

BSNL EMPLOYEES UNION

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

Phone: 25705385, 25894100, fax: 25894862

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

BSNLEU/519(SC/ST)

09.12.2008

To

**Shri Gopal Das,
Director (HRD), BSNL
Bharat Sanchar Bhawan
New Delhi 110001**

Sub: Implementation of SC/ST reservations in post based promotions

Sir,

I would like to bring the following for your kind consideration and early favourable orders.

a) Filling up of backlog vacancies

In spite of Government's instructions on the above subject, the SC/ST backlog vacancies in departmental promotion quota remain unfilled in several cases. Following are some examples:

1. The BSNL Corporate Office has issued orders vide No.10-4/2004-SCT/46 dated 09.03.2005 directing review of the results of failed SC/ST candidates for filling up of the backlog vacancies. In A.P Circle, in the JTO 35% departmental qualifying screening test held on 06.05.2000, only 14 candidates got qualified against 30 vacancies of ST category and as such 14 vacancies remain unfilled. Therefore as per the above said order dated 09.03.2005 from BSNL Corporate Office, the CGMT A.P Circle has reviewed the results of failed ST candidates and declared 16 ST candidates as selected and sent them for Phase-I training. But this selection was canceled by CGMT A.P subsequently on 24.09.2005 on the ground that it was done on the basis of a clarification issued by BSNL Corporate Office vide its order No.20-63/2005-pers-IV dated 18.08.2005 in which it was clarified that the result of the said examination could be reviewed only when the result was announced after 03.10.2000 i.e the date of issue of Government's orders for restoring relaxation in qualifying standards for SC/ST officials. In the said Government's order (DoP&T No.36012/23/96-Estt.(Res)-Vol-II dated 03.01.2003 it was stipulated that such relaxation in standards could be applied only in the case of selections made on or after the date of issue of the orders i.e 03.10.2000. Since the results of the examination held on 06.05.2000 were issued on 29.09.2000, just 3 days before 03.10.2000, the above said selection of these officials based on relaxed standards was cancelled. If the result had been given 4 days later, on 04.10.2000, these officials would have become eligible for review of the results. These officials should not be punished thus because of the arbitrariness in the announcement of the results of the examination. In this connection it is to be noted that when 600 or more OC candidates in the Circle have been declared qualified and sent for JTO training even without any vacancy and outside quota vacancies were diverted for them, these ST officials for whom the vacancies are available, should have been declared qualified based on relaxed standards. Simply denying them this relaxation on the technical ground that the results were announced on 29.09.2000 instead of 03.10.2000 for which they are no way responsible, is an injustice imposed on them without any valid reason. There was negative response from BSNL Corporate Office to the representations of these officials. Even letters from the Circle to the Corporate Office for solving this issue appear to be having no response. The Government once again has issued orders vide DoP&T letter No.36038/1/2008-Estt(Res) dated 19.11.2008 for launching a fresh special recruitment drive for filling up the back log reserved vacancies of the SC/STs. This has become necessary in view of the fact that a large number of backlog vacancies still remain unfilled. One of the reasons for this failure in filling up the backlog vacancies might be the above said arbitrary barring of the review of the results announced before 03.10.2000. This aspect must be brought to the notice of the Government by BSNL management with a request for allowing review of the results announced before 03.10.2000 also so that more number of backlog vacancies can be filled up.

b) Filling up of unfilled SC/ST vacancies

In Telecom Mechanic cadre, several ST vacancies remained unfilled in some SSAs in A.P. Circle due to absence of eligible ST officials in those SSAs. Similar situation exists in some other circles also. But so far, no action is taken to fill up these vacancies by ST candidates, due to lack of clear cut instructions from Corporate Office on the subject. Urgent action is required to fill up these ST vacancies by ST candidates.

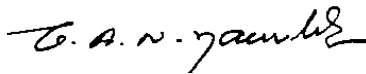
c) Fresh special recruitment to fill up SC/ST backlog vacancies

The Government once again has issued orders vide DoP&T letter No.36038/1/2008-Estt(Res) dated 19.11.2008 for launching a fresh special recruitment drive for filling up the back log reserved vacancies of the SC/STs. It is requested that instead of simply forwarding it to the CGMs, the Corporate Office should issue clear-cut instructions including enabling provisions so that all the SC/ST backlog vacancies and all the SC/ST vacancies are filled up by SC/ST candidates.

It is requested to consider these issues favorably so that SC/ST reservations are properly implemented in the matter of promotions/up gradations.

We shall be thankful for a positive response in this regard.

Yours Sincerely,



**(V.A.N.NAMBOODIRI)
GENERAL SECRETARY**

BSNL EMPLOYEES UNION

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

Phone: 25705385, 25894100, fax: 25894862

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

BSNLEU/519(SC/ST)

10.12.2008

To
Shri Gopal Das,
Director (HRD), BSNL
Bharat Sanchar Bhawan
New Delhi - 110001

Sub: Implementation of SC/ST reservations in promotions/up gradations – Reg.

Sir,

This is to request your kind intervention on the issue of implementation of reservations for SC/ST employees in promotions/ up gradations:

The agreement on Promotional Policy signed by the official side and staff side of the promotion committee on 30.10.2008 has provided the following clause on the issue of reservations for SC/ST employees in the new promotion policy:-

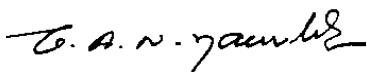
“6. Time bound up gradations are not linked with availability of posts and thus, the provisions relating to application of post based rosters are not applicable. However, all constitutional safeguards will be observed. As a concession to SC/ST employees, relaxed standards of evaluation will be followed.”

In view of the Judgment given by the constitutional bench of the Supreme Court on 10-2-1995 in W.P(Civil) No. 79 of 1979 (R.K.Sabharwal & Ors Vs. State of Punjab & Ors.), the management expressed difficulty for reservation for time bound upgradation. But, the agreement assured implementation of constitutional provisions as also relaxation. In this connection, the following is submitted for your kind consideration.

The SC/ST candidates are given five years age relaxation in recruitment compared to other categories of employees. This means in general, the SC/ST employees enter the service late in their age compared to OC employees. In such case, if both SC/ST employees and OC employees are given time bound promotion with the same periodicity of qualifying service, the SC/ST employees will get the promotion in their late age compared to OC employees. This is a discrimination against SC/ST employees, which is against the constitutional provisions. Such discrimination is against the directive principles of the Constitution of India. Article 38 of the Constitution directs the State to strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. Therefore, it is the duty of BSNL, to remove this discrimination against SC/ST employees. This can be done by granting time bound promotions to SC/ST employees earlier compared to other category of employees. Such a procedure is being implemented in State Trading Corporation. As per the web page <http://commerce.nic.in/annual2006-07/html/chapter13.html>, “one year relaxation is given to SC/ST employees in the qualifying period of service at each stage of promotion under the time bound promotion policy in the unionized cadres” in State Trading Corporation.

Therefore, keeping all the above facts in view, it is requested to cause necessary orders for implementing the new promotion policy with granting one / two years relaxation to SC/ST employees in the qualifying service at each stage of promotion and thus honor the agreement regarding implementing constitutional provisions.

Yours Sincerely,



[V.A.N. Namboodiri]
General Secretary