



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

KERALA CIRCLE

(Largest Association of Executives in BSNL)
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No.SNEA/Kerala/2018-20/II/152

dated 3rd Dec 2020

To

**The Chief General Manager Telecom,
BSNL, Kerala Circle,
Thiruvananthapuram-33**

Respected Sir,

Sub: LICE Promotion to the post of Rashtrabhasha Adhikari reg:-

Please refer the SNEA Letters submitted to your good self in the subject mentioned above. It is once again brought to your kind notice that the hindi translators appeared and passed LICE examination in 2008 are not ordered promotion to the post of Rashtrabhasha adhikari till date in Kerala circle alone.(due to pending Court case)

In the year 2005 BSNL re-designated AD(OL) cadre as Rajbhasha Adhikaris and promulgated a new recruitment Rule 2005 for promotion to the post of Rajbhasha Adhikaris. Earlier the cadre was a circle cadre. As per this new Recruitment Rule 2005 the cadre was made All India cadre.

Some of the officiating AD(OL)s who were officiating from the Erstwhile DOT period from various circles approached various courts. Meanwhile department conducted LICE to Rashtrabhasha Adhikari on different dates in all circles. In Kerala Circle the examination was conducted on 10.01.2008 for the existing 11 vacancies and result was declared on 29.03.2008. Another LICE was conducted on 23.05.2010 for two new vacancies sanctioned in 2008 and the result also declared on 21.10.2010.

But in Kerala Circle, officiating AD(OL)s obtain a stay for the LICE promotion and allowed officiating candidates to continue according to AD(OL) RR 2002 as per Hon. CAT on 08-04-2010 in (T.A.Nos. 44, 46, 47, 48 of 2008 and O.A No. 100 / 2009).

On 15.4.2011 the Hon. Supreme court division bench in its verdict in Civil Appeal No.1405/2007 filed by CMD BSNL against the judgments of Hon. Allahabad High court and Hon. Calcutta High Court, upheld the Recruitment Rule 2005 and permitted department to proceed with LICE for

promotion to the post of Rajbhasha Adhikaris stating that it is a policy matter and court can not ordinarily interfere with policy decisions and quashed the judgments which were in favour of the officiating AD(OL)s. The court also observed that BSNL can even retrospectively amend Recruitment Rule. Accordingly in all Circles except in Kerala LICE passed candidates got promoted.

Mean time one of the LICE passed candidates and the department approached the Hon. High court against the Hon. CAT Ernakulam bench's order. Hon. High court of Kerala on 04-11-2011 in OP No. 20/2010 made a judgment which was said to be in favour of the officiating AD(OL)s. Finally on 10-10-2019 Hon. High court of Kerala set aside the Hon. CAT, Ernakulam bench order and upheld Hon. supreme court order in Mishrilal case and that is in favour of LICE passed persons. Accordingly 5 officiating AD(OL)s were reverted vide HR- III/5-25/2019-20/15 dated 23-10-2019. Kerala circle written letter to corporate office for declaring the vacancy position and issuance of promotion order vide HR III/5-25/2019-20/17 dated 04-11-2019.

Against the Honourable High Court judgement, 4 officiating AD(OL)s filed SLP in Hon. Supreme court(Special Leave Petition(Civil) 26435/2019) on 18-10-2019. On 02-12-2019 Hon. Supreme court ordered a Stay/Status quo. This case was last heard on 13-02-2020 and court ordered to list it on 17-03-2020 as top of the board. Almost 7 months have gone since the last hearing. The SLP hearing may be further delayed because of the prevailing pandemic spreading. It may be noted that after VRS, out of 4 petitioners, 3 of them took VRS. **The outcome of the pending SLP (if succeed) will be applicable only for one applicant who is in service as of now.**

Therefore it is requested that BSNL corporate office may be impressed upon for issuing promotion order of LICE candidates **subjected to the final outcome of the SLP pending before Hon. Supreme Court by reserving one vacancy for the petitioner considering the prolonged stalemate.** The administrative difficulties being encountered by the circle may be brought to the notice of the Corporate Office in the absence of ADOL(Rajabhasha Adhikari) in matter of Official Language Implementation including answering to **Parliamentary Committee** particularly in the post VRS scenario. The Parliamentary Committee on Official Language invariably visit Kerala Circle in all the years and our circle used to get appreciation in implementation of official language. In the HR point of view it may be noted that all these officers are carrying out the official language work for more than last 20 years hoping for their legitimate promotion after passing the due process of recruitment.

Thanking You,

Sincerely Yours



Jithesh K P

Circle Secretary

SNEA Kerala Circle

Copy to GM(HR & Admin), Kerala Circle