



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.No.060/432/2024

Chandigarh, Order Reserved: 10.07.2026
Pronounced: 27.08.2026

CORAM:

HON'BLE MR. RAMESH SINGH THAKUR, MEMBER (J)
HON'BLE MRS. ANJALI BHAWRA, MEMBER (A)

1. Name: Vinay Sharma, Age: 43
Father's Name: Krishna Kant Sharma
Post: Management Trainee
Address:62/21, Sanchar Kunj, Ambala Cantt, Haryana
2. Name: Ashish Goel, Age-43
Father's Name: Chander Bhan Goel
Post: Management Trainee
Address:MTE Ambedkar Chowk, Rohtak, Haryana
3. Name: Daljeet Singh, Age-37
Father's Name:
Post: Management Trainee
Address: 57, Friends Colony, Patiala, Punjab

...Applicants

[By Advocate: Mr. Vivek Salathia with Mr. Deepanshu Sodhi]

VERSUS

1. Union of India,Through its Secretary, Department of Telecommunications, Add 20, Sanchar Bhawan, Ashoka Road, New Delhi, Delhi 110001.
2. Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions, Add - Department of Personnel and Training, North Block, New Delhi-110001.
3. Bharat Sanchar Nigam Limited, through the Chairman-cum-Managing Director Add Corporate Office, 3rd Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001.
4. The Principal General Manager (Personnel),Bharat Sanchar Nigam Limited, Add Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001.



5. The Director (HR), Bharat Sanchar Nigam Limited, Add Corporate Office, 3rd Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001.

6. The Deputy General Manager (Pers. SM), Bharat Sanchar Nigam Limited, Add Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001.

7. The Asst. General Manager (Pers. Policy), Bharat Sanchar Nigam Limited, Add Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001

8. The Asst. General Manager (Pers. DPC-SM), Bharat Sanchar Nigam Limited, Add Corporate Office, 4th Floor, Bharat Sanchar Bhawan, Harish Chander Lane, Janpath, New Delhi-110001.

9. The Asst. General Manager (Recruitment), Bharat Sanchar Nigam Limited, Add CTO Building, Eastern Court, Janpath, New Delhi-110001.

...Respondents

[By Advocate: Mr. J.S. Attri, Sr. Adv. assisted by Mr. Pradeep Mathur, Ms. Anita Sharma, Mr. Ashish Sharma; Mr. Barjesh Mittal]

ORDER

Per: RAMESH SINGH THAKUR, MEMBER (J):

1. Through the present Original Application, the applicants have challenged the validity of the BSNL management services-telecom operators stream recruitment rules 2023 (Annexure A-12) on the ground that the said rules are in violation of Article 14 & 16 of the Constitution of India. Applicants have sought the following relief:

- i. Summon the entire relevant records.
- ii. To set aside the BSNL management services- telecom operators stream recruitment rules 2023 (A-12).
- iii. Quashing of the examination notification dated 05/09/2023(A-19) vide which the respondent BSNL on the strength of impugned rules is now attempting to fill up the vacancies of ASSISTANT GENERAL MANAGER on regular basis.
- iv. For issuance of directions to the respondents that the process of promotion of the Applicants [MTs] shall be governed only as per the

Rules of 2013/A-4) without there being any influence from the subsequent Rules of 2023 (MSRR-Telecom-2023) (A-12).

v. For issuance of directions to respondent BSNL to appoint and govern Applicant's career progression as per MSRR-2009 as BSNL could not complete the recruitment process of MTs by 31.12.2023 despite CAT Jabalpur's Interim Order dated 28.09.2022 (A-10).

vi. Any other relief, which this Tribunal deems fit.

2. The present Original Application was decided by this Tribunal on merits vide order dated 27.02.2025, whereby the Original Application stood dismissed. Vide order dated 29.10.2025 in CWP No. 14056 of 2025 (O&M), Hon'ble High Court of Punjab & Haryana has remanded the case back to this Tribunal with the following direction:

"6. Hence in light of the settled principles of law, the judgment of the Tribunal is set aside and the case is remanded to the Tribunal to decide all the issues noticed by the Tribunal in the impugned judgment starting from Paragraph-37 onwards by giving due reasons for accepting and rejecting the same."

3. Whereas the applicants have sought fresh adjudication of the entire case on merits by placing on record material regarding subsequent developments in the case, it has been contended by learned senior counsel appearing for the respondents that vide order dated 29.10.2025 in CWP No. 14056 of 2025 (O&M), Hon'ble High Court has directed this Tribunal to decide all the issues noticed by this Tribunal in our earlier order/judgment dated 27.02.2025, starting from Paragraph-37 onwards by giving due reasons for accepting and rejecting the same. As such, it is contended by learned senior counsel for the respondents that the direction is not for a *de novo* adjudication of the entire Original Application or for reconsideration of subsequent developments, but restricted to deal with the specific issues recorded in the original order, specifically starting from Paragraph-37 thereof.

4. Having carefully perused the order of Hon'ble High Court dated 29.10.2025 in CWP No. 14056 of 2025 (O&M), we find force with the contention raised by learned senior counsel for the respondents. We, therefore, deem it proper to keep our focus on the specific pleadings and



contentions raised by both sides as recorded in our original order dated 27.02.2025, and deal with the issues emanating therefrom, specifically starting from paragraph-37 of the original order. In this regard, the arguments addressed by learned counsel for both sides and the material on record referenced in support of their contentions have been duly noted and taken into account for consideration of issues.

5. The pleadings of the case and contentions raised by parties on both sides, as recorded in our order dated 27.02.2025 are as under:

“

1. Through the present Original Application, the applicants have challenged the validity of the BSNL management services-telecom operators stream recruitment rules 2023 (Annexure A-12) on the ground that the said rules are in violation of Article 14 & 16 of the Constitution of India. Applicants have sought the following relief:

- i. Summon the entire relevant records.
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- iv. For issuance of directions to the respondents that the process of promotion of the Applicants [MTs] shall be governed only as per the Rules of 2013/A-4) without there being any influence from the subsequent Rules of 2023 (MSRR-Telecom-2023) (A-12).
- v. For issuance of directions to respondent BSNL to appoint and govern Applicant's career progression as per MSRR-2009 as BSNL could not complete the recruitment process of MTs by 31.12.2023 despite CAT Jabalpur's Interim Order dated 28.09.2022 (A-10).
- vi. Any other relief, which this Tribunal deems fit.

2. The applicants have made the following averments. The Applicants were initially recruited as direct appointees in BSNL as Junior Telecom Officer (JTO) and joined the institution on different dates and were later regularly appointed as a JTO. Subsequently, they were promoted as Sub Divisional Engineers (SDE).

3. An Executive Promotion Policy dt. 18 Jan 2007 is (Annexure A/1) was introduced in 2007 providing for Post Based Promotion Policy and spoke about the Induction of Management Trainees (MTs) corresponding to Senior Time Scale (STS) level posts in the ratio of 50:25:25 through Departmental promotion, LDCE with internal candidates, and Direct





Recruits respectively. Any subsequent Recruitment Rules were to be framed in the light and within the ambit of this Policy, as the Policy had been framed by the BSNL Management after consulting the Dept. of Telecom. Also, it was clearly spelt out that 25% of MT Internal Quota was meant for Internal Candidates and was a channel to promote the meritorious candidate by way of an LDCE Exam.

