



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**

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No. AIBSNLEA/CHQ/CMD/2013

Dated:25.02.2013

**To
Shri R.K. Upadhyay,
Chairman –Cum-Managing Director,
BSNL, New Delhi -110001.**

Sub:- Regularization of all qualified officiating JTOs by a onetime personal up-gradation - **Urgent step to be taken before conducting the ensuing JTO LICE.**

Ref: - This association letters

- (1) No.AIBSNLEA/CHQ/CMD/2011-12 dt.7-4-2012**
- (2) No.AIBSNLEA/CHQ/CMD/2012-13 dt.15-5-2012 and**
- (3) No.AIBSNLEA/CHQ/CMD/2012 dt.29-11-2012**

Respected Sir,

In the above cited references and subjected matter, we would like to draw your kind attention regarding regularization of all qualified officiating JTOs by a onetime personal up-gradation.

As you goodself is aware, this association has been pursuing this matter for the past several years. All of them were qualified as per JTO-RR 1996 of DOT and completed mandatory pre-appointment training in accordance with 2001-RR. Knowingly or unknowingly, those who were qualified in the 1996-RR were not given any protection when new RR came into effect. Out of those qualified for promotion as per 1996-RR, about 3500 got absorbed as regular JTOs in a phased manner and the remaining 2500 were sent for training in accordance with the syllabus of 2001-RR, and subsequently posted to officiate as JTOs in various states of the country as per policy decision taken in 2001 by the BSNL Board, the company's supreme policy making body. They have been discharging duties to the satisfaction of superiors at par with other regular JTOs.

Majority of them are officiating continuously as JTO for the last 7 or more years. The fate of these 2500 officiating JTOs is now at stake. CMD, BSNL is obligated to implement the BSNL Board's decision dated 30-3-2001 for regularizing these remaining 2500 officials also as they are all at par with the already regularized 3500 persons. The Board's decision is still in force and the Company's Management cannot shirk from its responsibility in the guise of a contempt of court case for which

none of the affected officials is responsible. The contempt case is pending in the Hon'ble High Court of Haryana at Chandigarh for the last four (4) years and it is getting delayed unnecessarily for unjustifiable reasons. Colluding activities and certain unlawful dealings of the Corporate Office and the Haryana Circle Management, in handling the CWP 5608/2007 and subsequent CC No.1431/2008 in the Hon'ble High Court of Chandigarh in this regard were pointed out by this association on several occasions, but your goodself have not yet ordered for an inquiry into the very serious allegations raised by us.

Every time when we approach your good office we get the typical answer that a contempt of court case pending at Hon'ble HC of Haryana is an obstruction for proceeding with the regularization process. In fact the court found contempt in diversion of DR quota. Even though it was rectified by restoration of all diverted DR quota, court did not close the contempt case, but entered into areas beyond the scope of the contempt petition. Unfortunately your office is unnecessarily yielding to it without approaching the Apex Court against the injustice in the prolonging of Contempt Case for the last four years creating stalemate in the HR operations of the company and adversely affecting the future and career of a large section of employees who were not made parties in the original case and even denied a chance to be heard, though it was mandatory in the interest of justice. Now the Hon'ble HC is waiting for the conduct of JTO LICE., which is to be done by various circles. It is uncertain when the contempt of court case will come to an end. **We feel it is futile to wait for a logical end of this case for deciding the fate of the officiating JTOs. Even after this** contempt of court case is disposed by the Hon'ble High Court, and the respondents are acquitted on conditions accepted by the company, BSNL will not be able to settle the regularization issue of officiating JTOs by a further diversion of DR quota after that, as it will become a contemptuous act again. Hence the decision of the Board to regularize all remaining officiating JTOs (qualified TTAs) can be implemented only by a onetime personal up-gradation, as suggested by us and several other trade unions.

Hence, the regularization all remaining officiating JTOs by a one-time personal up-gradation is still a practical and workable solution, as the BSNL Management was not willing to approach the Apex Court against the decision of Haryana HC. However, BSNL has got full powers for personal up-gradation and any of the pending court cases cannot stand in its way, as diversion of vacancies is not involved in personal up-gradation process. Doing such a thing (personal up-gradation) is not against any standing directions of the court of law and BSNL cannot delay or deny it further on the ground of sub-judice. The contempt is only for diversion of vacancies. Hence personal up-gradation can be done as demanded. There is no need or logic to wait for the disposal of contempt case to accede to this demand, as there exists no other way to resolve the issue whatever be the outcome of the contempt case.

Now it is very much essential to settle the issue by this process, in view of the fact that LICE as per the current JTO RR is notified. We are not against conducting the LICE to JTO. But the interest of the affected group is also to be protected.

We submit the following request/ suggestion before your goodself to get some relief to the affected group of officiating JTOs striving hard throughout the country:-

- (1) If personal up-gradation cannot be completed before the conclusion of contempt case, please issue an order stating that those TTAs who stand qualified as per 1996 RR or previous RRs and now officiating as JTOs for the past several years after getting phase-I training, will be exempted from appearing for the ensuing JTO LICE, in view of the proposed up-gradation. Their regularization will be decided before giving posting to the successful candidates of the ensuing LICE. (But those who are eligible for appearing LICE in this group, as per age and educational qualifications prescribed in the current RR can appear in the LICE if they are willing to contest in the LICE also).***
- (2) It may also be clarified that, the seniority of all those who are exempted now and regularized through up-gradation later, will be decided as per the rules regarding fixation of seniority prevalent for the cadre.***

A very early and favorable decision on the above is solicited, in the true interest of the company and its hard-working employees.

With kind regards,

Yours Sincerely,

-sd-

(Prahlad Rai)
General Secretary.

Copy to:-

- (i)** Dr. (Smt.) Kruparani Killi, Hon.'ble MOS (C&IT) (P), Govt. of India, New Delhi-110001 – for kind intervention please
- (ii)** Shri R. Chandrashekhar, Chairman TC & Secy. (T), DoT, New Delhi-110001 – for kind intervention please.
- (iii)** Shri A.N. Rai, Director(HR), BSNL Board, New Delhi-110001
- (iv)** Shri R.K. Goyal, GM(Estt), BSNL CO, New Delhi-110001
- (v)** Shri Neeraj Verma, GM(SR), BSNL CO, New Delhi-110001