

# Telecom Executives' Association of MTNL

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No. TEAM/CHQ/MTNL/CO/2012

Date 02/07/2012

To

**Dir.(HR) MTNL,**

**Corporate Office, Jeevan Bharti Building,**

**New Delhi-110001.**

**Subject -- Re-fixation of seniority of TES Group 'B' officers promoted from JTO vide DOT order no. 2-7/98-STG. II dated 21-10-1998.**

Sir,

It is in continuation of various discussion and communications with regard to the subject under reference. We want to submit the following for your kind consideration.

- a) That the Department of Telecommunication had promoted the JTOs to TES Group 'B' who had passed the TES Group 'B' qualifying examination up to 1991 in 1998. In 1996, the DOT brought changes in the TES Group 'B' RR 1981 (amended in 1986 & 1987). As per the TES Group 'B' RR 1981, only those JTOs were to be considered for promotion to TES Group 'B', who had qualified the TES Group 'B' qualifying examination whether on seniority basis or competitive examination. But as per TES Group 'B' RR 1996, the TES Group 'B' qualifying examination was scrapped/set aside and the provision was made for 75% of the available Group 'B' posts shall be filled on seniority basis while rest of 25% posts shall be filled through limited Departmental Competitive Examination.

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Hence DOT had decided to promote all the JTOs who have passed the TES Group 'B' qualifying Examination, vide DOT Order no. 2-7/98 STG II dated 21-10-1998. The DOT to accommodate all these qualified JTOs for promotion to TES Group 'B' , had created 1966 TES Group 'B' Posts on super numeric basis. As a result of this some non qualified JTOs approached to various Hon'ble court in this matter and CAT Bangalore quashed the order of DOT for creation of 1966 posts and as such the 1966 TES Group 'B' officers were reverted and the promotions were given to 1966 JTOs by DOT as per TES Group 'B' RR 1996. Due to this seniority of the qualified JTOs promoted as TES Group 'B' vide DOT order no.2-7/98 STG II dated 21-10-1998 was mingled with non qualifying JTOs promoted as TES Group 'B' as per TES Group 'B' Rule 1996 subsequently . It means the qualified JTO did not only face reversion but lost their seniority and became junior to non qualified JTOs. This has created a sever grievance within qualified JTOs and in turn they had gone to various Hon'ble courts i.e. High Court of Kerala at Ernakulam & Delhi High Court.

- b) That the Hon'ble High Court of Kerala at Ernakulam while disposing the case no. W.P.(C) No. 19129 of 2005(B) on dated 1<sup>st</sup> February 2008 passed an order which states

***".....reduction of 1966 vacancies in the cadre of SDOT will not affect the promotion, which is no seriously controverted . I am of the view that there is no justification for canceling Ext.P1 by Ext.P12 order. Accordingly Ext. P12 is quashed. But respondents 2 and 3 will be free to review the promotions granted to the vacancies which were available on 22-7-1996,with reference to the actual vacancies available and publish the seniority list with opportunity to the affected persons to object to the same. In the view of the quashing Ext. P12, Exts. P14 and P15 cannot survive. Further , those lists are being replaced by a fresh list as submitted by the learned Standing Counsel for the BSNL. Therefore Exts.P14 and P15 are also quashed. It is clarified that if there is dearth of vacancies as on 22-07-1996 to accommodate all promotees, the excess junior hand can be reverted..... "***

- c) That the Hon'ble High Court of Delhi while disposing the case no. W.P.(C) Nos. 12584 -614/2005 & 17637-40/2005(B) on dated 11th August 2008 passed an order which states

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***".....4. Learned Counsel for the petitioner states that the writ petition may be disposed of recording aforementioned facts and in particular that the department has decided to accept and implement the decision of the***

***Kerala High Court , which decision has quashed the impugned order dated 11-11-2004.***

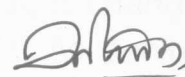
***.....5. The writ petitions stand disposed of in terms of the decision of the Kerala High Court dated 11.11.2004 stands quashed and pursuant thereto no reversion shall take place....."***

**d)** That during the proceedings of Hon'ble High Court of Kerala , the DOT under affidavit had given the sanction posts were 4200 which were more than the number of eligible candidates promoted in 1998. Even while replying one of RTI , DOT informed that nearly 6966 TES Group 'B' posts were available up to 22-07-1996. On the basis of this information BSNL had revised the seniority lists and all qualified JTOs promoted TES Group 'B' in 1998 have been placed enblock senior to the non qualified JTOs promoted to TES Group 'B' as per TES Group 'B' RR 1996. But HR of MTNL corporate office did not do the same till date.

**We, therefore , request you to kindly instruct the HR cell to revise the TES Group 'B' seniority list on the same analogy , the BSNL HR has done ; so that the long awaited justice can be provided to all those qualified JTOs promoted as TES Group 'B' in 1998. We hope , MTNL HR unit will take immediate action in this regard and will revise the seniority list of TES Group 'B' officers promoted vide DOT order no. 2-7/98 STG II dated 21-10-1998.**

**With Regards**

**Yours Sincerely**



**(A.K.Kaushik)**

**Copy to:**

- 1)CMD MTNL for information and N/A please.**
- 2) DIR (HR) MTNL for information and N/A please.**
- 3) DIR (TECH) MTNL for information and N/A please.**
- 4) GM(HR) corporate office MTNL for information and N/A please.**
- 5) Office copy.**