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No.AIBSNLEA/Dir(Fin)/2016

Date 14.3.2016

To

**Smt.Sujata Ray,
Director(Finance),
BSNL Board,
New Delhi-110 001**

Subject: REQUEST FOR PROMOTING THE QUALIFYING CANDIDATES BUT NOT PROMOTED DUE TO WANT OF VACANCIES IN RAJASTHAN CIRCLE AND TAMILNADU CIRCLE PERTAINS TO JAO 2013 Batch -reg

References:

- 1) CGM,TN Circle Lr.No.RET/52-1/2012/JAO Part-II/40%/Vol-III/47 dt.19.2.2015.
- 2) CO/ND Lr.NO.AGM(SEA)/4-19/2007-SEA dt.28.3.2014.
- 3) CO/ND Lr.NO.AGM(SEA)/4-19/2007-SEA dt.8.4.2015.
- 4) Lr.No.AIBSNLEA/CHQ/ND/2015-16/76dt.22.8.2015

Respected Madam,

We would like to draw your kind attention on the above subject and request to consider the request of 4 (Four) candidates of Rajasthan Circle and the 13 JAO candidates of Tamilnadu Circle who got more than the minimum qualifying marks in the JAO Part –II Limited Internal Competitive Examination held during December 2012 (40% Quota) but not promoted due to non-availability of the requisite number of vacancies and could not be declared as qualified may be posted as JAOs **on One Time Relaxation basis in Rajasthan Circle and Tamilnadu Circle** or at the nearby Circles where the vacancies are still remained unfilled due to poor pass out.

In the JAO,Part II,40% LICE examination notifications of 2009 &2012, mere circle wise consolidated clubbing of all the year vacancies of JAO were notified without the specification of year wise vacancies.

It is the essential factor to determine the year-wise vacancies as per the select year basis in the case of Competitive examinations. In BSNL, except for the JAO LICE exams, for all the other LICE

examinations the CUT OFF Date/Select Year are being mentioned for recruitment to all the other posts.

The requests of the candidates have already been brought to the Notice of the BSNL Administration by Our Tamilnadu Circle Association vide the above cited reference at Sl.No (1) by the Tamilnadu Circle Administration. But the BSNL Management rejected the claim of the candidates stating that

- i) As per BSNL JAO Recruitment Rules, JAO Examination is Competitive in nature and candidates have to compete for the vacancies notified for the examination.
- ii) JAO in BSNL is a Circle cadre and the posting of such candidates to other Circles will infringe the right of the candidates of the Circles to which such candidates are posted.

JUSTIFICATION AND MERIT FOR CONSIDERATION OF THE CASE.

1- THE JAO RESULTS - THE GROUND REALITY

After amending the recruitment rules (RRs of 2001) of JAO cadre by BSNL (as Circle cadre and the PART II EXAMINATION as COMPETITIVE), most of the vacancies are still remain unfilled since the department is not considering the qualified candidates.(2013 JAO BATCH)

These 2013 BATCH (JAOs *qualified but not selected candidates belong to Tamilnadu & Rajasthan Circle*) candidates are only in meager in number (14+4=18) in number all over INDIA.(Out of 14 Candidates in TN Circle one official already retired) Depriving the legitimate benefits of promotion to these aspirants citing trivial reasons by BSNL management for their inaction does not seem to be in the interest of the organization.

It becomes evident that the rules clearly postulate merit to be the criteria for promotion to higher posts. These candidates fulfilled the same according to the stipulated standards, as per the the New JAO RRs of BSNL notified in 2001.

2- RECRUITMENT RULES ARE NOT SACROSANCT

On the one hand the management has treated the recruitment rules as sacrosanct and the management is bound by the same. On the other hand they have not even followed some of the schedules furnished in the base order issued in lieu of RRs. The RR itself denoted that the tentative vacancies are notified for that exam.

Even in the case of competitive exams, by allowing exemptions (For 2010 Batch) in the subjects of the PART II EXAMINATIONS (Exceptions could be given only in QUALIFYING EXAMINATION), the determination and comparison of merit was not ascertained as per the stipulations of competitive examinations. Hence these candidates were classified as the candidates with low merit at Circle level.

