

SANCHAR NIGAM EXECUTIVES' ASSOCIATION
[INDIA]
KARNATAKA CIRCLE



S B Nagavi
Circle Secretary
Mobile. 9448010565
E-Mail:-nagavisb@ gmail.com

No. SNEA KTK/LDCE 2004/10-11/

Dated: 21-12-2011.

To,

Com G L Jogi,
General Secretary,
SNEA(I),
CHQ New-delhi
Comrade GS,

Sub: Implementation of Hon CAT Bangalore order in OA No.181/2009 to all the LDCE passed candidates promoted on 8-6-2004.

You are aware that, from Karnataka SNEA we had been perusing the issue of extending the notional service benefit to the candidates for LDCE passed candidates promoted on 8-6-2004 at various forums of our organization and finally 124 candidates of Karnataka under the leadership of Com **S B Nagavi** filed the OA No.181/2009 in Han CAT Bangalore succeeded in getting a partial benefit.

Brief of the grievance of the candidates of 2004 LDCE passed candidates.

The RRs for SDE promotions formulated in 1996 (22-7-1996)

The 25 % examinations were scheduled on 16-9-2001 for the vacancies of 1996-97 to 2000-01. But postponed to 1-12-2002, results declared on 19-12-2003 and actual promotion ordered on 8-6-2004. (Delay of 8 years).

But the 75% quota of my counterpart's promotion was ordered in May 2000/December 2001. These SDEs have become eligible for the Time Bound Up-gradation of BSNL policy on 1-10-2004/2005 and got E 3 scales on 1-10-2004/2005.

But we LDCE candidates (25% quota) have become eligible for this time bound up-gradation (E3 Grade) on 8-6-2008 for want 4 years of completed service in the existing grade.

In a similar case; Hon Supreme Court under CA No.1655/1997 the relief was given to Santana Krishnan and others and the benefit of notional service was allowed in DOT where 2/3rd qualifying candidates got promoted in 1981 but the 1/3rd LDCE candidates got promotion in 1985. When lateral 12 years promotions came into effect in 1990 by DOT orders; these aggrieved 1/3rd quota LDCE candidates went to court and got the notional benefits and hence their lateral promotion was preponed by getting notional service.

Our OA (181/2009) filed on the similar grounds was upheld partially by Hon CAT Bangalore. We sought the notional benefit from May 2000 on par with 75% seniority quota but comparing the above judgment the notional benefit is extended only from 23-1-2002 (Only 2 years preponed). This is upheld by the Hon High Court Bangalore in a speaking order, dismissing the WP (37322/2011) filed by BSNL ion Hon High Court of Karnataka Bangalore. The SLP (32720/2011)

filed by BSNL in Hon Supreme court is dismissed on 24-8-2011 stating that there is no merit in the SLP filed by BSNL and also directed to comply the order in 2 months.

The sin of passing the LDCE being held belatedly after 8 years of formation of the RRs;

We got SDE promotion in June 2004 through LDCE. Our JTO batch mates who failed/not appeared in LDCE got the 12 year lateral/ BSNL time bound Up gradations in the month of October 2004 just 4 months after our promotion and became on par with us. Then in November they also got the seniority-cum-fitness 75% SDE promotion and got the fitment benefits **and hence from November 2004 they have been drawing 1-2 increments more than us.** This could not be taken as anomaly as per the riders in the TBU policy of BSNL that; it is purely personnel and cannot be compared. The comparative statement is enclosed.

Though this issue was not raised by us in the court due to its limitations, now the partial benefits extended by the tribunal will only end this anomaly. The representations made by us on this were not responded by BSNL.

Present Status

In the interest of complying the contempt petition 38/2010 in OA 181/2009 filed in Hon CAT Bangalore, the order has been implemented for the 124 applicants in the case; subject to the outcome of the RP.

BSNL is trying to continue with the Review Petition (315/2011) in the Hon High Court of Karnataka even after the dismissal of SLP, which is unwarranted and against natural justice for the reasons stated below.

The said CAT Bangalore order is giving a jump of 2-3 increments which we have lost by passing the examination as stated above than our JTO batch mates (Kindly see the comparative statement attached h/w). But still we are not reaching the salary of our 75% counterparts who got promotion in 2000/2001, even after implementing the said court order. With this order now we will be on far with our JTO batch mates or one increment more than them.

CS SNEA Meeting with Respected CMD BSNL

CS SNEA Karnataka had met respected Shri **R K Upadhyaya** CMD BSNL as one of the applicants; in Bangalore when he had attended Hon CAT Bangalore as required in the CP referred above on 12-12-2011 and submitted the brief of our grievance. CMD was kind enough to go through the same and opined his observation injustice in our case.

Our sincere appeal

We therefore request you to kindly intervene in the matter and ensure justice by suitably appraising the management the heart burns faced by the 2004 LDCE comrades numbering around 1400; there by dropping the RP and extending the benefit to the remaining 1400 candidates.

Thanking you,

Yours Comradely,

(Nagavi S B)
Circle Secretary