4. It is submitted by the applicants that on 14th July, 2009, with the approval of BSNL Board, the rules relating to recruitment of Executives in BSNL were made and were named as the 'BSNL Management Services' Recruitment Rules, 2009 (hereinafter to be referred as "Rules of 2009") (Annexure A/2) and were made effective from 11th June, 2009. In the said Rules Table 5.1 a total of 5461 posts of Divisional Engineer (DE)/ Assistant General Manager (AGM) were provided equivalent to Group 'A' entry STS level in Telecom Operations of BSNL. As per the Para 7.1 read with Schedule IA of the said recruitment rules, the post of DE/AGM, was to be filled from 2 cadres, that is from MTs (Group 'A' entry level recruitment) and promotion of SDEs (Group 'B'). It implied that 50% posts shall be filled from Management Trainees, subject to fulfilling the qualifications as mentioned in the Management Trainee Recruitment Rules (MTRR). The remaining 50% posts were supposed to be filled by way of promotion from the post of SDE Group 'B' level Executives. As per the Executive Promotion Policy dt. 18 Jan 2007. Management Trainee (MT) level was proposed at Gr. 'A' entry level against DE/AGM level. The 3 years' service rendered by MTs is also considered as qualifying service of STS equivalent grade for promotion to Deputy General Manager at the JAG level. As per the footnote below Schedule IA in the Rules of 2009, after the number of MTs have been notified, the corresponding STS level posts, if remain unfilled, can be filled by promoting eligible group B (SDEs and equivalent) level executives on adhoc basis only, if deemed necessary by the Management. Hence, MT (Internal) posts once notified, cannot be diverted to departmental promotional posts on regular basis. Thereby the career interests of MTs were well protected in the Rules of 2009.

5. On 31 Dec 2010 the DoPT issued guidelines (Annexure-A/3) for framing / amendment / relaxation of Recruitment Rules. Clause 2.1.3 stated that Recruitment Rules for Groups 'A' & 'B' posts/services as approved by the Administrative Ministry / Department should be referred to the Department of Personnel & Training first for clearance. Also, the fact that there is deployment of Indian Telecom Services (ITS) officers in BSNL, further makes it more prudent to refer and consult the DoPT for its concurrence and BSNL being a 100% undertaking of Gol, its approval a sine qua non for framing the service/recruitment rules. It also states that as per Clause 3.10.2, when the promotions are being done from Group 'B'



to 'A' posts, the period for probation for the promoted person should be a minimum of two years. However, the said Rule has not been included in the Rules of 2023 and the same ought to have been included in the Rules of 2023. The said Rule is ultra vires and illegal due to the said reason, which amounts to arbitrariness and abuse of discretion. Thereafter, on 05 July 2013, BSNL Management Trainees Recruitment Rules 2013 (for brevity, hereinafter referred to as the "Rules of 2013")(Annexure A/4) were introduced.

6. Thereafter, the Notification dt. 29 June, 2018, (Annexure A/5) was issued wherein the Respondents took a decision to promote 3450 executives in the grade of DE/AGM in the Telecom Operations stream. Vide notification dt. 11 Dec, 2018 (Annexure A/6), the Respondents initiated the recruitment exercise for filling up the post of Management Trainee (Internal Candidate). In order to be qualified to be a Management Trainee (Internal Candidate) the detailed procedure as enshrined in Para 11.2 of the Rules of 2013 is to be followed. The Applicants fulfilled the above-mentioned eligibility criteria and appeared in the examination conducted for the post of Management Trainee on 17 March, 2019. Thereafter, on 19 March, 2019, the answer keys for the aforesaid examination were released by the Respondents. Release of the examination result was postponed due to OA no 060/00214/2019 pending before this Tribunal.

7. Subsequently, vide notification dt. 8 July, 2022 (Annexure A/7), the result of the examination conducted for recruitment of Management Trainees (Internal) of Telecom Operations was declared and the Applicants' name featured in the aforesaid result. In all, the Respondents shortlisted a total of 300 candidates and the said persons were called for group discussion and interview. Later, the SDE Employees Association started protesting regarding the initiation of the MT (Internal) process and also put undue pressure on the Management to focus on DE/AGM promotions for the SDE Seniority quota only. Correspondingly, the Respondent left the MT (Internal) hanging in the balance and expedited the process of SDE to AGM promotions under seniority-cum-fitness while posts in excess of the existing Rules of 2009 were also allocated to appease SDE Employees Association. Copy of letter dt. 29 July, 2022 is annexed as Annexure A/8.

8. It is further submitted by the applicants that thereafter, one Shri Chandra Prakash Soni, a similarly placed employee, approached CAT Jabalpur Bench by filing O.A. No. 746/2022, while calling in question the legality, validity, and propriety of the inaction of the Respondents in completing the recruitment process for the post of Management Training



(Internal) before going ahead with the SDE quota of promotions, as initiated by the Respondents vide impugned communication dt. 8 June, 2022. CAT Jabalpur Bench took cognizance of the inaction of the Respondents and heard his case on the question of interim relief and vide order dt. 29 August 2022 (Annexure A/9), passed in O.A. 746/2022, it was directed that the Respondents would not issue the promotion order till the next date of hearing. Subsequently, the said matter was heard on 28 Sept 2022 and CAT Jabalpur Bench modified the earlier interim order dt. 29 August 2022 on the condition that firstly, the entire Promotion exercise would be subject to the outcome of the Original Application and secondly the recruitment of Management Trainee (Internal) of Telecom Operations in the BSNL would be completed before the end of the year, that is 31 Dec, 2022.

9. Thereafter, the Respondent BSNL issued SDE to AGM promotions on 16-Nov-2022 (Annexure A/11) for almost 1891 employees with a special provision of joining through the mail to facilitate their joining as AGM. However, despite the passage of more than six months since the declaration of the written exam result, and in spite of the multiple requests of shortlisted candidates, and directions of CAT Jabalpur Bench, the Respondent BSNL had not declare the Date and Time of the Group Discussion and Interview. The Respondent BSNL then notified and enforced the MSRR-Telecom- 2023 on 31 Dec 2022 (Annexure A/12), in supersession of MSRR 2009, while there was no progress in the MT (Internal) recruitment process. Thus, the Respondents flouted the order passed by this Tribunal, and did not complete the MT process within 2022. Instead, Respondent completely changed the Recruitment Rules in the middle of the Recruitment process.

10. Shri Chandra Prakash Soni filed a Contempt Petition bearing CP/8/2023 in O.A. No. 746/2022 before CAT Jabalpur Bench. Vide order dt. 23 Jan 2023 (Annexure A/13) in C.P./08/2023, CAT Jabalpur Bench issued a contempt notice for not completing the MT Internal process. The Respondent BSNL declared the Final Result of MT Internal 2018 dt. 20 April 2023 (Annexure A/14). The Respondent BSNL then issued the offer letter dt. 26 May 2023 (Annexure A/15) to the Applicants to join the training of MT Internal starting from 05-Jun-2023 in BSNL Training Centre in Ghaziabad and Jabalpur. An Unconditional Acceptance was sought from all the Applicants wherein it was mentioned that the inter-se-seniority career progression as per the new MSRR Telecom 2023, deviating from the MTRR 2013.

