

(51)

**GOVERNMENT OF KARNATAKA**  
**DEPARTMENT OF LABOUR**

No. ALCB-3/ TUA/02/2010-11

Office of the  
Assistant Labour Commissioner,  
Bangalore Division-3, KarmikaBhavan,  
Bnnerugatta Road, Bangalore-29



FORM-C

**REGISTRATION CERTIFICATE**

This is to certify that the BSNL ASSOCIATION OF SERVING EXECUTIVES' (INDIA) [BASE (I)] No. 46, 6<sup>th</sup> Floor, Indiranagar, Telephone Exchange Quarters Building, HAL 2<sup>nd</sup> Stage, Bangalore-560 008, has been registered under the Trade Union Act 1926 vide Registration No. ALCB-3/TUA/02/2010-11, Dated 09-04-2010.

*Balakrishna C.H.*  
**(BALAKRISHNA.C.H.)**  
**Assistant Labour Commissioner,**  
**& Deputy Registrar of Trade Union,**  
**Bangalore Division-3, Bangalore**

**BSNL ASSOCIATION OF SERVING Executives'(INDIA)  
BASE(I)**



Reg.No.:ALCB-3/TUA/02/2010-11 (Under Trade Union Act, 1926)  
Karnataka Circle Office: No. 13, F1,Shrihari Enclave, 8<sup>th</sup> Cross,1<sup>st</sup> Main,K.H.B  
Road,Prashanthnagar Bengaluru-560079.  
Website: [www.baseindiahq.org](http://www.baseindiahq.org) E-mail: [bsnlsetchq@gmail.com](mailto:bsnlsetchq@gmail.com)

**K.G.SANKAR**  
General Secretary  
Mobile: +919449850557

**E.PANNEER SELVAM**  
President  
Mobile: +919444905429

**No. BSNL CHQ / 2013/ 01                      dated at Bangalore-79                      the 14.03.2013**

To,  
**The Chairmen and Managing Director**  
BSNL, Bharat Sanchar Bhavan,  
H.C.Mathur Lane, Janpath,  
New Delhi- 110001.

Respected Sir,

Sub: Request for maintaining Roster in ad-hoc as well as regular promotions to the cadre of Executives (STS)- Reg.

- Ref: 1) Your order No.412-30/2007 Pers-I dated 19<sup>th</sup> December 2007.  
2) Your order No.412-30/2007 Pers (pt) dated 28<sup>th</sup> February 2008.  
3) Your order No.412-06/2008 Pers (pt) dated 2<sup>nd</sup> July 2008.  
4) Your order No.412-26/2008 Pers (pt) dated 29<sup>th</sup> September 2008.  
5) Your order No.412-06/2008 Pers-I (pt) dated 17<sup>th</sup> November 2008.  
6) Your order No.412-06/2008 Pers (DPC's)/1 dated 11<sup>th</sup> May 2009.  
7) Your order No.412-06/2008 Pers (DPC's)/2 dated 11<sup>th</sup> May 2009.  
8) Our Representation dt: 04.06.2010.  
9) Our Representation dt: 07.06.2010.  
10) Our Application before the Hon'ble CAT at Bangalore in O.A.No.243/2010.

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*Handwritten signature*



1. With reference to the above, we would like to bring certain facts to your kind notice and consideration with regard to maintenance of Roster in ad-hoc as well as Regular promotions to the cadre of Executives (STS). Since 19<sup>th</sup> December 2007 you have been conducting DPC's for promotion to the cadre of STS from SDE. Since then you have promoted more than 4000 Executives to the STS level on seven occasions as it can be seen from reference 1 to 7 above. In all these promotions you have published Seniority list of Executives in the cadre of SDE by mentioning a Seniority Number, Staff Number and category of the candidates. In the Seniority List date of entry into service in the cadre of JTO is missing. It is the date of entry into service which has significance in determining the Seniority of the Executives. When the date of entry into service is not shown in the Seniority List, it is difficult for all of us to decide about our seniority in the general seniority list. It is also difficult for the Authorities to decide about the seniority in the cadre of SDE for considering them for promotion to the cadre of STS.

Therefore, it is humbly requested that date of entry into the service to be included while preparing the seniority list of Executives in the cadre of SDE while considering them for promotion to the cadre of STS.

