

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

CORPORATE OFFICE

PERSONNEL BRANCH

4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi 110 001

No: 412-03/2017-Pers.I/I

Dated: June, 06, 2018.

Office Order

Subject:- Implementation of Hon'ble Supreme Court Judgment dated 12.12.2017 in CA No. 392 of 2017 -Case of 147+ LDCE executives (revision of their promotions) – in respect of officers retained as DGM Level.

A combined qualifying-cum- competitive exam was conducted in the year 2000 & 2003 for vacancy year 1994-95 to 1996-97(Upto 22.7.1996) as per RR 1981 and subsequent modification thereof, under 1/3 quota for promotion from JTO to SDE(T) grade. Approximately 150 executives (commonly known as 147 group) were declared passed in the said examination & accordingly, they were promoted to SDE(T) grade in 2005 onwards on different dates under 1/3rd Quota. However, the seniority and subsequent Promotion granted to these LDCE executives were challenged in various courts. Since, there was an interim protection on disputed Seniority of 147 group executives in the grade of SDE, they were granted subsequent promotions also with due respect to the pending litigation before Hon'ble Courts, at that time.

2. Now, court cases on above seniority and promotions has **attained legal finality** having regard to the decision of Hon'ble Apex Court in the aforementioned CA No. 392/2017 vide Judgement dated 12.12.17. In its Judgement, Hon'ble Supreme Court has upheld the Judgment dtd. 01-07-2013 pronounced by Hon'ble High Court, Kerala in WP (C) No. 5406 of 2010. As per Judgement of Hon'ble Kerala High Court, a candidate should complete 5 years of regular Service in feeder Cadre (JTO) as on Ist January of a Vacancy Year for making him/her eligible.

3. Hence, in accordance with the above said Judgment, the seniority list in SDE grade w.r.t. these executives has been revised and circulated vide this office letter dtd. 06.06.2018 against vacancy year 1994-95 to 1996-97 (Upto 22.7.1996) under 1/3 quota as per RR 1981 and subsequent modification thereof to eligible executives.

4. Now consequent to revision of Seniority, the promotions earlier granted to these executives are also reviewed and accordingly promotions granted to the grade of DGM(Adhoc) vide this office order dt. 31.03.2016 / 03.05.2017 to the executives mentioned in Table-A (3 members) are allowed to continue since their juniors are already promoted to the grade of DGM(Adhoc).

5. The promotion granted earlier to these executives, on the basis of interim protection granted by Hon'ble courts in regard to pending litigation, to the grade of AGM(Adhoc) vide this office order dt. 29.09.2008 and AGM(Regular) grade in the year 16.08.2010, on the dates as mentioned against their names are cancelled and they are promoted to AGM (Adhoc) grade & AGM (Regular) grade respectively w.e.f. the dates as mentioned against their names, at par with their juniors promoted.

Continued--2

PM
6/6/18

6. However, their promotion to AGM(Adhoc) & AGM(Regular) shall be reviewed again, while reviewing all promotions granted with respect to their juniors as per Judgment of Hon'ble Supreme Court in CA NO. 4389/2010 dt. 14.12.2017 (Rule-206) in due course.

Table-A

S. No.	Staff no	Name	Cat	HR NO	Already promoted as AGM (Adhoc)	Already promoted as AGM (Regular)	Already promoted as DGM (Adhoc)	Revised promotion, as AGM (Adhoc) at par with Junior	Revised promotion as AGM (Regular) at par with Junior
1	31955	Ramesh Ch Khuntia	OC	198305353	29.09.2008	16.08.2010	2016	30.07.2010	20.08.2014
2	34357	S.P. Samanta Ray	OC	198305419	29.09.2008	16.08.2010	2017	30.07.2010	20.08.2014
3	37628	N.G. Dazil	ST	199003267	29.09.2008	16.08.2010	2016	30.07.2010	20.08.2012

7. Necessary entries in ERP / HR Package and Service Book may be made.

8. The pay shall be fixed as per the revised promotion orders, however the salary drawn already shall not be recovered since they have worked in higher post / promoted post. As a consequence of revised promotion orders, time bound upgradation granted under EPP 2007 rules shall be reviewed and salary due / drawn shall be paid / recovered as per rules EPP-2007

This issues with the approval of the Competent Authority.


118
(Pravin Bhagwat)
Assistant General Manager (Pers-I)

Copy to:

- I. All Heads of Telecom Circles/Telecom Projects/Telecom Regions/ Administrative Units of BSNL.
- II. Shri V.R. Ajay Kumar, Under Secretary (STG.II), Department of Telecommunication, 419, Sanchar Bhavan, 20- Ashoka Road, New Delhi-110001.
- III. CAO(s) concerned/Executive Concerned (Through CGM)
- IV. CVO/GM(Pers.)/Jt.GM(Pers.)/CLO(SCT).
- V. AGM (Pers-(DPC)/AGM(Pers-II)/AGM(Pers-Legal) BSNL Co./ Guard file/Order Bundle.
- VI. DM(Pay Bill)/L & A/Cash. Sections BSNL CO(for making necessary entry in the relevant records in respect of the BSNL CO. executives.