

No. 20-16/2012-STG.II  
Government of India  
Ministry of Communications & Information Technology  
Department of Telecommunications  
419, Sanchar Bhavan, 20-Ashoka Road, New Delhi-110 001.

Dated the 29<sup>th</sup> May, 2013.

To,

Shri V.K. Sinha, AGM (Pers.II)  
BSNL CO, 4<sup>th</sup> Floor,  
Bharat Sanchar Bhavan, Janpath,  
New Delhi - 110 001

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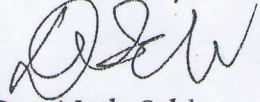
Subject : Distribution of unfilled vacancies of direct recruit or promotion quota stream as per OM No. AB 14017/2/1997-Estt.(RR) dated 19.01.2007 - applicability of the OM in respect of promotions made by Limited Departmental Competitive Examination and Promotion Quota - clarification regarding.

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Sir,

I am directed to refer to your U.O. No. 2-2/2011-Pers.II dated 18.09.2012 on the above mentioned subject and to say that the matter has been examined in consultation with Department of Personnel & Training and the clarification received from the DoP&T in this regard is sent herewith for further necessary action at your end.

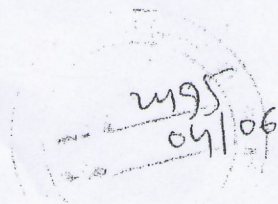
Yours faithfully,

  
[Deo Nath Sah]

Under Secretary to the Govt. of India  
Tele No. 23036282/Fax No.23716099

Encl : As above

Satishji



No.20-16/2012-STG.II

Government of India

Ministry of Communications & Information Technology

Department of Telecommunications

[STG.II Section]

Subject : Distribution of unfilled vacancies of Direct Recruit or Promotion quota stream as per OM No. AB-14017/2/1997-Estt.(RR)/Pt. Dated 19.01.2007 of DoP&T – Applicability of the OM in respect of promotions made by Limited Departmental Competitive Examination and Promotion Quota – Clarification regarding.

Sl. No. 1(R)

PUC may please be seen. In the context of Recruitment Rules of Sub Division Engineers (Telecom) of BSNL, the BSNL vide its UO letter No. 2-2/2011-Pers.II dated 18.09.2012 has requested the Department of Telecom., which is Administrative Ministry/Department for BSNL, the PSU, to sought clarification on the following points from the Department of Personnel & Training (DoP&T) with reference to the OM No. AB.14017/2/1997-Estt.(RR)/Pt. Dated 19.01.2007, by which the DoP&T has issued instructions for amendment of Service Rules/Recruitment Rules and also illustrated how the post-based roster for reservation and vacancy based roster for appointment under various methods are to be operated:-

- a). Whether the unfilled vacancies (excluding back-log vacancies of SC/ST) arising from LDCE or Promotion quota streams are to be carried forward to the succeeding year and pooled together with the current year vacancies and thereafter distributed in the ratio prescribed in the Recruitment Rules as has been illustrated in Para 2 of the DoP&T OM dated 19.01.2007 for direct recruitment and promotion, if the Recruitment Rules in the relevant column contains the provisions for 'percentage of vacancies'.
- b). Whether OM dated 19.01.2007 of DoP&T, specifically para 2 of the OM, which refers to Direct Recruitment Promotion only, is applicable in respect of promotions made by Limited Departmental Competitive Examination and by Promotion Quota also like wise.
- c). Whether the short fall in the cadre strength of a stream i.e., LDCE or Promotion Quota will be met only by the method of distribution of vacancies as per the prescribed ratio in the Recruitment Rules from year to year or otherwise i.e., by stopping either method of the promotion in order to fully complete the LDC/seniority quota share of posts in grade.
- d). If all the vacancies in a cadre/stream i.e., LDCE or seniority based promotion is once filled up in future entirely up to the prescribed quota, whether vacancies arising thereafter from the stream will be filled up by replacement in the respective stream or whether such vacancies will be distributed between both the streams in the ratio prescribed in the RRs as illustrated in Para 2 of OM dated 19.01.2007 of DoP&T since the vacancies are to be filled up by various methods by 'percentage of vacancies' as per column 11 of RRs of SDE (1)-2002 of BSNL.

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[From pre-page]

f). Whether the DoP&T IM dated 19.01.2007 can be applied in respect of unfilled vacancies of the year 2005-06 of LDCE or seniority based promotion quota carried forward to the year 2006-07 & distributed between LDCE & seniority grade in the RR ratio. Here it is to be noted that BSNL follows the vacancy year commencing from 1<sup>st</sup> April of the year to 31<sup>st</sup> March of next year (financial year basis) and that the RRs of SDE (T)-2002 of BSNL contains in column 11 as 'percentage of vacancies to be filled up by various method'.

g). Whether BSNL can incorporate any provision different from DoP&T guidelines, barring statutory/constitutional instructions like Reservation etc., as per its organizational requirement. Further, in case statutory provision made in BSNL is not matching DoP&T guidelines, whether RRs provision will prevail over DoP&T guidelines barring constitutional provisions like Reservation etc.

