

## **Brief of the grievance of the candidates of 2004 LDCE passed candidates.**

The RRs for SDE promotions formulated in 1996 (22-7-1996)

The 25 % examinations were scheduled on 16-9-2001 for the vacancies of 1996-97 to 2000-01. But postponed to 1-12-2002, results declared on 19-12-2003 and actual promotion ordered on 8-6-2004. (Delay of 8 years).

But the 75% quota of my counterparts promotion was ordered in May 2000. These SDEs have become eligible for the Time Bound Up-gradation of BSNL policy on 1-10-2004 and got E 3 scales on 1-10-2004.

But we LDCE candidates (25% quota) have become eligible for this time bound up-gradation (E3 Grade) on 8-6-2008 for want 4 years of completed service in the existing grade.

In a similar case; Hon Supreme Court under CA No.1655/1997 the relief was given to Santana Krishnan and others and the benefit of notional service was allowed in DOT where 2/3<sup>rd</sup> qualifying candidates got promoted in 1981 but the 1/3<sup>rd</sup> LDCE candidates got promotion in 1985. When lateral 12 years promotions came into effect in 1990 by DOT orders; these aggrieved 1/3<sup>rd</sup> quota LDCE candidates went to court and got the notional benefits and hence their lateral promotion was preponed by getting notional service.

Our case fought on the similar grounds was upheld partially by Hon CAT Bangalore. We sought the notional benefit from May 2000 on par with 75% seniority quota but comparing the above judgment the notional benefit is extended only from 23-1-2002 (Only 2 years preponed). This is upheld by the Hon High Court Bangalore in a speaking order. The SLP filed by BSNL in Hon Supreme court is dismissed stating that there is no merit in the SLP filed by BSNL and also directed to comply the order in 2 months.

Now BSNL is trying to continue with the Review Petition in the Hon High Court of Karnataka even after the dismissal of SLP, which is unwarranted and against natural justice.

## **The sin of passing the LDCE being held belatedly after 8 years of formation of the RRs;**

We got SDE promotion in June 2004 through LDCE. Our JTO batch mates who failed/not appeared in LDCE got the 12 year lateral/ BSNL time bound Up gradations in the month of October 2004 just 4 months after our promotion and became on par with us. Then in November they also got the seniority-cum-fitness 75% SDE promotion and got the fitment benefits **and hence from November 2004 they have been drawing 1-2 increments more than us.** This could not be taken as anomaly as per the riders in the TBU policy of BSNL that; it is purely personnel and cannot be compared. The comparative statement is enclosed.

Though this issue was not raised by us in the court due to its limitations, now the partial benefits extended by the tribunal will only end this anomaly. The representations made by us on this were not responded by BSNL.

by..Nagavi S B