



BHARAT SANCHAR NIGAM LIMITED
CORPORATE OFFICE
(PERSONNEL - BRANCH)

4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110 001

F.No. 56-02/2016-Pers. (DPC)/104

Dated: 06.09.2019

Office Order

Subject: Implementation of Hon'ble High Court of Madras Judgement dated 21.02.2017 in WP. Nos. 7683, 12615 to 12617 & 18205 of 2015 – Case of 38 SDE grade executives who got promoted under LDCE 2007 (**SDE seniority List 8 Promotion under Review cases**) who got served with show cause notices by their respective circles & revision of their promotions - regarding.

A Limited Departmental Competitive Exam for promotion to the grade of SDE (T) under 75% quota was conducted in the year 2007 for vacancy years 2001-02 to 2005-06 as per SDE (T) RR 2002. Consequently, the successful candidates were promoted to the grade of SDE (T) vide order dated 03.11.2008. Subsequent to this promotion, an OA No.238 of 2009 was filed before the Hon'ble CAT, Hyderabad challenging the eligibility of some of the executives who got promoted in LDCE 2007 by some of similarly placed Executives (2002 recruited JTOs) who were not allowed to appear in LDCE 2007 by Andhra Pradesh Circle.

2. In this connection, it is indeed found out by this office that there were around 94 such executives (promoted as SDEs vide order dated 03.11.2008) who had not completed the requisite three years of regular service in the grade of JTO as per SDE (T) RR 2002 to appear in LDCE 2007. Accordingly, all the concerned circles were directed to issue show cause notices to such Executives as to why they should not be reverted to JTO grade since they did not fulfill the requisite eligibility condition.

3. In this regard, number of court cases were filed against the show cause notices before the Tribunal at Chennai and Mumbai and subsequently before the Hon'ble High Court of Madras. Now, all these cases have come to the legal finality vide the judgment dated 21.02.2017 of the Hon'ble High Court, Madras and the judgement dated 06.02.2019 of the Hon'ble CAT, Mumbai. There are 38 executives who had filed cases against the show cause notices and lost the court cases, the list of such executives is enclosed at Annexure - I.

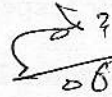
4. In view of this, it is decided by the Competent Authority to revert such ineligible executives as per para (3) above, to their substantive grade of JTO (T) with immediate effect and accordingly, the promotion order issued vide this office order dated 03.11.2008 in respect of the Executives as detailed in **Annexure - I** is hereby cancelled. After their reversion to JTO grade, their pay shall be regulated accordingly, as per extant rules in this regard. However, the salary drawn already by them shall not be recovered since they have worked in higher posts/ promoted posts. As a consequence of their reversion to JTO grade, the time bound upgradation granted if any under EPP 2007 shall also be reviewed, accordingly.

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5. On their reversion to JTO grade, these executives shall be retained in their present Circle only and the recruiting circles be duly intimated about the reversion of such executives. Necessary entries in ERP/ HR package and Service Book shall be made immediately. A report in this regard may be sent to this office after implementation of this order. The reversion orders and subsequent activities as explained above (para 4) shall be carried out by the concerned circles where these executives are presently posted.

6. All the telecom circles are requested to thoroughly check and if any such similar cases found, the details of such cases may immediately be sent to this office for further necessary action at this end.

This issues with the approval of the Competent Authority.


26/09/19

Deputy General Manager (Pers.JM)
BSNL Corporate Office.

Encl:

1. Annexure – I.
2. Copy of judgment dated 21.02.2017 of the Hon'ble High Court of Madras.
3. Copy of judgment dated 06.02.2019 of the Hon'ble CAT, Mumbai Bench.


