



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

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No. AIBSNLEA/CHQ/CMD/2024

Dated 15.04.2024

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

Sub: Request for granting, at least ad-hoc, promotions to all eligible officers, pending due to litigations, in accordance with the latest DOPT guidelines dated March 28, 2024, for the balanced operation of BSNL and its earlier turnaround.

Ref: 1. The DOPT OM dated March 28, 2024

2. The details of OA No. 060/00254/2017, CWP, SLP, Review on SLP and final posting order as per OA.

Respected Sir,

We begin by extending our heartfelt appreciation for your exceptional leadership, which has led to EBIDTA positivity for our flagship organization, BSNL, in the FY 2023-24 as well even amidst many challenges, notably in the fiercely competitive telecom sector. Despite BSNL's challenges in full implementation of 4G technology, your able stewardship has been instrumental in this achievement. We convey our sincere wishes for your continued success in surpassing revenue targets in the current fiscal year 2024-25, leveraging the potential of 4G technology. Our association wholeheartedly supports your visionary leadership, which has propelled BSNL to its highest performance levels since the setback of 2019.

Kindly recall the submissions made by this association during the meeting graciously permitted by your kindness on 13-04-2024. During the meeting, we presented the following points for your wise consideration. We earnestly request your kind consideration of the following points as well.

In accordance with the direction of CAT Chandigarh in the OA No.060/1435/2018 & Others on February 26, 2024, the seniority list of Accounts Officers (AO) of 2016, used for AO to CAO promotions in 2018, has been nullified. Additionally, the promotions granted to SC/ST officers have been revoked, with a directive to revise the seniority list based on the catch-up rule.

It has come to our attention that, BSNL management may be appearing for appeal proceedings in the Higher Court. Consequently, officers who have awaited their CAO

promotions since 2018 find themselves in a distressing situation. Many of them have retired from service, deeply hurt by the fact that their rightful and eligible promotions could not be granted due to court proceedings. These innocent officers bear no responsibility for their fate.

This situation is profoundly disheartening, and we urge BSNL management to address it alongside the constraints outlined in the DOPT guidelines.

Sir, I kindly draw your attention to the model case that was brought to your earnest notice, Ref:2 above.

- On a similar matter, OA No. 060/00254/2017, filed by an officer in a Central Government Department for promotion based on the catch-up rule. The Hon'ble CAT Chandigarh allowed the OA and directed the promotion to be granted to the applicant under the catch-up rule, on 8th February 2018.
- The department appealed to the Hon'ble HC of Punjab & Haryana at Chandigarh (CWP No.1136 of 2018(O&M)) against the Hon'ble CAT direction, and the Hon'ble HC dismissed the writ petition on Feb 12, 2020.
- The department further approached the Hon'ble SC of India (SLP(C) No.12475/2020) against the final judgment of the HC of Punjab & Haryana at Chandigarh. On 18 Dec 2020, the SLP was dismissed by the Hon'ble SC of India, upholding the CAT direction.
- The department yet again approached the Hon'ble SC of India with a Review petition (D No.31455/2021), and the Review petition has also been dismissed by the Hon'ble SC on 15 February 2022, directing the Department to issue promotion to the aggrieved officer.

After the long exercise of trials spanning 5-6 years, finally, the Department issued a promotion order to the aggrieved officer, office order No.120/2023 dated 9th August 2023, notionally with effect from 23.02.2017, as per the direction of CAT Chandigarh.

This association exemplified the case merely to convey the pre-existing track of a case, which bears a strong resemblance to the CAT direction in the OA No.060/1435/2018 & Others on February 26, 2024. If BSNL chooses to appeal against the same CAT decision through the same legal channels of the Hon'ble courts, the final directive from the Hon'ble SC of India may not differ, even after prolonged legal battles lasting for a minimum of 6-8 years. This association is not drawing any conclusions or making specific suggestions on the matter. However, one point we wish to submit to your benevolence is that:

- As of now, CAO promotions carried out in 2018 are null and void for the majority of AOs as the seniority list has been quashed.