11. Aggrieved by the same, on 30 May 2023, Mr. Chandra Prakash Soni requested the Respondent BSNL to permit him to join the MT



Training without signing the said unconditional acceptance of terms and conditions regarding the diluted career progression and submitted a representation to the said effect on 31 May 2023 (Annexure A/16). Further, numerous employees also requested the Respondent BSNL praying that the Respondents may not dilute the MT inter-se- seniority and career progression avenues in BSNL Telecom MSRR 2023. However, the Respondent BSNL did not allow the Applicants to continue with training without signing the said Unconditional Acceptance, and on the contrary, threatened to send the concerned employee back, in case of their refusal to sign the said undertaking. Copy of orders dt. 14 June 2023 is annexed as Annexure A/17. A representation dt. 06 May 2023 (Annexure A/18) was sent by the Applicant No. 1, voicing his anguish against the arbitrary and unfair actions by the Respondents. Other Applicants also sent similar representations on various dates.

12. It is further submitted by the applicant that before notification of MSRR-2023, on one side the respondents had taken care of one set of executives by exclusively issuing the letter dated 31.12.2022 (Annexure-A/18(i)) that the vacancies in the cadre of DGM(T), CAO, EE/AGM(Civil) till 31-12- 2023 will be filled as per MSRR-2009 only due to pending court cases, whereas did not complete the process of other set of executives i.e. MT, even after the clear-cut directions from the court, and further BSNL forced MTs to submit the unconditional undertaking to accept MSRR-2023 for diluting the fast-track career progression as per MTRR-2013/MSRR- 2009 before appointment. The vacancies of MT are competitive quota AGM vacancies of 2018 but could not be filled out due to pending court cases, which shows. preferential treatment of BSNL towards one set of employees.

13. Later, a Notification dt. 5 Sept 2023 (A/19) was issued vide which the Respondent BSNL seeks to promote the existing SDEs at the E2 substantive grade to the post of AGM at the E4 Substantive grade by way of a LICE, as per the new MSRR Telecom 2023. It is submitted that as per the earlier Rules of 2009, an executive including an SDE, would have to clear the competitive exam would then have to serve for 03 years as Manager(MT) at the E3 Substantive Grade and then only would he have been eligible to be promoted on the post of AGM at the E4 Substantive grade, whereas, now as per the new Rules, the SDEs have been given an express and direct mode of promotion while diluting career progression for the MTs including the Applicant. It is contended that the unsuccessful SDEs are now being given another opportunity to seek promotion as AGMs before the Applicants (MTs).



14. It is the contention of the applicants that after clearing the MT (Internal) Exam 2018, which is a type of LDCE for internal candidates, they have to serve 3 years in E3 substantive grade, including 2 years of probation concurrently with one-year rigorous training, but during these 3 years several internal candidates through 33% of LICE quota will immediately be promoted from SDE Group 'B' to Group A services at STS level i.e., AGM, and placed en bloc senior to the AGMs promoted through MT (Internal) 2018 after simply writing an exam. It is further submitted that in pursuance of the said Notification dt. 5 Sept 2023 (A/19), the date of exam has also been notified as 16 April 2024, vide subsequent Notification dated 15 March 2024 (Annexure A/20).

15. In reply to averments made by the applicants, the contesting respondents have made the following submissions. It is submitted by the contesting respondents that BSNL is a 100% Govt. of India owned Public Sector Undertaking (hereinafter referred as PSU) under the ownership of the Department of Telecommunications. Ministry of Communications, Government of India and operates in accordance with the rules and regulations set forth by the government. BSNL being a Board driven PSU, has the autonomy to frame Internal policies and procedures to ensure efficient management and smooth functioning of the organization, as granted by the relevant statutes and regulations governing PSUs.

16. It is submitted by the respondents that no fundamental or statutory right of the applicants has been violated and the applicants have not come before this Tribunal with clean hands in so much as they mis-stated and mis-represented the facts in the OA. It is further contended by the respondents that the applicants have willfully concealed the facts that management trainees appointment are under challenge and CAT, Principal Bench in OA No. 1526/2021 in the case of Narender Kumar Vs BSNL vide interim order dated 10.05.2023 held that these candidates will have no vested rights. The same OA along with other associated OAs are pending for the adjudication before the CAT Principal Bench.

17. It has been contested by the respondents that with regard to governing service of the applicants under old MSRR2009 with respect to promotion to the cadre of AGM, there is no change in the service conditions with respect to MSRR 2023 qua their eligibility for promotion to the cadre of AGM.

18. It is further submitted that consequent upon restructuring and approval of manpower plan in BSNL and as per the needs and requirement of the Company in post VRS scenario (in which over 78000 employees have taken VRS), old BSNL Management Services Recruitment Rules-2009 have been revised and Recruitment Rules of all the executives



grades of different Streams/Cadres have been revised Stream wise. New BSNL Management Services Recruitment Rules-2023 have been notified with the approval of BSNL Board and the same has already come into operation w.e.f. 31.12.2022 (A/N).

19. It is submitted by the respondents that apart from seniority quota promotions, in order to promote meritocracy in promotion, Limited Internal Competitive Examination (LICE) quota in Assistant General Manager (AGM) and Deputy General Manager (DGM) level of Telecom/Finance/Civil/Electrical Streams has been introduced in revised Recruitment Rules-2023.

20. It is submitted by the respondents that to manage its executive hierarchy, BSNL have well laid out policies framed with the approval of highest decision making body of BSNL i.e. BSNL Board as under:-

(i) Separate Stream wise Recruitment Rules of BSNL Management Services- 2023 (Assistant General Manager level and above upto Principle General Manager/Chief General Manager i.e. E4 IDA pay scale and above).

(ii) Separate Recruitment Rules for governing Junior Telecom Officer (JTO) level and Sub-Divisional Engineer (SDE) level in E1 and E2 IDA pay scale.

(iii) Recruitment Rules of Deputy General Manager (Direct Recruitment)-2024-directly recruited in E5 pay scale.

(iv) Recruitment Rules of Senior Executive Trainee (Direct Recruitment)-2024-directly recruited at E3 pay scale against specified number of AGM posts.

It is submitted that to attract highly qualified candidates and to induct young blood from the open market, separate Recruitment Rules for direct recruitment of SET(DR) at E3 level and DGM(DR) at E5 level have also been framed with the approval of BSNL Board.

21. It is further submitted by the respondents that the Previous Recruitment Rules of BSNL Management Services- 2009 which were notified on 14.07.2009 have already been revised in the post VRS scenario as per the requirements of the Company. In supersession of old RRs of BSNL Management Services-2009, the revised Recruitment Rules of BSNL Management Services have been notified with the approval of BSNL Board and these Rules have already come into operation w.e.f. 31.12.2022 (A/N). In order to promote meritocracy in promotion, LICE quota along with seniority quota have been introduced under these revised Recruitment Rules so as to ensure merit based promotions in AGM and DGM level grades. Accordingly in view of previous RRs of BSNL

Management Services-2009 and revised RRs of BSNL Management Services-2023 which are currently in operation are as under:



Grade/Post	Prescribed eligibility criteria under old BSNL MSRRs-2009 & mode of promotion	Prescribed eligibility criteria under revised BSNL MSRRs-2023 (Telecom) & mode of promotion
Assistant General Manager (Telecom)-4050 posts	Regular SDEs with 07 years of service-100% seniority quota	(a) Seniority quota (67%)-Regular SDEs with 07 years of service in the grade. (b) LICE quota (33%)-Regular SDEs with 05 years of service in the grade.
Senior Executive Trainee (DR) 450 posts	Under the revised BSNL MSRRs-Telecom-2023, there is a provision for recruitment and promotion of SET(DR) recruited at E3 level as per RRs of SET(DR) to be separately framed. RRs of SET(DR)-2024 have been framed and these Rules have already come into operation w.e.f. 26.02.2024	

22. It is contested by the respondents that for promotion to AGM(T) level either through seniority quota or LICE quota and there is no prior condition to appear in the exam of MT (earlier) or presently SET(DR). Regular SDE with prescribed eligibility service are eligible for promotion to AGM (seniority quota / LICE quota). Moreover on promotion to AGM level, it is clear that the seniority of such executives shall be fixed as per the provisions of applicable Recruitment Rules of BSNL Management Services-2023 which has well defined detailed provisions for fixation of seniority.

