

**MOST IMMEDIATE/COURT CASE**



**BHARAT SANCHAR NIGAM LIMITED**  
[A Government of India Enterprise]  
**CORPORATE OFFICE**  
**PERSONNEL-II SECTION**  
*BHARAT SANCHAR BHAWAN, Janpath*  
New Delhi- 110001

No. 15-33/2011-Pers.II

January 16<sup>th</sup>, 2014.

To

All Heads of Telecom Circles/  
Metro Districts/Maintenance Regions/  
Projects/Stores/Factories/BRBRAITT/  
ALTTC & All other Administrative Units  
Bharat Sanchar Nigam Limited.

Sub: OA No.584/CH/2011 filed by Shri Virender Singh Vs BSNL in Hon'ble CAT.

Ref.: Lr. No. A/STB/AE-20/JTO to SDE/Prom/2009/Folder/32 from AGM (Staff),  
O/o CGMT Maharashtra Circle regarding grant of time bound promotion under  
EPP vis-à-vis post based promotion.

Sir,

Hon'ble CAT, Chandigarh in the subject OA filed by Shri Virender Singh, SDE have issued the following direction in respect of the circular No. A/STB/AE-20/JTO to SDE/Prom/2009/Folder/32 dated 20.01.2010 (enclosed herewith) issued without obtaining approval of BSNL Corporate Office by Maharashtra Circle on the subject of promotion and posting of JTO to TES Gr. B:

"10 & 11 The controversy in this case has come up because of the gap in the orders issued on 16.09.2004 and 28.09.2004 by the BSNL Corporate Office and on 16.10.2004 by the BSNL, CGM H.P. Circle, Shimla. While certain officials joined earlier, some others like the applicant herein joined later. OM dated 18.01.2007 regarding Time Bound/Post Based Executive promotion policy for Group 'B' level officers of BSNL were applied differently in respect of officials who were promoted by a common order. BSNL Mumbai Telecom Circle have tried to deal with this problem vide their letter dated 20.01.2010 which has been questioned by the respondents in their written statement according to which the Maharashtra circle has been asked to explain as to how it had issued such a clarification without approval of the Corporate Office. Even if the Maharashtra Circle have not taken approval of the Corporate office, the fact remains that this problem does require resolution. We deem fit that the problem in this regard should be resolved by respondent No.1 (CMD, BSNL). Once Respondent No.1 issues a circular in this regard, representation dated 01.12.2010 (A-7) which as per the O.A. has not yet settled, can also be decided.

Therefore, this OA is disposed of by directing respondent No.1 (CMD, BSNL) to dispose of the representation dated 01.12.2010 (A-7) by passing a reasoned and speaking order within period of 3 months from the date of receipt of copy of this order, after issuing a clarification to all the Telecom Circles regarding the subject matter of circular dated 20.01.2010 of Maharashtra Telecom Circle (A-8)."

Contd. ..2..

*CPJ*

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2. For appreciation of the background of the case, it is stated that instructions dated 20.01.2010 as referred to above was issued by Maharashtra Circle in respect of JTO (who got their regular promotion as SDE and posted in Maharashtra Circle) for granting promotion notionally from the date of issuance of BSNL Corporate Office order No.1-32/2004-Pers.II dated 16.09.2004. The order appears to be intended for granting the benefits of seniority only, and not the benefit of regular service which is normally made available from the date of joining by the promoted officer, or for the purpose of residency in higher scale applicable in respect of Time Bound promotion under EPP. In the instant OA, the applicant is seeking the benefit of residency in higher scale for the purpose of availing Time Bound Promotion under EPP without becoming available in the grade following his post based promotion.

3. In the above context, it is to be noted that in respect of any post based promotion, its implementation process gets completed only after joining by the promoted officer in the higher grade, not on the issuance of promotion order itself. Till such completion of promotion process, that is joining in the higher grade, the substantive status of the officer concerned continuous to be in lower grade. Moreover, in respect of All India cadre where appointing authority is Director (HR)/CMD, BSNL, such kind of instruction/clarification involving seniority or residency in higher scale need not be issued by circles on their own without obtaining the approval of competent authority (as has been done by Maharashtra Telecom. Circle) as it creates complication/confusion leading to unwarranted litigations as has happened in this case. Further, it is also to be noted that as per Para 1(d)(6) of Executive Promotion Policy dated 18.1.2007, time bound upgradation of IDA pay scale of any executive is personal to the executive concerned, and accordingly, no claim what-so-ever can be made by comparison on grounds of seniority, cadre, stream etc.

4. In view of the position explained above, all the circles are requested not to issue any administrative order involving change in seniority/residency etc. in the grade, the appointing authority of which Director (HR)/CMD, BSNL. If any such order has been issued by circles, the same stands null & void, and, accordingly, should not be acted upon by them.

5. This issues with the approval of CMD, BSNL.

  
16.1.2014

(V.K. SINHA)

Assistant General Manager (Pers.II)

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