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**No: AIBSNLEA/CHQ/Director (HR)/2020**

**Dated: 03.01.2020**

**To**

**The Director (HR)**  
BSNL Board,  
New Delhi.

**Sub: Request for not to take immediate action for implementing the reversion order of SDEs promoted through LDCE 2007 for the vacancy Year 2005-06 till the Hon'ble Madras High Court and Hon'ble Madras CAT Bench takes a final decision in the reversion of the JTOs of 2001 Recruitment year and may decide after the finality of the Review Petitions and examining their eligibility as per the provisions of Schedule 12, Note 5 of the SDE RR-2002**

Ref: 1. AIBSNLEA/CHQ/Dir (HR)/2019	Dated 21.09.2019.
2. Hon CAT, Madras Bench interim order	Dated 22.11.2019.
3. BSNLCO Lr.No. 2-29/ 2005-Pers.II	Dated 16.04.2007.
4. BSNLCO Lr. No. 2-29/ 2005-Pers.II	Dated 10.07.2007.

**Respected Sir,**

We would like to draw your kind attention on the above cited subject. In this regard, it is requested that not to take immediate action for implementing the 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 till the Hon'ble Madras High Court and Hon'ble Madras CAT Bench takes a final decision and also considering the merit of the case.

These JTOs belong to the recruitment year 2001. BSNL has issued a Show Cause Notice to cancel their promotion on 20.09.2010. The summary of the case is as detailed below.

1. BSNL recruited JTOs during 2001 through a common examination on 4.03.2001 and different Circles appointed them as JTOs on different dates after completion of the training.
2. BSNL conducted LDCE Exam 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. Representations and clarification regarding the eligibility of JTOs for LDCE 2007 has been sent by different circles to BSNL Corporate office. Accordingly BSNL Corporate office issued clarifications vide above cited letters under Ref(3)& (4), in which it is mentioned that the relaxation under column 12 Note 5 of SDE (T) RRs 2002 is applicable for LDCE also.
4. Later BSNL Corporate Office issued another clarification vide Lr.No. 2-16/2009-Pers.II dated 30.07.2010, in which it states 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. On the basis of this clarification, BSNL Management issued Show Cause Notices to the 2001 Recruited JTOs, not completed the 3 years qualifying service for appearing in the LDCE. In fact this clarification has been issued with respect to LDCE 2010 for the vacancy years 2006-07 to 2008-09 and not for LDCE 2007 since during LDCE 2007, BSNL Corporate Office issued clarifications vide above cited references (3) &(4) in which all these 2001 Recruited JTOs become eligible to appear in the LDCE.
5. These officers are working as SDEs since 2008 onwards. These promoted SDEs names are appearing in the DE seniority list 8 and they are waiting for their next promotion eagerly. These SDEs could not appear for the subsequent LDC Exams conducted by BSNL as they have been already promoted.
6. As per the instructions contained in the Judgment dated 21.2.2017 of Hon'ble Madras High court, BSNL CO issued reversion orders to the above said LDCE 2007 promoted SDEs vide order dated 13.11.2019. The affected SDEs facing reversion, filed a Review Application in the Hon'ble Madras High Court stating these facts and claiming their eligibility to appear in the LDCE 2007 as per Schedule 12, Note 5 of the SDE RR 2002 and the clarifications issued by BSNLCO dated 16.04.2007 and 10.07.2007. Another OA has also been filed in the Hon'ble Madras CAT Bench, challenging the reversion order on the ground that they are eligible for appearing in the LDCE 2007 as per the Schedule 12, Note 5 of the SDE RR 2002 and the subsequent clarifications.
7. The only issue that was placed before the Hon'ble Madras CAT Bench was whether the 3 years qualifying service is to be reckoned with 1st July of the year of the Examination or 1st July of the Vacancy year. **The contradictions in Schedule 12 and Note 3 of the SDE RR 2002 were under litigation, not the note 5 under Schedule 12. Further, the Senior-Junior clause provided in Schedule 12, Note 5 of the SDE RR 2002 or the clarifications issued by BSNLCO dated 16.04.2007 and 10.07.2007 were never examined by the Hon'ble Madras CAT or the Hon'ble Madras High Court as it was not under dispute.**

In any case, the reversion of the 2001 JTOs could have been avoided as all of them are eligible as per the Schedule 12, Note 5 of the SDE RR 2002 and as per the clarifications issued by BSNLCO dated 16.04.2007 and 10.07.2007. **Ignoring this fact, BSNL served reversion order on them, citing the Hon'ble Madras High Court order, which never dealt this particular provision.**

8. Hon'ble Madras CAT Bench in its Judgment dated 22.11.2019, pronounced that we find that the question of eligibility has not attained finality since WMP is pending for review. It is not fair to implement the order of reversion when the RA is pending and the balance of convenience is also in favour of the applicants. Hence we hereby direct the respondents to keep the order of reversion dated 13.11.2019 and all the consequential orders in abeyance till the review petition is disposed of.

**In View of the foregoing, it is requested not to take any immediate action for implementing their reversion order till the Hon'ble Madras High Court and Hon'ble Madras CAT Bench takes a final decision in this regard.**

**It is further requested that instead of opposing all the petitions straight away, it is better to submit all the above said facts to the Hon'ble Madras High Court and Hon'ble Madras CAT by the BSNL itself in the present Review Application so that the Hon'ble Courts may take appropriate decision.**

**Hence we request your good self to kindly consider the issue on the merit of the case and take appropriate stand before the Hon'ble Courts.**

With kind Regards,

Sincerely Yours,  
-sd-  
**[S.Sivakumar]**  
**General Secretary**

**Copy to:**

The PGM (Pers.), CO BSNL, New Delhi for information and necessary action please..