



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION
Central Headquarters New Delhi**

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No. AIBSNLEA/CHQ/CMD/2022

Dated: 20.09.2022

To
Shri P. K. Purwar Ji,
CMD, BSNL
New Delhi -110001.

Subject: Attempts to sabotage the SDE(T) seniority lists , well finalized after high-cost lengthy Legal process went up to the Hon'ble Supreme Court of India may be viewed accordingly without leaving any room for opening another Pandora box by allowing anymore re-ordering of any of the SDE(T) Seniority Lists which would derail the much-awaited SDE(T) to AGM(T) Promotion process indefinitely and would be ended up in a mess -reg.

Respected Sir,

We would like to draw your kind attention on the above cited subject in connection with the recent Judgement of Hon'ble CAT Kolkata dated 13.09.2022 in OA No 350/01626/2022, the Hon'ble Court has directed for the restoration of Seniority of the LDCE qualified Executives who had joined in 2013 as SDE(T) with respect to the VY/Rota-Quota allotment.

This is a fact that all the SDE(T) Seniority Lists in BSNL have finally been prepared purely on the basis of the date of joining pursuant to the orders contained in the judgments of Hon'ble CAT Chandigarh & Hon'ble Supreme Court SLP Number 35756/2012(BSNL & Ors Vs S Sadasivan & Ors) , Civil Appeal.No.14967/2017 dated 2.4.2019 (Vinod Verma vs BSNL & Others) therein it is clearly mentioned that ***"21.This Court (Hon'ble SC) further held that, in the absence of any express provision in rules, no promotion or Seniority can be granted from retrospective date when an employee has not been born in the cadre"***. In addition to that the inter-se Seniority between the 67% SCF quota and 33% LDCE quota (that is 2:1 Rotation applicable WEF 28.8.2015 only) was introduced as an addition / modification to

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the SDE(T) RR dated on 08.05.2018

Moreover, before finalizing any Seniority Lists, BSNL publishing the Provisional List for errors and comments, if any, and finalise according to the guidelines of Hon'ble Court Judgements. Now, some aggrieved petitioners approaching Hon'ble Court belatedly with half cooked information against BSNL and earning favorable orders for derailing the eligible Promotion process is nothing but leg pulling of the eligible Senior Executives from their long-awaited Promotion orders may be viewed seriously. Especially on the fact of the mental torture of SDE(T)s belongs to 1991 JTO batch onwards waiting for their AGM Promotions for more than 27 years and working at par with recently recruited JTOs by reporting to the same controlling officer in AGM cadre deserve sympathetic attention from BSNL Management for releasing their Promotion Orders . This kind of Legal process from Pessimistic mind setup can causes not only shaming the Legal System of BSNL but costing more to BSNL Exchequer also, which is already bleeding heavily.

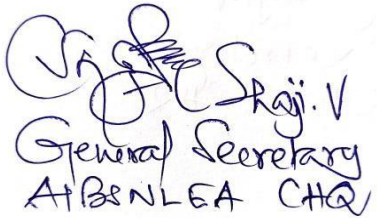
Understandably, the OA No 350/01626/2022 has been disposed off on 15.09.2022 in favor of Applicants prayed for "recalling the Final SDE(T) Seniority List No.9 and amend /modify the same in consistency with Provisional Seniority List No.9 so as to incorporate the Petitioner and similarly affected Petitioner in the category of CQ with firm determination of relative Seniority/Interse-Seniority of all Promotive and Appointees on or about 2-07-2013 confining to the Vacancy Year 2006-07 in accordance with the DoPT instructions " to Hon'ble CAT Kolkata . After the DoPT OM dated 13.08.2021 was circulated, BSNL Management released Speaking Order No. BSNLCO-PERS/13(21)/1/2020-PERS1 dated 09.07.2021 as per the Hon'ble Chennai CAT Bench and Speaking Order No. BSNLCO- PERS/13(21)/1/2020-PERS1 dated 07.10.2021 as per the Hon'ble CAT , Ernakulam Bench in respect of Provisional Seniority List 9 of SDEs(T) against the OA No. 310/00454/2020 (Chennai CAT) & OA No. 180/00295/2021 (Ernakulam CAT) are released. These Speaking orders were released by BSNL on the basis of Hon'ble SC judgments vis-à-vis CA No 7830/2014 BSNL & ors Vs S.K.Dubey & Ors , SLP (C) No(s) 35756/2012 (BSNL & Ors Vs S Sadasivan & Ors) , Civil Appeal.No.14967/2017 dated 2.4.2019 (Vinod Verma vs BSNL & Others) . **These Speaking Orders convey that the Date of Joining of an Executive in a cadre is solely deciding his Seniority in the Cadre. In short, all the available SDE(T) Seniority Lists from 9 to 13 are**

framed and finalized accordingly.

In view of the foregoing facts, we request your good-self to kindly intervene in the matter and cause to issue necessary instructions to the officers concerned to submit a befitting speaking order to the Hon'ble CAT Kolkata to maintain all the finalized SDE(T) Seniority Lists intact for the up-coming SDE(T) to AGM(T) Promotion process.

With kind regards

Yours Sincerely,



Shaji V.
General Secretary
At BSNLEA CHQ

Copy for kind information and necessary action to:

1. Shri. Arvind Vadnerkar, Director (HR), BSNL Board New Delhi- 110001.
2. Shri. S.N Gupta, PGM (Pers), BSNL Corporate Office, New Delhi- 110001.
3. Shri Anita johri, PGM (SR) BSNL CO, New Delhi-110001.