



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**

**Central Headquarters
New Delhi-110001**

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No. AIBSNLEA/CHQ/Dir (HR)/2013

DATED: 31.12.2013

To

The Director (HR)
BSNL
NEW DELHI-110001

Sub: Regarding cancellation of the "Reversion Order" from JTO to initial cadre in Assam & UP (West) Circles.

Respected Sir,

On the subject cited above, we wish to submit that-

1. Assam Circle conducted a JTO Competitive examination in 1999 for 15% quota vacancies.
2. In 2000, there was no examination for promotion to the post of JTO for 15% quota vacancies whereas, in 2001, an examination was conducted for the 15% quota vacancies of the year 2000.
3. On 10.03.2003, BSNL Corporate Office relaxed the standard of cut off marks to fill up backlog vacancies and stated to be applied to "... **either of the two examinations, i.e. the examination held in the year 1999 or in the year 2000 which ever was later...**"
4. Assam Circle did not conduct the examination for promotion to the cadre of JTO for 15% quota in the year 2000. This circle conducted the examination in the years 1999 and 2001. On 02.05.2003, Assam Circle sought clarification from BSNL Corporate Office as to which examination year is to be considered to apply the relaxation in cut off marks.
5. **On 22.07.2003, BSNL Corporate Office clarified that the relaxation to be given to the examination conducted on 2001 against the vacancies of 2000.**
6. Shri Prabhat Chandra Das and others who appeared in the examination conducted in the year 2001 got benefit of relaxation as per the BSNL Corporate Office clarification issued on 22.07.2003. Total 23 vacancies were in existence against the said relaxation.
7. The petitioners Shri Shankar Das and others being aggrieved approached the Hon'ble Gauhati High Court (Case No. WP(C) No. 7423/2003) and submitted that as per order dated 10.03.2003 of BSNL Corporate Office, the relaxation was to applied to either of the examinations held in 1999 or in 2000 whichever was later as no examination was held in the year 2000, the relaxation was to be given to the 1999 examination only and not to the examination conducted in the year 2001 against the vacancies of 2000.
8. On 15.05.2007, Hon'ble Gauhati High Court in its judgment gave the verdict in the favor of the petitioners Shri Shankar Das and others stating that the relaxation was to be applied to

1999 examination and not to the examination held in 2001. The Hon'ble court stated that the petitioner are to be promoted if found eligible as per relaxed standards and if any of the respondents at Sl. No. 4 to 26 (who got benefit as per the clarification of BSNL Corporate Office) are found not to be entitled to their promotional posts, orders will be passed to the above affect.

9. BSNL Assam Circle submitted Writ Appeal to the Hon'ble Gauhati High Court (No. WA 353/2007). On 23.06.2011, The Hon'ble Gauhati High Court gave judgment to the Writ petition and upheld the judgment dated 15.05.2007. BSNL submitted a Review petition to the Hon'ble Gauhati High Court that too was also rejected on 21.03.2012.
10. BSNL submitted an SLP to the Hon'ble Supreme Court of India (No. CC 20410-20411/2012). The SLP submitted by BSNL was dismissed vide order dated 08.02.2013.
11. On 19.07.2013, Assam Circle issued promotion orders to the 23 officials giving relaxation in the cut off marks in the 1999 examination and revert 17 officials who earlier got benefit of the said relaxation in the cut off marks in the 2001 examination held against the vacancies of the year 2000.

Shri Prabhat Chandra Das and others after serving for about 13 years in BSNL as JTO are thus reverted to their initial cadre though having NO FAULT on their part. The similar problem exists in UP (West) Telecom Circle also wherein many SDEs are reverted to TTAs. It has created a humiliation in the minds of the officers for no fault on their part. They are highly demoralized.

It is, humbly requested to kindly accommodate these officials in their existing cadre i.e. JTO/SDE **considering their vast previous experience of 13 years as JTO/SDE in the interest of BSNL** and on humanitarian ground, if required by creating supernumerary posts.

With kind regards,

Yours Sincerely
-sd-
(Prahlad Rai)
General Secretary

Copy to:

1. The GM (Pers.), BSNL Corporate Office, New Delhi
2. The GM (Estt.), BSNL Corporate Office, New Delhi
3. The GM (Rectt.), BSNL Corporate Office, New Delhi