Copy To:

1. All CGMs, BSNL Telecom Circles/ Projects/ Regions/ Other Administrative Units for information and necessary action please.
2. PGM (Pers.) for information please.
3. Sr.GM (Estt)/ GM (Rectt.) for information please.
4. AGM (Pers.DPC) for necessary action please.
5. AGM (Pers.Legal)/ AGM (Pers.I)/ AGM (Pers.II Staff)/ AGM (Rectt.)/ AGM (Estt.IV)/ AGM (VA).
6. CS to Director (HR), BSNLCO.
7. Intranet/ Orders Bundle.

Annexure I

F.No. 56-02/2016-Pers. (DPC)/104

Sl.No.	HR No.	Name of the officer	Recruitin g Circle	Present Circle	Court Case
1	200200092	GOVINDAN I	TN	TN	WP NO.12616/2015
2	200200123	SURESHKUMAR K	TN	TN	WP NO.12616/2015
3	200200246	VIJAY KRISHNAN S	TN	TN	WP NO.12616/2015
4	200200369	THIRUMURUGAN A	TN	TN	WP NO.12616/2015
5	200200402	ANITHA R	TN	TN	WP NO.12616/2015
6	200200410	SANKER GANESH A	TN	TN	WP NO.12616/2015
7	200200428	K.P. PRABHATH	TN	KL	WP NO.12616/2015
8	200200431	UMA MAHESWARI R	TN	CHTD	WP NO.12616/2015
9	200200438	SHAHIRA RAHMATH A	TN	TN	WP NO.12616/2015
10	200200496	VAIRAMATHY K	TN	TN	WP NO.12616/2015
11	200200577	MAHESH KUMAR B	TN	TN	WP NO.12616/2015
12	200200694	SOMASUNDARAM P	TN	TN	WP NO.12616/2015
13	200200816	VEERAKUMAR M	TN	TN	WP NO.12616/2015
14	200200967	NAGARAJAN V	TN	TN	WP NO.12615/2015
15	200201639	LIJU PHILIP	TN	BBNW	WP NO.12616/2015
16	200201986	KUTHADI SUMITHA KUMARI	TN	ITPC Pune	WP NO.12615/2015
17	200203185	PAVALAKKODI S	TN	TN	WP NO.12615/2015
18	200203191	NAVEED BIN SAYED	TN	KL	WP NO.12615/2015
19	200203828	ANI V S	TN	KL	WP NO.12615/2015
20	200203880	RICHARD PAUL A	TN	TN	WP NO.12615/2015
21	200203914	NAGARAJAN A	TN	TN	WP NO.12617/2015
22	200203938	VICTOR SAMSON H	TN	TN	WP NO.12615/2015
23	200203964	SENTHIL KUMAR N	TN	TN	WP NO.7683/2015
24	200204627	M NAVAS	TN	KL	WP NO.12615/2015
25	200204630	C M JALAL	TN	STR	WP NO.12615/2015
26	200204779	K KARTHIKAICHAMY	TN	TN	WP NO.12616/2015
27	200205478	NOUSHAD POYILIL	TN	KL	WP NO.12615/2015
28	200206453	JOSE PAUL	TN	KL	WP NO.12615/2015
29	200206645	PADMA DEVI R	TN	TN	WP NO.12615/2015
30	200206744	THANGARAJ G	TN	TN	WP NO.12616/2015
31	200301019	RAJESH DEORAO KAMBLE	MH	MH	OA NO.790/2009
32	200301608	BHAVAKE SUKHDEV RAJARAM	MH	MH	OA NO.790/2009
33	200306301	PRAJAPATI MAHENDRA	MH	MP	OA NO.790/2009
34	200301804	JAMGAONKAR YOGENDRA	MH	ITPC Pune	OA NO.790/2009
35	200302276	GAJARE KHANDU VALJINATH	MH	WTP	OA NO.790/2009
36	200303164	LAXMIKANT SHRIRANG SHARMA	MH	WTR	OA NO.790/2009
37	200304089	MILIND BHAKSAR BHOIR	MH	J & K	OA NO.790/2009
38	200304108	KHURANA JASMEET SINGH	MH	MH	OA NO.790/2009


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