



Sanchar Nigam Pensioners' Welfare Association

Reg.No: SOCIETY/WEST/2021/8902564

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SNPWA/ CHQ/ CMD/1/23 Dated 13th Feb, 23

To
Respected Sh P K Purwar ji,
CMD-BSNL/MTNL,
BSNL Bhawan,
Janpath,ND.-110001

Sub: Immediate benign personal intervention solicited to direct concerned officers of BSNL/ MTNL for holistic implementation of unambiguous Judgments passed by Hon'ble Supreme Court in CA-4389/2010, dated 21.01.2015 and 14.12.2017, in Union of India vs Sohan Lal sayal and others .

Respected Sir

More than 5 years before Hon'ble Supreme Court has given comprehensive and unambiguous Judgments in the aforesaid mentioned case relating to refixation of Seniority of TES Gr B officers which the Apex Court has held has been fixed in complete contravention of the then TES Gr B RRs, depriving thousands and thousands of then TES Gr B officers of their legitimate seniority & the consequential benefits that they are legitimately entitled to interest of the said Judgment. The Judgment of the Hon'ble Court clearly stipulates and has directed BSNL/MTNL/DOT to redraw the Seniority in accordance to the actual RRs and also grant Consequential benefits & resultant pay arrears wef 01.01.2018. Recently in one of the cases , Supreme Court again upheld the PB CAT Judgment dated 04.12.2009 in R.A. NO.196/2009 in O.A. NO.1514/2009 and a number of other connected matters comprising of petitioners from both from BSNL and MTNL which ultimately Hon'ble Supreme Court has already upheld vide judgments in CA-4389/2010 vide its judgments dated 21.01.2015 and 14.12.2017.

It is unfortunate that despite unambiguous Judgments passed by Hon'ble Supreme Court directing both BSNL/MTNL/DOT to redraw the seniority and grant the consequential benefits accordingly pay arrears,if any, wef 01.01.2018, no action has been taken by BSNL/ MTNL to implement the said Judgment of Apex Court in compliance with what is clearly stipulated in the Judgment.

Just a very superficial action has been taken by BSNL in flagrant violation of the contents contained in the Judgment by theoretically redrawing the Seniority and deliberately disregarding and ignoring implementation of the crucial part of the Judgment relating to payment of consequential benefits thereof wef 1.1.2018.

The situation is worse and pathetic in MTNL where things stand standstill and no cognizance and action whatsoever regarding implementation of the judgment has been initiated at all in any manner.

Needless to mention sir that blatantly disregarding implementation of the Judgment in letter and spirit by both BSNL and MTNL constitutes serious breach of the Judgment of the Apex Court.

Sir, it has now been more than five years that the said Judgment has been delivered by the Apex Court and that the implementation of the Judgment by both BSNL/MTNL has been completely been ignored in utter disregard of the Apex Court.

It is extremely pertinent mention that the Apex Court keeping in view the severe financial constraints of BSNL/ MTNL to pay consequential benefits has restricted payment of consequential benefits wef 1.1.2018 because with this cutoff date entire financial burden will have to be met by DOT and no financial liability are accrued to BSNL/ MTNL because of this cutoff date.

This is because of the simple reason that the expenditure to be borne for more than 80% of the officials whose arrears are to be paid in terms of marginal increase in their Pension is to be entirely borne by DOT and BSNL/ MTNL is free of any financial liability in this regard.

Sir, it is extremely relevant and significant to mention that when the Apex Court has adjudicated on the matter of refixation of seniority and payment of consequential benefits thereof, counsel of MTNL simply continues to waste huge money by trying to linger on arguing cases in High Courts just for no reason at all. And this important fact of wastage of money of MTNL by trying to fight cases in High Court Delhi in a matter which is adjudicated by Apex Court in its totality after placing all relevant facts before it is simply an exercise in complete futility and is being overlooked by concerned officers of MTNL for reasons best known to them.

In view of the aforesaid elaborate facts, we solicit your immediate personal kind intervention for implementation of Supreme Court Judgments in letter and spirit. Any further delay in taking expeditious action on war footing basis by BSNL/MTNL will naturally and inevitably invite appropriate legal action against DOT/BSNL/MTNL by the affected persons who are deprived of their legitimate

rights of refixation of Seniority in flagrant violation of the Judgment of the Apex Court, hence the consequential benefits of promotions and payment of arrears, if any, thereof wef 01.01.2018

Sincerely Yours



(G L Jogi)

Copy to:

1. Respected Sh U S.Pandey, Member (Services), DOT for kind intervention and needful monitoring since eventually it becomes exclusively incumbent on DOT alone to ensure implementation of the Judgment in its totality.
2. Respected Sh Arvind Vadnerkar, Director (HR)/ BSNL & MTNL. He is requested to summon the concerned officers immediately and direct them in loud and clear terms to implement the said Judgment in letter and Spirit
3. Respected Sh Sunil Purohit, DDG(P)/ DOT

