore the possibilities to approach the Hon'ble Supreme Court of India to get relaxation in the above case so that the very lone pending promotion orders can be issued instantly since the Hon'ble Supreme Court has not stopped the promotions on the similar subject despite pending SLPs. The next date of hearing in this case is listed for 07.08.2023 in CAT Chandigarh, after a long gap of 4 months. AIBSNLEA will certainly applauds the proactive efforts to be taken in this regard by your good office and hopeful that this moves to approach the Hon'ble Supreme Court for the vacation of "Status Quo" in AO to CAO promotion may succeed to unlock this deadlock .

With Kind regards

Yours Sincerely



Shaji .V
General Secretary

Copy for kind information and necessary action to:

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