23. It has been submitted by the respondents that with regard to Management Trainee (MT) level/Senior Executive Trainee (DR) (SET(DR)] level in E3 IDA are concerned they have been taken care of as under:



Old MT RRs-2013	SET(DR) RRs-2024
Management Trainee (External)=50% i.e. Direct Recruitment Management Trainee (Internal)=50% i.e. from BSNL Internal Executives (in the MT(Internal) examination all the executives i.e. JTO as well as SDE with 04 years of work experience in BSNL possessing requisite educational qualification were allowed)	100% Direct Recruitment
After 03 years service in MT, the executive is to be promoted in next higher AGM level in E4 IDA pay scale subject to adjudged fit for promotion, as per applicable RRs.	After 03 years of service as Sr. Executive (DR), the executive shall be promoted as AGM in E4 pay scale subject to adjudged fit for promotion, as per applicable RRs of BSNL Management Service-2023.

It is the contention of the respondents that the version of the applicants and their apprehension is beyond imagination as comparison in the above mentioned table is clear regarding the management trainees and Direct Recruiters. It has been further contested by the respondents that induction of Management Trainee as per previous MTRRs-2013 and presently SET(DR) as per RRs of SET(DR)- 2024 recruited in E3 pay scale and promotion from SDE to AGM level are entirely two different modes. All the executives have their conscious choice to apply for recruitment and inducted as MT (earlier) or SET(DR) on fulfilling the prescribed eligibility and thereafter all such executives have been appointed as MT or in future the candidates recruited as SET(DR) from open market after fulfilling the eligibility criteria shall be uniformly considered for promotion to next AGM level in E4 IDA pay scale as per applicable RRs of BSNL Management Services-2023 (Telecom).

24. It is further submitted by the respondents that other channel of promotion to AGM level, all regular SDEs with prescribed 07 years for seniority quota (67%) and 05 years for LICE quota (33%) (provided they have applied for such LICE quota exam) shall be uniformly considered. Hence, there is no such pre-condition that an executive has to first clear



MT exam for becoming eligible for promotion to AGM level. Till date, BSNL has conducted only 01 round of Management Trainee (Internal) examination against which 135 executives have been sent for training for 52 weeks in 2023 and are on probation for 2 years including 52 week training period. All the AGMs presently working in BSNL have been promoted through seniority quota without any linkage with MT.

25. It is submitted by the respondents that after notification of these revised RRs of BSNL Management Service-2023 with the approval of BSNL Board, BSNL has issued notification for conducting 1st LICE for promotion From SDE to AGM grade as per the prescribed eligibility criteria uniformly applicable to all the BSNL executives without any discrimination. It is submitted that the eligibility criteria for appearing in said LICE for promotion to AGM level requires 05 years of regular service as SDE as on crucial date i.e. 1 st January and therefore, all the SDE level executives of Telecom Stream with requisite years of service can apply for appearing in the said LICE without any discrimination. Further, all those executives who were regular SDEs as on crucial date i.e. 01.01.2023 and subsequently appointed as MT through MT(Internal) examination and who fulfil the criteria of 05 years of regular service in SDE grade as on crucial date and possessing requisite qualification as per applicable BSNL MSRRS-Telecom-2023 have already been allowed to appear in the said LICE on the principle that they become eligible for appearing in the said LICE even if they are not appointed as MT in separate process, by virtue of completing requisite 05 years of eligibility service in SDE grade as on crucial date. Some of the MT level executives fulfilling the eligibility conditions for the aforesaid LICE, have also applied for the LICE to the post of AGM(T). On promotion of AGM, their seniority in AGM grade shall be fixed in accordance with provisions of applicable Recruitment Rules of BSNL Management Services which has well defined detailed provisions for fixation of seniority. The 3 applicants in this OA have not completed requisite 5 years of service as on 01.01.2023.

26. It is the contention of the respondents that the present OA is an attempt on the part of the applicants herein to disrupt the ongoing process of holding the 1st Limited Internal Competitive Examination in the grade of AGM(Telecom) since the notification for holding of the said LICE was issued on 05.09.2023 and the applicants have approached this Tribunal close to the date of examination scheduled for/ held on 16.04.2024. It is further mentioned by the respondents that conduction of online LICE being conducted through outside agency involves substantial financial implications worth Crores of Rupees and therefore, any cancellation or deferment at this stage will have consequences in terms of huge monetary loss to the Company as well as mass resentment among

thousands of executives with more than 15 years of service and have been preparing for the said LICE for long.

27. It is submitted by the respondents that after successful completion of the BSNL VRS-Scheme-2019, BSNL needed overhauling to take care of business requirements and re-distribution of its HR needed to be restructured. Accordingly, vide letter no. 4-02/2021-Restg dated 23.11.2021, BSNL Board's approval on total manpower requirement in BSNL, the revised sanctioned strength after post VRS restructuring in different grades in Telecom Stream and the recommendation for modifications in the Recruitment Policy was issued. As per Para(ii)(c) of the aforesaid letter following has been stipulated:

"Number of MT Management Trainee Post has been reduced from 1325 to 900 with Internal and External provision 50-50 i.e. 50% of total post (450) for External and 50% of total post (450) for Internal. Further the internal provisions have been converted into LICE for promotion from SDE to AGM grade. Accordingly, these provisions in the MTRR and MSRR may be modified."

In pursuance to the above said letter dated 23.11.2021, almost all the Recruitment Rules which existed pre-VRS were modified post VRS and came into effect from the date of their notification. In view of the new MSRR-2023 a process for filling up of AGM(T) posts under seniority quota as well as through LICE have been started. Hence the notification dated 15.03.2024 for conducting LICE for AGM(T) was issued as per new sanctioned strength in the cadre in view of above restructuring instructions. It is the contention of the respondents that Rules of 2023 has been issued due to organizational requirement and in bonafide exercise of power by the competent authority.

28. In rejoinder to submissions made by the contesting respondents, the applicants have contended that the consequential rights to which the applicants and all 132 selected candidates were entitled to as a promise by the respondent-BSNL emanated from the Rules under MSRR 2009 and MTRR, 2013, and at this stage, the respondent-BSNL has issued/notified Recruitment Rules titled 'MSRR 2023'. The said RR in schedule 1 creates a new category/cadre termed as Senior Executive Trainee (SET) at E-3 level and equates them with the MTs who were appointed on the basis of advertisement dated 11/12/2018 as per MTRR-2013.