2. In all the occasions of promotion to the cadre of STS on purely temporary and ad-hoc basis Roster has not been maintained. The grievance of the candidates belonging to SC and ST categories is that, while effecting promotion Roster should have been maintained in order to fill-up the adequate percentage as prescribed by the Government of India. As per the Government Order dt: 30.04.1983 in No.DPAR.OM No.36011/14/83-ESTT (SCT), the Public Sector undertakings while effecting promotions reservation orders for SC and ST are applicable in all vacancies for periods in excess of 45 days are **necessarily to be placed on the appropriate Roster**, the number of vacancies falling to the share

of SC and ST, if the vacancies were to be filled on regular basis should first be identified.

In all the occasions mentioned in reference .1 to 7 Roster has awfully been neglected as a result of which out of 4000 promotions only 274 SC's have been promoted and 211 ST's have been promoted to the cadre of STS on ad-hoc basis. The number does not commensurate with the percentage of reservation of 15% to SC and 7.5% to ST. This eventuality has occurred due to the reason that in all the occasions of promotions the Roster has been ignored.

Therefore, it is humbly requested that while effecting promotions to the cadre of STS either on ad-hoc basis or on regular basis, Roster Rules as prescribed by the Government of India in O.M.dated 02.07.1997 be followed in future.

3. It is submitted that as a result of not applying Roster points in accordance with Government order dt: 02.07.1997 required number of candidates have not been promoted to the cadre of STS even though many Executives in the cadre of SDE or eligible to be promoted to the cadre of STS. Thereby many candidates who are eligible are deprived of their right to be promoted.

Therefore, it is humbly requested to declare the backlog vacancies to be filled in the cadre of STS from 02.07.1997.

4. It is submitted that having not been maintaining Roster and also having not been declaring the backlog vacancies to the SC and ST candidates is the result of your authorities having taken recourse to filling up of STS Executives only on ad-hoc basis. Though there is a direction by the Government of India in its order dt: 30.04.1983 that ad-hoc promotions should be minimize, if not eliminated or not together. However, if such ad-hoc promotions are to be made in exceptional circumstances, such as during pendency of Court cases, protracted seniority disputes, non framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPC's for reasons beyond the control of appointing

*Agarwal*



Authority, etc., the following guidelines may be followed as to ensure that the claims of eligible officers belonging to Scheduled Caste/ Scheduled Tribe are duly considered.

**GUIDELINES:-**

- (i) Ad-hoc promotions should be considered only against vacancies in excess of 45 days.
- (ii) Since in cases where reservation orders for SC and ST are applicable all vacancies for periods in excess of 45 days are necessarily to be placed on the appropriate roster, the number of vacancies falling to the share of SC and ST, if the vacancies were to be filled on regular basis should be identified first.

But the BSNL has resorted only to ad-hoc promotions to the cadre of STS despite the order that the ad-hoc promotions to be made in exceptional cases. In view of the Government Order it is humbly requested that the promotion to the cadre of STS on ad-hoc basis be discouraged in future and effect regular promotions so that the executive who get promotion to the cadre of STS would be considered for the subsequent promotion.

- (iii) We request you to stop ad-hoc promotion and give regular promotion in STS cadre.
5. It is submitted that the Union which is representing Scheduled Castes and Scheduled Tribe Executives in BSNL has submitted a representation dt: 04.06.2010 making request to your kind self to observe and maintain Roster in ad-hoc promotions to the cadre of Executives (STS) and one more reminder letter dt: 07.06.2010 has also been submitted. Despite the request the BSNL Authorities have not taken any steps either to maintain Roster or promote adequate number of SC and ST Candidates to the cadre of STS. Being aggrieved by the same, the Union and others approached the Hon'ble Central

Administrative Tribunal at Bangalore in Original Application No.243/2010, seeking a direction to maintain Roster in filling-up of vacancies of STS.

The Hon'ble CAT disposed of the above said application in O.A.No.243/2010 by an order dt: 01.03.2013, directing the Union to represent once again. Therefore, the instant representation is being given representing all the grievances.

It is humbly requested that all the grievances and prayer made above be considered and suitable actions be taken at the earliest.

With kind regards,

Thanking you,

Yours faithfully,



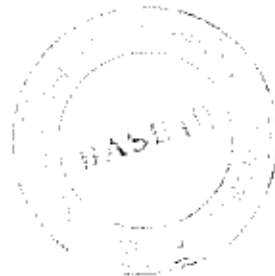
(K.G.Sankar)

General Secretary  
BSNL Association of  
Serving Executives' (India)

**Note :** The Hon'ble CAT of Bangalore O.A.No.243/2010 dt: 01.03.2013 had disposed copy of the order not yet received, once after the receipt of the same will be submitted immediately.

