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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No: 404-44/2010-Pers.(Legal)

Dated: 25th 07.2014

[Court Case]

To,

All Heads of Telecom Circles and
Administrative Units of BSNL.

Subject: Judgment dated 14.07.2014 passed by Hon'ble High Court of Delhi in WP No. 2424/2012 filed Pawan Kr. Garg & 3 ors.

Kindly find enclosed herewith a judgment dated 14.07.2014 passed in WP No. 2424/2012 filed Pawan Kr. Garg & 3 ors. challenging the amendment dated 02.07.2010 of Note-2 below Schedule-IB of the BSNL MSRR-2009. The Hon'ble Court was pleased to dismiss the said WP with following observations:

"13. So far as the period of 2009-2010 is concerned, even though the BSNL had made provision barring diploma holders the right to be promoted as Executive Engineers, an important aspect which appears to have persuaded the Tribunal to rule against the petitioner is that no vacancy was, in fact, filled in during that period. The vacancies were filled subsequently after the amendment in 2010. The 2010 amendment, in these circumstances, acquires greater primacy as it sought to extend the protection of a promotional avenue to existing or transferred employees of BSNL, serving as diploma holder Assistant Engineers – which class of employees are virtually a vanishing tribe.

14. In these circumstances, this Court finds no infirmity with the impugned order of the Tribunal. The writ petition is, therefore, dismissed."

This may be brought to the notice of all concerned authorities for information and defending similar cases.

Encls: as above.

 25/7/14.

[H. Hanumanthappa]
Asstt. General Manager(Pers. Legal)