29. It is the contention of the applicants that by the said MSRR 2023 the applicants are deprived of the promises/undertaking given in MSRR 2009 and MTRR 2013. It has been submitted by the applicants that in the new schedule, promotion to the level of AGM (E-4 pay scale) has been





confined to 67%. Out of the said promotion quota, 33% is earmarked for LICE and SDE working in E-2 pay scale with 5 years regular service as on 01st January of vacancy year has been made eligible to appear in the LICE exam and if successful they would be appointed as AGM. All these SDEs who are eligible for AGM LICE as per MSRR 2023 are currently working in E-2 substantive pay scale, were also eligible to appear in MT exam conducted in 2018 and not able to qualify the same in which the applicants qualified and appeared in E-3 substantive pay scale in 2023, have now been given an opportunity to steal a march over the applicants. The applicants and rest 133 successful candidates who joined on the basis of 11/12/2018 advertisement would become eligible for appointment for E-4 pay scale only from 2026 as per MSRR 2009 and MTRR 2013 whereas the competitors of the applicants who failed in the MT exam conducted in 2018, on successful qualifying LICE under MSRR 2023 now would be appointed as AGM in 2024 i.e. 2 years ahead of the applicants. At this stage, all MT appointed on the basis of 2018 advertisement like the applicants have been made ineligible for competing for AGM under MSRR 2023. Thus, the candidates who competed with the applicants and failed have been allowed to steal a march over the applicants in the matter of promotion as AGM by clear 2 years and thus it will have cascading effect on the future promotions of the applicants for promotion as AGM/DGM and above. It is the contention of the applicants that this clearly violates the statutory mandate of MSRR, 2009 and MTRR 2013 in respect of the applicants particularly where the promotee quota has been overworked and SDEs in E-2 pay scale with excess of promote has been promoted between 2009 to 2018 and beyond in excess of the quota, and such a stipulation in MSRR 2023, officers from the grade of E-2 scale will steal a march to officers at E-3 pay scale is illegal and in violation of Article 14 and 16 of the Constitution of India being arbitrary.

30. It has been further submitted by the applicants that in the schedule 1 of MSRR, 2023, it is stipulated that the post of DGM would be filled up 50% by promotion of candidates and 50% by persons holding regular post of AGM for 4 years on 1 January of the vacancy year. In concrete terms, the ramification of the rule is that the persons like the applicants who had qualified on the basis of 2018 exam and appointed as MTs (equivalent to Managers level/STS level) under MSRR 2009 and MTRR 2013 would have become AGM in 2026 and DGM in the year 2027 as demonstrated above would now become eligible for promotion to DGM in the year 2030 i.e. 3 years later than what was promised/undertaken by BSNL under MSRR, 2009 and MTRR 2013. It is the contention of the applicants that this amounts to a breach of promise/undertaking as understood in law. All the applicants and rest 132 appointed MTs have changed their position on the

basis of undertaking/promise as per MSRR 2009 and MTRR 2013 and have thereby become ineligible for promotion as AGM in 2024 by virtue of MSRR 2023.

31. It is further submitted by the applicants that in the new MSRR, 2023 in Schedule 2A, the inter-se seniority promised to the applicant in MSRR 2009 and MTRR 2013 has been breached. In Schedule 2A, under para (f), the illustration of fixation of seniority pushes down the AGM appointed through MT exam to the 10th slot instead of 3rd slot which was promised in MTRR 2013, and under MTRR 2013 the slot provided irrespective of date of joining/irrespective of date of appointment, whereas in MSRR 2023, if the promotion is delayed for no reason attributable to the applicants, then also their seniority has been depressed from the date of joining irrespective of vacancy year. It is the contention of the applicants that this is clear and categoric breach of promise/undertaking given by respondent-BSNL in MSRR 2009 and MTRR 2013 and the same is unsustainable in the eyes of law. It is the further contention of the applicants that in view of the above stipulation in seniority of DGM, the same will have cascading effect in case of applicants for further promotion as General Manager and above which is clear cut adverse effect of the provisions of MSRR 2023 on the applicants and rest 132 candidates who were appointed as MT in E-3 pay scale under promised and protected MSRR 2009 and MTRR 2013.

32. It has been contended by the applicants that the exercise of holding LICE vide notification dated 15.03.2024 by respondent-BSNL by impugned MSRR 2023 which has the effect of allowing persons in the junior grade to steal a march over officers in seniority grade has to be interdicted by this Tribunal, and the MSRR 2023 which are contrary to the promise/protection under MSRR 2009 and MTRR 2013 needs to be declared null and void and needs to be quashed and set aside. It has been further contended by the applicants that the consequential benefits are not only confined to the date of promotion as DGM but also the manner of seniority in each and every grade thereafter.

33. We have heard Id. counsel for both sides and perused the material on record. During the course of arguments, it has been contested by Id. senior counsel for the applicants that under Rule 12.1 and 12.2 of MTRR 2013 (pg. no. 102 of the OA), the MTs appointed under MTRR, 2013 i.e. the applicants and 132 more similarly placed persons on completion of their training and two years of service as Manager (MT) were to be appointed as AGM which in the normal course and by application of MTRR, 2013 would become due in 2026. It is contested by Id. counsel for the applicants that in the MSRR, 2023 when the said service has been





increased from two to three years there is a prejudicial change in respect of the applicants and rest 132 MT recruitees under MTRR, 2013 since the respondents have not clarified whether the 52 weeks of training rendered by the MTs under MTRR, 2013 would also be counted as service for computation of 3 years under the Note in column 5 of Schedule I of MSRR, 2023 (pg. no. 141 of the OA) so that all the MTs appointed under MTRR, 2013 would become eligible for consideration/appointment as AGM in 2026. It is contested by Id. counsel for the applicant that the aforesaid position indicates that the conditions of service under MTRR, 2013 has been varied to the disadvantage of the applicants by the aforesaid Note under column 5 of Schedule I of MSRR, 2023 and submitted that the said Note in column 5 of Schedule I of MSRR, 2023 (pg. no. 141 of the OA) is liable to be quashed and set aside to the aforesaid extent and the MTRR, 2013, namely Rule 12, 12.1 and 12.2 is required to be directed to prevail in respect of the applicants and rest 132 MTs recruited under MTRR, 2013 in respect of their appointment as AGM.

34. On the other hand, the Id. senior counsel for BSNL submitted that there is no change in the MSRR, 2023 in regard to the appointment of MTs appointed under MTRR, 2013 as AGM. He has drawn the attention of this Tribunal to MSRR, 2023 (Pg. no. 141 of the OA) and stated that MTs appointed and referred to in the Note under column 5 to state that the MTs appointed as per the ongoing MT internal exam notified in 2018 and conducted in 2019 shall be promoted to AGM after three years of service and shall be adjusted against 450 posts of AGM reserved for SET (DR). By pointing to the said Note, the Ld. Counsel for BSNL had submitted that there is no change in the conditions of the applicants till the time they are appointed as AGM. It had been specifically pointed out on behalf of the applicants under the MTRR, 2013 a MT recruitee of 2018 under MTRR, 2013 was to undergo a training of 52 weeks and render two years of to be placed as AGM.

