



ALL INDIA
RETIRED BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' WELFARE ASSOCIATION
CENTRAL HEAD QUARTERS, NEW DELHI

Regn. No. S/00108/NE-J2010

CHQ ADDRESS: C-8/230, Yamuna Vihar, Delhi-110053

President
Kishan Singh
M.9968270611

General Secretary
Prahlad Rai
M.9868278222

www.aibsnlrtd.org
Financial Secretary
A.K. Jain
M. 9868838466

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OTHER OFFICE BEARERS

- 1 **Chief Mentor**
M.K. Bagchi (MTNL Delhi)
M.9818920225
- 2 **Legal Consultant**
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M.9863136363
- 3 **Vice President-I**
Manas Roy. (W B)
M.09434009002
- 4 **Vice President-II**
T Ravindran. (Kerala)
M.09447815400
- 5 **Deputy General Secretary**
Amit Kumar Gupta (WB)
M.9433000088
- 6 **Asstt. General Secretary-I**
K. Jairam (TS)
M.9440000212
- 7 **Asstt. General Secretary-II**
Pallab Bose UP (East)
M.09415233344
- 8 **Asstt. General Secretary-III**
M.L. Deore (Nasik)
M.09422250555
- 9 **Asstt. General Secretary-IV**
B.M. Mondal (WB)
M.9051783890
- 10 **Organising Secretary (Ea)**
Prasun Mukhopadhyay (W)
M.09432200184
- 11 **Organising Secretary (We)**
M.M. Kanani (Gujarat)
M.09427217002
- 12 **Organising Secretary (No)**
S.S. Rawat (Rajasthan)
M.09414001998
- 13 **Organising Secretary (So)**
K. Dakshina Murthy (TS)
M.09440505627
- 14 **Advisor-I**
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- 16 **Advisor-III**
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M.9490758175
- 17 **Auditor**
M. Narainha Rao (TS)
M.09440745544

No.AIRBSNLEWA/CHQ/SECY(T)/2023-2024/

Dated 22nd July 2023

To

Shri K. Rajaraman ji
Chairman TC & Secretary Telecom
Department of Telecommunication, Govt. of India
Sanchar Bhavan, 20, Ashoka Road, New Delhi -110 001

Sub: True implementation of Hon'ble Supreme Court Judgement dated 14th December 2017 in the Civil Appeal No.(S).4389 of 2010 in the matter of restoration of TES Group B officers' seniority list as per Rule 206 and grant of all consequential benefits of Pay fixation including the pensionary benefits, which will be payable in terms of implementation of judgement only w.e.f. 01.01.2018 and not for the past – our request for your kind intervention – regarding;

Ref: BSNL CO Pers/13(25)/1/2020 PERS (DPC) Dated 08.10.2021 – Review Of DPCs in compliance of Hon'ble Supreme Court Judgement dated 21.1.2015 & 14.12.2017 in C.A. No.4389 of 2010

Respected Sir

We would like to draw your kind attention to the non-implementation of Hon'ble Supreme Court Judgement dated 14.12.2017 in the matter of restoration of TES Group B officers seniority list as per Rule 206 and grant of all consequential benefits of pay fixation including the pensionary benefits, which will be paid in terms of the impugned order only w.e.f. 01.01.2018 and not for the past. (Copy of the judgement is attached herewith.)

BSNL Corporate office, Pers Cell has mis-interpreted the Hon'ble Supreme Court judgement dated 14.12.2017 and issued DPCs order under reference above. We regret to mention that the said DPCs are not conducted as per the judgement, guidelines based on the Rule 206 in its true spirit and sense. In these review DPCs, the anti-dating or notional promotions at par their juniors as per the Hon'ble supreme court judgement dated 14.12.2017 has not been implemented. Thus, the Hon'ble Supreme Court judgement has been simply misinterpreted and violated by BSNL CO Pers Cell.

In Rule 206 case, the issue pertains to the seniority of JTO on promotion to the higher post of Sub Divisional Engineer/Assistant Engineer in BSNL. As per Hon'ble Supreme Court Judgement dated 14.12.2017, all the anti-dated promotions must be allowed /extended from JTO to SDE followed by SDE to DE Adhoc and thereafter to Regular AGM and Regular AGM to Adhoc DGM from the date it was allowed to the juniors. It is worth mentioning that time bound promotions policy has been implemented in BSNL considering all the Adhoc and Regular promotions. Instead of implementing the Hon'ble Supreme Court judgement dated 14.12.2017, BSNL has misinterpreted it and considered only Regular AGM promotions ignoring JTO to SDE, SDE to sr. SDE and Sr. SDE to Adhoc AGM promotions, which is in violation of the Hon'ble Supreme Court judgment dated 14.12.2017

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- 17 **Auditor**
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In view of the above judgements, we request your goodself to kindly intervene in the matter and direct the BSNL management for true implementation of the Hon'ble Supreme Judgement dated 14.12.2017 to remove the seniority anomaly and to provide the resultant promotions, financial upgradations and pensionary benefits to the seniors whose juniors were already been promoted to the grade of DE adhoc vide DoT order No. (1) 11/1/201-STG-1(Vol.II) dated 20.12.2001, (2) No.11/14/2001-STG-I dated 21.8.2002 and (3) No.11/02/2003-STG-I dated 27.6.2003.

We further, bring to your kind notice that BSNL management has already implemented DoT directions issued vide letter No.15-28/2003-STG-II dated 13.8.2008 with all consequential and pensionary benefits. We would, therefore, request your goodself to kindly intervene in the matter and direct the BSNL management for extending all the consequential and pensionary benefits to seniors which have already been extended to their juniors as per Hon. Supreme Court Judgement dated 14.12.2017.

With kind regards;

Yours Sincerely

Prahlad Rai

General Secretary AIRBSNLEWA

Copy to:

1. The Member (S), DoT, Sanchar Bhavan, New Delhi-110001
2. The CMD, BSNL, Bharat Sanchar Bhavan, Janpath, New Delhi – 100 001.
3. The Director (HR), BSNL Board, New Delhi – 110 001
4. The PGM (Pers), BSNL Corporation Office, New Delhi - 110001