



ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

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

Dated:09.10.2013

To

Shri A.N. Rai
Director (HR), BSNL Board
New Delhi-110001

Sub:- **Regularization of all qualified officiating JTOs-Request for a speedy action-reg.**

Ref:- Our letters No. (1) AIBSNLEA/CHQ/Dir(HR)/2013 Dated:31st May'2013
(2)AIBSNLEA/CHQ/CMD/2013dt.24-7-2013 and
(3)AIBSNLEA/CHQ/CMD/2013d 20-8-2013.

Respected Sir,

A kind reference is invited to our letters cited above on the matter of regularization of all qualified officiating JTOs, wherein we have requested to 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, as the company has got full powers for both.

We have also reminded that, any of the vested interest- groups should not be allowed to play behind the screens further to delay the process and damage the career prospects of about 2000 innocent qualified and hardworking officials. All the qualified TTAs now officiating as JTOs after completing the pre-requisite training, are at par, in all respects, with the 3500 similar candidates already got regularized as JTOs in the year 2007.

We have further pleaded that, the seniority issue should not be highlighted as a hindrance to settle the matter at this stage, since, such issues if any can be settled even later, after releasing the regularization order, as per the prevailing rules applicable for all.

On enquiry immediately after the closure of the contempt of court petition COCP No.1431 of 2008 by the Hon. High Court of Panjab & Haryana on 16th July 2013, we were informed that the process of regularization of all remaining officiating JTOs was already started and in progress. But now, a sufficiently long period of more than two months has elapsed after the clearance of the COCP by the court of law and still the case is resting only with the BSNL legal wing without gaining any momentum in the right direction.

Infact, there was no need of waiting for the conclusion of Contempt of Court case for settling the matter in a legally valid manner for which the BSNL management is fully empowered.

Based on the discussions this Association had with the Management, pursuant to notice for organizational action dated 11-4-2013 (Refer-item No.3 of record of discussions No.BSNL/7-4/SR/2013 dated 2-5-2013), we obtained two legal opinions in this regard from two eminent lawyers and submitted to the authorities concerned vide our letter No. AIBSNLEA/CHQ/Dir (HR)/2013 Dated:31st May'2013. According to this, BSNL should not have waited for the conclusion of the COCP for solving the issue, because the regularisation of officiating JTOs by upgrading substantive posts would not be in violation of the judgment passed by the High Court of Haryana in WPC 5608/2007, as diversion of DR quota is not involved in the process. A question of subjudice or an element of contempt barring this process did not exist then.

The filling up of 35% quota vacancies pursuant to the examination held on 2nd June 2013 in Haryana circle, is the only stipulation in the order on COCP. The petitioners of WPC 5608/2007 and subsequent COCP, can not reopen the contempt case on any other ground. This is no way related to the regularization by one-time personal up-gradation or creation of supernumerary posts. Hence there is no justification for further delaying the regularization process. All the officiating JTOs have been functioning as JTOs for the past eight (8) years in various field units all over the country and they simply lost their five valuable years of regular service only because of the prolonged Contempt of Court proceedings of COCP No.1431 which was filed in 2008 and closed in 2013, in which they were not parties at all.

We hereby place our earnest request to complete the regularization process forthwith by a one-time personal up-gradation or by creation of required number of supernumerary posts, without going for any other unwarranted time-consuming and cumbersome proceedings. **A prompt and fastest resolution is expected from the authorities concerned, in the true interest of the company and its hard-working employees. We hope your good office will act effectively to curtail any further delay and release the favorable order immediately.**

With kind regards,

Yours Sincerely,
-sd-
(Prahlad Rai)
General Secretary

Copy to:-

- Sh. R.K. Goyal, GM(Estt.), BSNL C.O., New Delhi-110001
- Sh. Neeraj Verma, GM(SR), BSNL C.O., New Delhi-110001