35. It is submitted by Id. senior counsel for the respondents that while framing 2023 Rules in supersession of 2009 Rules, BSNL did not touch the BSNL Management Trainees Recruitment Rules, 2013 (Page 99-107 of OA), which only govern the recruitment process of Manager (MT) and as per which the Applicants were appointed as Manager (MT) after successful completion of 52 weeks training. Although the Exam notification dated 11.12.2018 (Page 111-119 of OA) is still under challenge before CAT, Principal Bench on different grounds and the applicants have been appointed Manager(MT) on probation subject to the outcome of those OAs. It is submitted by Id. counsel for the respondents that there is no change in MT Recruitment Rules 2013 and contention of the applicants about change of rules during selection process is fallacious since the

respondents have safeguarded the appointment of MTs recruited through Exam held vide notification dated 11.12.2018.

36. It is further submitted by Id. counsel for the respondents that Rule 12.1 and 12.2 of the BSNL Management Trainees Recruitment Rules, 2013 (Page 102 of OA) categorically provides that an officer shall be appointed as Manager (MT) on successful completion of 52 weeks training and on working as Manager (MT) for 2 years and subject to being adjudged fit for promotion, shall be promoted as Assistant General Manager. The conjoint reading of Rules 12.1 and 12.2 makes it clear that an officer appointed as Manager (MT) shall be promoted to the post of Assistant General Manager (AGM) on completion of 3 years (inclusive of training period) regular service on crucial date as per MSRRs(T). It is categorically submitted by Id. counsel for the respondents that there has been no deviation to the above proposition while framing BSNL Management Services Telecom Operations Stream-Recruitment Rules 2023 (MSRRs-Telecom-2023) rather in Schedule I [Page 141 of OA) the promotion of Manager (MT) is safeguarded as the Note in Column 5 stipulates that MTs appointed as per 2018 Exam shall be promoted as AGM after 3 years of service and shall be adjusted against 450 posts of SET(DR) and this period invariably includes the training/probation period as well.

37. Id. counsel for the applicants has contested that in the MSRR, 2023 in Schedule-IIA (pg. no. 145 of the OA), the inter se seniority has been prescribed in such a manner that the MT recruits under the MTRR, 2013 (2019 exam) would apparently be placed junior to the LICE AGMs of MSRR, 2023 which is nothing but a change of nomenclature of MT under MTRR, 2013(whose MSRR, 2009 is an integral part as per 12.4). It is contested by Id. counsel for the applicants that these later recruits would steal a march over the MT recruits under MTRR, 2013 in the grade of AGM, and the same is violative of normal principle of fixation of seniority, which stipulates that a person recruited on the basis of an earlier examination will be placed senior to the recruits on the basis of a later examination.

38. It is further submitted by Id. counsel for the applicant that in the counter affidavit filed by the BSNL, they have categorically stated that they followed the rules and principles of conditions of service as prescribed by the DoP&T for the Central Govt. employees. It is contested by Id. counsel for the applicant that one of the principles of fixation of seniority universally adopted by the DoP&T in respect of all Central Govt. employees is that persons appointed on the basis of earlier examination shall rank senior to those appointed on the basis of later examination, and this universal principle of fixation of seniority by the DoP&T has been





violated in MSRR, 2023 in Schedule-11A (pg. no. 145 of the OA). While under the MTRR, 2013 (pg. no. 102 of the OA), the MTs recruited under MTRR, 2013 were required to be placed in the third slot as demonstrated in the rule 13.2 of MTRR, 2013, under the MSRR, 2023 Schedule-IIA they have been relegated to the 10th slot without even mentioning that since the applicants have been recruited on the basis of 2019 examination, they would en-bloc be senior to those recruited/promoted on the basis of MSRR, 2023.

39. Ld. senior counsel for the applicants has contended that the aforesaid position is not only prejudicial to the applicants who have been recruited on the basis of an exam six years before the first exam held under MSRR, 2023 in 2024 but is also violative of universal principles of fixation of seniority prescribed by DoP&T, since any principle of seniority which gives recruitees of later exam seniority over of recruitees of earlier exam is clearly violative of Article 14 and 16 of the Constitution of India. It is submitted by Id. counsel for the applicants that unless a clause is introduced protecting the seniority of the applicants and rest 132 MTs appointed under MTRR, 2013 under 2019 examination over the LICE AGMs under MSRR, 2023, the MSRR, 2023 Schedule-IIA to the extent pointed out above is liable to be quashed and set aside.

40. It has been further contended by Id. counsel for the applicants that one of the prime conditions of service statutorily promised to the MTs recruited under MTRR, 2013 under 2019 exam was that on completion of 4 years of service, they would be eligible to be promoted as DGM. In this regard reference is made to Rule 12.4 of MTRR, 2013 (pg. no. 102 of the OA) read with Schedule-IA of MSRR, 2009 (pg. no. 53 of the OA). Under the said Schedule-IA, the post of DGM is given at Sr. No. 2 and the eligibility condition is Executives in STS equivalent grade who have completed four years of regular service in the grade as on 1st January of the year were made eligible. It is contended by Id. counsel for the applicants that the said statutory promise given to the applicants and batch of MT recruited under MTRR, 2013 (read with MSRR 2009 being an integral part of MTRR as per its rule 12.4) on the basis of 2019 exam has been breached in Schedule I of MSRR, 2023 (pg. no. 141 of the OA). As per the Schedule I of the MSRR, 2023 now the applicants would be considered for promotion as DGM in the year 2030 instead of year 2027 which was the statutory promise under the MTRR, 2013 read with MSRR, 2009. It is contended by Id. counsel for the applicants that unless the same is protected in respect of applicants and batch of MTs recruited under MTRR, 2013 it would amount to allowing later recruits of LICE AGMs (equivalent to MT) a march over the earlier recruitees like the applicants and their batch in the matter of promotion to the next higher level of



DGM. It is further contended by Id. counsel for the applicant that an earlier promotion to an apparently junior person will have a cascading effect in all future promotions and thus unless the statutory promise given in MTRR, 2013 read with MTRR, 2009 in respect of applicants and their batch of MT to be considered for promotion as DGM in the year 2027 is protected, the impugned MSRR, 2023 would be violative of Article 14 and 16 of the Constitution of India and would thus be liable to be quashed and set aside.

41. The aforesaid contentions of the applicants has been contested by Id. counsel for the respondents stating that the eligibility for appearing in AGM(T) LICE (33% quota in 2023 Rules) is that SDE(T) with at least 5 years of regular service as on 1 January of the vacancy year are eligible to appear in AGM (Telecom) LICE against 33% internal competitive quota. It is submitted that out of 135 MTs appointed, 13 MTs (with 5 years regular service in SDE(T)) also appeared in the LICE held on 16.4.2024. Total 2061 candidates appeared against 215 posts of AGM(T) and most of the candidates are SDEs having served as SDE for more than 15 years but could not be promoted, although they were given financial upgradation under Executive Promotion Policy and were working in E-3, E-4 and E-5 grades. However, MTs fall in E-3 grade and AGM is E-4 grade. It is further submitted by Id. counsel for the respondents that the applicants in the present OA, three in number, did not meet eligibility criteria having not rendered service as SDE for 5 years as on 1 January 2024, and were not eligible to appear in LICE. It is contended by Id. counsel for the respondents that the applicants are stalling the selection process of those SDE(T)s who have more service experience than them and are eligible for the post of AGM under LICE as per MSRR-2023 Rules. It is categorically submitted by Id. counsel for the respondents that MT Recruitment Rules 2013 governed only recruitment process of MTs and whereas it is clearly mentioned in those Rules in Rule 12.3 and 12.4 at Page 102 of OA that career progression and further career progression of MTs will be governed by BSNL MSRR-2009 with subsequent modifications, now superseded by 2023 Rules. It is further contested by Id. counsel for the respondents that the applicants are not born in the Cadre of AGM yet. Applicants are appointed as Manager (MT) and still on probation and yet to be promoted as AGM after 2 years of probation as MT, and that MT recruitment and AGM recruitment are two different streams and have different selection process.