Copt To:

1. Director(HR) BSNL Corporate Office, New Delhi.
2. Sr. GM(Pers), BSNL Corporate Office, New Delhi.
3. Sr. GM(SR), BSNL Corporate Office, New Delhi.
4. CGM Karnataka Telecom Circle Bangalore-8



**BSNL ASSOCIATION OF SERVING Executives'(INDIA)  
BASE(I)**



Reg.No.:ALCB-3/TUA/02/2010-11 (Under Trade Union Act, 1926)

CHQ Office: Site No. 13, Flat No.9, 2nd Floor, Shrihari Enclave, 8<sup>th</sup> Cross,1<sup>st</sup>  
Main,K.H.B Road,Prashanthnagar Bengaluru-560079.

Website: [www.baseindiachq.org](http://www.baseindiachq.org) E-mail: [baseindiachq@gmail.com](mailto:baseindiachq@gmail.com)

**K.G.SANKAR**  
General Secretary  
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**E.PANNEER SELVAM**  
President  
Mobile: +919444905429

No.: **BASE(I)/CHQ/2013/05**

dated at Bangalore- , the 06<sup>th</sup> July 2013.

To,  
The Chairman and Managing Director,  
BSNL, Bharat Sanchar Bhavan,  
H.C.Mathur Lane, Janpath,  
New Delhi-110001.

Sir,

**Sub :** "To fill up all the backlog vacancies of SC/ST, Maintaining the Roster in on going ad hoc promotions to the cadre of Executives'(STS) and posting all the SC/ ST Executives in their home circles-Regarding".

With reference to above, I wish to put forth few points for your kind consideration and favorable actions.

It is learnt that DPC work is under progress for promotions from SDE to DE cadre (STS ), in this promotion we urged to fill up all the backlog vacancies of SC/ST Executives since 1997 and request you to maintain the 200 point roster, which will help the SC/ST executives get the promotion on their own merit and also make the provision for other executives of SC/ST who are below in the seniority list.

And request you to post all the Executives of SC/ST in their home circle as per the DOPT guidelines.

Kindly look into the matter very seriously to uphold the constitutional rights of Scheduled Castes and Scheduled Tribes Executives of BSNL in on going promotions.

With regards,

(K.G.SANKAR)  
General Secretary

BSNL ASSOCIATION OF SERVING EXECUTIVES' (India)

Copy to:

1.GM(PERS), BSNL CO,Bharat Sanchar Bhavan,New Delhi-01.

**BSNL ASSOCIATION OF SERVING Executives'(INDIA)  
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President  
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No.: BASE(I)/CHQ/2013/06

dated at Bangalore the 20<sup>th</sup> July 2013.

To,  
The Chairman and Managing Director,  
BSNL, Bharat Sanchar Bhavan,  
H.C.Mathur Lane, Janpath,  
New Delhi-110001,

Respected Sir,

Subject : SC/ST Executives' grievances in the review meeting with Shri. M.Shivanna  
Hon'ble Member, National Commission for SC on 23.07.2013 with BSNL-Reg.  
Ref : No. 65-9/2012-SCT/458 dated 17.07.2013.

With reference to the above subject, BASE(I) wish to put forth following points for your kind consideration and favorable action.

We came to know that there will be a review meeting with Shri. M.Shivanna, Hon'ble Member, National Commission for SC on 23.07.2013 with BSNL management. For ~~for~~ the Executives of SC/ST put forth the following points to review and for further consideration.

There are many promotion orders has been issued since year 2000 for various cadres, wherein a clear violation of Reservation policy (Constitutional privileges) for SC/ST employees like.

1. Not maintaining of SC/ST quota.
2. Roster has not been maintained in JTO, SDE, AGM, DGM, GM, and CGM cadres.  
Because of this most of the SC/ST employees are deprived of higher promotions.
3. Relaxation standard (20% for SC and 15% for ST) has not been followed in LDCE for



promotion of JTOs to SDE (T) hence the vacancies are remained unfilled since 1997  
(These standards are followed up to JTO/JAO level).

4. While promoting, SC/ST officers are being targeted and transferred to tenure places.  
Because of this most of the officers are declining their promotions.

5. ACRs of SC/ST officers are entered below the bench mark intentionally, due to this our  
members are missing promotions. BSNL management has not taken any proper action to  
address these issues as on date.

Kindly look into these matters to uphold the constitutional rights of Scheduled Castes and  
Scheduled Tribes Executives in BSNL.

