



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

**CENTRAL HEAD QUARTER
AD-87 B, PITAMPURA, Delhi-110034**

**PRESIDENT
P. RAMACHANDRAN
MOBILE: 9444903777**

**FINANCIAL SECRETARY
V. K. SHARMA
MOBILE: 9868174965**

**GENERAL SECRETARY
RAKESH SETHI
MOBILE: 9868210449**

No. AIBSNLOA/CHQ/2020/44

Dated: 27th August 2020

To

Shri P.K.Purwar,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi

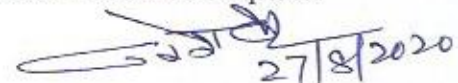
Subject: Provisional seniority list 9 of SDEs (T) of Vacancy Year 2006-07 circulated by BSNL CO – Flagrant violation of orders of Hon'ble Supreme Court of India - regarding

Ref: BSNL letter No. BSNLCO-PERS/13(21)/1/2020-PERS1 dated 10th August 2020

R/Sir,

We are constrained to bring to your kind attention a flagrant violation of orders of Hon'ble Supreme Court of India dated 12.08.2014 (BSNL & others Vs Sh. S.K.Dubey & others) and judgment dated 02.04.2019 (Sh. Vinod Verma Vs UOI & others), by the Personnel Section of BSNL Corporate Office, while circulating the provisional seniority List No. 9 of SDEs(T) vide its letter cited under reference.

2. The irony is that the letter claims that "This seniority list has been prepared on the basis of date of joining in SDEs(T) cadre in accordance with the Hon'ble Supreme Court judgment dated 12.08.2014 (BSNL & others Vs Sh.S.K.Dubey & others) and judgment dated 02.04.2019 (Sh. Vinod Verma Vs UOI & others).
3. But earlier BSNL CO vide its letter No. 56-09/2014-Pers(DPC) dated 13th May, 2016 had circulated two separate Lists comprising of updated particulars of SDEs(T) of seniority quota against vacancy years 2006-07 to 2008-09 in its Annexure-I and particulars of SDEs of competitive quota against vacancy years 2006-07 to 2009-10 in Annexure II and inviting errors and omissions therein. It was also mentioned in the letter dated 13th May 2016 that provisional Seniority List of SDE (T) will be issued after carrying out all omissions and commissions reported in the matter.
4. While drawing up the said Seniority List No. 9, **BSNL Personnel Section has for reasons best known to it has confined itself only to Vacancy Year 2006-07, leaving out the SDEs promoted under Seniority Cum Fitness quota for the Vacancy Years 2007-08 & 2008-09, who joined as SDE on promotion prior to the joining of SDEs promoted for the vacancy years 2006-07 to 2009-10 under competitive quota.** This appears to be a deliberate attempt to show the SDEs promoted under Competitive Quota for the vacancy year 2006-07 as seniors to the SDEs promoted under SCF quota for the vacancy years 2007-08 & 2008-09.
5. This is in flagrant violation of **Hon'ble Supreme Court of India judgment dated 02.04.2019 in CA 14967 of 2017** which reiterated its own judgment dated **12.08.2014 in CA7830 of 2014** which reversed the seniority list drawn by BSNL based on ROTA and quota.


27/8/2020



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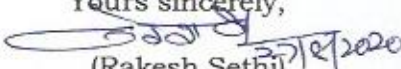
This judgment had held **“that quota of 75% and 25% is applicable but ROTA is not applicable”** and that **“ROTA rule will not be applicable for determining the seniority of Sub Divisional Engineers”** and further that **“The ROTA rule as well as holding the examination at least once in a calendar year which were provided in the 1981 Rules are conspicuously absent in the 1996 Rules. The validity of the 1996 Rules has not been put in issue by anyone.”**

6. Hon'ble Supreme Court further held that **“in the absence of any express provision in the rules, no promotion or seniority can be granted from a retrospective date when the employee has not been born in the cadre.”** It had also upheld the judgment of CAT Chandigarh which had held that **“the seniority of the incumbents has to be determined on the basis of date of joining and not of the notional date of promotion.”**

7. From the above it is abundantly clear that the BSNL Personnel Section order dated 10.8.2020 is not only a flagrant violation of the judgments of the Hon'ble Supreme Court cited in the same order, but also could amount to contempt of Supreme Court by those who were instrumental in preparing and releasing this Seniority List No.9 of SDEs (T).

8. We therefore request you to immediately intervene in this matter and cause withdrawal of the BSNL letter dated 10.8.2020 cited under reference and to redraw Seniority List No. 9 of SDEs(T) by including all the SDEs (T) promoted under SCF for the vacancy years 2006-07 to 2008-09 and those promoted under CQ for the vacancy years 2006-07 to 2008-09 and 2009-10, scrupulously following the orders of Hon'ble Supreme Court of India cited in the same letter dated 10.8.2020. As already there is huge delay in finalizing seniority List No. 9, the rectified fresh list may be caused to be issued without further delay.

With kind regards,

Yours sincerely,

(Rakesh Sethi)
General Secretary

Copy to: 1. Shri Anshu Prakash,
Secretary, DoT
2. Shri Arvind Vadnerkar,
Director (HR), BSNL
3. Shri Arun Kumar
Principal General Manager (Pers), BSNL CO.