



# SANCHAR NIGAM EXECUTIVES' ASSOCIATION

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**No: SNEA/CHQ/DIR(HR) /2018-21/100**

**Dated 17.01.2022.**

**To**

✓ **Shri. Arvind Vadnerkar,  
Director(HR), BSNL Board,  
New Delhi.**

**Sub: Time Bound Promotion and AO Regular Promotions for the 2012 rect Year JAOs of Kerala Circle who are promoted against the unfilled and carry forward vacancies of 2010 examination, at par with the JAOs of other Circles – reg:**

**Respected Sir,**

LICE 2012 Departmental JAO examination against 101 vacancies was notified by Kerala Circle, as per the notification No Rectt/3-4/2012/2 dated 05.09.2012. This examination was notified by all Circles and the exam conducted all over India for all vacancies including carry forward vacancies. Out of 101 vacancies, 40 are vacancies of 2012 and remaining 61 vacancies are carry forward vacancies of 2010 examination. It was specified in the notification that the total vacancy includes carried over vacancies of 2010 and the posting against such vacancies will be subject to some court cases pending at Hon. Supreme Court in respect of 2010 examination. The dispute before Hon. Supreme Court was regarding earlier LICE examination conducted in 2010. But in Kerala Circle, only the first 40 numbers of candidates were posted as JAO in 2013 in Kerala Circle against the 40 vacancies of 2012. The carried forwarded vacancies of 2010 was not filled though all such vacancies were filled by other Circles.

The remaining passed candidates (34 nos) represented to the Circle administration requesting to implement its own notification and post them as JAOs as done by all other Circles, but it was not considered. These qualified officials were constrained to approach Hon. CAT, Ernakulam with their grievance. As per order of CAT Ernakulam, the result was published and they were posted as officiating JAOs and were sent for 4 weeks Phase-I Induction Training from 05/05/2015 which was completed on 30/05/2015.

CAT disposed the OA 180/00072/2014 and BSNL is directed to appoint the 34 applicants, who cleared the 2012 examination as JAOs subject to the outcome of SLP Nos.14956/2012, 15365/2012, 16345/2012 & 15743/2012 pending before the Apex Court and subject to the conditions notified in the examination notification. Kerala Circle appointed them as **"JAO on probation"** on 22.03.2016 as per order from Hon CAT Ernakulam order. Corporate office and SEA section approved the appointment as JAO in consultation with legal branch of Corporate office vide letter No. 9-31/2015-SEA Dated 08.06.2016 accordingly; these officials were appointed as regular JAOs subject to the pending SLPs before Apex court w.e.f. 22.03.2016. The applicants also submitted undertakings before the respondents that if the Hon'ble Supreme Court in the pending SLPs decides against the interest of the applicants and as a consequent of the same if any amount becomes refundable, the applicants will refund the same to the respondents.

**Now, the following grievances are pending for these JAOs:**

**I.** On 29.06.2018, 2012 batch JAOs who has qualified the same examination in other Circles considered for promotion to the cadre of AO, but these JAOs were not considered for AO promotion. The name of those JAOs of 2012 batch who were appointed in 2013, were included in the AIEL and they were promoted as AOs in 2018. The name of others mentioned above were not included in the AIEL and denied AO promotion though they were also belonging to same batch 2012 and had requisite length of service for promotion for AO. **At the same time, similarly placed JAOs of all other Circles given AO promotion.** When these JAOs approached Hon.CAT ENK, it was submitted from the administration that, they are not having 3 years' service in JAO cadre and not eligible for promotion as per AO Recruitment Rules. The pending SLP before Hon. Supreme Court is not connected with LICE 2012 examination but with the previous examination of 2010.

Further these JAOs have completed all phases of training but not included in the Gradation list of 2012 or 2015 so far. Now recently processes are going on for preparing Gradation lists for their subsequent batches.

**It is requested that the case of these JAOs belonging to 2012 batch LICE may be treated separately for promotion along with 2018 AO promotion subjected to the outcome of the SLP pending before Hon. Supreme court.**

**II.** On 21.03.2020, all the JAOs completed 4 years of service in JAO cadre and crossed the minimum of the next IDA scale of E2 (provisional) thereby became eligible for time bound promotion under EPP. Kerala Circle office written letter vide No.HR-E/30-5/A/2020-21/6 Dated TVM dtd 30-4-2020 to Corporate Office seeking clarification whether these JAOs can be considered for TBP. Meanwhile, Kerala Circle issued Time Bound promotion orders to these JAOs. Vide BSNLCO-PRII/11(24)/1/2020/PERS1 dated 09-11-2020, Corporate Office clarified that: ***"since these JAOs are still on probation and are provisionally appointed to the Grade of JAO subject to outcome of SLP and case is still sub judice, the matter to grant 1st time bound up-gradation to these applicants may not be considered at this juncture."*** Thereafter Kerala Circle cancelled the TB order according to the above clarification of Corporate Office. **Kerala Circle further written letter for review of the decision not to give Time Bound to these JAOs** vide HE-E/30-5/A/2020-21/65 dtd 14.01.2021, which is **now pending with Corporate Office.**

The scope of the SLP is not limited to one batch of Kerala Circle alone because the vacancy declaration and examination were conducted at all India level. Because of the pending SLP, all JAOs promoted in all the Circles are on probation and provisional. **In all other Circles, such JAOs were considered for Time Bound Promotion and AO promotion.** But the JAOs of Kerala Circle alone are treated discriminately. Hence, any delay in allowing them Time Bound promotion and delay in providing AO promotion will cause irreparable loss to their career prospects and complication as the subsequent junior batches is due for promotions both under EPP and functional and may lead to further disputes. Since they become JAOs, they are not even getting the benefit of NEPP also.

**In short these JAOs are not getting EPP benefits as a JAO OR not getting regular promotion as AO like their other batch mates in other Circles. As mentioned above, NEPP benefits also denied after becoming JAO. They are not treated either as Executive or as a Non Executive. Kindly take appropriate action in this regard to extend Time Bound Promotion and AO promotion from 2018.**

Sincerely Yours,

  
(Sebastin. K)

17/01/2022

Copy to: PGM(Pers), BSNL CO for information and n/a please.