**Note : Even in the recent promotion order dated 19.07.2013 for SDE to AGM/DE  
Adhoc promotion not put it in the format of 200 points rosters. This is clear  
violation of 200 point roster in promotions.**

With regards,



**(K.G.SANKAR)**  
**General Secretary**  
**BSNL ASSOCIATION OF SERVING EXECUTIVES' (India)**

Copy To

1. The Chairman, National Commission for SC, New Delhi.
2. The Director (HR), BSNL New Delhi.
3. The DDG(SR), BSNL New Delhi.



**BSNL ASSOCIATION OF SERVING Executives' (INDIA)  
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CHQ Office: Site No. 13, Flat No.9, 2nd Floor, Shrihari Enclave, 8<sup>th</sup> Cross, 1<sup>st</sup>  
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President  
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No.: **BASE(I)/CHQ/2013/05**

dated at Bangalore- , the 06<sup>th</sup> July 2013.

To,  
The Chairman and Managing Director,  
BSNL, Bharat Sanchar Bhavan,  
H.C.Mathur Lane, Janpath,  
New Delhi-110001.

Sir,

**Sub :** "To fill up all the backlog vacancies of SC/ST, Maintaining the Roster in on going ad hoc promotions to the cadre of Executives' (STS) and posting all the SC/ ST Executives in their home circles-Regarding".

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And request you to post all the Executives of SC/ST in their home circle as per the DOPT guidelines.

Kindly look into the matter very seriously to uphold the constitutional rights of Scheduled Castes and Scheduled Tribes Executives of BSNL in on going promotions.

With regards,

(K.G.SANKAR)  
General Secretary  
BSNL ASSOCIATION OF SERVING EXECUTIVES' (India)

Copy to:

1.GM(PERS), BSNL CO, Bharat Sanchar Bhavan, New Delhi-01.



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---

No. BASE(I) CHQ / 20013 / dated at Bangalore the 30.11.2013

To,  
The Director(HR)  
BSNL, Bharat Sanchar Bhavan,  
H.C.Mathur Lane, Janpath,  
New Delhi-110001.

Respected Sir,

Sub: DPC for AGM/DE's to DGM Adhoc- regarding

With reference to above subject our Association BASE(I) bring the following points for your kind notice and also clarification please.

Vide BSNL Corporate office ltr No 412-24/2010-Pers I, Dated October 29<sup>th</sup>, 2012, Regular promotion has been given to 287 AGM/DE's which includes around 80 SC/ST officers, who have got Adhoc promotion in the Year 2008 it self. **Where seniority of these officers is not fixed in AGM/DE regular cadre even after lapse of 01 year.**

Vide BSNL Corporate office ltr No 314-03/2012-Pers-I (Pt), Dated July 2<sup>nd</sup>, 2013 and Adhoc DGM promotion has been issued to 119 Regular DE's based on their seniority in Regular DE cadre.

- a) In this DPC for how many vacancies approval has been taken from management committee.
- b) For this DPC what was the eligibility criterion.

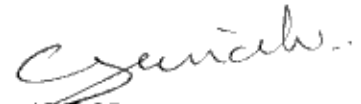
- c) In this DPC whether DE Regular or SDE seniority list was followed.
- d) As per the eligibility criteria whether these SC/ST officers were eligible or not.

Vide BSNL Corporate office ltr No 451-15/2013-Pers. (DPC) 18-10-2013 The ACR / APARS in respect of AGM/DE(T) (Regular) are called for preparatory work for ensuing CPC for promotion to DGM(T) on ad.hoc basis.

- a) In this preparatory work for DPC for promotion to DGM (T) on ad.hoc basis seniority of SDE cadre is being taken in to account which is against to the guidelines followed in previous cases.
- b) In this DPC what is the eligibility criterion.
- c) For this DPC which seniority list will be followed either DE Regular or SDE.
- d) This preparatory work has been started with out finalizing DE Regular seniority list. Kindly regularize AGM/DE's and prepare seniority before conducting DPC.
- e) Taking of seniority of SDEs cadre will make injustice to SC/ST officers.

If rules and procedures being followed these SC/ST Officers should stand senior to all officers promoted as regular DE/AGM's in the later DPC's.

Therefore our Association requesting you to clarify the points mentioned above and also requesting for issue regular promotion in the cadre of AGM/DEs and prepare one seniority list by adapting 200 point roster and conduct DPC for DGM on regular basis.