3- VACANCY YEAR/SELECT YEAR/CUT-OFF DATE OF VACANCIES.

It is the essential factor to determine the year-wise vacancies as per the select year basis in the case of Competitive examination.

In BSNL, except the JAO LICE exams, for all other LICE examinations the CUT OFF Date/Select Year are being mentioned for recruitment to all the posts.In the JAO RRs of 2001, 4690 vacancies were earmarked, subject to variation depending on work load. (it is also TENTATIVE IN NATURE). In the Letter No.4-29/2003-SEA (BSNL) dated 12-10-2004, approximately 500 vacancies in the grade of JAO are proposed to fill up in BSNL, under 40% LICE quota. (It is also a Tentative nature).* that the vacancies declared for LICE under 40% quota are only Tentative in Nature and definite vacancies were not earmarked.

In the JAO Part II, 40% LICE examination notifications of 2009 & 2012, mere circle wise consolidated clubbing of all the year vacancies of JAO were notified without the specification of year wise vacancies.

This would create an anomalous situation as the non executives who are not borne in the cadre even on the vacancy year would become eligible to appear LDCE promotion to the post of JAO. Due to this the unequals are treated with at par with the equals and they encroached upon the promotional opportunities of the seniors.

4- GOVERNMENT OF INDIA DECISION –IN THE SIMILAR SITUATION.

As for, LDCE slots (25% quota under LDCE quota, Central Secretariat Clerical Service-CSCS).who had qualified the LDCE-2003 and their ACR dossiers were called for by SSC but could not be accommodated for appointment due to non-availability of vacancies in the Select year 2003 under LDCE mode, were to be first accommodated against the available vacancies and for the remaining slots, on the direction of the Hon'ble MOS(PP), Addl. Secretary(S&V) met delegations represented by various associations on 09-09-2011.. The matter was again discussed in detail during a meeting between JS (E) and JS (CS). It was concluded that by treating these vacancies as vacancies for the select year 2003, we may (GOVT) able to satisfy the majority of the demand of the associations. This is one of the important precedent whereby Government of India resolved the crisis and standing as an example to similar situation and should be made applicable to the present situation in BSNL also.

5- BSNL HUMANITY AND ONE TIME RELAXATION.

In BSNL : TM LDCE 50%, Calling for options from qualified and trained officials waiting for their promotions as Telecom mechanics under 50% LDCE quota to other circles for want of vacancies. The other SSAs/Circle options were effected under Rule 7 of BSNL transfer policy, as a onetime relaxation. TELECOM MECHANIC IS A SSA CADRE.(No.250-69/2001-Pers-III, dated 28-11-2008). As per the Amendments of Telecom Mechanic rules 2002, vide the order Number 250-74/2001-Pers-III dated 18-07-2002,at New Delhi, the outside recruitment should be made only after all the qualified and trained officials have been absorbed. The same is confirmed in the JCM 9th meeting held on 04-08-2005, by the management, under item No.7.11.1

6- ONE TIME RELAXATIONS IN CENTRAL GOVERNMENT DEPARTMENTS.

The Department of Posts has allowed the induction of surplus qualified PA/SA through the LICE examinations in various occasions, PA/SA cadre is a divisional cadre as notified in LICE examination notifications. At the time of announcement of results, the options were called from the surplus qualified candidates for permanent absorption as PA/SA beyond their divisions and the options were called as per Circle wise

7- A BIRD'S EYE VIEW OF JAO RECRUITMENT RULES.

