



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
OFFICERS' ASSOCIATION**

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No.AIBSNLOA/CHQ/2015/24

Dated: 20<sup>th</sup> February 2015

To

Shri Anupam Shrivastava,  
Chairman and Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi

**Subject: Holding of DPC for promotion to SDE (Telecom) grade - Request to get legal hurdle removed**

R/Sir,

We hereby bring to your kind notice the plight of JTOs (Telecom) who have been denied their due promotion as SDEs due to a legal hurdle for the past many years and request your immediate intervention to bring their agony to an end.

2. The last DPC for promotion from JTO (T) to SDE (T) was held in the year 2011 and promotion orders were issued on 30.3.2011 for 1861 JTOs in the 2008-09 vacancies. Later, the efforts to hold DPC for promotion to SDE (T) grade in the vacancies pertaining to years 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 got stuck up due to a stay by Hon'ble CAT Ernakulam Bench. BSNL could not effectively intervene legally to remove the stay, resulting in prolonging of the stay for nearly three years. Finally the Hon'ble CAT Ernakulam Bench dismissed the original application on 16.1.2015 raising hopes for conduct of the DPC. But the process of collecting remaining APAR/ACR and VC/fresh VC lacked seriousness on all sides and hence DPC could not be held even after the CAT dismissing the application. Meanwhile the two applicants in CAT have gone on appeal in Hon'ble High Court of Kerala at Ernakulam, which has on 04.02.2015 ordered status quo for three weeks.

3. This development has created anxiety and dismay among the eligible JTOs who have been waiting for their promotion as SDE for an unusually long 18 years even while nearly 6000 vacancies are reportedly available under seniority cum fitness quota. Large number of such eligible JTOs are retiring every month without getting their due promotion.




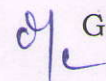
4. Recently, the Hon'ble Supreme Court of India, in its interim order dated 7.7.2014 while modifying its earlier status quo, in SLP 32284/2013, has directed that, *"Having heard counsel for the respective parties, we are also of the view that promotions cannot be withheld for any long time awaiting the result of the Special Leave Petitions. Therefore, while directing the Registry to post the Special Leave Petitions for final disposal on a non-miscellaneous day in the fourth week of September, 2014, we make it clear that any promotions made will be subject to the outcome of these Special Leave Petitions"*, in view of the fact that, *"there is a specific averment made in the affidavit filed in support of the application to the effect that promotion can be made from among the eligible officers of the existing seniority without disturbing the seniority of the petitioners."*

5. We therefore request you to kindly cause submission of similar affidavit before the High Court of Kerala at Ernakulam and even agreeing to reserve two posts for the two applicants, immediately without waiting for the three weeks' time to expire and a plea for permission to conduct DPC subject to the outcome of the final verdict in the appeal. This will become a trend-setter in avoiding hindrances in holding of DPC to various grades due to grant of stay orders by different courts.

With kind regards,

Yours sincerely,

  
(Rakesh Sethi)

 General Secretary

Copy to: 1. Shri A.N.Rai,  
Director (HR), BSNL  
2. Shri S.S.Aggarwal,  
Sr. General Manager (Pers)  
BSNL CO.