

BSNL EMPLOYEES UNION

Recognised Union in BSNL

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

CHQ:Dada Ghosh Bhawan, Opp. Shadipur Bus Depot., New Delhi – 110008

Email: chqbsnleu@sify.com, website: bsnleuchq.com

**P. Abhimanyu
General Secretary**

Phone: (O) 011-25705385

Fax: 011- 25894862

BSNLEU / 526 (JTO)

29.12.2011

To

**Shri R.K. Goyal,
GM (Estt.), BSNL CO,
Bharat Sanchar Bhawan,
Janpath, New Delhi- 110 001**

Sir,

Sub: - **Sending the candidates qualified in the JTO 35% quota screening test held in the year 2000—case of Himachal Pradesh Circle-Request – Req.**

Ref: - **(1) DoT No. 5-11/99-NCG dated 10-11-1999**

(2) Judgment dated 5-10-2007 issued by the hon'ble High Court of Himachal Pradesh in CWP No.583 of 2004

Sri Premchand Premi, Sri Birdas and Ms Sasi Prabha TTAs of Himachal Pradesh Circle have not completed 6 years of regular service in any cadre as on 31-8-1999 but were allowed to appear in the JTO 35% quota screening test held on 25-4-2000 in view of the DoT No. 5-11/99-NCG dated 10-11-1999 allowing all the TTAs to appear in the said exam without insisting upon the 6 years service condition, subject to the outcome of the OAs pending in different CATs.

These officials were declared qualified in the exam. But they were not sent for the JTO training on the plea that they have not completed the prescribed six years service. This plea was irrelevant since all other officials who qualified in the exam were sent for the JTO training in spite of the fact that the officials thus qualified had no claim for the training/appointment as JTO beyond the extent of vacancies available on 31-8-1999. Thus when all others qualified in the exam were sent for training relaxing the rules, there is no ground for discriminating these officials.

Several of these officials thus sent for training were appointed as JTOs by diverting outside quota posts. But this process was squashed by the Chandigarh High Court and the officials thus promoted against the diverted posts were retained as JTOs by creating supernumerary posts for them. The other trained officials have been officiating as JTOs.

Meanwhile, the hon'ble High Court of Himachal Pradesh in its order dated 5-10-2007 in CWP No.583/2004 had directed to send these three officials for JTO training. But the BSNL management, instead of sending these officials for JTO training as per this judgment, filed LPA No. 187 of 2007 against it, in the High Court of HP and not sent them for the training.

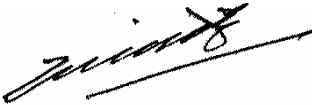
In this connection it is submitted that there is acute shortage of JTO cadre in Himachal Pradesh and it will be in the interest of BSNL if these officials are sent for JTO training and utilized as officiating JTOs along with the other officiating JTOs and their case for regular appointment as JTO depends naturally on the policy to be decided by the management for the officiating JTOs. In such case, the LPA filed in the HP High Court is not required.

Therefore it is requested to kindly cause necessary action so that the LPA is withdrawn and these officials are sent for training.

We shall be thankful for considering this issue favourably.

Thanking you,

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Abhimanyu', written over a horizontal line.

(P. Abhimanyu)
General Secretary