



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2015/17

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To

Hon'ble Shri Justice K.Ramamoorthy,
Chairman,
Experts Committee,
New Delhi 110048.

Sub: Exercise to consider the factors to balance the rights of the groups whose grievances are to be addressed with minimum disturbance in the matter of fixation of their seniority and consequent promotions thereof

Ref: Supreme Court Judgment dated 21.01.2015

Hon'ble Sir,

We take this opportunity to humbly submit that our Association, registered under Societies Registration Act 1860, represents mostly the retired Executives of Bharat Sanchar Nigam Limited (BSNL) who worked in the capacity of Junior Engineer/Junior Telecom Officer, Asst. Engineer/Sub Divisional Engineer, Divisional Engineer and Dy. General Manager - first in Department of Telecommunications and thereafter in Bharat Sanchar Nigam Limited on their absorption. They were recruited by Department of Telecommunications as Junior Engineer/Junior Telecom Officer and had to qualify in TES Group B qualifying Examination for their immediate next promotion to AE/SDE grade till the above said Examination System was abrogated.

2. The seniority and promotions of all these retired JEs/JTOs, AEs/SDEs, DEs and DGMs are also set to be modified/affected following the Hon'ble Supreme Court direction to revise all the seniority lists of TES Group B Officers under the principle of Para 206 of P&T Manual Volume-IV.

3. In order to balance the interests of all the groups involved, we would like to place the following points for kind consideration of the Experts Committee constituted by the Hon'ble Supreme Court :-

- (1) The principles laid down by SC judgment dated 08/04/1986 in the case of Shri P.N. Lal in determining the seniority applying Para 206 of P&T Manual Vol. IV should be uniformly applied to all. The benefit given to Shri P.N.Lal should be given to all those similarly placed persons. Since the seniority of S/Shri P.N.Lal and Brij Mohan had attained a finality by the judgment of Hon. Supreme Court their seniority need not be altered but the seniority of similarly placed employees should be brought on par with S/Shri P N Lal and Brij Mohan.
- (2) The promotional and pay benefits given to S/Shri P.N. Lal and Brij Mohan should be extended to all the similarly placed employees by creating supernumerary posts, where ever are required, for promotions from Junior Engineer/Junior Telecom Officer to Asst Engineer/Sub Divisional Engineer and Asst Engineer/Sub Divisional Engineer to Divisional Engineer.
- (3) It may kindly be ensured that by the proposed revision of the seniority, no employee who was already promoted , whether serving or retired by now, should be adversely affected.
- (4) By this time since S/Shri Brij Mohan, P.N. Lal and a host of others who had got the benefit by the various judgments had already retired, extending the uniform formula would not affect any one in seniority and promotions.
- (5) Since it is the department which frequently altered the seniority by making a U turn after giving an undertaking in the Hon. Courts, as rightly pointed out in the judgement, and thereby causing the flood of legal battles, it is quite appropriate and just that creation of supernumerary posts and extension of consequent pay benefits and promotions to all similarly placed employees should be allowed based on the principles of natural justice and fair play and should not be weighed in monetary terms.

4. We shall be extremely grateful if the above points submitted by this Association receive due consideration of the Experts Committee to protect the interests of all groups including the serving and retired employees.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary