



**ALL INDIA**  
**BHARAT SANCHAR NIGAM LIMITED**  
**OFFICERS' ASSOCIATION**  
**CENTRAL HEAD QUARTER**  
**AD-87 B, PITAMPURA, DELHI-110034**

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No. AIBSNLOA/CHQ/2019/10

Dated: 1<sup>st</sup> March 2019

To

Mrs. Sujata T Ray,  
Director (HR),  
Bharat Sanchar Nigam Limited,  
New Delhi

**Subject : Seniority list of TES Group B circulated vide BSNL letters dated 7.8.2018 & 8.8.2018 as per Rule 206 – Futility in calling for objections – reg**

*Ref: BSNL No.56-04/2015-Pers (DPC)/Pt III/19 dated 12<sup>th</sup> February 2019.*

R/ Madam

We are surprised to see the letter under reference, wherein Objections/Errors/Omissions have been called for in the Seniority List of TES Group B circulated vide BSNL letters dated 7.8.2018 & 8.8.2018. The letter goes on to add that objections to above circulated seniority list have been received by this office, till date. As a final call, objections, if any, regarding errors and omission etc., including the seniority position are invited within 15 days of issue of this letter. After expiry of the said period, no representation/objection on this matter will be entertained.

2. We would like to draw attention to the fact that the said BSNL letter dated 8.8.2018, under Para 2 has clearly mentioned that “The Hon’ble Supreme Court has upheld the Seniority List as per Rule-2016 in its Judgment dated 14.12.2017. The Hon’ble Supreme Court in its Judgment states “The Judgment of this Court in (2015) 12 SCC 360 (Supra) **will be treated as final** between the parties on the principle of seniority.” Hence, in compliance of the Hon’ble Supreme Court Judgment dated 21.01.2015 and 14.12.2017 in Civil Appeal No(s) 4389 of 2010 Union of India & Ors Vs. Sohan Lal Sayal & Ors and connected Case, Seniority List of TES Group B executives has been recast on the basis of qualifying examination (Rule 206).”

3. It may also be recalled that the Hon’ble Supreme Court in its Judgment dated 21.01.2015 constituted an Expert Committee headed by Justice K.Ramamoorthy for suggesting the way out for balancing the rights of the two groups of employees referred to above based on the principles laid down in this judgment. BSNL was asked to submit a Seniority List based on Rule 206 for consideration by the Expert Committee. The Expert Committee submitted its report on 28.10.2015, wherein it had observed that “**The seniority lists submitted by BSNL in compliance with the judgment of the Hon’ble Court dated 21.01.2015 is in accordance therewith.**” (Para 5 of judgement in civil appeal 4389 of 2010)



4. The Hon'ble Supreme Court in its Judgment dated 14<sup>th</sup> December 2017 has ordered that "We do not consider it necessary to pass any further order on above recommendations except that 14 persons who are said to have been given promotions – 3 persons in the BSNL and 11 persons in the MTNL contrary to the law laid down by this Court in (1997) 10 SCC 226 (Supra) may not be now disturbed. Their promotions and seniority may be considered personal to them without their being treated as class or a precedent for future. **The judgment of this Court in (2015) 12 SCC 360 (Supra) will be treated as final between the parties on the principle of seniority.** (Para 7 of judgement in civil appeal 4389 of 2010)

5. In view of the above facts, we believe that the BSNL letter dated 12<sup>th</sup> February 2019, calling for objections in the Seniority List is not justified because BSNL cannot make any changes in the Seniority List submitted to the Expert Committee constituted by the Hon'ble Supreme Court of India and circulated vide its letter dated 7.8.2018. We may also point out that in its letter dated 7.8.2018, BSNL had only called for only "missing particulars, if any i.e. Staff Number, Date of Birth, Recruitment Year, HRMS Number, qualifying month and year, BSNL absorbed."

6. We, therefore, request you to kindly advise the Personnel Section to take note of the above contentions and withdraw the said letter dated 12.02.19, since the Seniority List circulated has already attained finality in accordance to Para 2 of Personnel-DPC section letter no. 56-04/2015-Pers (DPC)/Pt dated 08<sup>th</sup> August 2018.

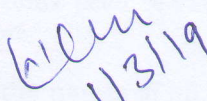
With kind regards,

Yours sincerely,

  
(Rakesh Sethi)

o/c General Secretary

Copy to: Shri Arun Kumar,  
PGM (Pers), BSNL CO.

  
11/3/19