

**No: SNEA/CHQ/DIR(HR)/2015-18/95**

**Dated 04<sup>th</sup> July, 2018.**

**To**

**Smt Sujata T Ray,  
Director (HR), BSNL Board,  
New Delhi.**

**Sub: Filing appeal against the Hon Ernakulam High Court order dated 05.06.2018 regarding fixation of inter-se-seniority among direct rect JTOs recruited after 2001 and method of preparation of All India Eligibility List (AIEL) reg:**

**Respected Madam,**

Hon Ernakulam High Court in its judgment dated 05.06.2018 has given a direction to prepare the AIEL based on date of appointment for the Direct recruits and date of promotion for the JTOs promoted in excess of their quota. So far the method of fixation of inter-se- seniority among the JTOs recruited against promotion quota as well as direct rect quota are based on training centre marks as per the DGP&T guidelines issued in 1962. This order has been issued with the approval of Ministry of Home Affairs(MHA), then cadre controlling authority in place of DoP&T. Interestingly the method of fixation of inter-se-seniority among the JTOs recruited against promotion quota for a particular year is not changed at all, continued to be training centre marks. Since the judgment is having larger implications in the cadre, the portion of the judgment against BSNL, ie. **method of fixation of inter-se- seniority among the directly recruited JTOs** is to be challenged urgently in the Hon Supreme Court.

On selection, selected candidates are sent for pre-appointment training not strictly on merits. Depending upon the availability of training centres and candidates convenience, selected candidates are sent for training. Taking date of appointment as criteria will create large scale seniority issues among the same rect year JTOs on the following grounds:

1. The method of fixation of inter-se- seniority of the JTOs of the same rect years is a settled matter since 1962. It is a time tested methodology followed by DoT and BSNL.
2. The inter-se- seniority of the JTOs in promotion quota will be Training Centre marks and that of direct rects will be date of appointment eventhough both are recruited for the same rect year.
3. All the Circle Gradation lists are to be revised and circulated. Then only AIEL can be finalised and circulated for corrections which is mandatory.
4. Appoint order/promotion orders are issued after completion of the basic and field training of JTOs. Different Circles are sending the candidates for training at different occasions depending upon the availability of training centres. On implementation of this judgment, all the JTOs of one particular Circle which sent them for training first may become enbloc senior to all other JTOs sent for training later by other Circles. This will offset the Circle Gradation list and AIEL already prepared as seniors will become junior and juniors will become seniors.
5. Normally Female candidates are sent for training in nearby training centres and Gents are sent to the training centres in other Circles and distant places. The inter-se-seniority among them will offset by this.
6. Some Circles are issuing appointment orders after getting the Police Verification Report (PVR). Same training batch mates will have different date of appointment due to PVR which will affect the seniority.

7. AIEL is prepared simply by compilation of all the Circle Gradation lists. Before finalization of the AIEL, Circle Gradation list has to be finalised, draft gradation list is to be circulated for corrections and then final list is to be notified. There is possibility of fresh litigations at this stage.
8. **The method of fixation of inter-se-seniority among direct rect JTOs before formation of BSNL may also affected. Quoting this judgment, the inter-se-seniority among direct rect JTOs of DoT period which is already settled may be reopened. All of them are promoted as SDEs in 2011 or earlier years.**
9. These are all glaring issues where BSNL can get stay very easily from the Hon SC.
10. Once stay is obtained from the Hon SC, the existing Circle Gradation lists can be operated and AIEL can be finalised for conducting the DPC.
11. The contempt petition and the OA filed in Ernakulam CAT will become automatically invalid once the SLP is admitted.

**Keeping in view of the above facts, we request you to file SLP in the Hon Supreme Court on war footing.**

**With regards,**

**(Sebastin. K)**

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