



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. BSS/3/2019/MPNT2/SEOTH/RU-IV

Dated: 23.09.2019

To,

The Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane,
New delhi-110001

Sub: Proceedings of the sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 26.08.2019 in the matter of Shri Balwant Singh Sharma, SDE (Civil), BSNL, Kullu (HP) regarding non-correction in the vacancy year of the LDCE 2008 for the post of Sub-Divisional Engineer (Civil) Grade.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.08.2019 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Signature)
(Y.K. Bansal)
Research Officer

(Encl. as above)

Copy to:-

Shri Balwant Singh Sharma,
SDE, Civil,
BSNL,
Kullu, HP.

Copy for information & uploading at website

ATIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

BSS/3/2019/MPNT2/SEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 26.08.2019 UNDER THE CHAIRMANSHIP OF SMT. MAYA CHINTAMAN INVANTE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF REPRESENTATION OF Shri BALWANT SINGH SHARMA SDE CIVIL, BSNL, KULLU (HP) REGARDING NON-CORRECTION IN THE VACANCY YEAR OF THE LDCE 2008 (SUCCESSFUL ST CATEGORY CANDIDATE) FOR THE POST SDE (CIVIL) GRADE.

Date of Sitting: 26.08.2019

List of officers present in sitting is Annexed.

The petitioner Shri Balwant Singh Sharma vide his representation 08.4.2019 has represented before the Commission that he had not given seniority on promotion and non-correction vacancy year of the LDCE 2008 (successful ST category candidate) for the post SDE (Civil) grade in BSNL. He has submitted the following grievances.

- (a) The BSNL was formed from a Department of Telecom, wherein all officers and employees other than those being retained in the DOT have been transferred from 01.10.2000 on deemed deputation, without deputation allowances to BSNL on as is where is basis along with their posts on existing terms and conditions.
- (b) In the Recruitment Rules of Sub Divisional Engineer (Civil), Published by Personnel-II Section of BSNL vide letter No. 20-24/1001-Pers-II New Delhi dated 28.2.2002, the sanctioned post was 1383. But in the initial roaster prepared by BSNL on dated 19/7/2006, sanctioned posts were shown as 1073. This difference might have put some misinterpretation/miscalculations in working out backlog/shortfall of ST category representation in the said cadre of BSNL.
- (c) The DoT had conducted last LDCE for the grade of SDE on 14/3/2002 after coming in force of BSNL as per new Recruitment Rules-2002 and thereafter, issued promotion order on dated 16/7/2004 even after the presidential orders of absorption for the grade of SDE issued on dated 31.3.2004 from the list of JE absorbed in BSNL.
- (d) BSNL has prepared initial roaster on 19/7/2006 in which, all the working executives who absorbed in BSNL as AE working on 31.3.2004 were shown. As per BSNL RR-2002, all the absorbed AE shall be initial constituents of SDE grade. The BSNL has also added 242 candidates in the above said initial roaster who were promoted from 20.3.2002 to 9.5.2006 without preparing any roaster of its own for these promotions.
- (e) The representation of ST category candidates among all the working executives who were absorbed in BSNL as AE and was working up to 01.4.2004 were shown 22 (under SCF quota=21 and under LDCE quota-01) which comes out 1.59% of the sanctioned posts of 1383. No back log vacancies of ST category carried forward as on 01.10.2000 and on 01.4.2004 till 19.7.2006 on the date was shown in the initial roaster.
- (f) In the BSNL initial roaster on dated 19.7.2006 the ST category representation/working strength shown as under Seniority cum fitness quota as 31 which comes 4.34% of the reduced posts 1073 as comparisons to RR-20023 sanctioned posts 1383. Thus there was short fall of 39 ST vacancies under Seniority cum fitness stream as on 19.7.2006 and short fall of 20 ST vacancies under LDCE stream as on 19.7.2006.

Smt. Maya Chintaman Invante
Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

(g). The BSNL has ignored showing of backlog ST vacancies at the time of preparation initial roaster for the post of SDE as per DOPT OM dated 02.7.1997. Hence, his seniority was ignored against vacancy year 2005-16 along with the SCF batch promoted for VY-2005-06 on dated 09.5.2006. However, if the BSNL Management subsequently accommodated his name in the seniority list of SDE in the ratio of 3 SCF:1 LDCE for the vacancy year 2005-06 against his claim for VY 2003-04, then he will get justice.

2. The NCST vide notice dated 26.4.2019 sought a report from the BSNL authority. Thereafter, the BSNL management vide its letter dated 22.7.2019 has informed the facts of the case that the petitioner was appeared in LDCE exam 2008 conducted for the VY 2006-07 onwards. He passed the examination and promoted vide order dated 10.5.2010 he has proposed in the earliest possible seniority slots i.e VY 2006-07 at per with his counterpart SCE executive in the proposed final seniority list as per the approved distribution of vacancy. He has already been at seniority slot no. 1291 for VY 2006-07 in the provisional seniority which is under consideration with the BSNL HQ for finalization.

LDCE 2004, as referred by the petitioner was for vacancy year 2001-02 for which the LDCE was conducted on 14.3.2002 and promotion order were issued in respect to the executives concerned vide letter no. 2-2/2004-CSE dated 16.7.2004. Regarding petitioner's claim for seniority as per implementation of RR 2002, and completion of 3 years' service, there was no vacancy in LDCE quota due to already overall surplus in working strength LDCE quota executives in BSNL.


3. As the department report's was found to be unsatisfactory and therefore, the Hon'ble Member, Shri Maya Chintamn Ivnate, NCST fixed a sitting on 26.8.2019 to have a discussion in the matter with the BSNL management.

4. As per schedule, the sitting was held on 26.8.2019 the Chief General Manager, (BW) and other senior officers from BSNL appeared along with exemption letter for appearance of CMD BSNL. The petitioner was also present.

5. In sitting, the CGM (BW), BSNL informed the Commission that the petitioner's grievance and issue raised by him regarding his seniority w.e.f 2003-04 or 2005-06 is under active consideration as all the records and roasters are being verified. It will take some times. However, hopefully the issue will be resolved in positive manner. Hence, the Commission is requested to kindly grant 3 months' time for deciding/resolve the case. The petitioner was also agreed.

6. The case was discussed in detail. The Commission observed that there was backlog of 26 ST vacancies after conclusion of LDCE-2003 (as per RRs 2002) in SDE grade. In addition, no roasters were prepared as per the DoPT OM dated 2.7.1992. The petitioner was eligible to be considered for promotion and passed LDCE examination. Hence, his seniority should have been considered against VY 2005-06 along with the SCF batch promoted for vacancy year 2005-06 on 9.5.2006.

In view of the above in Commission recommends that the BSNL management should resolve the petitioner's grievance within 3 months' periods and submit an action taken report to this Commission accordingly.


Smt. Maya Chintamn Ivnate
Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

National Commission for Scheduled Tribes

Case file No. BSS/3/2019/MPNT2/SEOTH/RU-IV

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (MCI)
2. Shri P.T. Jameskutty Consultant
3. Shri Y.K. Bansal, Research Officer
4. Shri Sudhir Atram, PS to Member
5. Shri H.R. Meena, Senior Investigator

BSNL

1. Shri Abhai Kumar, CGM (BW), BSNL
2. Shri Jagdish Prasad, General Manager and Chief Liaison Officer (SCT)
3. Shri A.D.P. Keshri, GM (BW), BSNL
4. Shri Shiv Singh Rana, DGM (SCT), BSNL

Petitioner

1. Shri Balwant Singh Sharma, SDE, BSNL