



BHARAT SANCHAR NIGAM LIMITED
[A Government of India Enterprise]
Corporate Office (Personnel –DPC SECTION)
4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-1.

File No: 56-05/2015-Pers(DPC)/22

Dated: June 8 ,2015

To

All Heads of Telecom Circles/Metro Districts/Maintenance
All Heads of Telecom Projects/Regions/Stores/BRBRBAIT/ALTTC
All Heads of Administrative Units
Bharat Sanchar Nigam Limited

Subject:- Subject:- Representations from SDEs(T) received through proper channel and directly
Challenging the provisional seniority lists 6 & 7 dated 1.4.2015 and 17.4.2015-Disposal thereof

A large number of applications have been received through proper channel and directly from SDEs(T) challenging the provisional seniority lists 6 & 7 dated 1.4.2015 and 17.4.2015.

2. The lists were issued in compliance of Hon'ble CAT, Chandigarh, order dated 25.8.2009 in TA No. 84/2009 read with order dated 21.6.2011 of Hon'ble High Court of Bombay and order dated 12.8.2014 of Hon'ble Supreme Court in SLP (C) No(s) 35756/2012 arising out of impugned final order dated 21.6.2011 in WP No. 3725/2011.

3. The issue/controversy whether the seniority of the SDEs(T) in seniority lists 6 & 7 should be determined as per the occurrence of vacancy or the length of service was discussed/deliberated in detail before the Tribunal as well as different High Courts and it was decided in principle that their seniority should be drawn on the basis of dates of joining of incumbents (CAT, Chandigarh Bench decision dated 25.8.2009). The Hon'ble High Court of Bombay in its judgment and order dated 21.06.2011 in WP No. 3725/2011 titled BSNL & others Vs S.Sadasivan & others has observed that the correct date for reckoning seniority ought to be taken as 7th December, 2001 which is the date of joining and that there is no infirmity in the said view taken by the Tribunal.

4. As a matter of fact, 7.12.2001 is the date of issue of promotion order. Thus the date of promotion order is taken as the date of joining of the incumbents in seniority lists 6 & 7, both in respect of seniority quota SDEs(T) and competitive quota SDEs(T) based on LDCE, 2002. The Hon'ble Supreme Court held that there is no infirmity in the view taken by the High Court of Bombay and dismissed SLP(C) No. 35756 of 2012. Likewise, the Hon'ble Supreme Court also upheld similar view taken by the Kerala High Court and dismissed SLP(C) 35927-35928 of 2012.

5. DoT Hqrs in consultation with DoP&T and Department of Legal Affairs in the matter had agreed to implement the judgment dated 25.8.2009 of Hon'ble CAT, Chandigarh Bench in TA No. 8/HR/2009.

6. The issues raised in the representations have been agitated before the Tribunal and High Courts and the provisional seniority lists 6 & 7 dated 1.4.2015 and 17.04.2015 were issued in compliance of the order of Tribunal/Courts. There is no merit in the representations challenging the provisional seniority lists. The representations received through proper channels as well as those received directly from the individual officers hereby stand disposed of.


(Manish Kumar)

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