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No. AIBSNLEA/CHQ/DIR(HR)/2020

Dated 08.06.2020

To  
The Director (HR),  
BSNL Board  
New Delhi- 110001

Sub:: Fixation of Seniority in JAO-Cadre-case of Shri T.Vijayan, AO, Chennai TD .

Ref: (1) BSL Co.Lr.no.65-6/2013-SCT(Pt.)/236 dated 07.3.2018  
(2) CGMT, Chennai TD. Lr.No ART/OA920/2018-19/26 dated 12.7.2018

Respected Sir,

Kindly find enclosed herewith a request received from Circle Secretary, AIBSNLEA, Chennai Telephones regarding the Fixation of Seniority in JAO-Cadre:- Case of Shri T.Vijayan, AO, Chennai TD, which is self explanatory. The brief history of the case is detailed below.

Shri T.Vijayan, Sr.TOA(G)Chennai Telephones appeared in LICE for JAO during the year 2010 and has secured 44 Marks in Subject III(Paper- V) JAO Part-II written Examination. Since Shri T.Vijayan belongs to SC Community, he was considered along with the other failed SC/ST Candidates for review, as per the instructions contained in BSNL CO Lr.No.10-4/2006-DE dated 08.01.2007, the failed SC/ST candidate's result was reviewed and 5 (five) marks were awarded in Subject-III, thus the marks obtained by Shri.T.Vijayan in Subject-III after the review became 49, whereas the minimum marks for SC/ST candidates for this particular paper is 49.5 marks (33% of 150marks). As Shri T.Vijayan has secured only 49 marks against the pass marks of 49.5 his result was declared as failed.

The aggrieved official filed a case in CAT Chennai wherein Shri T.Vijayan has submitted that a) in Page 27, column dated 29.7.2005 was not valued and no marks awarded and b) in page 29 column dated 29.7.2005 was also not valued. However Hon'ble CAT, Chennai dismissed his petition. Further, the official filed a Writ Petition against the CAT Judgment in the Hon'ble High Court of Madras and the Hon'ble High Court has ordered to respondent (BSNL) to award marks for those 2 pages stated above and take steps to extend the consequential benefits on par with the persons who appeared in the Examination. But it was decided by the Chennai Telephones to file a SLP in the Hon'ble Supreme Court after obtaining concurrence from BSNL CO to challenge the Judgment of the Hon'ble Madras High Court.

*S. Sivakumar*

All Communications to : Shri S.Sivakumar, General Secretary, CH-17-2-15, P & T Chemmery Staff Quarters, Atul Grove Road, New Delhi-110001

Based on the Judgment of Hon'ble High Court of Madras and as per the BSNL CO instructions vide the above cited reference No(1), to re-examine the possibility of withdrawal of SLP pending in the Hon'ble Supreme Court, **the answer sheet was verified and re-totaled by an independent Examiner and he observed that total marks come to 44 only but the marks for the answer paper on pages 51&63 for question no.7 & 6 respectively were not indicated in the appropriate page but noted in the consolidated sheet at page no.57 as 1&9 which necessitates scope for revaluation.** But Chennai TD decided that revaluation of answer sheet is not permissible in any case as per the provisions contained in Page 15 of P&T Manual Volume. IV.

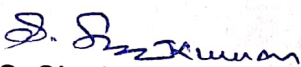
The above details/facts have been brought to the notice of GM(SCT) for consideration and necessary action vide the above cited reference No(2).

Sir, from the above facts, it is seen that the crux of the issue is centered on awarding 0.5 marks only. The aggrieved official has been fighting for 0.5 marks for the last 9 years. The issue raised by the official is contentious one. **Though revaluation is not permissible as per the existing Rules, taking in to consideration the element of doubt surfaced now consequent on the observation of the independent Examiner while verifying and re-totaling the Answer sheet, the case needs Special Consideration under the principle of Natural Justice .**

In view of the foregoing facts and justification, we would request your good self that the case has to be re-examined/reviewed again and the SLP pending at the Hon'ble Supreme Court may kindly be withdrawn; the benefit of doubt has to be extended to the aggrieved official by awarding 0.5 marks to regain his Seniority on par with the officials qualified in the Examination and render Justice.

With kind regards,

Yours Sincerely,

  
(S. Sivakumar)  
General Secretary

Copy for kind information and necessary action to:

1. GM (Rectt.), BSNL CO, New Delhi-110001.