Even after completion of the appointment of qualified candidates as JAO, remaining vacancies are still available at the time of declaration of results. (Vide the order No.TSA9F044-9/2010, dated 03-05-2013)

During this transition period, due to acute shortage in grade of JAOS in BSNL, this COMPANY had taken more than 300 officials from other Departments, including the Department of Posts and decided to absorb such deputationists as JAOS in BSNL, as a ONE TIME MEASURE by relaxing the RECRUITMENT PROCEDURE AND THEY WERE ALLOWED TO APPEAR ONLY FOR TRA PAPER AND EXEMPTED FROM APPEARING IN WORKS AND CPWD PAPERS. Such a mercy was shown to them who are all from other Departments but here in the case, even Qualified JAOS of BSNL (its own employees) were denied promotion and their case was outrightly rejected without human approach. These candidates belongs to Tamilnadu Circle obtained more than both the stipulated minimum and aggregate marks required for passing the Examination and among the candidates some of them obtained more than 300 marks (55%) and rest of them obtained around 300 marks, where as in the case of the other circles, the candidates obtained just the MINIMUM PASS MARKS and obtained the MINIMUM AGGREGATE have been declared as qualified.

The Provisional answer key for the JAO 2012 exam is yet to be released, hence these candidates are unable to cross check their answers with the key and that opportunity is denied. In case of Competitive examination NO EXEMPTIONS COULD BE GIVEN. But for those candidates of 2010 Batch as a good gesture, Exemptions were given in the Part II Examination held during 2009 which is a Competitive Examination. Due to this effect, these candidates belong to 2012 Batch (Tamilnadu & Rajasthan Circle) got the low merit position in that examination.

One set of candidates got promotion by way of awarding exemptions and another set of qualified candidates are denied for promotion avenues, even though they are qualified at par with the selected candidates.

Moreover, by clubbing of vacancies for all four years in to one LDCE, all applicants have become eligible by 2010-2011 itself, In other words, applicants will lose three chances to pass the LDCE which is violation of Article 16.(Hon'ble CAT,GAUWHATI, O.A.NO.040/00043/2015-BSNL case).

8- CIRCLE OPTION CLAUSE.

On a harmonious construction to the clause appearing in the schedule of JAO new RRs of 2001,*Order No.4-29/2003-SEA (BSNL), dated 12-10-2004 reveals that those are complementary to other and in that schedule, under Para B, Section (iii), sub classification (vi), speaks "JAO is a circle based cadre and circles are requested to take the circle option from the candidates before conducting the examination". These particular proceedings were incorporated in the above said schedule *in lieu of* the rule No.9: under the topic: Sphere of duty, of JAO RR 2001.

Due to the implementation that JAO is a Circle Cadre by mere clarification (without the support of any amendment) issued to that effect without amending the RR, which is a statutory one, has forfeited the promotional avenues of these candidates.

The obvious purpose behind issue of such clause is to ensure that the work of the BSNL does not suffer due to the posts remaining vacant, without any reasonable justification.

9- AMENDMENTS AND VALIDITY OF CLARIFICATIONS.

*It is trite law that when particular clarification is contrary to the main rule, the rule connected with the subsequent schedule holds the field and not the clarification.+

10- CAG REPORTS.

Test check in nine circles revealed that the prevalent practice of giving local officiating promotions resulted in avoidable expenditure of Rs 1.76 crore on traveling and dearness allowances. (Paragraph 2.13.1.3)

The management replied that (January 2006) for arriving at the manpower requirements, estimation approach had been adopted and the actual creation of posts had been done in respect of proposals from circles. The management further stated that some circles had not submitted any proposals at all.....The reply that the posts were created on estimation basis is not tenable. (Para 2.9.1.1).

APPEAL FOR CONSIDERTATION BASED ON THE FOLLOWING JUSTIFICATION:

Most of these Candidates OF 2013 BATCH have already crossed minimum scale of JAO in their substantive cadre. There may not be any additional expenditure to BSNL relating to their absorption. In short, financial viability of BSNL may not be affected due to the extension of promotional opportunities to these candidates. Some are on the verge of retirement on superannuation.

GENERAL:

Since, the Finance stream functions as one of the main support system in multifaceted customer oriented organization like BSNL, the acute shortage of JAO Personnel in basic executive cadre, the financial functions of various Circles have been affected adversely for want of proper formulation of policies according to the customer needs.

The ensuing JAO examination may be conducted under new syllabus, some of these candidates are unable to participate in the ensuing exam due to age factor eligible for examination. In short, such senior members may lose their chance, qualified candidature and junior may be got promoted.

