

# FORUM OF ASSOCIATIONS OF BSNL (AIGETOA, SNEA, SEWA & AIBSNLEA)

No. Forum/BSNL/Corr/2022/4

Dated: 29<sup>th</sup> Dec 2022.

To,

Shri P.K. Purwar

CMD BSNL,

New Delhi.

**Subject: Request for issuance of promotion in the grade of DGM (Adhoc) to DGM (Regular) and other promotions before 01.01.2023. Regarding.**

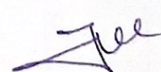
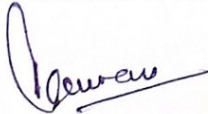
This forum of associations consisting four associations and also individual association are continuously pursuing either written or verbally with BSNL Management for issuing the regular promotion across various cadres and streams to all the eligible executives who have completed their residency period in the respective grades. Even for the cadre of DGM (T) in respect of all the Adhoc DGM (T). It has been firmly assured by your good self that the promotion orders will be issued before 29/12/2022 and process has been started accordingly, but it is understood that some issues are created at last moment, referring to some unwarranted old court case. It is felt that unnecessary legal hurdles which hold no significance as on date are being deliberately created by the issuing authority for the reasons best known to them only. These legal hurdles are being cited just to delay the process by creating confusion in the minds of all including the higher management.

It may be please seen that the screening committee report for the said promotion was called for from the respective circles by the BSNL Management vide letter dated 21.12.2022. After being enquired the matter of delay in issuing the said regular promotion which is dismaying the aspirants of the promotion, it has came to our knowledge that the process of issuing regular promotion has been held up by citing the reasons of the legal hurdles causing by the orders dated 17.12.2018 passed the Hon'ble CAT Chandigarh in the matter of NARESH THAKUR Vs BHARAT SANCHAR NIGAM LIMITED.

In the aforesaid order, the operative part of the order is that:

***"In the wake of the above noted facts, we modify our order dated 28.06.2017 with a direction to the respondents that if they are going to promote persons to the post of DGM, on adhoc basis, in the pending case, then claim of applicants no.1 & 2, as submitted by them be also considered subject to the eligibility criteria."***

In the said operating part, the Hon'ble CAT modified its earlier orders dated 28.6.2017 and in the said order dated 28.6.2017 it was directed by the Hon'ble CAT to the official respondents therein to restrained themselves





for further promoting any person to the post of GM contrary to law settled in the case of BK Pavitra (supra) and also to maintain the status quo till the next date of hearing.

In the subsequent hearing held on 12.7.2017 the Hon'ble CAT modified and replaced the word GM as DGM by considering the plea made by the applicant in his MA No. 063/00953/2017. Hence the Hon'ble CAT modified its own order dated 28.6.2017 vide their order dated 17.12.2018. Still citation of the earlier order dated 28.06.2017 which was modified subsequently by the Hon'ble bench themselves as the hurdle in executing the regular promotion is beyond understanding of any body. This is nothing but deliberate attempt to stall the whole process and deny the opportunity to the executives who are eligible for DGM regular Promotions since very long.

Further, in the aforesaid order dated 17.12.2018, Hon'ble CAT directed to the respondents that if they are going to promote persons to the post of DGM, on Adhoc basis, in the pending cases, then the claim of the applicant's number 1 & 2 as submitted by them be also considered **subject to the eligibility criteria.**

In this regard it is very pertinent to mention here that the applicant number 1 Shri Naresh Thakur and the applicant number 2 Shri Ashwini Kumar Gupta had also taken VRS on 31.1.2020. The same information is also available with the record of BSNL. Subsequently while calling the SCR of the candidates by the list of BSNL Management vide its letter dated 21.12.2022, the name of these two applicants have not been considered for calling their SCR as **they had already taken VRS before the considerable period of panel of DPC proposed to be held for the promotion in the cadre of DGM(T).**

Under such circumstances there is no such cause of action left with the respondent authorities, herein BSNL, to disregard the direction passed by the Hon'ble CAT dated 17.12.2018 as the claim of the applicant number 1 and 2 does not fall within the jurisdiction of this said regular promotion of DGM (T).

Thereafter, as a byproduct of the above derailment process, the promotions in the SDE (T) to AGM (T) grade have also been halted. It is very clear that management can very well move forward and issue the promotions in the AGM (T) grade also as sufficient vacancies will become available considering the aspect of regular promotions in the DGM (Telecom) grade. Same is the case with JTO (T) to SDE (T) also promotions are not being done despite availability of sufficient number of vacancies and the JTO(s) waiting for their long awaited promotions are being denied the opportunity to move up and in the process, their precious one year residency is being also eaten away.

It will be pertinent to mention that sufficient vacancies as well as eligible executives are available in these grades and still promotions are not being executed. We wish to inform that while management endeavor should be to fill up each and every available vacancy, contrary is being done by citing non relevant court orders and other complexities.

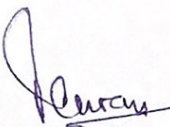
Page 2

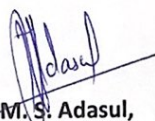
It is to mention that one side efforts being made to revise BSNL MS RRs projecting that BSNL wants the officers in the Management and other side eligible DGMs/AGMs/SDEs are not being allowed to take position when there is no financial implication for any such promotions. In overall process, it seems that there is attempt to stop or delay the Promotion process and hence we need your kind intervention to give justice to the deprived executives. We also firmly emphasize that none of the vacancies should be left unfilled spread across various grades in the name of non-existent court cases, zone of consideration clause etc as there are sufficient clarity in the rules and orders through which each and every post can be filled up with the incumbent executives.

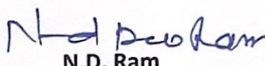
Therefore, we humbly request your good self to kindly arrange to issue the regular promotions for all the Adhoc DGM (T) to Regular DGM (T) before 01/01/2023 and related SDE (T) to AGM (T) and JTO (T) to SDE (T) for the eligible executives immediately and keep the assurances given to all the stake holder associations.


With kind regards

Sincerely yours

  
Pavan Akhand  
General Secretary  
AIGETOA

  
M. S. Adasul,  
General Secretary  
SNEA

  
N.D. Ram  
General Secretary  
SEWA

  
P. Shaji. V  
General Secretary  
AIBSNLEA

Copy for kind information and n/a to:

1. Shri. Arvind Vadnerkar, Director (HR), BSNL Board, New Delhi.
2. Shri. S. N. Gupta GM (Pers.) BSNL Corporate office, New Delhi.
3. Smt. Anita Johri, PGM (SR) BSNL Corporate office, New Delhi.
4. Shri. Jagdish Prasad GM & Chief Liaison Officer (SCT), BSNL Corporate office, New Delhi.