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Name of Officer S/Shn	Staff no.	New Seniority No.	Old Seniority No.	Rectt. Year	Date of Joining as JTO	Year of Competitive Exam Passed.	Date of Joining as regular SDE
Atul Kr. Jain	108281 37957	16238.1 10883.1	30020	1989	Dec-92	2003 Suppl. to 2000	28.12.2001
Chetan Kr. Jain	108858 37968	16267.1 10887.1	30629	1989	Dec-92	-Do-	28.12.2001
Anup Kr. Verma	107162 37977	16291.1 10889.1	28846	1989	1994	-Do-	28.12.2001
Bhupendra Kaushik	107538 37979	16298.1 10891.1	29276	1989	Dec-92	-Do-	28.12.2001

14. That, it is possible that the rest JTOs of said impugned Seniority list have similar candidature Date of birth of JTOs shows that i.e Joined Department in 1992 and were not eligible to appear in competition Exam as mentioned in preceding Para.

15. That as per notification no. 5-7/98-DE dated 06.11.98 issued from Dir (DE & VP) of DOT HQ, New Delhi, the vacancies relate to the year 1994 to 22.07.96 only. From the above notification it is clear that the officers who have promoted up to June 1994 against the vacancies up to year 1993-94 were need not to appear in said exam. But it is not understood how the seniority to all JTOs of said impugned Seniority list is allotted against the vacancies of year 1977 to 1993.

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16. That, from the said impugned seniority list it is clear that all JTOs are given seniority against the vacancies of years from. 1987 to 1993 along with the JTOs of recruitment year 1967 and who passed TES Group 'B' Qualifying examination in 1987, which is wrong and illegal, because as per Para 5 (b) of Schedule of TES (Group- 'B') recruitment Rules, 1981, JTOS mentioned in revised Seniority list were only eligible to appear in Qualifying cum-Limited Competitive examination after completion of five years regular service in JTO cadre because they have joined as JTO in year 1992/1994 and they were eligibly to appear in against the vacancy created after the year of 1997/1999 only. Hence they should be allotted Seniority against the vacancy of year 1998 and onwards only.

17. That, not only on the basis of facts mentioned above, but also on the basis of Supreme Court Judgment in case Suraj Prakash and other Vs state of J & K and others, AIR (2000). (SC) 2386, 2000(4) scale 268: 2000 (3) supreme 637: 2000(2) RSJ (SC) 648 no officer of impugned Seniority list can be given seniority from back date i.e before year of his or her appointment as SDE i.e. before year 2001.

18. That, as per Judgment dated **29.09.2001** of CAT Chennai **in OA No.305 of 2001** T. Nagrajan and others vs Govt. of india and others, Seniority can be given from the date of appointment only.

19. That, as per Judgment dated 02.04.2008 of Hon'ble High Court Chennai in W.P as 21961 of 2001 Govt. of India Vs CAT Chennai, Seniority can be given from the date of appointment only.

20. That, on the basis of above discussion it is clear that JTOs listed in revised impugned Seniority list should not be ranked senior in Seniority list of SDE cadre, than I.

Therefore, I humbly request that seniority of all JTOs mentioned in Seniority list should be fixed as per Court Judgments mentioned above and below than I only.

Dated: - 24.04.2008.

(Munna Lal)
AD (PG-III)
O/o CGMT UP (W) Circle
MDA building,
Meerut

Copy in Advance to: - Smt. Bindu Roy, ADG (Pers-II) Bharat Sanchar Bhawan, Janpath, New Delhi. 01 w.r.t. letter no. 15-8/2006-Pers-II dated 07.04.2008 , for information please.

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To:-
The Under Secretary (SGT)
Department of Telecommunication
421, Sanchar Bhavan, 20-Ashoka Road
New Delhi-110001

From:-
Dharmendra Kumar Jain
(DOT Staff No. 30238)
Asstt. General Manager (Planning)
O/o GMTD, GPO Compound, Meerut

(THROUGH PROPER CHANNEL)

Sub:- O.P.Nos.21656/2001 & 37134/2001 titled UOI Vs George Paul & K. C. Josh- circulation of revised seniority list of competitive quota Officers – regarding.

Ref:- DoT's letter No. 2-32/2001-STG.II dated 27-03-08 & B.S.N.L's letter No. 15-8/2006-Pers-II Dated 07-04-08

Respected Sir;

It has come to my knowledge vide DoT letter dt.27-03-08 under reference that your office is going to revise seniority list due to re-fixation of seniority of the 147 Officers circulated under above cited letter as per their eligibility for appearing in the competitive Exam for the respective year of vacancies. In this connection, objections against the revised seniority, if any have been invited by your office.

In the light of the above, I would like to make the following submission for your kind perusal and necessary action in the matter:-

1. That, my year of recruitment of as J.T.O. is 1978 and I have passed the TEs Gr 'B' Qualifying Exam in 1987 agaist the 66-2/3 quo a as per TES Group B recruitment rule 1981. I have been promoted for TEs Gr. 'B' post vide DoT order No. 2-43/94-STG.II dtd. 03-06-94. The eligibility list was circulated vide DoT Letter No. 16-12/92-STG-II dt. 14-01-1993 & my promotion was made against the vacancies before the year 1993-94.

2. That Vide DoT No. 5-7/98-DE DT.06-11-98 Qualifying cum Comptetive Exam for TEs Gr.B was announced in which it was given that all qualified JTOs including TEs Gr.B Officers promoted against vacancies for 1994-95,95-96 and 96-97 (up to 22-07-1996) were only eligible to appear in the competitive part.

