



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

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RAKESH SETHI**
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No.AIBSNLOA/CHQ/2012/39

Dated: 1st June 2012

To

Shri R.K.Upadhyay,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi - 110001

Subject: Counting of experience for the purpose of promotion, annual increments etc. - Case of SDEs promoted in the LDCE held on 1.12.2002- regarding.

Sir,

The All India Conference of AIBSNLOA held at Trichy on 20th and 21st April 2012 deliberated on the above subject and resolved to urge the Management to issue a general order for application of the CAT Bangalore judgment on "Notional pay fixation" w.e.f. 23.01.2002 and actual benefits from 01.04.2008 for LDCE examination held on 01.12.2002 and result declared in June, 2004 to all the SDEs promoted in the said LDCE.

2. It may be recalled that Hon. CAT, Bangalore Bench, on dated 26.04.2010, had given the judgement in favour of the applicant in OA no.181/2009 that the benefit of Notional date of promotion and fixation of pay w.e.f. 23.01.2002 and actual benefits from 01.04.2008 may be given to all the applicants who appeared in the above said LDCE on dated 01.12.2002 but declared passed in June, 2004. Further, BSNL had made an appeal against the above mentioned order and the same has been dismissed by Hon'ble High Court of Karnataka in its orders dated 21st April 2011 in WP 37322/2010 and Hon'ble High Court of Karnataka had upheld the judgement of CAT Bangalore.

3. A Special Leave Petition (SLP) was also filed by BSNL in Hon'ble Supreme Court of India, against the said orders of High Court of Karnataka. The SLP in 22720/2011 was dismissed on 25.8.2011 since the Court found no merit in the SLP. In this case Hon'ble Supreme Court of India also directed BSNL to comply with the CAT orders within two months from 25.8.2011. Further, in order to comply with the above mentioned order of Hon'ble CAT Bangalore and Hon'ble Supreme Court of India, the Personnel-II section of BSNL has issued the order of notional fixation w.e.f. 23.01.2002 and actual benefits from 01.04.2008 in favour of the applicants of above mentioned CAT case. But, we feel that to avoid further litigations and consequent complications in this case, the orders of CAT Bangalore, High Court Karnataka and Hon'ble Supreme court of India should be implemented for all who have appeared in the above said examination held on 01.12.2002 but declared passed in June, 2004.

4. Although it is being assured that the matter is receiving attention at the highest level, but no fruitful decision is forthcoming even after expiry of seven months after the deadline provided by the Supreme Court.

5. In view of the above, we would request you to kindly bestow your personal attention towards the issue and cause issue of a general order for implementing the decision of the Hon'ble CAT, Bangalore covering all the SDEs who had been promoted in the LDCE examination held on 1.12.2002, instead of extending the benefit of the orders only to the applicants in the court cases. Let the issue be settled once and for all.

With kind regards,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Rakesh Sethi', with a date '1.6.12' written below it.

(Rakesh Sethi)
General Secretary

Copy to:

1. Shri A.K.Jain,
Sr. General Manager (Pers)