



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Flat No.6, Second Floor, Subiksha Apartment,
10/41, Sowrashtranagar 7th Cross Street, Choolaimedu, Chennai – 600094
Email: gensecaibsnlrea@yahoo.com

President

V. Chinnappiah
(M) 9444003300

General Secretary

R.R.Balasubramanian
(M) 9486100613

Financial Secretary

Awadesh Sharma
(M) 9968630008

No.AIBSNLREA/CHQ/2023/83

Dated: 26th October 2023

To

Shri Ajay Kumar Sahu,
Member (Services),
Department of Telecommunications,
New Delhi-110001

Sub: Implementation of orders of Supreme Court of India in CA No. 4389 of 2010 - Holding of Review DPCs for promotion to DE grade based on the revised seniority lists of TES Group B in respect of DE promotions ordered by DoT prior to formation of BSNL and extending the consequential benefits

Sir,

This is in continuation of the informal discussions we had with you on 26.09.2023, wherein we had drawn your kind attention to the matter of implementation of orders of Supreme Court of India in CA No. 4389 of 2010 - Holding of Review DPCs for promotion to DE grade based on the revised seniority lists of TES Group B in respect of DE promotions ordered by DoT prior to formation of BSNL and extending the consequential benefits.

2. Hon'ble Supreme Court of India vide its order dated 21.01.2015 in CA No.4389 of 2010 had directed restoration of Seniority Lists 1 to 17 of TES Group B fixing the seniority based on the passing of Departmental Qualifying Examination as per Rule 206 of P&T Manual Volume - IV. It also appointed an Expert Committee to balance the rights of different groups. Subsequently accepting the recommendations of the Expert Committee, Hon'ble Supreme Court of India vide its order dated 14.12.2017 had directed 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 BSNL and 11 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 a class or a precedent for the future. The judgement of this Court in (2015) 12 SCC 360 (Supra) will be treated as final between the parties on the principle of seniority. We, however, make it clear that no arrears will be payable in terms of the impugned judgement.*

Consequential benefits of pay fixation including the pensionary benefits, if any, will be payable in terms of the impugned judgement only w.e.f 01.01.2018 and not for the past." [BSNL letter addressed to this Association is enclosed]

3. Since then, this Association had been pursuing with all concerned the need for holding of Review DPCs based on the final seniority lists 1 to 17 as published by BSNL vide its letter No.56-04/2015-Pers (DPC)/Pt.III/100 dated 04.06.2019 and granting consequential benefits including refixation of pensionary benefits. After repeated representations, BSNL started holding Review DPCs in respect of the DE/AGM Regular promotions ordered by BSNL, after formation of BSNL on 01.10.2000 and completed the process with the Sixth such review DPC on 09.03.2022. But neither BSNL nor did DoT take any initiative for holding such review DPCs in respect of DE promotions ordered before formation of BSNL, ie prior to 01.10.2000. While we discussed the issue with concerned authorities in DoT, we were informed that all the files had been handed over to BSNL on its formation and BSNL alone can initiate action as the files are with it. But BSNL appears to have taken a stand that such initiation of the process needs a green signal from DoT.

4. It is needless to say that most of the persons who are to be benefitted by the restoration of Seniority Lists finally by the Hon'ble Supreme Court of India are pensioners in advanced ages, with many of them having already passed away. The remaining of these pensioners are waiting with undiminished faith on DoT that they will not be let down and discriminated against those who were promoted by BSNL.

5. We would request you to kindly bestow your personal attention to this issue with overriding priority considering the old age of the beneficiaries and to direct BSNL to initiate the process of holding review DPCs in respect of the promotions ordered during DoT period so as to extend the consequential benefits as directed by the Hon'ble Supreme Court of India.

With kind regards,

Yours sincerely,



(R.R.Balasubramanian)
General Secretary

Encl: As stated

कार्मिक शाखा/ Personnel Branch
बीएसएनएल निगम कार्यालय/ BSNL Corporate Office
चौथा तल, भारत संचार भवन/4th Floor, Bharat Sanchar
Bhawan, जनपथ, नई दिल्ली-01/ Janpath, New Delhi -01
Ph. 011-23329514, E-Mail: dpcagm@gmail.com



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No. BSNLCO-COMN/12(11)/6/2020-PERS1-Part(1)

dated: 19.04.2023

To,

Shri Balasubramanian R.R.
Flat No.6, Second Floor,
Subiksha Apt., 10/41, Sowrashtranagar,
7th cross street, Choolaimedu,
Chennai- 600094.

Subject: Representation under CPGRAMS-Regarding.

Ref: Your representation under CPGRAMS with registration No. DOPPW/E/2023/0011540 dated 22.03.2023.

Sir,

Your representation under reference has been examined. In this regard, I am directed to convey the followings as under.

1. Hon'ble Supreme Court vide order dated 21.01.2015 in CA No 4389 of 2010 directed following.

"Restoration of the Seniority Lists 1 to 17;

Appointment of Expert Committee to balance the rights of both the groups."

