

UNITED FORUM OF BSNL EXECUTIVES' ASSOCIATIONS

Central Head Quarters

NEW DELHI

No. UF/CHQ/CMD/2009

Dated 18.09.2009

To

Sri. Kuldeep Goel,
CMD, BSNL,
New Delhi.

Respected Sir,

Sub:- Request to incorporate appropriate modification in the R/R of Management Trainees issued vide notification No. 400-106/2007-Pers.I dated 03-09-2009 - Provisions discriminatory and against natural justice:

United Forum of BSNL Executives' Associations all along maintaining a very reasonable stand as far as MT Recruitment is concerned in order to afford fast track promotion to the meritorious performers, which is further expected to boost up the efficiency of the Company. But now that the MT recruitment is notified, it is alarming, to say the least, that the **notification not only discriminates and denies the really meritorious**, but is also violative of the Governmental statutes and guidelines. Even while hesitatingly agreeing to go in for outside MT Recruitment on the condition that the external quota should be open to the internal candidates also, with suitable age relaxation, we had repeatedly insisted on the mandates dictated by the Governmental guidelines in so far as deciding the criterion for holding internal competitive examination is concerned, within the purview of which the Company has to decide. It is in this context that we have to once again raise our serious concern and register our strongest protest against the glaring discriminatory provisions contained in the RR which have led to the **creation of 'a class within a class'**, highly violative of not only all considerations of natural justice but also blatantly ignoring the guidelines specifying and regulating basic principles regarding holding of internal competitive examination by nodal agency of Govt of India i.e DOP & Trg from time to time.

Our persistent pleadings in tune with the policy guidelines of DOP & Trg while firming up RRs to incorporate appropriate provisions in the RRs, consistent with these guidelines, have been arbitrarily brushed aside for reasons best known to the Management.

Therefore we once again firmly impress upon BSNL Management not to summarily set aside the policy decisions of DOP & Trg while deciding the criterion for holding of internal competitive examination for recruitment of MTs for such violations would also infringe upon the right to equality of an individual on which fundamentally instructions of DOP & Trg are based. Following amendments in the RRs are absolutely mandatory to ensure that the RRs are enforced without any hindrance, in a smooth manner which is our basic concern. We do not want the process to be bogged down due to extraneous considerations. In fact, we want the

process of recruitment of MTs, both from outside as well as inside, to take place at the fastest speed because that is in the best interests of the Company.

1. MT Recruitment proposed by the Management itself is not based merely on qualification or experience but also through an assessment process having competitive examination, group discussion and personal interview, which clearly means the Management intends to assess the worth of the candidates in question and make a choice of the best from among them. In any competitive market the choice is obviously from the whole available talent and not from a restricted few unless subjectivity is the criterion. Therefore we would like to know from the Management whether its intention is to go for a subjective choice from a few preferables or an objective choice of the best from the available market. If it is the first case we will not allow it for obvious reasons and if it is the second then it will have to make the required amendments to make the choice from the eligible spectrum without any bars.

2. In the present Notification, there has been an attempt to choose out a particular class by defining age/ qualification to somebody's convenience without any rhyme or reason. While we can agree to the age/ qualification consideration in the case of competition to the external quota, where the process is actually recruitment and falls in a different class, **the internal quota cannot be considered as one of recruitment but of promotion.** Whereas all candidates from JTO/ JAO to regular STS are eligible to be promoted to higher posts as per the RRs in force, it is illogical, inconceivable and discriminatory to choose a class within the same class. Further creation of class within a class is a violation of Articles 14 and 16 of Fundamental Rules. In one of the cases the Hon'ble Supreme Court has directed that Diploma holders cannot be discriminated against Graduate Engineers as both belonged to the same homogenous group. Therefore the bar on qualification and age is an irrevocably clear violation of Fundamental Rules.

3. While the efforts of any professional set up will be and should be to get the best from the available resources, we cannot understand the logic of the Management to restrict the selection process even while in the instant case, the discrimination encroaches upon even those with the projected qualifications as a huge number of B.Tech and higher qualified are simply eliminated from the process by denying them a chance to prove their worth by imposing a bar on age, which in their case tantamounts to double denial of the Fundamental rights. If a SDE, 59 years of age is eligible and is considered and selected for posts higher than the MT post, what is the logic in restricting the age to 36 to compete for the internal competitive quota. This without doubt will not stand the legal test.

4. If all the eligible candidates are put through the same scans and screening tests, it is but reasonable to offer level playing field to all eligible. If the Management feels that people with lesser qualification and higher age are not as efficient then the same hurdles will be experienced by them in the screening process and consequently get eliminated. And why discriminate and deny them without even a chance to take part in the game. This again is a denial of the right

for consideration, which again has been declared a clear violation by the Hon. Supreme Court.


5. It does not need reiteration that all JTOs/JAOs have been recruited on identical terms with job descriptions of the same nature even though the qualifications are redefined from time to time to suit the availability of different times. In other terms all of them are recruited at par and treating them differently is against the principles of natural justice and will not pass the legal test. We may be excused if we genuinely feel that most of the talents are kept out of the race to favour a few. We cannot be faulted if we feel that the bars have been fixed with an eye to see that the **entire spectrum of DOT- absorbed talents are eliminated with the axe of qualification and age** with a sinister design to subjectively favour a preferred few, who may not fare that better when the competition hots up. This does not qualify for any compromise from the United Forum's side.

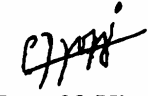
6. The BSNL Management vide Circular No. 400-07/2005-Pers.I dated 13-09-2007 notified MT RRs wherein the M Tech candidates are also made eligible for external quota but in the new RR, M Tech which is a specialization degree is not considered for the post of MT(Operations). Hence it is requested to allow M Tech degree qualified candidates also for MT (Operations). In the earlier RR, Engineering Graduates with 4 years work experience in BSNL are also allowed to compete for the internal quota but that provision is arbitrarily excluded from the new RR which is against natural justice.

The above facts definitely require that the entire case is considered afresh and **the process of internal fast track promotion is carried out without discriminations of qualifications and age**. We have been privileged to have a cordial and harmonious relationship with the Management with the same rich goal of enriching the fortunes of this beloved BSNL. We earnestly look forward to continuing the same. We are sure that the Management will clearly listen to justice and reason as it has always done in the past. However we are afraid that if there is any hesitancy on the part of the Management, we will be unwillingly constrained to resort to all actions, including agitational and legal, to ensure that justice and not subjectivity prevails.

With regards,

Yours faithfully,


(PRAHALAD RAI)
General Secretary,
AIBSNLEA.


(G. L. JOGI)
General Secretary,
SNEA (India).

Copy to: 1) DIR (HRD), BSNL Board for information & n/a please.
2) GM (Pers) / GM (Estt) / GM (SR), BSNL CO for information pl.