



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2022/31

Dated: 08.09.2022

To
Shri K Rajaraman,
Secretary (Telecom),
Department of Telecommunications,
New Delhi 110001.

Sub: Abnormal delay in payment of consequential benefits on revision of Seniority Lists of TES Group B Officers in compliance of Supreme Court judgments dated 21.01.2015 and 14.12.2017 in CA No.(s) 4389 of 2010

Sir,

We seek to draw your kind attention to the above issue. The Hon'ble Supreme Court delivered its final verdict on 14.12.2017 on the above matter for revision of Seniority Lists No 1 to 17 of the TES Group B Officers based on the principle of Para 206 of P&T Manual Volume-IV. The Supreme Court accepted the recommendations of the Expert Committee appointed by it and duly incorporated them in the final Order. The Expert Committee had recommended that on the basis of the seniority lists submitted by the BSNL and also the officers working in MTNL who were originally under the control of DoT and all officers similarly situated may be granted the consequential monetary and service benefits. However, the Supreme Court made it clear that no arrears will be payable in terms of the impugned judgment. Consequential benefits of pay fixation including the pensionary benefits, if any, will be payable in terms of the impugned judgment only w.e.f. from 01.01.2018 and not for the past. The Court added a few more safeguards for those who were earlier promoted based on earlier rulings of the court. BSNL circulated the final revised Lists vide its No. 56-04/2015-Pers(DPC)/Pat/10 dated 07.08.2018 and called for missing information, if any.

2.1 BSNL thereafter circulated a list of some promotion orders of AGMs(T), issued by it since 2001 after its formation in the year 2000, vide its No. 412-03/2019-Pers.I dated 16.07.2019, and also communicated its intent to extend consequential benefits to them. But BSNL is completely silent in respect of those who were promoted by Department of Telecommunications before formation of BSNL and whose names appear in the same revised Seniority Lists as seniors to these later promotees.

2.2 The matter was taken up with DoT on number of occasions. But, so far, no action/clarification has been issued in the matter of extending the consequential benefits, as ordered by Hon'ble Supreme Court, to those TES Group Officers who were promoted by it.

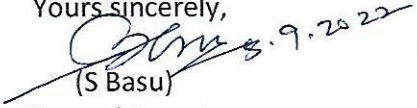
Moreover, the modalities to extend the consequential benefits, as ordered by the Supreme Court, have also not been spelt out.

3. DoT not only took no action to extend the consequential benefits to the TES Group B Officers promoted by it from time to time through duly constituted DPCs and thus implement the Orders passed by Hon'ble Supreme Court, it simply passed on the buck to BSNL. Following this, BSNL issued some revised seniority Lists in the AGMs grade who were promoted after the year 2000 by BSNL itself. But the TES Group B Officers promoted earlier by DoT and who are senior to the Officers promoted after the year 2000 by BSNL, have not been extended the benefit as ordered by Hon'ble Supreme Court judgment. This is a clear case of discrimination against the TES Group B Officers promoted by DoT and violation of Hon'ble Supreme Court Orders.

4. In view of the above, we earnestly request you to kindly intervene in the matter, so that Personnel Branch of DoT takes immediate action to implement the above stated Orders of Hon'ble Supreme Court in letters and spirit. In the process, all the TES Group B Officers promoted by DoT, with their seniority fixed as per Rule-206 of P&T Manual Volume-IV, are extended the consequential benefits in terms of said Supreme Court direction without any further delay.

With kind regards,

Yours sincerely,


(S Basu)

General Secretary

Copy to:

1. Shri V Srinivas,
Secretary (Pension),
Department of Pension & Pensioners' Welfare.
2. Dr Mahesh Shukla,
Member (Services),
Digital Communication Services,
Department of Telecommunications.