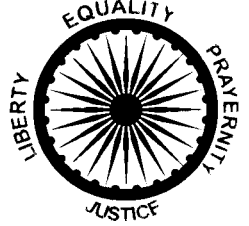




SC/ST EMPLOYEES WELFARE ASSOCIATION OF BSNL (SEWA)

(The Recognised Association in BSNL Regn. No. S/58891/07 Delhi)

CENTRAL HEAD QUARTER



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SEWA BSNLCHQ/2016-18

Dated 28.11.2017

To,

Shri Anupam Shrivastava
CMD, BSNL
New Delhi-01

Subject: Implementation of CPSU hierarchy in BSNL, a conspiracy to abolish reservation in promotion, which is not only against the stand of Government of India but also an attempt to override the constitutional provisions as well as parliamentary functions -our protest regarding.

Respected sir,

You are aware that the Hon'ble Supreme Court of India vide its judgment dated 19/10/2006 in the Case No.: Writ Petition (Civil) 61 of 2002 (Petitioners): M. Nagaraj & Others vs Union of India & Others (Respondents) has upheld the validity of the Constitution amendment (Seventy-Seventh Amendment) Act, 1995, the constitution (Eighty-First Amendment) Act, 2000, the Constitution (Eighty-Second Amendment) Act, 2000 and the Constitution (Eighty-Fifth Amendment) Act, 2001.

The only issue in the matter of reservation in promotion is that the Hon'ble Supreme Court of India in the aforesaid judgment has put restriction that the concerned State will have to show in each case the backwardness, inadequacy of representation and overall administrative efficiency before

: Correspondance :

making provision for reservation. Sir, you are also aware that the limitation set by Hon'ble Supreme Court of India is under scrutiny by Hon'ble Supreme Court of India itself and recently Hon'ble Supreme court of India comprising Hon'ble Chief Justice of India along with his two Hon'ble companion judges have ordered to refer the matter to the constitutional bench. The relevant portion of order dated 15th November, 2017 in SLP(Civil)NO. 28306 OF 2017 and connected matters is reproduced as below (Copy enclosed),

"Having heard learned counsel for the parties in the present case, we do not intend to get into the arena whether the two-Judge Bench could have directly referred the matter to a larger Bench under Article 145(3) of the Constitution of India, when there is already a decision by the Constitution Bench and, therefore, it is thought appropriate to constitute a Constitution Bench, only to examine the issue whether the decision in M. Nagaraj and others vs. Union of India and others (supra) requires reconsideration or not."

It is further stated that court cases in the matter of reservation in promotion is not only limited to BSNL but it involves several Departments under different Ministries of Govt. of India as well as States Governments of different States in India. BSNL has already filed affidavit before Hon'ble Supreme court of India in favour of applying reservation rules in promotion. Recently an application has also filed by BSNL before Hon'ble Supreme Court of India for early hearing and allowing promotion with reservation roster subject to final decision in the matter. Now the Court cases in BSNL are before Hon'ble Supreme Court of India for adjudication.

Therefore at this juncture an attempt by BSNL to bring a purported new policy "CPSU hierarchy" which intends only to abolish the reservation roster is not only illegal, ill-timed, unwarranted, but also unethical. It seeks to override not only

the constitution provisions but also the parliamentary functions.

Sir, you may recalled that few months ago a committee of Cadre-controlling authorities {concerned PGMs/GMs of Pers. Cell (This is Nodal Cell), Finance, Civil & Electrical} has recommended to issue promotion order without applying reservation roster keeping the post reserve for SC/ST executives subject to outcome of the case before Hon'ble supreme court of India in all cadres in BSNL. When it came to our notice the same was opposed by this Association and brought the matter in your kind notice. After intervention of your kind-self, the matter was discussed with Director(HR)and after discussion the case was referred to CS&CGM(Legal)BSNL for advice on the issue with the direction that after return of the case from Legal Cell, the case shall be routed through CLO(SCT)BSNL before putting it up to DIR(HR)BSNL.

Again now a big conspiracy is being done against thousands of SC/ST Executives by some middle management officers specially Pers.Cell of BSNL Corporate office in the name of so-called CPSU hierarchy.

It is well known that as per Government of India established instructions in every committee, where interest of SC/ST are involves, a member representing SC/ST is mandatory. The committee constituted by BSNL drafting CPSU hierarchy did not include the member representing SC/ST employees even CLO(SCT). The reason is very simple that it was well known even at the time of constituting of committee that the only key issue of reservation roster was involved in the matter and no favourable recommendation were expected in case of representative from SC/ST was included in the committee. All was

done in hidden manner. This association was neither asked to give our view in the purported CPSU hierarchy nor made member of the committee like other associations. Had the opportunity given to this Association, we would have opposed it at the beginning. Therefore the formation of committee itself was in violation of the Govt. of India instructions and hence, any recommendations /suggestions made by Khan Committee are infructuous and also illegal which are liable to be scrapped.

We further reiterate that BSNL is 100% Govt of India PSU under the administrative control of Depart of Telecommunication (DoT), therefore Government policies are required to be followed in letter and spirit specially in the matter where interest of SC/ST employees involves.

With regard to administrative part of the purported CPSU hierarchy, presently we are not going into details which will otherwise disturb the structure of BSNL and create disorder and open a Pandora box of anomalies and appears to have serious consequences on BSNL.

In view of above, therefore, we humbly request your kind-self not to proceed further in the matter of so-called CPSU hierarchy but at the same time we request to follow the rules of reservation in true spirit as per provisions of constitution of India.

Sincerely yours



(N D Ram)

**General Secretary,
SC/ST Employee Welfare Association, (SEWA) BSNL
New Delhi.**

Copy to for information and n/a to:

1. The Hon'ble Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Parliament House Annexe, New Delhi - 110001
2. The Hon'ble Chairman National Commission for Schedule Castes New Delhi.
3. The Hon'ble Chairman National Commission for Schedule Tribes New Delhi.
4. The Secretary, Department of Telecommunications, Sanchar Bhawan, Ashoka Road, New Delhi-01.
5. Smt. Sujata T. Ray, Director (HR), BSNL Board, New Delhi.
6. Shri H.C.Pant CS&CGM(Legal) BSNL Corporate office, New Delhi.
7. Shri Deb Kumar Chakrabarty, PGM (Pers.) BSNL Corporate office, New Delhi.
8. The Chief Liaison Office {CLO(SCT)} BSNL Corporate office, New Delhi.