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No.AIBSNLOA/CHQ/2014/61

Dated: 12<sup>th</sup> August 2014

To

Shri S.S.Aggarwal,  
Sr. General Manager (Pers),  
BSNL Corporate Office,  
New Delhi.

**Subject: Promotion from JTO (T) to SDE (T) under seniority cum fitness quota – regarding**

Sir,

We would like you to recall the discussions we had with you regarding the DPC for promotion from JTO (T) to SDE (T) under 67% seniority cum fitness quota which has been stalled due to stay orders by Hon'ble CAT Ernakulam, wherein you explained the efforts taken by BSNL Corporate Office to get an early decision on the matter.

While everyone was hoping that a decision would be known on 6<sup>th</sup> August 2014, it is frustrating to hear that there was no sitting on that day. Every month a large number of JTOs are retiring without getting their overdue promotion, which they believe is a status symbol.

In this regard, we would like to draw your attention to the recent order of Hon'ble Supreme Court of India while hearing an application filed by BSNL seeking directions for promotions to the pending posts of Divisional Engineers / Assistant General Managers. The court has observed that,

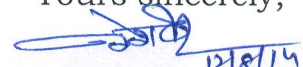
***“In fact, there is a specific averment made in the affidavit filed in support of the application to the effect that promotion can be made from among the eligible officers of the existing seniority without disturbing the seniority of the petitioners. In fact, Dr.Rajeev Dhavan, learned senior counsel makes his stand clear that any promotion can be made subject to the result of the Special Leave Petitions. 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. we make it clear that any promotions made will be subject to the outcome of these Special Leave Petitions”.***

We feel that BSNL can file a similar affidavit in respect of the case in Kerala High Court also and seek an order that the JTO to SDE promotions can be made subject to the outcome of the case in High Court of Kerala.

We therefore request you to cause filing of a similar affidavit in the High Court of Kerala, seeking a decision allowing promotion to SDE grade under 67% seniority cum fitness quota, subject to final outcome of the case in Kerala High Court, so that orders on JTO to SDE promotion can be issued at the earliest.

With kind regards,

Yours sincerely,



(Rakesh Sethi)

of General Secretary.

Chief S S Aggarwal,  
General Manager (Personnel),  
BSNL Corporate Office,  
New Delhi.

Subject: Promotion from JTO to SDE (T) under 67% seniority cum fitness quota regarding

We would like to inform you that all the cases pending with you regarding the JTO to SDE promotion from JTO to SDE (T) under 67% seniority cum fitness quota which has been stalled due to stay orders by Hon'ble CAT Bhopal and Hon'ble SC have been reviewed by BSNL Corporate Office to get an order from the Hon'ble SC.

While everyone was hoping that a decision will be given in the near future, it is disappointing to hear that there was no such decision that day. Every month we are reminded of it as we continue to wait for their verdict, which is still pending.

In this regard, we would like to draw your attention to the fact that the Hon'ble Supreme Court of India has heard an application filed by BSNL seeking writs for promotion of the pending cases of JTO to SDE (T) under 67% seniority cum fitness quota. The result is awaited.

In fact, there is a specific agreement 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 hierarchy of the postholders. In fact, Dr. Rajeev Dhawan, learned member of the SC has stated that such promotion can be made subject to the approval of the Special Leave Tribunal. Having heard counsel for the petitioners, the court has also stated that promotions cannot be withheld for any long time. In view of the result of the Special Leave Petitions, we make it clear that any promotional order will be subject to the outcome of these Special Leave Petitions.