



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

No. 250-32/2014-Estt-III

Dated, the 9<sup>th</sup> November, 2017.

To

Heads of all BSNL Circles and Administrative Units.

(Through Intranet)

Sub: Implementation of High Court/CAT Orders consequent to dismissal of SLP(C) No. 17130-17131/2012 by the Hon'ble Supreme Court of India vide order dated 15.07.2016 –clarifications.

Sir,

In continuation of this office letter of even number dated 25.5.2017 wherein the queries raised by various circles/individual officials with regard to manner of implementation of the High Court/C.A.T. orders on the above subject were clarified, queries in this regard received subsequently have been examined and clarifications are furnished as in Annexure.

*This is issued with the approval of the competent authority.*

Yours faithfully,

(Zanal Zachariah)

Assistant General Manager(Estt. III)

Encl : Annexure.



Sl. No.	Query	Clarification
01.	Whether the Court order is to be implemented in respect of the Stenographers of Grade III who came to the circle under Rule 38 transfer after 31.12.2003, meeting the eligibility condidation i.e. completed 5 years of regular service as on 31.12.2003, but they were not in in the gradation list of the Circle to which they were transferred as on 31.12.2003 which is the cut-off date for giving the promotion with the old recruitment rules and vacancies are available in this circle.	The eligibility conditions for promotion to Grade II Stenographer in terms of order of even dated 9.3.2017, is to be determined with reference to the gradation list of the circle on which the official concerned was borne as on 31.12.2003 subject to availablility of posts in that circle.
02.	Whether the Court order is to be implemented at present in respect of the Stenographers of Grade III who were promoted to the cadre of Grade II prior to 31.12.2003 but declined the promotion at that time. One year period is not completed from the date of denial i.e., as on 31.12.2003 for giving the promotion on 31.12.2003 with old recruitment rules.	The official may be considered for promotion in terms of order of even number dated 9.3.2017 and if found fit by D.P.C. he may be promoted. However, the benfit of promotion may be granted <u>only after the expiry of the period of one year after initial refusal of promotion.</u>
03.	Whether the service rendered by Stenographer Grade III in the previous Circle who entered the new circle on transfer under 38 is countable towards 5 years service for considering the promotion to Grade II as on 31.12.2003.	In the case of K.G. Gajbaya & Ors. Vs Uol, the benefit of service rendered prior to transfer in previous circle has been counted as qualifying service for promotion to Grade II qua petitioners while implementing the judgement of Hon'ble Supreme Court of India dismissing the SLP filed by BSNL against the orders passed by Hon'ble C.A.T. and High Court. The substantive issue being the same, the benefit of counting of service rendered in the previous circle by the incumbents transferred under Rule 38 may be allowed for considering promotion to Stenographer Grade II as on 31.12.2003.
04.	Whether officials who have completed requisite 5 years of service in the grade of Stenographer III after the cut off date 31.12.2003. can be considered for promotion against available vacancies	No. With the restructuring of the posts of Stenographers in the Circle with effect from 1.1.2004, the Stenographer Grade III has been declared as wasting cadre. Hence promotion of such officials to Grade II is governed as per the new R.Rs only. even if vacancies are left unfilled.
05.	Whether Senior(s) who do not fulfil the condition of 5 years of service as on 31.12.2003 can be considered for promotion to Grade II, if their Juniors are considered by virtue of fulfilling the condition of service.	Yes. The seniors who figure in the Gradation list of Steno Grade III as on 31.12.2003 may be considered for promotion, if their Juniors fulfilling the eligibility conditions of service etc. are considered, subject to the senior(s) completing the 'probation' and availability of vacancies.
06.	Which Circle will consider the case of promotion of officials who were transferred to other circles after 31.12.2003.	The case of such officials will have to be considered by the Circle in which they were working as on 31.12.2003.