42. With respect to the inter-se seniority, it is contested by Id. counsel for the respondents that Schedule II A of BSNL MSRR-Telecom 2023 at Page 145 of OA refers to inter-se Seniority between the external quota (EQ), seniority quota (SQ) and LICE quota promotees clarifying that it



would be reckoned from the year in which they are born in the cadre irrespective of the vacancy year. Inter-se Seniority of executives promoted through EQ, SQ and LICE quota against same vacancy year joining in next year or any subsequent year would be determined with reference to the year of their actual joining to the post.

43. It has been contended by Id. Sr. counsel for the applicants that MTRR 2013 read with MSRR 2009 being integral part of MTRR, as per rule 12.4, separate channel and separate gradation list of MTs were prescribed, but in MSRR 2023 at rule B of Schedule IIA, respondents have stated that earlier calendar year of joining will make the person senior, thereby quashing any separate channel for MTs, and as such schedule IIA rule B which has taken away the statutory promises given to the applicants and the batch of MT under MTRR, 2013 under 2019 exam are liable to be quashed and set aside. To this, Id. senior counsel for the respondents has contested that MTRRs 2013 will take care of the recruitment/selection process of candidates including the applicants as MTs and their promotion to AGM after completion of probation period of 2 years will be as per MSRRs-2023, i.e. MTRRs 2013 will have no relevance thereafter and the career progression of AGM and above level will now be governed by MSRRs-2023. As such, it is submitted by Id. counsel for the respondents that MTs shall be promoted to the post of AGM (E4 Payscale) after 3 years of service on crucial date (including completion of training/probation) and shall be adjusted against 450 posts of AGMs reserved for SETs (DRs) as per MSRRs-2023.

44. To cement their arguments, Id. counsel for the applicants has relied upon the following judgments:

i. (1979) 2 SCC 409: *Motilal Padampat Sugar Mills Co. Ltd Vs State of Uttar Pradesh & Ors.*

Held: Promissory estoppel applies to government or State in whichever capacity it acts.

ii. (2024)SCC Online SC 3184: *Tej Prakash Pathak & Ors Vs Rajasthan High Court.*

Held: once the recruitment process commences the State or its instrumentality cannot tinker with the "rules of the game" insofar as the prescription of eligibility criteria is concerned, wondered whether that should apply also to the procedure for selection.

45. Ld. counsel for the respondents has relied upon the following judgments:



- i. (2006) 6 SCC 42 Sanjay Kumar Manjul Vs. Chairman UPSC
Held: Statutory authority is entitled to frame rules and lay down terms and conditions of service and prescribe qualifications for posts, and only the authority concerned is entitled to take a decision in the matter.
- ii. (2024) 6 SCC 418-Bharti Airtel Limited Vs. A.S. Raghvendra
Held: Employee cannot dictate terms of employment to employer. "

6. We have heard arguments addressed by learned counsel for both sides. We have also carefully perused our earlier order/judgment dated 27.02.2025 in the present Original Application, order passed by Hon'ble High Court dated 29.10.2025 in CWP No. 14056 of 2025 (O&M), and the material on record.

7. In view of the pleadings and contentions raised by the parties as noted hereinabove, the following issues arise for consideration:

(i) Whether the applicants, who were recruited as Management Trainees pursuant to the MTRR-2013 and the examination process initiated in 2018/2019, are liable to be placed below persons subsequently promoted as Assistant General Managers through the LICE under the MSRR-2023, and whether such fixation of inter-se seniority is contrary to the position governing the applicants under the MTRR-2013 read with MSRR-2009.

(ii) Whether the applicants had a protected entitlement or statutory promise regarding their career progression from Management Trainee to AGM and thereafter to DGM under the MTRR-2013 read with MSRR-2009, and whether the MSRR-2023 has altered such career progression to their prejudice.

(iii) Whether the provisions of MSRR-2023, particularly those relating to the LICE channel for promotion to AGM and the consequential fixation of seniority, have the effect of permitting subsequently promoted SDEs to obtain promotion as AGM and acquire consequential seniority ahead of the applicants, thereby adversely affecting their future career progression, including promotion to DGM and higher posts.

(iv) Whether, having regard to the MTRR-2013, MSRR-2009 and MSRR-2023, the recruitment of the applicants as Management Trainees

and their subsequent career progression constitute distinct stages governed by different sets of Recruitment Rules, and whether the respondents were competent to regulate promotion of the applicants to AGM and thereafter in accordance with MSRR-2023.

(v) Whether the impugned provisions of MSRR-2023, to the extent they are alleged to prejudice seniority of the applicants and career progression, are liable to be quashed and set aside on the grounds of breach of the alleged statutory promise/undertaking, promissory estoppel, arbitrariness or violation of Articles 14 and 16 of the Constitution of India.

8. As regards **Issue No. (i)**, i.e. inter-se seniority of the applicants vis-à-vis persons promoted through LICE under MSRR-2023, the contention of the applicants is that under MTRR-2013 read with MSRR-2009, the MTs recruited pursuant to the earlier examination were to occupy a particular position in the seniority structure, and under Schedule-IIA of MSRR-2023, they have instead been placed in a position which may result in persons subsequently promoted through LICE obtaining seniority over them. The applicants have specifically relied upon Rule 13.2 of MTRR-2013 and contended that they were to be placed in the third slot, whereas under Schedule-IIA of MSRR-2023 they have been relegated to the tenth slot. On the other hand, the respondents have submitted that Schedule-IIA specifically regulates inter-se seniority amongst the external quota, seniority quota and LICE quota and that such seniority is to be reckoned in accordance with the year in which the employee is borne in the cadre, irrespective of the vacancy year.

9. Having considered the rival submissions, we find that the recruitment of the applicants as MTs under MTRR-2013 has not been annulled or altered by MSRR-2023. The respondents have specifically stated that MTRR-2013 continues to govern the recruitment/selection of the applicants as MTs, whereas their subsequent career progression is governed by the applicable MSRR. MSRR-2023 also contains a specific provision for the MTs recruited through the 2018 examination, whereby they are to be promoted as AGM after the prescribed period of service and adjusted against the posts reserved for SET(DR). Thus, the mere fact





that the revised Rules prescribe a different mechanism for determination of inter-se seniority amongst the streams recognised thereunder does not by itself establish that the recruitment of the applicants or their status as MTs has been retrospectively invalidated. The applicants have not been able to demonstrate from the material placed on record that the seniority provision as applicable to them has resulted in an unlawful alteration of an accrued seniority right. Accordingly, this contention of the applicants cannot be accepted.