3 That, this implies that this exam for competitive part was not for the vacancies against year 1993-94 & previous years. Since I was already promoted against vacancies for 1993-94 and seeing that the exam was being held for the vacancies w.r.t, which I was already holding higher seniority, hence there was no question to appear in the said exam.

4 This Exam was held in Nov.2000 and in continuation of this Exam vide BSNL letter no.5-6/2003-de dt. 17-04-03 special supplementary Deptl Qualifying –cum-competitive exam for TEs Gr. B was conducted in Sep 2003. In this notification at para 3 all the JTO's recruited against vacancies up to year 1993 were eligible. The para 8 of this order also states that all other conditions given in letter no. 5-7/98-DE dt 06-11-98 and dt. 13-11-98 issued from Dir (DE&VP) DOT HQ, ND will be applicable for this exam also. This notification states that only the JTOs who were having recruitment year up to 1993 and not qualified for TEs Gr.B Exam may appear in Qualifying cum Competitive exam. It is not understood as how the successful officers against this notification can be give seniority against competitive quota of vacancies before 1993-94.

5 That, for example service record of some JTOs/SDEs UP (West) Circle of impugned seniority list is as below:-

Name of Officer S/Shn	Staff no.	New SeniorityNo.	Old Seniority No.	Rectt. Year	Date of Joining as JTO	Year of Competitive Exam Passed.	Date of Joining as regular SI
Atul Kr. Jain	108281 37957	16238.1 10883.1	30020	1989	Dec-92	2003 Suppl. to 2000	28.12.200
Chetan Kr. Jain	1088583 7968	16267.1 10887.1	30629	1989	Dec-92	-Do-	28.12.200
Anup Kr. Verma	107162 37977	16291.1 10889.1	28846	1989	1994	-Do-	28.12.200
Bhupendra Kaushik	1075383 7979	16298.1 10891.1	29276	1989	1992	-Do-	28.12.200

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6 That, from the above said impugned seniority list it is clear that all JTOs are given seniority against the vacancies of years fro. 19 7 to 1993 which is wrong and illegal, because as per Para 5 (b) of Schedule of TES (Group- 'B' recruitment Rules, 1981, JTOS mentioned in revised Seniority list were only eligible to appear in Qualifying cum-Limited Competitive examination in 1998 i.e. after completion of five years regular service in JTO cadre because they have joined as JTO in year 1992 and mostly officers of the list were eligibly to appear in against the vacancy created after the year of 1997 only. Hence they should be allotted Seniority against the vacancy of year 1998 only.

7 That, Prime facie it is clear that vide DOT letter mentioned above, seniority of some JTOs who joined department in 1992, have been allotted against the vacancies of years 1977 to 1993 along with the JTOs of recruitment year 1970 and who passed TES Group 'B' Qualifying examination in 1977, which is wrong and illegal itself on the basis of line no. 7, 8 & 9 of Para 01 of above said letter also. The said lines are reproduced below "It has been decided to refix, their seniority as per their fulfilling the eligibility for appearing in the competitive examination for the respective years of vacancies".

8 That, not only on the basis of facts mentioned above, but also on the basis of Supreme Court Judgment in case Suraj Prakash and other Vs state of J & K and others, AIR (2000). (SC) 2386, 2000(4) scale 268: 2000 (3) supreme 637: 2000(2) RSJ (SC) 648 no one officer of impugned Seniority list can be given seniority from back date i.e. before year of his or her appointment as SDE i.e. before year 2000.

9 That, as per Judgment dated 29.09.2001 of CAT Chennai in OA No.305 of 2001 T. Nagrajan and others vs Govt. of India and others, Seniority can be given from the date of appointment only.

10 That, as per Judgment dated 02.04.2008 of Hon'ble High Court Chennai in W.P as 21961 of 2001 Govt. of India Vs CAT Chennai, Seniority can be given from the date of appointment only.

11 **That, on the basis of above discussion & notification it is clear that all JTOs listed in revised impugned Seniority list should not be allotted the seniority against vacancies 1993-94 & previous years.**

Therefore, I humbly request that seniority of all JTOs mentioned in Seniority list should be fixed as per Court Judgments mentioned above and below than I only i.e.

Suggestion:- If, DOT want to fill up the competitive quota vacancies of year 1993-1994 & previous years. A limited competitive examination may be conducted by issue a separate notification as per TES (Group- 'B') recruitment Rules, 1981 to fill up the vacancies.

Thanks and oblige

26/04/2008

Your's faithfully

Dharmendra Kumar Jain
(DOT Staff No. 30238)

Copy to:-

1. **Shri B. M. David,** The Under Secretary (SGT) Department of Telecommunication, 421, Sanchar Bhavan, 20-Ashoka Road, New Delhi-110001 **(Advance Copy)**
2. **Smt. Bindu Roy** A.D.G. (Pers-II) Corporate office 4th floor, Bharat Sanchar Bhawan Janpath, New Delhi-1, Tele: 011-23037191, Fax: 011-23734156
3. CGMT, UP (West) Telecom Circle, BSNL, Shastrinagar, Meerut
4. GMTD, BSNL, GPO Compound, Meerut

c/c (2)

Sneh 26/4/08

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To:-

The Under Secretary (SGT)
Department of Telecommunication
421, Sanchar Bhavan, 20-Ashoka Road
New Delhi-110001

From:-
Bhupendra Singh Bhadauria
(DOT Staff No. 32301)
Asstt. General Manager (Computer)
O/o GMTD, GPO Compound, Meerut

(THROUGH PROPER CHANNEL)

Sub:- O.P.Nos.21656/2001 & 37134/2001 titled UOI Vs George Paul & K. C. Josh- circulation of revised seniority list of competitive quota Officers – regarding.

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