

No. 25-06/2023-STG.II
Government of India
Ministry of Communications
Department of Telecommunications
419, Sanchar Bhawan, 20 Ashoka Road, New Delhi-110001

Date: 08 March, 2024

To

CMD, BSNL
BSNL Bhawan, Janpath
New Delhi- 110001

Subject: 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 –reg.

The undersigned is hereby directed to forward herewith representation received from All India Bharat Sanchar Nigam Limited Retired Executives' Association (copy enclosed) regarding the subject mentioned above for necessary action at your end.

2. This is issued with approval of the competent authority.

Signed by Bijender Singh
Date: 08-03-2024 15:06:04

[Bijender Singh]
Under Secretary to the Govt. of India
Tele No: 2303 6282

Copy to: -

- i. Shri R.R. Balasubramanian, General Secretary, All India Bharat Sanchar Nigam Limited Retired Executives' Association, Central HQ., Flat no. 6, Second Floor, Subiksha Apartment, 10/41, Sowrashtranagar, 7th Cross Street, Choolaimedu, Chennai- 600094 ;
- ii. Guard File;



**ALL INDIA BHARAT SANCHAR NIGAM LIMITED
RETIRED EXECUTIVES' ASSOCIATION**

Central Headquarters

Flat No.5, Second Floor, Subiksha Apartment,
10/41, Sowrashtranagar 7th Cross Street, Choolaimedu, Chennai – 600094
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(M) 9485100613

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

Consultant
Supra Court
1986 - 2500

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]

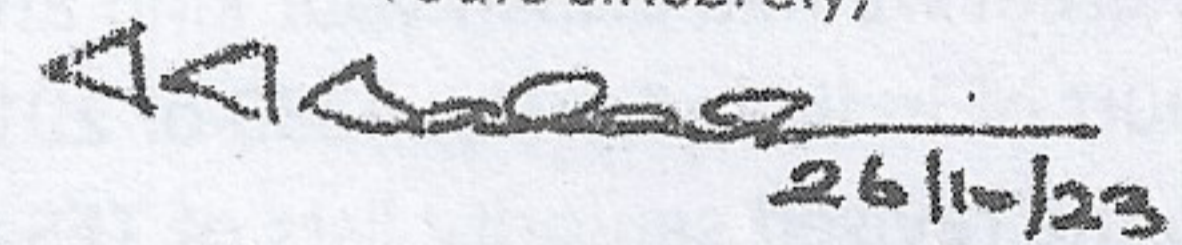
3. Since then, this Association had been pursuing with all concerned the need for holding of Review DPCs based on the final seniority lists 1 to 17 as published by BSNL vide its letter No.56-04/2015-Pers (DPC)/Pt.III/100 dated 04.06.2019 and granting consequential benefits including refixation of pensionary 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,


26/10/23

(R.R. Balasubramanian)
General Secretary

Encl: As stated