

Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)
Corporate Office :: Pers. Branch
4th Floor, Bharat Sanchar Bhavan, Janpath, New Delhi – 110001

Dated: 25th Nov, 2020

F No. BSNLCO-PERS/14(15)/20/2020-PERS. LEGAL

To
All the CGMTs,
BSNL Circles

Sub: AIEL of JTOs(T) – direction of the Hon'ble CAT, Hyderabad Bench in OA No.021/00706/2020 filed by Shri B Maddileti and others – reg.

Sir,

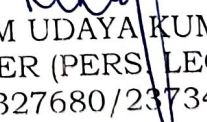
I am directed to say that the subject OA was filed in the Hon'ble CAT, Hyderabad Bench regarding non-preparation of AIEL as per rules by BSNL and non-restoration of 5192 posts of SDEs(T) diverted/upgraded illegally to DE/AGM(T) in June, 2018.

2. The Hon'ble Tribunal has disposed of the OA at the admission stage itself vide order dated 28-10-2020 (copy enclosed). The operative part of the order is as under:

“.....6.After hearing the learned counsel on either side, this Tribunal is of the view that let the respondents dispose of the representations made by the applicants keeping in mind the ratio laid down by the Hon'ble High Court of Kerala. It is clarified that the DPC will be continued as already scheduled. But, in case any grievance still subsists on disposal of the representations of the applicants, they may approach this Tribunal once again.....”

3. In view of the aforementioned, it is requested that the above order may be incorporated appropriately in the replies to the similar OAs/Court cases filed, if any, in different Tribunals and Courts and brought to the notice of Hon'ble Tribunals/Courts.

Encl.: As above.


(M UDAYA KUMAR)
ASSISTANT GENERAL MANAGER (PERS. LEGAL)
Ph. 011-23327680/23734234

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00706/2020

HYDERABAD, this the 28th day of October, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member



1. B. Maddilet S/o Buddanna,
Aged about 49 years, HRMS No.200201543
Gr. 'B',
Occ : Junior Telecom Officer, NWO-CM,
Saroornagar Telephone Exchange, Hyderabad,
O/o Sub Divisional Engineer (NWO-CMO),
Saroornagar, Kothapet X Road, Hyderabad.

2. M. Rama Mohana Rao S/o M. Nagaiah,
Aged about 48 years, HRMS No.200203070,
Occ : Junior Telecom Officer (LC),
O/o Assistant General Manager (LC),
4th Floor, Telephone Bhavan, Lakdikapool, Hyderabad.

3. Manupati Uday Kumar S/o M. Somaiah,
Aged about 44 years, HRMS No.200203037,
Occ : Junior Telecom Officer,
O/o Assistant General Manager (LC),
Telephone Bhavan, Hyderabad.

4. V. Rajeshwar Rao S/o V. Mohan Rao
Aged about 46 years, HRMS No.200204370,
Occ : Junior Telecom Officer (T&M),
O/o Sub Divisional Engineer (TM),
Erragadda Telephone Exchange, Hyderabad.

5. M. Haricharan S/o M. Sudheer,
Aged about 45 years, HRMS No.200201566,
Occ : Junior Telecom Officer (CC),
O/o Sub Divisional Engineer (Extl.III), BSNL,
Vijaynagar Colony, Masabtank, Hyderabad.

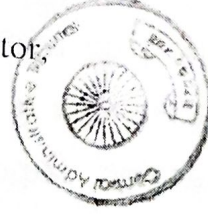
...Applicants

(By Advocate : Dr. A. Raghu Kumar)

Vs.

1. Union of India rep by its Secretary,
Department of Telecommunications,
M/o Communications and Information Technology,
20 Ashoka Road, New Delhi-1.

