



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

M. S. Adasul

General Secretary

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All Communications
to the General Secretary

To,

✓ **Shri. Arvind Vadnerkar Ji,**

Director HR, BSNL Board,

3rd Floor, Bharat Sanchar Bhavan,

Janpath, New Delhi, 110001.

Letter No. SNEA CHQ/Corr/Dir HR /2022-23

Dated 7th June 2023.

Sub: Request for Regular posting of 34 LICE 2012 JAOs in Kerala Circle who were originally posted provisionally as per CAT order in 2016.

Ref: 1. Hon SCI judgment dated 26/04/2023 in Civil Appeal No 9872 to 9874 & 9965 of 2014.

2. Letter No. KRLCO-11/20(3)/6/2020-HR & Admn dated 15/05/2023

Respected Sir

With reference to above subject and letter, we will like to put forward the difficulties and hardship faced by the 13 JAOs who are working in Kerala Circle due to delayed regular appointment as JAO due to litigations for decade which is finally cleared by Hon. Supreme Court vide final judgment under reference 1. The details of case are as follows.

- The Notification was issued vide BSNL CO letter no 4-13/2009-SEA dated 2008-2009 for conducting LICE JAO Part II for 172 vacancies and the same was conducted in January 2010. The result of 58 qualified candidates were declared on 18/03/2010.
- Some candidates approached CAT Ernakulum for fresh examinations for paper V and obtained directions from CAT to BSNL for carrying out revaluation of answer sheets for all candidates who failed in Paper V. BSNL filed appeal before honorable High court of Kerala and the appeal was dismissed.
- Further BSNL Appealed in Honorable Supreme Court of India which stayed the orders of CAT and Hon High Court. Since the SLPs were pending for final decision, 61 vacancies of JAO 2010 were kept aside.
- In 2012 next notification was issued for conducting JAO Part II for vacancies which included these 61 carried forward vacancies of 2010 and it was mentioned that the posting against these carried forward vacancies are subject to outcome of the SLP pending.
- In all circles except Kerala results were published for the carried forward vacancies along with regular vacancies of 2012 and postings orders were issued. But in Kerala result of this 2012 LICE were published and posting was done only the top 40 vacancies belonging to 2012. The candidates who were sent for training, were appointed as JAOs on 26/08/2013.
- The remaining 42 candidates who were qualified for the carried forward vacancies of 2010 approached Hon CAT Ernakulum and based on the favorable orders from CAT Ernakulum they were provisionally declared successful and were sent for Phase I training which completed on 30/05/2015.
- These officials again had to approach Hon CAT Ernakulum as they were not given posting after completion of training. As per the judgment of Hon CAT Ernakulum dated 22/03/2016, these officers were posted as JAOs provisionally subject to the outcome of the pending SLP in Hon SC of India vide their posting (provisional) order dated 30/06/2016.

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- These Officers still continuing as Provisional JAOs and they are deprived of any further promotions/EPP upgradation etc which would have been due had they been posted regularly. In fact JAOs of 2012 who were posted in 2013 were promoted as AOs in June 2018 and on the contrary the time bound financial upgradation order which was issued by Kerala circle in 10/11/2020 had to be cancelled upon subsequent instructions from corporate office for these provisional JAOs of Kerala. JAOs of 2015 DR batch and LICE batches of 2016 and 2018 who were juniors to them were given time bound upgradation.
- Now Hon Supreme court of India vide judgment dated 26/04/2023 allowed CA no 9872 to 9874 of 2014 instructing appellants to take the examination process forward and issue further consequential orders without further delay and directed BSNL that **if the respondents is otherwise eligible and entitled his/her case may be examined by authority in accordance with law in the interest of Justice.**
- Kerala Circle vide letter No KRLCO-11/20(3)/6/2020-HR and admin dated at Trivandrum the 15/05/2023 with the approval of CGMT Kerala addressed to your good office has elaborated this case in detail and requested for guidelines regarding the future course of action to be taken by them in regularizing these Provisional JAOs in wake of the Hon SC order.
- The regular posting of these 34 JAOs were denied only due to the pending SLP and now that the same is disposed off by Hon SC in favour of BSNL and nothing prevents BSNL from regularizing these JAOs who are working as Provisional JAOs from 2016.

Now these 34 JAOs have now requested for posting them as Regular JAOs w.e.f. 2013, to grant their due time Bound Promotions during intervening period, list their names in All India Gradation /seniority list suitable position and grant all other subsequent benefits applicable on their regular posting as JAO.

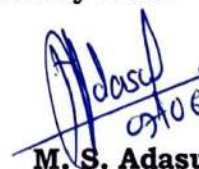
We here by humbly request your Honour for kind intervention and to instruct concerned officers to initiate process for the retrospective regularization of and list their names in seniority list of JAOs/AOs at respective position at par with their batch mates who qualified the same examination in 2012 and please give them early justice.

We are hopeful for early and timely action for justice to the affected JAOs.

With Warm Regards,

Encl: AA

Sincerely Yours


03/06/2023

M. S. Adasul
General Secretary
SNEA CHQ

Copy to:

1. CMD BSNL for kind information and for kind information please.
2. Director Finance BSNL CO for kind information and n/a please
3. PGM EF BSNL CO for kind information and n/a please.
4. PGM Pers BSNL CO for kind information and n/a please.