CUREENT SENSATIONAL SITUATION:

In short the culmination of the dream of a Non-Executive is to get promoted to an Executive Cadre and most of these candidates have already crossed the minimum basic pay of JAO and most of them are drawing more than Rs.20,000/ as their basic pay and their sole aim is to get retired as an Executive at their tail end of service since most of them left with two to three years of service.

If their case is settled they would be grateful to the Company as long as they are gifted to live.

SOLUTION:

The competent authority may solve this crisis in a better way with human approach. During this *transition period, criteria for promotion to departmental candidates may kindly be relaxed as a one time measure in view of the peculiar situation that is being faced by their (BSNL) own employees, as DOT/BSNL adopted these measures in the past.

We are sailing with the salient aspects of JAO new RRs of 2001, which is the relevant MARINER'S COMPASS when a question/issue of absorption of these aspirants arises and the said RR with related schedules are to be considered as SPINE for the recruitment of JAO posts through LICE.

In short the culmination of the dream of a Non-Executive is to get promoted to an Executive Cadre and the future of these qualified candidates are now hanging at the mercy of HR MANAGERS OF BSNL. Their hard work and ability has not finally yielded the fruitful result. They got completely frustrated and demotivated. As a last resort now they are fully dependent on the outcome of their appeal.

In view of the above, we request you to consider their case and grant One Time Relaxation for the posting of 17 JAO Part-II qualified candidates of Rajasthan Circle and TN Circle in their respective Circles or nearby Circles against the vacancies presently available where the vacancies are still remained unfilled due to poor pass out.

With kind regards,

Yours Sincerely

**Sd/-
(PRAHLAD RAI)
General Secretary**

Copy to: Shri Sunil Kumar, GM(FP), BSNL C.O.New Delhi - 110001

ANNEXURES -TABLES

1. THE LIST OF QUALIFIED BUT NOT SELECTED CANDIDATES,THOSE WHO ARE OBTAINED THE MINIMUM AND AGGREGATE MARKS AS SELECTION OF JAOS TAMILNADU CIRCLE

Sl. No.	Name	Desgn.	Roll No.	Total Marks	I	II (P)	III	IV (P)	V (T &P)	
1.	VIJAYALAKSHMI .K 198201158	SSS(o)	3366701426	317	43	79	65	65	65	57.64%
2.	SELVARAJ. M 197900809	SSO	3366701502	316	39	60	84	70	63	57.46%
3.	PURUSHOTHAMAN. C 199900101	M.V.DR	3366701495	315	33	47	60	94	81	57.27%
4.	JAYAPRAKASH. V 199402354	TTA	3366701049	305	55	48	67	47	88	55.45%
*5.	RAMESH. D 198400524	SS(o)	3366701212	303	-	-	-	-	-	
6.	SOUNDARARAJAN. S 198900743	TSO	3366701332	300	45	61	57	67	70	54.55%
7.	KANNAN.S 198600747	TTA	3366701382	298	44	70	59	49	76	54.18%
8.	LATHA. J 199700235	TTA	3366701486	297	47	61	58	46	85	54%
9.	SOUNDARARAJAN. M 198300573	STSO	3366701407	294	33	69	44	60	88	53.45%
10.	RENGANATHAN. S.K 199200383	TM	3366701258	291	30	53	45	85	78	52.90%
11.	SAMPATHKUMAR. P 200000022	SR. TOA	3366701527	287	41	68	38	67	73	52.18%
12.	SHANMUGAM. N 198300737	SSO	3366701215	271	44	69	45	53	60	49.27%
13.	RAJAGURU.K 198900324	SSO	3366701251	270	26	56	37	76	75	49.09%
14.	KARTHIKEYAN. N 199900049	SR.TOA	3366701343	264	20	61	44	53	86	48%

P = Practical, T & P = Theory & Practical

*SRI.D.RAMESH, S.S. (o), mentioned against the Serial No.5 is retired on superannuation on 30-11-2015.

