



ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

Central Headquarters
New Delhi-110001

President
P. Veneugopal

Mob:9443200177
E-mail:presidentaibsnlea@gmail.com

General Secretary
Prahlad Rai

Mob:9868278222
E-mail:gsaibsnlea@gmail.com

Financial Secretary
B. Ravindranath

Mob:9868101880
E-mail:fsaibsnlea@gmail.com

No. AIBSNLEA/CHQ/CMD/2013

Dated:24.07.2013

TO

Shri R.K. Upadhyay
CMD, BSNL
New Delhi-110001

Sub:- Regularization of all qualified officiating JTOs-reg,

Ref:- This association letters

- (1) No.AIBSNLEA/CHQ/CMD/2011-12 dt.7-4-2012
- (2) No.AIBSNLEA/CHQ/CMD/2012-13 dt.15-5-2012 and
- (3) No.AIBSNLEA/CHQ/CMD/2012 dt.29-11-2012
- (4) No.AIBSNLEA/CHQ/CMD/2013 dt.25-02-2013
- (5)AIBSNLEA notice for organizational action No. AIBSNLEA / CHQ/ CMD/ 2013 dt.11- 04-2013.
- (6) Record of discussions with Management (No.BSNL/7-4/SR/2013 dt.2-5-2013). and
- (7) AIBSNLEA Ir. No.AIBSNLEA/CHQ/Dir (HR)/2013 dt.31-05-2013

Respected Sir,

A kind reference is invited to our letters cited above on the matter of regularization of all qualified officiating JTOs by personal up-gradation as a one-time measure.

As you are aware, this association has been constantly pursuing this matter for the past several years and it was one of the prime demands placed by this association in the notice for the nation-wide organizational action issued on 11-4-2013. In response to the written commitment in this regard from the Management side recorded as item No.3 in the record of discussions held between this association and BSNL management,(vide No. BSNL/7-4/SR/2013 dated 2-5-2013), we have already filed our version vide letter No.AIBSNLEA/CHQ/Dir (HR)/2013 dt.31-05-2013 addressed to the Director (HR) cited at SI No. (7) above along with copies of all relevant documents and legal opinions given by eminent lawyers.

BSNL authorities often raised a question of subjudice, referring to a Contempt of Court Petition COCP No.1431 of 2008 against the then CMD and others which was pending before the Hon. High Court of Haryana at Chadigarh , in connection with WPC 5608/2007 disposed by the same court. The fact is that there was no element of contempt or subjudice in regularizing all the remaining officiating JTOs by upgrading their substantive posts as suggested by us and several other recognized service organizations in BSNL. However, the management took a stand to consider the matter and re-start the regularization process only after the settlement of the said COCP and we were informed accordingly.

Now after waiting for a long period of 5 (five) years, the COCP, which now became infructuous, has been finally disposed of by the Hon'ble High Court on 16th July 2013.

The officiating JTOs in BSNL all over the country, lost more than five fruitful years from their prime service as regular incumbents in the JTO cadre for no fault from their part. Eventually, it was a loss to the Company also. Majority of the affected group (officiating JTOs) are now left with a short span of remaining service and it will be a cruel and vindictive action amounting to denial of natural justice and violation of human rights, if the regularization of the remaining Officiating JTOs is not completed in a legally valid manner immediately.

Now it is the time for the BSNL Management to act quickly and judiciously. We would like to urge that. any of the vested interest- groups should not be allowed to play behind the screens further to delay

It is to be noted that, all the remaining officiating JTOs (qualified and trained TTAs) are at par with the 3500 persons already regularized, initially by diversion of DR quota and subsequently by supernumerary posts in 2007.

Every time when we approached the Management your good office we got the typical answer that the contempt of court case pending at HC of Haryana is an obstruction for proceeding with the regularization process. Now it is over and the suggestions put forward by us became more valid in the new context. The petitioners in the COCP belong to Haryana Circle and are not eligible for 35% quota vacancies in other circles. Hence the filling up of 35% quota vacancies pursuant to the examination held on 2nd June 2013 in Haryana is the only stipulation in the order on COCP. Here what we have opined in our earlier letters dated 25-2-2013 and 31-5-2013 stands relevant. At **this juncture, We place the following** requests before you to impart justice to the affected group of officiating JTOs working in various field units for the betterment of the company:-

1. Please initiate process of regularization of all the remaining officiating JTOs in the wait list either by one-time personal up gradation or by creating required number of supernumerary posts to accommodate them, immediately. The company has got full powers for both.
2. Some of the officiating JTOs also attended in the LICE held recently. Those who come successful in this examination may be given chance to opt either this or the up gradation as stated above for their regularization.
3. Nobody can challenge the proceeding cited above as it does not curtail the due entitlement of others. Moreover, the others get more chances to upgrade their career.
4. The personal up gradation or creation of supernumerary posts can be done with retrospective effect so that they may get their due seniority as per eligibility based on position in the combined wait list. However, the seniority issue should not be highlighted as a hindrance to settle the matter. We would therefore, request you to kindly intervene in the matter so that, the order of regularization of officiating JTOs may be released prior to, or along with, the release of the result of LICE conducted recently. A very early and favorable decision on the above is solicited, in the true interest of the company and its hard-working employees.

Assuring our best co-operation always,

Yours Sincerely,
-sd-
(Pralhad Rai)
General Secretary.

Copy to:-

- Shri A.N. Rai, Director(EB/HR), BSNL Board, New Delhi-110001
- Shri Neeraj Verma, GM(SR), BSNL C.O., New Delhi-110001
- Shri R.K. Goyal, GM(Estt.), BSNL C.O., New Delhi-110001