

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

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



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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,  
New 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.



*[Signature]*  
General Secretary  
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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)

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