



# BHARAT SANCHAR NIGAM LIMITED

CORPORATE OFFICE

(PERSONNEL - II SECTION)

4<sup>th</sup> Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110 001

F.No. 2-3/2018-Pers. II

Dated: June 14<sup>th</sup>, 2018

To

All Heads of Circles/ Units/ Projects/ Regions  
Bharat Sanchar Nigam Ltd.

**Sub:** Implementation of the Hon'ble High Court of Kerala's Common Order dated 05.06.2018 in OP (CAT) No.25, 45 & 126 / 2015 (Madhu Mohan. H & ors Vs. BSNL & Ors) arising out of OA. No 185 &1081 of 2013 and 553 of 2015 - reg.

I have been directed to refer to the above subject and to say that the Hon,ble High Court at Ernakulum, Kerala has given judgement vide order dated 05.06.18 in respect of above referred case , the operative part of the Judgement is reproduced as under:

14. Promotion in posts falling within direct recruits' quota has to be held as improper. Such promotees, instead of being reverted, could be allowed to continue by treating as promoted against vacancies available within the quota against subsequent quota of promotees.....the direct recruits after belated recruitment could not claim seniority from an earlier date contending backlog vacancies in direct recruitment quota, but could claim seniority only from the date of appointment, ..... for determination of seniority between direct recruits and promotees

15. ....the directly recruited JTOs like the petitioners and the promotee JTOs in excess of their quota by virtue of the quota-rota available in DoT, are to be assigned inter se seniority in the integrated eligibility list of JTOs for promotion to the post of SDE taking into account their actual date of appointment and date of promotion certainly, subject to their respective seniority in the concerned appointment order/promotion order and the rules of rotation of quotas. Since the provisional eligibility list of JTOs ..... and final eligibility list of JTOs ..... are set aside to the extent they relate assignment of seniority of directly recruited JTOs in BSNL and promotee JTOs from DoT in excess of the promotion quota as mentioned hereinbefore a final eligibility list in respect of those persons shall be prepared expeditiously in the light of the positions settled hereinbefore and it shall be incorporated in the integrated final eligibility list of JTOs for the period mentioned in Annexure- A7 dated 11.5.2012, for promotion to the post of SDE. This shall be done, at any rate, within a period of six months from the date of receipt of a copy of this judgment..... taking into account the dearth of sufficient personnel to man the post of SDE, it will be open to the official respondents to effect promotions against the unfilled vacancies of SDE equally distributing the vacancy among the senior most directly recruited JTOs and senior most promotee JTOs subject to finalization of the final eligibility list of JTOs ....."

In this regard it is to be noted that the All India Eligibility List published on 20.02.2015 had to be redrawn as per the Hon'ble court order by way of classifying the JTOs figuring in the AIEL circulated vide No.2-18/2007-Pers-II (Pt.I) dated 20.02.2015 as below:

- (i) DoT recruited JTOs for the vacancies prior to the formation of BSNL on 01.10.2000,
- (ii) Promotee JTOs appointed against their own quota up to the year 1999 i.e. prior to the formation of BSNL
- (iii) Directly recruited JTOs of BSNL after the year 2000, and
- (iv) Promotee JTOs from DoT in excess of the promotion quota from 2001 onwards.

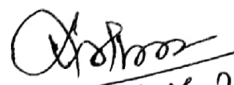
According to the Hon'ble Court judgement, only the JTOs falling under first two classes remains undisputed and seniority is to be redrawn as contained in para 15 of the judgement which conveys...JTOs like the petitioners and the promotee JTOs in excess of their quota by virtue of the quota-rota available in DoT, are to be assigned inter se seniority in the integrated eligibility list of JTOs for promotion to the post of SDE taking into account their actual date of appointment and date of promotion certainly, subject to their respective seniority in the concerned appointment order/promotion order and the rules of rotation of quotas.

In accordance to the Judgement of Hon'ble High Court, the competent authority has approved to issue the final AIEL list as contained in Annexure-I enclosed containing the list of JTO's as per para (i) & (ii) above for circulation.

Further, as per the Hon'ble High Court order, the inter-se-seniority of the JTOs who fall under class (iii) and (iv) in the aforementioned classification is to be assigned on the basis of date of Promotion and date of appointment in respect of promotes JTO promoted on diverted post and DR JTO and fixing them as per quota-rota provision in 1:1 ratio and with respect to their seniority in their respective classes. The List will be circulated separately after receipt of data and information in respect of all JTO's are received from all the circles.

This issues with the approval of Competent Authority.

Encl- Annexure- I

  
14.06.2018

(Rajesh Mattoo)  
Asstt. General Manager, Pers-II  
BSNL Corporate Office