

**JTO cadre DoPT Case ( 1:1 Rota-Quota Seniority Roster implementation ) :**  
**Facts We Should Know**

We are in receipt of a lot of queries on the status of the court case with respect to the seniority case in JTO Cadre. We hereby present the facts and details of the case from the applicant's and DR's perspective which may serve an eye opener not only for the directly recruited but also the departmental JTOs. Going through the details, it is clearly visible who is trying to stop the promotions. The real fact is that those who are trying to project themselves to be the saviors are in fact the real culprits.

Now the Discussions / apprehensions and related backdoor politics in BSNL with respect Seniority Fixation are at a still point for the time being. The JTO cader seniority case in BSNL based on DoPT / GoI guidelines at Hon High court of Kerala is reserved for Final Judgment which is going to be announced any time soon. The Facts we should know with respect to the case and status once again depicted with an attempt to have an afterthought by all DR recruited executive in BSNL.

**1. Inter-Se-Seniority Fixation Method/relative seniority between DR Vs PR**

Department of Personnel and Training (DoPT) is the department of the Central Government bestowed with the authority to issue guidelines which control the Promotion and Training rules of PSUs under Central Government Control. According to DoPT guidelines in any Cadre in a PSU where there is appointment through two streams i.e. via Direct Recruitment and via Promotion, the same ratio need to be followed in the Cadre Seniority list too. Since in **BSNL the JTO recruitment was 50%:50% (DR Vs PR), the relative seniority should also be done in a ratio of 1:1** by following Rota-Quota principle. The same was endorsed by BSNL / DoT in the year 2001 itself, **but it was not at all followed or rather overlooked by keeping entire DR JTO fraternity recruited in BSNL out of the race for first functional promotion**

**2. Lost Promotion Chances by DR JTOs in BSNL**

The gravity of the matter will be known , when one should know that , **If DoPT / GoI 1:1 was followed , then the DR JTOs would have got their first functional promotion in Seniority Quota ( ie 67% towards SDE cadre ) in the Yr 2005 ( for 2002 joined DRs ) , Yr 2006 ( for 2003**

**joined ) , 2010 ( for 2007 joined DRs ) , 2012 ( for 2009 joined DRs ) , 2015 (for 2010 joined JTOs) and subsequently.** But it was unfortunate that with so-many activities like backdated Year of recruitment , Diversion of DR JTO Quota, non-following of 1:1 ratio/ Rota-Quota- JTO roster etc. -- the DR JTOs recruited in BSNL couldn't find a place for Promotion in 67% seniority till now. **However, the officers who got absorbed in BSNL with conditions stipulated in the Year 2003 found place senior to those DR JTOs joined in the year 2002.** Many thousands of Promotional vacancies have been lost in previous DPCs too. **We the direct recruits were almost unaware of the fact that we are being pushed behind till 2008-2009 mainly by the works of the so called "saviors",** but by that time so-much water had already flown underway. **Even BSNL DR JTOs still don't know where they stand in an All India Seniority list after having service of more than 15 years in this Company**

### **3. Gradation list case at Hon Court at Chennai**

When the 2008-2009 and 2009-2010 Provisional Gradation list were published, the **First BSNL Direct Recruited official was placed at around 7000 ! while DoPT would have positioned him/her at 2nd Position !!.** The Final Gradation List was never prepared or circulated, which itself is a big violation of DoPT/Natural Justice. DRs decided to act against this injustice & at Chennai filed a Case in the Hon Court under AIGETOA banner and the same made the Wrong Gradation list of 2008-09 & 2009-10 inoperative. **The DoPT case after remaining in Court for almost 2 year was dismissed to our dismay on the following technical grounds.**

- a. *The DR JTOs hadn't first given a representation to the Management.*
- b. *The DR JTOs had challenged the Chennai Circle gradation list.*
- c. *The DR JTOs had '**slept over their rights**' for a long time as the irregularity had happened as early as 2001 but they had gone for the case only by 2009*

**Even though the situation was well known to management, due to pressure from some corners, they made the 67% quota promotion in March-2011 for Vacancy-yr 2008-2009 without correcting the seniority list**

#### **4. Starting point - Seniority JTO 1:1 , DoPT Case at Hon Courts in Kerala**

*Thus from 2005-2011 (long Six years) were simply snatched away from the rightful promotional chance of each DR JTO.* Consequently after the re-publishing of 2009-10 All India Eligibility List; some of our **DR colleagues in Kerala had immediately given representation to Management citing the injustice, that was done to Direct Recruits in BSNL by not following the DoPT Guidelines and the wrong Procedure of back dated Year of Recruitment, non-publication of All India seniority list etc.** Having not received any response from the Management in the prescribed time, without delay they filed a Case in the Hon Ernakulum CAT & challenged the 2009-2010 as the provisional list itself contained many flaws like retired, expired, promoted, absconding, back dated YOR etc .