2. The above clarifications have been sought by the BSNL since they normally follows the DoP&T instructions which are applicable to all the Ministries/Departments of Central Government.

3. The RRs of SDE (T)-2002 of BSNL may be seen at page 69-13 cor.

4. The DoP&T OM dated 19.01.2007 may be seen at page 14-18 cor.

5. In this connection, it is submitted here that on a bare perusal of RRs of SDE(T)-2002 of BSNL, it is seen that the post of SDE is 100% promotional post from the feeder cadre of JTO in the ratio of 75 : 25 for seniority-cum-fitness and Limited Departmental Competitive Examination respectively that means different way within one promotion stream.

6. It is also submitted here that on perusal of OM dated 19.01.2007 of DoP&T, it appears that the same is applicable to such posts which are to be filled by involvement of different methods i.e., promotion as well as direct recruitment and not to such posts which are to be filled by one method in different ways.

7. Though BSNL follows the DoP&T's guidelines, it has its own entity and, therefore, DoP&T may be requested to clarify the points raised by the BSNL in the notes mentioned on pre-page and above.

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8. Simultaneously, DoP&T may also be requested to intimate as to how or in what ratio the inter-se seniority of the officers promoted under 75% promotion quota and 25% LDCE as per SDE (T) RRs-2002 of BSNL is required to be drawn.

Submitted please.

~~24/10/2012~~  
~~25/10/2012~~  
S.O. (STG.II) *5/10/12*

U.S. (SGT)

Director (Staff)

DDG (Estt.)/IS (A)

Director (Estt.-RR), DoP&T, North Block, New Delhi.

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1/1/12



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Department of Personnel & Training  
Establishment (RR)

Dy. No 91542/12/CR

Reference notes at pre-page.

2. The instructions on policy issues of this Deptt. is applicable to various posts under the Ministries/ Deptts. of Central Government. The applicability of instructions of this Deptt. in a PSU may be ascertained/ decided by DOT in consultation with Deptt. of Public Enterprises. The clarification sought in para 1 of notes at p.1-2/N-ante has to be seen in context of this Deptt. OM dated 19.1.2007 read with para 2.4.2 of this Deptt. OM No. 22011/7/86-Estt. 'D' dated 3.7.1986. It is stated that as per OM dated 3.7.1986, the unfilled direct recruitment quota vacancies would be carried forward to corresponding direct recruitment quota vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to usual practice. As such, the carry forward vacancies have to be treated separately from the current vacancies (i.e. vacancy arising in a particular vacancy year). We may clarify the issue raised by D/o Telecom in taking into account the above position, as follows: -

- (i) Para 1(a) & (d) at p. 1/N - The unfilled vacancies including backlog vacancies of STs/SCs from LDC or promotee quota streams are to be carried forward to succeeding year in respective quota and would not be added to the current year vacancies. The current year vacancies are to be distributed in the ratio prescribed in the RRs as illustrated in DOPT OM dated 19.1.2007.
- (ii) Para 1(b) at p. 1/N - The LDCE is though considered part of promotion, as also indicated in Para 5 of notes at p.2/N but the current vacancies need to be distributed between LDCE and seniority quota promotion as per the instructions dated 19.1.2007.
- (iii) Para 1(c) at p. 1/N - The current vacancies have to be filled as per the percentage prescribed for each method of recruitment in the RRs of the post. The provisions of RRs, where percentage of vacancies is to be filled by various method of recruitment, do not prescribe for maintaining a particular percentage of posts recruited by each method in the cadre & hence, there is no question of shortfall or excess in cadre strength by a particular method of recruitment.
- (iv) Para 1(f) at p. 2/N - The provision of the method of recruitment for filling up the vacancies (& not post) as per aforesaid OM will be applicable from the date, the notified RRs incorporating the abovesaid provision has been made effective.
- (v) Para 1(g) at p. 2/N - This matter [Para 1(g) of notes at p.2/N] may be decided by DOT in consultation with DPE. This Deptt. may have no comments in the matter.
- (vi) Para 6 at p. 2/N - The presumption at para 6 is not correct as whenever percentage of vacancies to be filled by various methods is prescribed in the notified RRs, the instructions dt. 19.1.2007 will be applicable.
- (vii) In respect of para 8 at p.3/N, the relative seniority of officers promoted under promotion quota and LDCE shall be determined according to rotation of vacancies between available incumbents of both the modes which is based on the quota of vacancies reserved for recruitment through each of the modes, namely in the ratio of 3:1. Consolidated instructions in the matter has been notified by the DOPT in OM No. 20011/12/2008-Estt. (B) dated 11.11.2010 available on the website of the Department.

Submitted please.

Dir(E-I)

US (RR-II)

Rajiv R. Singh  
US (RR-II)

(Mangal)  
21/5/13

H. Singh  
22/5/2013

1/6 Telecom

12/12/12 91542/12/CR dt: 22/5/2013

A. J. Singh

15/6/13  
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