- Almost all DGM(L/A) positions in the Finance stream are currently unmanned due to CAT direction. Further, LA in DGM F may not be possible for the quashed officers, certainly posing a deep-rooted crisis in BSNL for day-to-day proceedings in Finance streams. Technically, a large number of CAO/DGMF posts are unmanned, potentially leading to contempt of CAT if the CAO/DGMF posts are allowed to be filled.
- For BSNL, it may be essential to proceed in accordance with DOPT guidelines. Equally, or perhaps more importantly, BSNL may ensure that:
 1. The balanced functioning of BSNL progresses smoothly to achieve targets by appointing officers at all cadres, either regular or ad-hoc, as per the new restructured norms.
 2. The promotion avenues of any eligible officer are not hindered due to disputes in courts of law. A significant number of officers are retiring without receiving due promotion for over five years, for reasons unrelated to them. Leaving sincerely and dedicatedly working officers to retire without granting eligible promotion violates their rights and their dream to retire as at least a Group A officer from BSNL.

As per the latest DOPT OM dated March 28, 2024, in Ref: 1, page -13 under the heading "Reservation in Ad-hoc Promotions," it is clearly stated that "ad-hoc promotions are to be made in exceptional circumstances, such as during the pendency of court cases, protracted seniority disputes..."

Therefore, considering the aforementioned points, **this association humbly requests your wisdom to include this plea in the appeal to the Hon'ble HC of Punjab & Haryana at Chandigarh that : (1) for the balanced functioning of BSNL and (2) for granting eligible promotion to deserving officers, at least ad-hoc promotions may be permitted in accordance with the aforementioned DOPT guidelines, subject to the final outcome of the Hon'ble courts' directives.** We firmly believe that a favourable outcome can be achieved from the Hon'ble HC, contingent upon the sincere efforts of BSNL Counsel.

According to MSRR-2023, there are 756 CAO vacancies available within the Finance stream, distributed under 67% SQ, 33% CQ and the promotions to be carried out as per MSRR-2009 . It is evident that in the quashed AO seniority list of 2016, the number of eligible officers for CAO promotion is less than the total number of vacancies. When granting ad-hoc promotions, kindly fill all vacant positions, including both SQ and CQ, to avoid any future litigations regarding partial ad-hoc promotions against either the SQ or CQ quota alone, as ad-hoc promotions are not regular promotions. Subsequently, once litigations are cleared, regular SQ and CQ promotions can be conducted against their respective quotas.

Similarly for the Telecom stream as well , as per DOPT OM dated March 28, 2024, in Ref:1, page -13 under the heading "Reservation in Ad-hoc promotions," it states that "ad-hoc

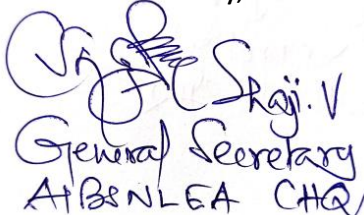
promotions are to be made in exceptional circumstances, such as during the pendency of court cases, protracted seniority disputes...”, the ad-hoc promotions from AGMT to DGMT against all vacant posts, both SQ and CQ, can also be considered, as the pending matter in the same Hon’ble CAT Chandigarh may not result in a different judgment from that in the aforementioned O.A. No.060/1435/2018 & Others. If so, here as well, a final outcome from the Hon’ble SC of India after SLP/Review may take a minimum of 6-8 years.

Hence, considering the aforementioned points, this association earnestly implore your wisdom to extend at least ad-hoc promotions for all eligible AOs and AGMTs against all the vacant posts of CAO and DGMT for both SQ and CQ as there is no stay or status-quo against promotions. Moreover, there’s no stay from any court of law against these promotions. This is to avoid any future litigations claiming that ad-hoc promotions were partially made against the SQ or CQ quota alone, as ad-hoc promotion is not a regular promotion. This request is made (1) for the balanced functioning of BSNL and (2) for granting eligible promotion to deserving officers, as per the aforementioned DOPT guidelines, subject to the final outcome of the Hon’ble courts' directives.

We trust that your benevolence will consider our request favourably and take the necessary actions to expedite the promotion process. Your kind support and proactive measures in this regard will undoubtedly enhance morale and foster a more conducive work environment within BSNL.

Thank you, Sir, for your attention to this matter.

Sincerely,



Raji. V.
General Secretary
A/BENLEA CHQ

Copy for kind information and n/a to:

1. Sh (Dr) Kalyan Sagar N , the Director (HR) , BSNL Board, BSNL CO.
2. Sh. Rajeev Kumar, the Director (Fin) , BSNL Board, BSNL CO.
3. Sh. Adhir Kumar Singhal, PGM (Pers), BSNL CO , New Delhi.
4. Sh. P C Bhatt , PGM (EF) , BSNL CO , New Delhi.
5. Ms. Anita Johri, the PGM (SR), BSNL CO.