2. Hon'ble Supreme Court vide order dated 14.12.2017 in CA No 4389 of 2010 directed the following.

" 7. 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.

8. We, however, make it clear that no arrears will be payable in terms of the impugned judgment. Consequential benefits of pay fixation including the pensionary benefits, if any, will be payable in terms of the impugned judgment only w.e.f. 01.01.2018 and not for the past."

पंजी. और निगमित कार्यालय: भारत संचार भवन, एच.सी. माथुर लेन, जनपथ, नई दिल्ली-110001
Regd. & Corporate Office: Bharat Sanchar Bhawan, H.C.Mathur Lane, Janpath, New Delhi - 110001
www.bsnl.co.in

(Signature)
19/4/2023
AUM(DP-34)

कार्मिक शाखा/Personnel Branch

बीएसएनएल निगम कार्यालय/BSNL Corporate Office

चौथा तल, भारत संचार भवन/4th Floor, Bharat Sanchar

Bhawan, जनपथ, नई दिल्ली-01/Janpath, New Delhi -01

Ph. 011-23329514, E-Mail: dpcgcm@gmail.com



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)


BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

- 3) The aspect of modalities of implementation of aforesaid judgment was worked out in consultation with the DOT, the Administrative Ministry. Further the opinion of learned ASG was also solicited and thereafter, the seniority in the grade of SDE(T) was finalized on the basis of passing the Departmental Qualifying Examination (DQE) as per Rule 206 of P & T Manual Vol-IV. Final seniority list as per rule 206 (based on restoration of Seniority Lists No. 1 to 17 of 1993) was published vide letter no. 56-04/2015-Pers(DPC)/Pt.-III/100 on dated 04.06.2019 in compliance of Hon'ble Supreme Court directions.
- 4) Competent authority has approved for review of regular promotions only, In compliance of Hon'ble Supreme court vide order dated 14.12.2017 in CA No. 4389 of 2010, all the six review CPCs have been conducted for review of DE(T) regular promotions and promotion orders have been issued as per following details given below:-
- First review CPC was held on 17.02.2021 against original CPC held from 10.08.2009 to 14.10.2009 for regular promotion in the grade of DE(T)/AGM and promotion order were issued vide letter no: BSNLCO-PETS/12(11)/2/2021-PERS1 dt: 09.03.2021.
 - Second review CPC was held on 9.7.2021 against original CPC held from 10.08.2010 to 13.08.2010 for regular promotion in the grade of DE(T)/AGM and promotion order were issued vide letter no: BSNLCO-PETS/12(11)/2/2021-PERS1 dtd 05.08.2021.
 - Third review CPC was held on 21.09.2021 against original CPC held from 3.10.2012 to 18.10.2012 for regular promotion in the grade of DE(T)/AGM and promotion order were issued vide letter no: BSNLCO-PERS/13(25)/1/2020-PERS(DPC) dtd 08.10.2021.
 - Fourth review CPC was held on 01.12.2021 against original CPC held on 26.07.2013 & promotion order were issued vide letter no: BSNLCO-PERS/13(25)/1/2020-PERS(DPC) dated 17.12.2021.
 - Fifth review CPC was held on 16.02.2022 against original CPC held on 18.09.2013 & promotion order were issued vide letter no: BSNLCO-PERS/13(25)/1/2020-PERS(DPC) dated 24.02.2022.
 - Sixth review CPC was held on 09.03.2022 against original CPC held on 06.08.2014 & promotion order were issued vide letter no: BSNLCO-PERS/13(25)/1/2020-PERS I/1 dated 17.03.2022.

Hence, no further action is required in the matter and the case is treated as disposed off.

This issues with the approval of competent authority.


CP Mehta 19/4/2023
AGM(DPC-SM)

Re: Reply in respect of CPGRAMS No. DOPPW/E/2023/0011540 dated 22.03.2023.

From: Balasubramanian RamiahRajarathinam (callrrb@yahoo.co.in)

To: dpcagm@gmail.com

Date: Friday, 21 April, 2023 at 06:58 pm IST

Thank you sir, for your detailed response. We are aware of these details, pertaining to DE regular promotions ordered after formation of BSNL. The request vide our letter registered vide docket No.DOPPW/E/2023/0011540, is conducting of such review DPCs in respect of DE regular promotions ordered during DoT period, ie prior to formation of BSNL, as DoT has many times informed us that all the files had been transferred to BSNL during its formation and it is BSNL that has to do the exercise of holding review DPCs in such cases.

We shall be thankful, if suitable action is taken in this regard.

With kind regards,

R R Balasubramanian, GS AIBSNLREA

On Friday, 21 April, 2023 at 11:17:08 am IST, DPC AGM <dpcagm@gmail.com> wrote:

Please find enclosed herewith signed reply dated 19.04.2023 in respect of CPGRAMS No. DOPPW/E/2023/0011540 dated 22.03.2023.

With regards,
AGM(DPC-SM),
BSNLCO.