2. The Chairman cum Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan, Janpath,
New Delhi-1.



3. The Director (HR),
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan, Janpath,
New Delhi-1.

4. The Chief General Manager,
Telangana Telecom Circle,
Door Sanchar Bhavan, Abids,
Hyderabad-1.

....Respondents

(By Advocate : Mrs.K.Rajitha, Sr.CGSC &
Mr.M.C.Jacob, SC for BSNL) ✓

ORDER (ORAL)

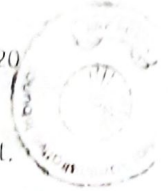
Hon'ble Mr. Ashish Kalia, Judl. Member

Through Video Conferencing :



MA/21/422/2020 filed by the applicants seeking leave of the Tribunal to join together in one O.A. is allowed since the cause of action for filing the O.A. is common and the relief sought for is one and the same, subject to payment of individual court fee by each of them.

2. This O.A. is filed by the applicants challenging the action of the respondents in preparing the All India Eligibility List of JTO (T) for holding of DPC for promotion to SDE (T) against seniority quota vide impugned letters dated 12.10.2020 as the same are illegal, arbitrary and contrary to the rules on the subject matter and also violative of Articles 14 & 16 of the Constitution of India. They further challenged the illegal action of the respondents in not preparing the All India Eligibility List in the cadre of JTO (T) for promotion to the post of SDE (T) in the ratio of 1:1 by equally distributing the vacancies between Direct Recruit JTOs and Promotee JTOs in terms of the settled legal position and in not preparing the All India Eligibility List of all the eligible JTOs till date and carrying forward the unfilled vacancies in the 50% DR/ PR quota and adding to the corresponding DR/ PR vacancies of the subsequent years as per the DOPPT OM dated 7.2.1986 and in not restoring the 5192 posts of SDE (T) diverted/ upgraded illegally to the cadre of DE/AGM in the name of implementing the new Time Bound Promotion Policy w.e.f 1.7.2018.



3. Heard Dr. A. Raghu Kumar, learned counsel for the applicants, Smt. K. Rajitha, learned Senior Standing Counsel appearing for Department of Telecommunications and Sri M.C. Jacob, learned Standing Counsel appearing for the BSNL respondents.



4. The issue involved is no more *res integra* as the Hon'ble High Court of Kerala has taken decision pursuant to the order of the coordinate Bench of this Tribunal at Ernakulam in O.A. No.553/2015, where the Hon'ble High Court has observed that the Junior Telecom Officer from promotee category were promoted in excess of quota fixed for that, and they are yet to be assigned inter se seniority in the integrated seniority list of JTOs, by preparing All India Eligibility List, by taking into account actual date of joining for direct recruits and date of promotion in case of promotes. The seniority list earlier published by the respondents has been set aside to the extent which is in excess of the quota. In addition to this, the Hon'ble High Court has directed the ratio of 1:1 has to be followed. Now the respondents have again started the process in pursuance of the order passed on 12.10.2020. According to the respondents, they have followed the direction of the Hon'ble High Court of Kerala as they have All India Integrated Seniority List. But the grievance of the applicants is still there to the extent that their chances for promotion have been diminished because 5192 vacancies have been abolished. They have made detailed representations in this regard.

5. On the contrary, Sri M.C. Jacob, learned Standing Counsel for BSNL has submitted that the present process of promotion is for the



OA 706/2020

for promotion in the said period. The apprehension of the applicants is that if this process is followed now, it will be followed in the future also, which will affect their right to promotion.

6. After hearing the learned counsel on either side, this Tribunal is of the view that let the respondents dispose of the representations made by the applicants, keeping in mind the ratio laid down by the Hon'ble High Court of Kerala. It is clarified that the DPC will be continued as already scheduled. But in case any grievance still subsists on disposal of the representations of the applicants, they may approach this Tribunal once again.

With the above observation, this Original Application is disposed of at the admission stage. There shall be no order as to costs.

प्रमाणित प्रतिलिपि
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER... OA 706/2020
निर्णय का तिथि
DATE OF DECISION... 28-10-2020
प्रति प्रमाणित करने की तिथि
DATE OF CERTIFICATION... 6-11-2020

M. Deva Prasad 6/11/2020.

अधिकांश न्यायाधीश/अधिकारी
Section Officer / Court Officer
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
हैदराबाद ब्याच/Hyderabad Bench

"Free Copy / U/R 22 of
CAT (Procedure) Rules"