



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
OFFICERS' ASSOCIATION  
CENTRAL HEAD QUARTERS  
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General Secretary  
**V.P. ARYA**  
Mobile: 9868210478

No. AIBSNLOA/CHQ/2008/16

Dated : April 30, 2008

To

Shri Siddhartha Behura,  
Secretary,  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi 110 001.

**Subject : Disputes in the Seniority Lists of the TES Group 'B' Officers needing corrective actions following the judgment of Central Administrative Tribunal, Chennai Bench in the O.A. No. 301 of 2001 now duly upheld by Madras High Court while dismissing the W.P. No 21961 & 22087 and WPMP No.s 32460 & 32616 of 2001 of Government of India (rep by Secretary, Deptt of Telecommunications), Member (Services) and Others – Request for immediate settlement.**

Sir,

We would like invite your kind personal and immediate attention on the Order passed by Hon'ble Madras High Court on 2<sup>nd</sup> April 2008 while dismissing the above stated Writ Petitions filed by Department of Telecommunications and Others against an earlier judgment of Central Administrative Tribunal of Chennai Bench in the O.A. No 301 of 2001. CAT, Chennai Bench had set aside the seniority assigned by Department of Telecommunications to 270 candidates of competitive quota covered by the impugned order dated 1.2.2001 but excluding one particular candidate and directed to recast the seniority list dated 20.03.2001 by assigning the seniority to these candidates with reference to their actual date of promotion in LDCE quota.

2. The CAT Chennai, in Para 49 of its judgment had stated and held that "We are, therefore, of the view that the seniority rule 2(iii) can operate fairly and reasonably without infringing Article 14 and, 16 only in case of appointments under 66-2/3 quota and 33-1/3 quota made more or less at the same time or within a gap of few days or at least in the same year. Otherwise, it would tantamount to unreasonable implementation of the said seniority rule. We would therefore, hold that the rule 2(iii) contains an implicit condition that inter-se seniority in the ratio of 2:1 shall operate only with reference to the dates of regular appointments. Otherwise, as we have demonstrated, the rule leads to a position of giving the LDCE candidates the benefit of assignment of seniority as if they were appointed retrospectively against vacancies that occurred even prior to their satisfying the eligibility condition for promotion as per Recruitment Rules even though in fact they have not been and in fact could not be appointed retrospectively (Emphasis is ours-GS)". By upholding the above judgment of Hon'ble CAT, Chennai Bench in OA 301 of 2001, the Hon'ble Madras High Court has practically pin pointed the principle how the seniority rule 2(iii) has to be implemented to determine the inter-se seniority between the 66-2/3 quota candidates and 33-1/3<sup>rd</sup> quota (LDCE) candidates. Since in the instant case, the principle was violated, the Department of Telecommunications must take immediate

action to revise the seniority list with reference to the said 269 candidates as directed by the Hon'ble Court.

3. We are further to submit that this is not the isolated case where the Department of Telecommunications (STG.II Section) has committed grave mistake in the matter of assignment of inter-se seniority between the 66-2/3<sup>rd</sup> quota and 33-1/3<sup>rd</sup> candidates of LDCE quota wherein the regular appointments for the LDCE candidates were done on much later dates. A similar case has recently surfaced in the DoT letter No.s 2-32/2001-STG.II dated 01.02.2007 and further even No. 27<sup>th</sup> March 2008 wherein 147 candidates of LDCE quota have been assigned inter-se-seniority against the dates which are much earlier to their actual dates of regular appointments – thus violating the implicit condition of rule 2(iii) as pointed out by the Hon'ble CAT, Chennai Bench in para 49 of their above stated judgment. In view of this, the seniority list circulated vide DoT No 2-32/2001-STG.II dated 27<sup>th</sup> March 2008 for 147 candidates needs to be reviewed and corrective action taken to avoid further litigation and thereby allowing the seniority lists to remain in disputed condition affecting entire the TES Group B Officers – both absorbed in BSNL/MTNL and those remaining with DoT.

4. In this context, we also invite your kind attention to the Order issued by DoT for arbitrary reversion and revision of seniority of 1966 candidates of seniority quota against which Delhi High Court had already issued a stay order. We would plead for early settlement of this case also.

5. Finally, we would urge upon you to settle all the disputes in seniority lists of the TES Group B Officers, which have been created due to wrong implementation of the Recruitment Rules vis-a-vis Seniority Rules by DoT, at your earliest in order to allow unhindered career prospects of SDEs Telecom in BSNL and MTNL.

With kind regards,

Yours sincerely,



(V.P.Arya)  
General Secretary

Copy to:

- (1) Shri G S Grover,  
Member (Services), Telecom Commission.
- (2) Shri Kuldeep Goyal,  
Chairman & Managing Director ,BSNL.