2. JAO Part II LICE 40%,Subject and Paper details

SL NO.	SUBJECT	PAPER	MAMIMUM MARKS
I	Telecom Accounts –I Theory (without books)	1	100
I	Telecom Accounts-I Practical (with books)- PRACTICAL	2	100
II	Telecom Accounts-II Theory (without books)	3	100
II	Telecom Accounts-II Practical (with books)-PRACTICAL	4	100
III	Civil works Accounts Rules & Procedures(with books) Theory & practical	5	150
	TOTAL MARKS		550

3 **NOTE:** Eligibility to qualify in the JAO Part II exam 40% Quota conditions were prescribed vide the DOT order No. D.G.P&T NO.17-1-77-SEA,dated 6th May1977,DOT letter No.36-1/90-SEA,dated the 10th July 1990 and followed by BSNL order No.4-29/2003,SEA,BSNL,DATED 12-10-2004. Part II comprises of a total of 3 subjects and 5 papers and the maximum marks of 550.

4. The minimum number of marks required to qualify in Part-II of the JAO will be 40% in each subject and 45% in aggregate, provided that a minimum of 40% is also secured separately in the practical papers (where there is Theory and Practical papers for the subject) answered with the aid of books. 45% for this purpose would mean an aggregate of 248 marks out of 550 marks in Part-II examination

5. THE VACANCY POSITION IN THE CADRE OF JAO AS ON 01-05-2013 IN TN CIRCLE

Circle	Sanctioned Strength	Working strength	Vacancies Available as On 01-05-2013	Vacancies Filled Thro' JAO-2012 Exam	Filled Thro' Review of Results of JAO-2012 exam	Remaining Vacancies unfilled Available After Inducting JAO 2012 aspirants (5+6-4)
1	2	3	4	5	6	7
TN CIRCLE	349	255	94	67	2	25

Note: 1- By review of this examination two aspirants belongs to reserved category candidates were selected for TN circle and the 25 vacancies are still remaining unfilled even after appointment of selected candidates mentioned in the col. No. 7 (*by selection and by review).

6. THE VACANCIES POSTION AVAILABLE AT SOME OF THE SSAs AS ON 01-05-2013

SSA	Sanctioned Strength	Working Strength	Vacancies Available As on 01-05-2013	Filled Thro' JAO-2012 exam	Filled Thro' Review of Results of JAO-2012 exam	Remaining Vacancies Unfilled Available after Accommodating JAO-2012 Aspirants (5+6-4)
1	2	3	4	5	6	7
SALEM	24	13	11	2	1	8
EE(C) SALEM	1	0	1	0	0	1
EE(E) SALEM	1	0	1	0	0	1
TOTAL	26	13	13	2	1	10
VELLORE	17	9	8	0	0	8

7. ONE TIME RELAXATIONS IN BSNL

SL NO.	NAME OF THE EXAM	ORDER NO.	RELAXATION PERMITTED	REMARKS
1	JUNIOR HINDI TRANSLATOR(JHT) 2011	50-1/2011-DE, Dated 18-06-2011	Date of Exam 25-09-2011, Vacancies arise/likely to Arise up to 31-03-2012 Were taken into account	Vacancies position considered upto the Successive Financial year even Completion of the exam in the Previous year.
2	JHT-2012	a) 50-1/2012-DE, dated 16-08-2012 & b) Corrigendum No. 50-1/2012-DE, dated 27-08-2012	Date of Exam 18-11-2012, Vacancies arise/likely to Arise up to 31-03-2013 Were taken into account	-DO-
3	JHT-2014	50-1/2013-DE	The eligible candidates of one circle are permitted to appear in LICE for the post of JHT in other circles where eligible candidates are either less or not available to fillup the post of JHT against the LICE quota	ONE TIME RELAXATION
4	JAO LICE 40%-DEC-2000	a) DOT Lr.NO.10-1/2001-DE-dated 23-07-2002 & BSNL Lr. No. 10-1/2001/DE, dated 08-02-2006	Grace marks are permitted and many aspirants as qualified With grace marks	ONE TIME RELAXATION.
5	TTA 40%, for the recruitment year-2011	250-2/2012-Pers-III, Dated 24-01-2012	Unfilled vacancies of 10% absorption quota were diverted to 40% LDCE quota as per RR TTA-2001.	-DO-