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No. AIBSNLEA/CHQ/CMD/2019

Dated: 30.07.2019

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

Subject: Request for review the decision for the reversion of SDEs promoted in 2008 through LDCE conducted during 2007.

Respected Sir,

We would like to draw your kind attention on the above cited subject. In this regard it is submitted that there is a proposed move of reversion of SDEs promoted in 2008 through LDCE-2007 for short of three years eligibility service period of JTO grade on the due date of 01-07-2005 against the vacancy year 2005-06 on the basis of the Judgment pronounced by the Hon'ble High Court Madras. In this regard, we wish to submit the following points for your kind consideration and request your good self to review the decision of reversion of SDEs promoted in 2008 through LDCE -2007.

1. These JTOs belong to the recruitment year 2001. BSNL has issued a show cause notice to cancel their promotion on 20.09.2010. BSNL has recruited JTOs during 2001 through a common exam on 4.03.2001 and different Circles appointed them as JTO on different dates after completion of the training.
2. BSNL has conducted LDCE on 15-07-2007 with an eligibility condition of 3 years of service as on 01-07-2005. Some of the JTOs who have been recruited for the vacancy year 2001 has not completed three years of regular service as on 01-07-2005 due to different training dates in different Circles.
3. Clarification regarding the eligibility of JTOs for LDCE 2007 has been sought by different Circles from BSNL Corporate Office. Accordingly BSNL Corporate Office has issued a clarification vide letter **No 2-29/2005-Pers.II dated 16-4-2007, in which it was mentioned that the relaxation under column 12 Note 5 of SDE (T) RRs 2002 is applicable for LDCE also.**
4. Later BSNL Corporate Office changed its stand and gave another clarification dated 30-07-2010, in which it was stated that the Senior-Junior Clause of SDE RR 2002 note 5 of column 12, is only applicable to Seniority cum fitness quota and not for LDCE quota.

5. This clarification is total violation of SDE RR 2002 in which there is clear mention about the note 5 of column 12 that it is both applicable to LDCE as well as Seniority cum fitness quota.
6. **The SDEs who have been promoted to the post of SDE (T) Regular by the BSNL Corporate Office after qualifying the LDCE-2007 and they have been allowed to work in the grade since last 11 years i.e from 2008 onwards and these promoted SDEs are appearing in the DE seniority list 8 awaiting for their next promotion eagerly. These SDEs could not appear for subsequent LDCEs conducted by BSNL as they are already promoted.**
7. It is also pertinent to note that these Executives have not suppressed any fact and even then the BSNL Management only allowed them to appear for the LDCE-2007 and then promoted to the post of SDE (T) on qualifying the LDCE-2007.
8. We are of the opinion that the Rule amended at a later stage should not be applied to the exam conducted in prior date. Hence the Rule amended during 2013 cannot be applied to the exam conducted during 2007.

In view of the foregoing, we would therefore request your good self to kindly intervene in this matter and examine the issue with a considerate view and cause to issue necessary instructions to the Officer concerned to review the decision for the reversion of SDEs promoted in 2008 through LDCE conducted during 2007 and allow them to continue to work as SDE (Regular) by giving them one time relaxation

With kind regards,

**Yours sincerely,
-sd-
(S.Sivakumar)
General Secretary**

Enclosures :

1. SDE RR 2002
2. LDCE SDE T clarification 16-04-2007.
3. Reversion_Case_Final_Judgment_Chennai_CAT_favoring_JTO2001
4. Regarding amendments in SDE RR 2002

Copy to:

1. Shri Sheetla Prasad, Director (CM/HR), BSNL Board, New Delhi - for favour of Kind Information & N/A please
2. Shri Arun Kumar, PGM (Pers), BSNL CO, New Delhi – for favour of Kind information please.