

The reply to some of the queries coming in various WhatsApp group are as under

Question 1: **We are being told as to what Association can do when SC order exist?**

(i) **What BSNL has done?**

(a) Approx 9000 persons were selected by seniority basis against 1996-97, 1997-982000-01 and approximately 1600 persons were selected by LDCE basis against the same vacancies years.

(b) Thus, approx 2000 persons were selected against each vacancy year.

(c) Applying date of joining on yearwise basis would have lowered the seniority by 2000 position whereas applying date of joining on absolute basis resulted in lowering of seniority by 10000 positions.

(d) As per DOPT rules the vacancies are filled on yearwise basis. This is the way how the vacancies are to be filled and what Recruitment rules have in it.

(e) But, BSNL applied date of joining to the total persons numbering 10600 (approx) who were selected against the full 5 years. This resulted in lowering of seniority by 10,000 positions. **No where any Court has mentioned that yearwise quota has not to be followed then why the interpretation has been done in this way for us?**

(f) Further, the judgment of the Court was to revise the seniority list 6 & 7 which consisted of persons working in BSNL as well as non absorbees of DoT. But, this judgment was not implemented by DOT. Why, no opposition has been ever lodged on this account.

(g) If the Judgment was for seniority list No.6 & 7 which is revised with wrong interpretation of judgment but there was no judgment for seniority list No.8, then how seniority list No.8 is published by placing all LDCEans at the bottom of seniority list without quota & rota. If we keep silence, it will be same for LDCE 2012 & 2015.

Further, as per notification of examination, the filling of vacancies is done on year wise basis, but with date of joining (d.o.j.) criteria this concept has gone away.

(i) **What could have been done?**

First of all, appeal should have been filed by BSNL. The interpretation of the order could have been done by applying date of joining on yearwise basis. How can person selected against the vacancy year 1996-97 can be equated with person selected against 2000-01? Therefore, the date of joining should have been applied among the persons selected against the same year of vacancies and not different year of vacancies.

Thus, if against one vacancy year, 1500 persons are selected by seniority basis and 400 by LDCE basis, then date of joining should have been applied to 1900 persons instead of 10600 persons (approx) selected against 5 vacancies year. **Association could have insisted for this and asked BSNL to leave it to the contempt petitioner to object the same.**

In 1966Q cases- The judgment was interpreted in such a way that it can be implemented to the advantage of 1966Q persons. The Court observed that they need not be reverted. But in the name of '**no reversion**' BSNL gave them undue seniority that too above all who have been promoted against VY 1966-97, 1997-98. How? Was it not violation of Supreme Court judgment dtd 25.10.1996 which stipulated that the vacancies prior to 1996 are to be filled as per RR 1981 and after 1996 are to be filled as per 1996 RR. Now, since 1966Q persons were to be adjusted against post 1996 vacancies which has been upheld by Karnataka High Court also, then the seniority of 1966Q persons are to be fixed as per RR 1996 only. So, why such interpretation has been done to give undue favour

to 1966Q persons and why such wrong interpretation of Chandigarh Court has been done in our case to deny us our legitimate right. Why, such selective decision- one to favour and other to deny?

Question 2: Why funds are credited to personal accounts? There seems to be some ulterior motive and therefore invites IT/CBI enquiry.

A joint account was opened in Delhi for deposit of funds by Delhi-NCR LDCEans. After demand from various members for using it as Central Account, the bank details were circulated. The opening of account in the name of ABLE needs signatures of GS and FS along with various other formalities. Since, FS is working in Kolhapur; the opening of account in the name of ABLE has got delayed. However, no money has been drawn by the account holder till date even for the expenditure incurred during AIC apart from other day to day expenses towards legal head. But it doesnot mean that account in the name of ABLE will not be opened. At the first convenient instance, it will be opened and all the money would be transferred from to it. So, let us not get distracted with such absurd comments.

Question 3: Someone among our LDCEan, holding important post in a major association, has suggested that he can push us out by Ravindran judgment and ABLE is fooling by quoting Parmar judgment?

I welcome him to take part in this fight of our LDCEans. Either he may lead us to win or he may support others to lead the case to win, in either way, the win is for all the LDCEans and this is one of the most important aim of ours. There is no point in taking credit by me or anyone because it would be a collective win as persons from North, South, East and West have played a vital role in one or the other way. Let us all work in tandem and not create a negativity among us as 2 plus 2 becomes 4 whereas if we get divided, it will result in 2 minus 2 which is 0. The case has come to this stage only because of contribution from everyone. Deep regards to each LDCEans who has reposed faith on us. Remember, Unity is strength and Strength is power and power gives you natural respite to get things in your favour.

Question 4:

(i) Someone says that our association would die after 7.12.2016? :

Thanks for such good wishes. However, no one knows the destiny but ABLE will be there. My best wishes to all Associations. Why have such bitterness when we belong to same BSNL family. It is the prerogative every Association to take part in a election process or abstain from taking part in it.

(ii) Even after win of his association, he will fight for the right of LDCEan.

If he feels that there is need to fight for the right of LDCEan, then why not now? One should always remain on the path of truth and justice even at bad time. Remember, the Hindi proverb

अन्याय करना तो पाप है ही मगर उससे भी बड़ा पाप है अन्याय सहना.

So let us not tolerate injustice (अन्याय) .

Question 5. Whether, there will be any financial gain?

If seniority is restored, we would get the date of promotion w.e.f. the date on which our junior was promoted. The 1966Q officers who stand junior to many LDCE promotees, have been promoted in

Sept 2014. Thus, their seniors are to get notional promotion w.e.f. Sept 2014. On the same way, this has to be applied to others also.

Question 6: Once CPSU cadre hierarchy is implemented, everything will be okay?

A myth, as it is worse than the existing Executive Promotion policy (EPP). For details read CPSU cadre hierarchy on www.ablechq.com. Promotion is linked to post and chances of promotion can be improved only by creation of more promotional post. LDCEan become nonexistent with the CPSU cadre hierarchy. Why, percentages of quota for LDCE qualified persons have not been kept in promotional post which would have given some respite to LDCEans.

For us:

We have passed LDCE in 2002, 2007 or 2012 and many of us are drawing E4 or E5 scale. So we will be made Sr SDE immediately and after 2/3 years we will become eligible for promotion to AGM post. So, guess how it is beneficial.

Same is for others also.

Further, the benchmark condition has been made more stringent.

The gap between MT recruitee and Departmental promotee when integrated at E3 has been introduced.

Q 7. Why MT recruitment is there in CPSU cadre hierarchy?

We are totally against MT recruitment because the JTOs are going to be selected through GATE. Thus, if better prospects are not guaranteed then why good candidate will join BSNL. This implies that BSNL intentionally doesn't want to have good candidates appointed in the cadre of JTOs.