#### **5. Questionable Acts from some Corners against Seniority of DR JTOs in BSNL**

By this time the saviors - who proclaim themselves to take care of the interests of JTO cadre, started misguiding the Departmental JTOs and Direct Recruits equally well, and made the confusions and chaos, in the same. **They worked for dragging the case from one side and efforts are in such a way that the injustice receiving side is Direct recruit JTOs in BSNL. This made legal actions in such a way that they didn't want neither WIN nor LOOSE, but to RUN the case.** In the Year 2015 Hon CAT Ernakulum dismissed case and stated that the list published was provisional.

#### **6. Publishing of so called final AEL with so-many flaws and reach to Honorable High Court of Kerala**

Consequently **on 20-02-2015, BSNL published an all India eligibility list** for promotion to SDE cadre under 67% quota, **which was more or less a replica of the provisional list which was published in the Yr 2012.** As such the same anomalies were there, the DRs, left out with no other way than to approach Hon High Court of Kerala for getting the justice. On admission of the case on the very first day Hon. HC, gave the direction for maintain the status on found the merit on the same.

**The list was having ‘N’ number of anomalies like** Out of **9409** in the list

538	Don't have a valid date of Joining
490	Date of Appointment in JTO cadre not at all available
1138	Don't have a valid date of JTO Training
947	Marked as already Promoted in a so called finalized AEL
1647	Marked as Retired in a so called finalized AEL
52	Marked as Expired in a so called finalized AEL

**Also let us look into the details of the 7348 Cases of departmental JTOs who have been placed above the DRs**

<b>7348</b>	<b>JTOs with back dated YOR and got appointed as JTO between 2000 and 2012</b>
<b>In the above 7348</b>	
<b>3742</b>	<b>(i) JTOs appointed after 2001 ( i.e. from 2001 to 2012 ) given with back dated YOR prior to 2001 and placed senior to entire DR JTOs without following DoPT guidelines or 1:1 Rota Quota. <i>Astonishingly the JTOs who joined in the grade (in the year 2003, 2004, 2005, 2006, 2007 , 2008, 2010, even on 11.5.2012) also awarded YOR 2000 to 1994 and placed senior to all DR JTOs in BSNL</i></b>
490	<b>JTOs, Date of Appointment not at all available</b>
<b>2061</b>	<b>All DR JTOs Kept at the bottom of the list</b>
<b>2885</b>	Who were marked as absconding, retired , dismissed ,not absorbed , promoted , expired , VRS etc in a finalized AEL

**7. Present Scenario / Status :- Reserved for Decision from Hon HC Kerala (2011-2017)**

The case is reserved for a decision by Hon HC Kerala. **The DRs Legal team fought long legal battle against all odds, with BSNL, with proclaimed saviors who used many DRs own money for a case against DR JTOs own seniority.** It was learnt that even at the last moment, the proclaimed saviors

tried again to linger the case back to Hon CAT, saying that they want again detailed hearing at Hon CAT. DRs Legal team / BSNL legal side didn't agree and our DRs Legal team could reach to a final point to wait for a decision from Hon High Court of Kerala. **It is obvious that almost 6600 vacancies are available upto Yr 2012 and around 10000 vacancies upto Yr 2016 under 67% Quota.** Even by WIN or Lose, all the Departmental JTOs could have got the promotion. **For what reason, the saviors wanted to extend the same?**

#### **8. Actual Colours to Identify them – All DRs to have an after thought**

One side these proclaimed corners were telling that LDCE promotions may not be done as DPC is pending and other side they wanted DPC to be prolonged. **All JTO fraternity irrespective of DR / Departmental should understand the real colors.** AIGETOA wanted only thing that the genuine and delayed justice for DR JTOs should be protected and hope goodwill will prevail in all corners at least by now. **We appeal to those, at least by now, STOP acting against BSNL recruited executives.**

#### **9. AIGETOA Stands for**

Whereas AIGETOA stand is clear, promotions may be made on both side

**A> On DPC side** prepare Combined Seniority list of JTOs with Rota-Quota 1:1 Or Separate gradation list for DR Vs PR and apply interpolation for 67% quota promotions

**B> On LDCE side** either make efforts for , instead of making hallaboli in Websites , to delink SDE RR from HR Plan and make promotions / Or make provisional promotions based on the undertaking from the qualified executives

**C> Thereafter as a permanent measure,** make promotions via contemporary CPSU Hierarchy implementation as like in other PSUs or in Banks, in such a way that many basic HR issues related seniority are vanished. The proposed CPSU should ensure that those qualified for promotion as SDE should be treated as SDEs.

With humble appeal to all DRs, to support the DRs Initiative to protect the rights of DRs and we request all our brothers / sisters to come together under the banner of AIGETOA to reach our genuine rights in **Pay-Promotion-Pension** in BSNL.

**Together We CAN and Together WE WILL**