

BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU / 526 (JTO)

09.11.2011

To

**Shri A.K. Garg,
Director (HR), BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001**

Sir,

Sub: - Officiating JTOs-regular appointment as JTO on personal upgradation basis-Reg

Ref: Order of the Hon'ble High Court Of Chandigarh dated 19-11-2008 in C.O.C.P No.1431/2008

Vide the item No. 9.30 of the National Council meeting held on 24th June 2011 this Union requested the management for appointing TTAs officiating as JTOs, as regular JTOs, on the basis of personal upgradation. The management replied that subsequent to the Orders of the Hon'ble Punjab and Haryana High Court in CWP No.5608/2007, the diversion of DR quota posts for appointing these officials as JTOs on regular basis has been stopped since 2008 and the creation of supernumerary posts resorted to by the management to adjust the JTOs already promoted against diverted posts was under contempt before the Hon'ble Punjab & Haryana High Court, Chandigarh. The management told that since the matter is thus under the purview of the contempt proceedings, no decision could be taken until the settlement of the contempt case.

It is understood that the above said Contempt case is due for next hearing on 23-11-2011. In this connection we submit the following for your kind consideration:

- a. In the said Order dated 19-11-2008 the Hon'ble High Court Of Punjab & Haryana, Chandigarh observed, "From the perusal of the judgment dated 30.05.2009, it appears that this Court clearly observed that any official who falls under 35% quota meant for JTOs shall have no right against the vacancies after 31.08.1999. By creating supernumerary posts, the respondents have already created the manpower. In this manner, the petitioners who might have become eligible between 1999 to 2000 and thereafter, have been deprived of their consideration or to participate in the screening test. The entire exercise seems to have been made to circumvent the judgment of this Court....In this view of the matter, prima facie the charge of contempt is made out."

- b. It appears that one crucial fact was not brought to the notice of the Hon'ble High Court and it lead to the assumption that the creation of the said supernumerary posts for adjusting the already promoted JTOs was against the judgment of the Court. This crucial fact is the specific assurance given by the management in its order No. 3-9/2007-Pers-IV dated 11-11-2008 which as below:

“Creation of 3500 supernumerary posts, may be done as per the Circle wise break up of posts diverted vide above referred letters, as a special measure, to adjust those officials who have already been promoted against the above said diverted posts and also in order to ensure that the promotional aspects of those officials who are eligible for consideration under the Recruitment Rules of JTOs, 2001 are not diminished in any manner. These supernumerary posts will be kept as a separate group and will not be a part of the regular sanctioned strength of JTOs. In case any such diverted post so filled up by promoting Departmental Quota candidates has fallen vacant due to superannuation, promotion etc corresponding supernumerary posts shall not be created. Further, these supernumerary posts, so created, will stand abolished as and when the incumbent/s of these posts vacates the same due to promotion, superannuation etc “.

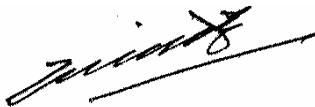
- c. In view of this clear and specific assurance, there is no scope for depriving the chances of the petitioners who are eligible to appear in the examination for vacancies that have arisen in 1999-2000 or thereafter.

Therefore it is requested to cause necessary action for bringing this crucial fact to the notice of the Hon'ble High Court in the hearing on 23rd November 2011 so that it might result in clearing of the contempt case and will pave the way for taking a decision regarding the demand for regular appointment as JTO to all the officiating JTOs by personal upgradation, with out effecting the chances of others.

We shall be thankful for a favorable response in this regard.

Thanking you,

Yours sincerely



(P. Abhimanyu)
General Secretary