  
(C.BORAIAH)

In-charge General Secretary  
BSNL ASSOCIATION OF SERVING EXECUTIVES' (India)

**BSNL ASSOCIATION OF SERVING EXECUTIVES'(INDIA)  
BASE(I)**

Reg.No.:ALCB-3/TUA/02/2010-11 (Under Trade Union Act, 1926)



**CHQ OFFICE: No. 13, F1, Shrihari Enclave, 8<sup>th</sup> Cross, 1<sup>st</sup> Main, K.H.B Road,  
Prashanthnagar Bengaluru-560079.**

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President  
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No.BASE(India) / CHQ/2016 / 30 Dated at Bengaluru-79 the 22-09-2016

To,  
The Chairman and Managing Director  
BSNL, Bharat Sanchar Bhavan,  
No.1, H.C.Mathur Lane,  
Dew Delhi-110001

Respected Sir,

Subject: - For Non-Implementation of the Honble CAT Chandigarh Judgement in  
Promotional orders from SDE to AGM/DET -reg

Ref: O.A No.060/00864/2015 dated 08-09-2016

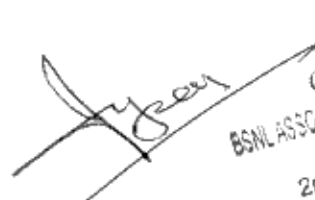
I, the General Secretary of BSNL Association of Serving Executives' (India), would like to emphasise following points regarding Honble CAT Chandigarh Judgement in the issue of promotional orders from SDE to AGM/DET.

All SC/STs Officers and Employees were recruited as per the provisions of Constitution of India. The BSNL is being a Central Governmental Organisation and it has got the prime responsibility to uphold the Constitutional Provisions for protecting & secured the interest of SC/STs.

It is very much surprising to know that, The Honorable CAT Chandigarh has given adverse Judgement against reservation in promotion for SC/STs on 08-09-2016 in the case of O.A.No. 060/00864/2015, Sukhvinder Singh versus Union of India and others. It is observed that in this case the standing counsel of BSNL has not defended the case properly to protect the Constitutional Rights which are guaranteed to SC/STs which resulted in adverse decision.

The prima facie of the Judgement is shows that, there is a lacuna in submission of facts with relevant documents to the Hon'ble CAT by BSNL counsel which resulted in over ruling by the Hon'ble CAT and infringement of Constitutional Rights which are vested towards SC/STs for uplifting them for main stream of the society.



  
General Secretary  
BSNL ASSOCIATION OF SERVING EXECUTIVES (INDIA)  
Site No. 13, Flat No. 9  
2nd Floor, Shrihari Enclave  
8th Cross, 1st Main, K.H.B. Road  
Prashanthnagar, Bangalore - 560 079

The duty to implement the rule of reservation is a constitutional duty to be performed, honestly, sincerely and in its true contents and the spirit to uphold the constitutional rights by any central public sector unit as a Governmental Organization.

Every public servant is a trustee of the society and in all facets of public administration. Every public servant has to exhibit honesty, integrity, sincerity and faithfulness in implementation of the political, social, economic and constitutional policies to integrate the nation to achieve excellence and efficiency in the public administration. A Public servant entrusted with duty and power to implement Constitutional policies and all inter related directive principles should exhibit transparency in implementation and of accountable for due effectuation of constitutional goals.

Maintenance of the roster and strict adherence to it in accordance with the brochure received by the Government of India in that behalf of to implement the rule of reservation in promotion is the charge and trust put on public servants. The Constitution has trusted the public servant as honest administrator to effectuate public policy and constitutional goals.

Therefore our Association requesting you to protect the interest of SC/STs as Guaranteed by the Constitutional Right. The BSNL is being a Governmental organization and its chief custodian should have an obligation to fulfill all the rights of SC/STs/OBCs either in the recruitment or in the promotional avenues.

In any case which indress or against to the Constitutional Rights of their employees, in such cases the BSNL can protest either in the Court of law or in any other Quasi-Judicial Institutions

Hence it is requested strictly not to implement the Honorable CAT Chandigarh Judgement in the promotional orders from SDE to AGM/DET, if at all BSNL CO wish to issue promotional order it must have to maintain reservation in promotions to all cadres.

To overcome the immediate legal hurdles BSNL CO has to move swiftly to file a writ petition in the Jurisdictional High Court with suitable panel of counsels to protect the constitutional rights of SC/STs Executives reservation in promotions.

In support of the above matter our Association also will take part to implead the case.

Thanking you,

With Regards,



Copy To.

1. Director (HR), BSNL CO for information and n/a.
2. Sr.GM(Pers) BSNL CO for information and n/a.

  
K.G.SANKAR  
General Secretary

BASE (India)

General Secretary  
BSNL ASSOCIATION OF SERVING EXECUTIVES (I)  
Site: ...  
Prashant...