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Ref.No.

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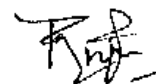
for General secretary

- (1) The CMD, BSNL
3rd Floor, Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath, New Delhi-110001
- (2) The Director (HR), BSNL
3rd Floor, Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath, New Delhi-110001
- (3) The GM(Personnel), BSNL
4th Floor, Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath, New Delhi-110001
- (4) The CGMT, BSNL,
Rajasthan Telecom Circle,
Sardar Patel Marg, Jaipur-302008
- (5) The GM (HR & Admn), BSNL
% CGMT, Rajasthan Circle,
Sardar Patel Marg, Jaipur-302008
- (6) The DGM (Admn), BSNL
% CGMT, Rajasthan Circle,
Sardar Patel Marg, Jaipur-302008

LEGAL NOTICE


Notice under the instructions & on behalf of my client AIBSNLEA through Sh.O.P.Jat, Circle Secretary, Rajasthan Circle, Jaipur. The cause of action & relief to be claimed by my client shall emerge out from the facts enumerated below:-

1. All the STS Officers of ITS Group "A" cadre, recruitment year 1999 and 2000 were not on the roll of the then DOT/DTS/DTO. All these officers joined DOT after 30-9-2000, ITS 1999 batch joined in April 2001 and ITS 2000 batch joined in April 2002. Hence the date of joining is after the formation of BSNL. Their fate in BSNL has to be decided separately. They have not been recruited for BSNL and hence they have no lien to any post in BSNL. Their presence in BSNL as executive is not supported by any rule of BSNL.
2. As per orders issued by the Govt. of India at the time of formation of BSNL, only those employees were placed on deemed deputation for a period of 5 years w.e.f. 1-10-2000 who were on roles of the then DOT/DTS/DTO. The deemed deputation was first extended up to 15-10-2005 and later up to 22-12-2008 vide DOT letter no. A-11013/1/2005-Admn.II/absorption cell dated 12-09-2008. The deemed deputation has not been extended so far. There is no order from DOT/Government of India about the deputation or deemed deputation after 22-12-2008. The status of the officers of ITS 1999 and 2000 batch can not be taken as on deemed deputation because they were not on role of BSNL on 30.09.2000.
3. As per rule, an employee on deputation to any other department or organization does not have right as well as claim for promotion against the posts of that department where he is working on deputation. He can only get promotion against the post and rules of his parent department.



4. As per guidelines issued by DOT with the circulars for calling the options for absorption in BSNL/MTNL from Group 'A' officers in 2005 and Aug.08, only those officers were allowed to opt for absorption in BSNL/MTNL or otherwise who were on roll of DOT/DTS/DTO as on 30-9-2000. **The officers of ITS batch 1999 and 2000 year are not even entitled for absorption in BSNL.**
5. As per DOT letter no.317-5/2006/STG.III (Pt.absorbee) dated 05.11.2008 promotion and pay fixation of absorbed officers has been delinked from the unabsorbed Group "A" officers with effect from the date of issue of that letter. Thus unabsorbed Group "A" officers are not entitled for promotion in BSNL against the post of BSNL.
6. As per ITS recruitment rule 1991 an officer of STS of ITS Group "A" can get promotion to JAG only after regular service of five years in STS grade until unless it is relaxed by the competent authority. The officers of ITS Group 'A' 1999 and 2000 year were promoted as regular STS in April 2006. **Thus all these officers have not completed qualifying five regular services as STS for promotion to a JAG post. Head of Circle is not the competent authority for relaxing the condition of qualifying service.**
7. BSNL so far has not delegated powers to Heads of circles for making local officiating promotions from unabsorbed STS to JAG or to give relaxation in qualifying service.
8. That it appears that in order to bestow undue advantage to the ITS Group "A" officers who have still not been absorbed & besides not entitled to be absorbed, the authorities of BSNL are bent upon to initiate the process for giving them officiating/Adhoc promotions to the post of DGM; Where as prima-facie even the Hon'ble CAT, Jaipur has not considered them eligible. If such promotions are made that would be absolutely illegal & against the spirit of the order dated 26-08-2008 issued by administrative authority. Hence you are advised to refrain from making such promotions.

By this three days notice you are here by called upon to refrain from giving officiating/Adhoc promotions to unabsorbed ITS officers to the post of DGM, failing which my client association shall be constrained to invoke the jurisdiction of the Hon'ble CAT for redressal of its grievances at the cost & consequences of the BSNL & its erring officials.


Rajendra Prasad Sharma
Advocate