10. As regards **Issue No. (ii)**, i.e. the alleged protected entitlement/statutory promise regarding career progression from MT to AGM and thereafter to DGM, the applicants have contended that MTRR-2013 read with MSRR-2009 assured them of progression to AGM upon completion of the prescribed period and thereafter eligibility for DGM after four years of regular service in the STS equivalent grade. It is their case that MSRR-2023 has altered this position to their prejudice. The respondents have, however, pointed out that MTRR-2013 has not been superseded and continues to govern the recruitment process, while Rule 12.3 and 12.4 thereof make the career progression of MTs subject to the BSNL MSRR with subsequent modifications. They have further relied upon the specific Note in Column 5 of Schedule-I of MSRR-2023, under which MTs appointed pursuant to the 2018 examination are to be promoted as AGM after three years of service including the training/probation period, and adjusted against the specified AGM posts.

11. On consideration of the above contentions, we find that the material on record does not establish that the applicants have been deprived of their progression from MT to AGM. On the contrary, the respondents have specifically stated that the 2023 Rules safeguard the MTs recruited through the 2018 examination by providing for their promotion to AGM after three years of service, and that the said period includes the training/probation period. The contention of the applicants, therefore, that the very avenue of their progression to AGM has been taken away is not borne out from the provisions relied upon by the parties. As regards progression to DGM, the claim of the applicants is founded upon their projected future progression. The post of DGM is a further promotional

stage, and, as pleaded by the respondents and reflected in the earlier order, the applicable Rules governing such future progression are within the domain of the BSNL Board. The applicants have not demonstrated any existing accrued right to promotion to DGM on a particular future date which has been unlawfully taken away by MSRR-2023. The above contention of the applicants is, therefore, rejected.

12. As regards **Issue No. (iii)**, i.e. whether LICE under MSRR-2023 permits subsequently promoted SDEs to steal a march over the applicants and adversely affects their future career progression, the applicants have contended that SDEs who had earlier competed in the MT examination and were unsuccessful have been given an opportunity to become AGMs before the applicants under the LICE channel introduced by MSRR-2023, thereby gaining an advantage over them and causing a cascading effect upon their future promotions. The respondents have submitted that promotion from SDE to AGM through the seniority quota and LICE is an independent channel and that regular SDEs satisfying the prescribed eligibility conditions are entitled to participate in the LICE. It has also been submitted that the applicants themselves did not possess the requisite five years regular service as SDE as on the relevant crucial date and, therefore, were not eligible for the LICE.

13. The contention of the applicants proceeds on the premise that their recruitment as MTs conferred upon them a superior or exclusive claim to promotion as AGM over SDEs subsequently qualifying through the LICE. The material on record, however, does not establish any such exclusivity. The respondents have specifically pleaded that MT recruitment and promotion from SDE to AGM are two distinct channels and that there was no requirement under the earlier Rules that an SDE must first qualify as an MT in order to become eligible for AGM. The revised Rules have introduced LICE as a channel for promotion of eligible SDEs to AGM and prescribe the eligibility condition of the requisite regular service. The inability of the applicants to compete in that channel owing to their not fulfilling the prescribed eligibility condition cannot by itself establish that the channel is arbitrary or that the applicants possess a vested right to prevent eligible SDEs from being considered. The alleged cascading effect



upon future promotions is also consequential upon the claim of the applicants to a particular seniority position, which, for the reasons already recorded, has not been established. Hence, the contention of the applicants is not made out.

14. As regards **Issue No. (iv)**, i.e. whether the recruitment of the applicants as MTs and their subsequent career progression are governed by distinct Recruitment Rules and whether BSNL could regulate subsequent promotion under MSRR-2023, the applicants have relied upon MTRR-2013 and MSRR-2009 to contend that the terms under which they entered the MT stream, including their subsequent career progression, stood protected. The respondents have submitted that MTRR-2013 governs the recruitment process of MTs, whereas Rule 12.3 and 12.4 thereof specifically make their career progression subject to the BSNL Management Services Recruitment Rules, and that MSRR-2009 was subsequently superseded by MSRR-2023 pursuant to restructuring of the organisation following the VRS and the revised manpower requirements.

15. We find substance in the contention of the respondents to the extent that the record itself distinguishes between the recruitment of MTs and their subsequent progression in the executive hierarchy. The recruitment of the applicants under MTRR-2013 has not been disturbed. At the same time, the MSRR governing the subsequent promotional structure have been revised by the competent BSNL Board, and MTRR-2013 itself, as pleaded by the respondents, makes career progression subject to the applicable MSRR. The respondents have also placed on record that the revision of the Rules was undertaken pursuant to restructuring and revised manpower requirements following the VRS and that the revised Rules introduced the LICE channel with a view to promoting meritocracy. In these circumstances, and particularly when the recruitment of the applicants remains protected and the revised Rules specifically provide for their progression to AGM, the mere supersession of MSRR-2009 by MSRR-2023 cannot be held to be an impermissible alteration of the recruitment conditions of the applicants. As such, we find force with the submissions of the respondents and the contention of the applicants is accordingly rejected.





16. As regards **Issue No. (v)**, i.e. whether the impugned provisions are liable to be quashed on the grounds of breach of statutory promise, promissory estoppel, arbitrariness or violation of Articles 14 and 16, the applicants have principally alleged that the Rules of 2009 and MTRR-2013 constituted a promise or undertaking regarding their career progression and seniority, on the basis of which they altered their position by participating in the recruitment process, and that the subsequent MSRR-2023 has prejudicially altered those conditions. Reliance has been placed upon *Motilal Padampat Sugar Mills Co. Ltd. Vs. State of Uttar Pradesh & Ors.* and *Tej Prakash Pathak & Ors. Vs. Rajasthan High Court*. The respondents, on the other hand, have relied upon the authority of the competent rule-making body to frame and revise service conditions and upon *Sanjay Kumar Manjul Vs. Chairman, UPSC* and *Bharti Airtel Limited Vs. A.S. Raghvendra*.

17. Having considered the material on record, we are unable to accept the contention of the applicants that the MSRR-2023 in its application to them are arbitrary or violative of Articles 14 and 16 of the Constitution. The applicants continue to hold their status as MTs recruited pursuant to MTRR-2013, and the revised MSRR-2023 specifically makes provision for their progression to AGM. The principal grievance of the applicants arises from the revised mechanism of seniority and the introduction of the LICE channel for SDEs, however, as noticed above, the record does not establish an accrued right in their favour to exclude such channel or to claim a particular future date of promotion to DGM. The mere fact that the revised Rules may operate differently from the earlier Rules does not establish a breach of an accrued statutory right.

18. Further, the material on record shows that MSRR-2023 was introduced following organisational restructuring and revised manpower requirements, and the respondents have specifically pleaded that the Rules were framed with the approval of the BSNL Board. The applicants have not been able to demonstrate that the revised provisions are without any basis or have been introduced with the object of discriminating against them. Consequently, the plea of promissory estoppel, breach of statutory promise, arbitrariness or violation of Articles



14 and 16 of the Constitution of India is not made out. The challenge to the impugned provisions and consequential reliefs, therefore, cannot be sustained.

19. In view of the foregoing discussion and findings, we find no merit in the challenge raised by the applicants to the MSRR-2023 or to the consequential action taken by the respondents thereunder. The applicants have failed to establish any vested or accrued right under MTRR-2013 read with MSRR-2009 which has been unlawfully taken away by the revised Rules, or any violation of Articles 14 and 16 of the Constitution of India. Accordingly, the Original Application is dismissed as being devoid of merit. Pending Miscellaneous Applications, if any, shall also stand disposed of. No order as to costs.

(ANJALI BHAWRA)
MEMBER (A)

(RAMESH SINGH THAKUR)
MEMBER (J)

/s/