



## ASSOCIATION OF BSNL LDCE EXECUTIVES

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GS-ABLE/Corr/2017-18/24  
To

23 March 2018

The CMD,  
Bharat Sanchar Nigam Limited  
Bharat Sanchar Bhawan, New Delhi-110001

**Sub: Request for implementation of Supreme Court order dated 11.8.2017 in SLP No. 9815/2017 (Civil Appeal no.14967/2017)**

Respected Sir

Most respectfully, it is brought to your kind knowledge that the seniority of SDEs of Telecom cadre that was fixed by DOT (List no 6&7) for the vacancies years pertaining to DOT era, was revised by BSNL due to Contempt petition filed for implementation of Chandigarh CAT order dated 25.8.2009 in T.A No. 84/HR/2009. (Ref Annex I). BSNL lost the case in Chandigarh CAT as it could not defend the seniority fixation done by DOT.

After implementation, the seniority of SDEs(T), who qualified Limited Departmental Competitive Examination (LDCE), were severely affected. Not only ROTA (3:1 seniority fixation within a vacancy year) was denied, but also the year wise placement of 25% LDCE promotees along with 75% Seniority-cum-fitness promotes was denied. As a result, the JTOs promoted to SDEs by LDCE basis against 25% quota vacancy of year 1996-97 were placed below those JTOs who were promoted to SDEs by seniority basis against 75% quota vacancy of year 2000-01. Thus, the recruitment rules (RR) framed under Article 309 as well as DOPT instructions was totally violated.

Since, the seniority was lowered by 5000 to 10000 positions; the LDCE promotee (private respondent) challenged the Chandigarh CAT order in Supreme Court. On 11.8.2017, Hon'ble Supreme Court passed the following order

*" .....Simultaneously, they\* will get the same seniority position in the same point that they\* have been placed in the seniority list no. 6 & 7. ...."*

*.....All the interim orders are modified, permitting the respondents to make promotions in terms of the stand taken in the counter affidavit, as extracted above.  
However, we make it subject to the result of the Special Leave" (Annex II)*

(\* 'they' referred to LDCE promotee SDEs)

Thus, DOT has submitted that they have fixed the seniority of LDCE promotees in seniority list 6 & 7 correctly and same has been upheld Supreme Court permitting BSNL to make promotion based on such fixation of seniority by DOT.

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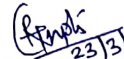
However, BSNL, which was in advance stage of conducting DPC for promotion from SDE(T) to DE(T) based on BSNL revised seniority list 6 & 7, stopped the process of conduction of DPC, instead of honouring the Supreme Court order dtd 11.8.2017. This despite the fact that stand of BSNL's own parent organization DOT was upheld and also, vide ltr no. 54-11/2016-Pers(Legal) dated 17.11.2016, **BSNL itself assured DOT and DOPT**, for maintaining uniformity in stand taken in Supreme Court in response to DOT ltr no. 20-9/2016-STG-II dtd 29.8.2016 & DOPT OM No. 43019/4/2016-Estt(D) dtd 8.8.2016.

Sir, we have submitted a number of request letters for implementation of Hon'ble Supreme Court order dtd 11.8.2017, but no action has been taken to implement the Supreme Court order. Rather the promotion process has been stalled and moreover, the above said decision of Supreme Court has not been endorsed by BSNL C.O. to its various units/circles. As a result, various circles are issuing look-after promotion order based on BSNL revised seniority list 6 & 7 which is in contradiction to Hon'ble Supreme Court order dated 11.08.2017.

'SIR', a considerable period of more than 7 months have elapsed. Therefore, it is requested to issue necessary direction to the concerned section in Corporate Office for:

1. Implementation of the Supreme Court order dated 11.8.2017, in respect of DPC being conducted for regular promotions for SDE to DE/AGM cadre.
2. The Supreme Court order dtd 11.8.2017 may kindly be endorsed to all Circles/Units for look after arrangements from SDE to DE cadre at Circle level.

With regards

  
23/3/18  
(Rajesh Gupta)  
GS-ABLE

Copy to:

1. Director(HR), BSNL Board
2. GM(Pers)/ GM(SR), BSNL Corporate Office.

Encl: As above