ANNEXURE A-13 (Colly)

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ALL INDIA
BHARAT SANCHAR NIGAM LIMITD
EXECUTIVES' ASSOCIATION
CENTRAL HEADQUARTERS
NEW DELHI

President	Financial Secretary	General Secretary
K SATYANARAYANA	G R SHARMA	PRAHLAD RAI
Ph. 09899557233 (M)	Ph. 09868040001(M)	Ph. 09868278222 (M)

No. AIBSNLEA/CHQ/Secy DoT/2008 Dated 28-04-2008

To

Shri Siddartha Behura,
Secretary (Telecom),
Department of Telecommunications,
Govt. of India, New Delhi-110001

Sub: Serious objections against the recently circulated Seniority List of TES Group 'B' Officers vide letter No 2-32/2001-STG-II dated 27-03-2008- request for immediate withdrawal-Regarding

Ref:- DoT letter No 2-32/2001-STG-II dated 27-03-2008

Respected Sir,

We are constrained to bring to your kind notice that STG-II section of DoT has recently circulated provisional seniority list of TES Group 'B' Officers with reference to above cited letter wherein, most of the TES Group 'B' officers, who were junior and promoted through Limited Departmental competitive Examination (LDCE) heid in November, 2000 and July, 2003 has become suddenly senior to those TES Group 'B' Officers promoted up to the

year 1994 DPCs. It has caused serious frustration and demoralization to thousands of TES Group 'B' officers

It is understood that the seniority of these Officers who had appeared in the Limited Departmental Competitive Examination (LDCE) held in November, 2000 & July, 2003 has been re-fixed in accordance with the observations contained in the para-11 of the judgment of the Kerala High Court date 09.10.2007.

As such, Kerala High Court in this said Judgment has not directed the Department to revise the seniority list immediately with retrospective effect. More over any observation should not be considered as a direction of any Court and also should not be implemented abruptly. Thousands of TES Group 'B' Officers are going to affected by this act of the Department and it seems to be a clear violation of natural justice for these Officers.

The first notification for holding of the Combined Qualifying-Cum-Competitive Examination was published, vide DOT No. S-7198-DE dated 06-11-1998. As per the notification "All Qualified JTOs including TES Gr. 'B' Officers promoted against the vacancies for the years 1994-95. 1995-96. & 1996-97 (up to 22.07.96) shall also be eligible for appearing in the Competitive part of the Combined Limited Departmental Examination and will be entitled for the seniority which is beneficial to them".

This condition was retained in all the subsequent clarifications and related letters pertaining to the above said Examination held in November 2000 & Special Supplementary Examination held in July, 2003.

Hence, the TES Group 'B' Officers promoted up to the year 1994 DPC were excluded from appearing at the above LDCE. In this manner, it is clear that the TES Group 'B' Officers who were promoted against the vacancies prior to years 1994-95 were not eligible and also it was automatically implied that the seniority of these officers were no going to be affected. So, they did

not even consider appearing at the said LDCE.

Inspite of this clear instruction, some of the ineligible Officers appeared and the present seniority list in question contains the names of all such Officers. As per the list most of the Officers are becoming very senior to all such officers who were promoted through 1994 DPC and earlier, which is quite unjust?

Under no circumstances they should be made senior to the Officers promoted against the vacancies of 1993-94 and prior to that it is in violation to the conditions contained in the notification for holding of LDCE.

Under these circumstances, it is requested to consider all these facts in detail and do the following needful to avoid frustration and mental agony of the affected officers.

1. The Revised Seniority List of Competitive Quota Officers Annexed to letter No, 2-3212001-STG-TI dated 27. 03. 2008 should be withdrawn immediately.
2. As per the direction of different CATs and High Courts the unfilled vacancies of a particular category Quota (Qualifying or Competitive) of a particular year should be carried over to the next year and added to the existing vacancies of that year. The unfilled vacancies of a particular year can not be considered for more than one Competitive Examinations.
3. The latest Judgment of Madras High Court in case No. 21961 & 22087 of 2001 date 02.04.2008 may be implemented in true spirit and be taken as the guide lines for settling all Seniority disputes . We would, therefore, request you to kindly intervene in the matter so that corrective steps are taken to withdraw the above said revised seniority list of TES Group 'B' Officers issued on 27-03-2008, and affected TES Group 'B' Officers are not forced to take the shelter of the Court of Law.

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With kind regards,

Yours Sincerely

(Prahlad Rai)
General
Secretary

Copy to: (1) Shri G.S. Grover Member (Services), Telecom Commission, New Delhi-110001
(2) Shri Kuldeep Goyal, CMD, BSNL New Delhi-110001

True Copy

BHARAT SANCHAR [illegible]
EXECUTIVES' ASSOCIATION

CENTRAL [illegible]
NEW DELHI

President:
K. Satyanarayana
Ph. : 23765178 (O)
23343970 (R)

Financial Secretary
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Ph. : 23734086 (O)
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General Secretary
Prana[illegible]
Ph. : 98682[illegible] (Mob)
230372[illegible] (O)
23315315 (R)

No.AIBSNLEA/CHQ/CMD/2008-09 Dated 30.09.2008

To:

Shri Kuldeep Goyal,
CMD, BSNL,
New Delhi.

Sub: Illegal posting on promotion of the executives TES group 'B' [Telecom] to the Executives [STS] ,on purely temporary and adhoc basis –regarding

Ref: Letter No. 412-25/2008-Pers-I Dated 29.09.2008

Sir,

We regret to inform you that BSNLCO Personnel Branch vide above cited reference has **issued promotion order of 52 Executives' (TES Gr B) despite the judgment delivered by Hon'ble Madras High Court in W.P NOs 21961 & 22087 of 2001 and WPMP. NOs 32460 & 32616 of 2001 on dated 02.04.2008 in a similar case filed against the Competitive Quota TES Group'B' officers. Against which neither DoT nor BSNL has filed any SLP in the Hon'ble Supreme Court of India .No further relief has been granted by the Supreme Court to the private respondents who filed the SLP number 11339/2008 in Hon'ble Supreme Court till date.**

In addition to the above, the final Seniority list of 147 competitive quota TES Gr B officers who passed the competitive examination held in the year 2000/2003 was issued by BSNL letter No. 15-8/2006-Pers-II Dated 11.08.2008 **subject to final outcome of Writ Petition NO.21578/2007, Writ Petition NO.9256/2007, Writ Petition NO 17448/2008 & Writ Petition NO 17449/2007 and other Writ Petitions in the matter pending in different High Courts.**

BSNLCO Pers. Branch has issued these illegal promotion & posting orders without any specific orders/directions of any Hon'ble Courts for revising the seniority and promoting the above said Executives.

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The revised seniority list of competitive quota officers circulated vide DoT letter NO. 2-32/2001-STG.II dated 28.07.2008 along with final seniority list of 147 competitive quota officers who have passed the competitive examination held in the year 2000/2003 against the vacancies for the years 1994-95,1995-96.and 1996-97 (up to 22.07.1996) was strongly objected by this Association Letter NO. AIBSNLEA/CHQ/Secy DoT/2008 Dated 19.08.2008.(Copy enclosed.)Meanwhile, decision was taken by DoT to transfer all the issues related to service matters/seniority lists of TER Gr B officers to BSNL for future actions. Recently, in middle of September, all the pending Court cases related to TES Gr B officers seniority lists have been received in BSNLCO Pers Branch. The BSNL Pers. Branch without examining the status of the pending Court cases and the recently revised seniority list of competitive quota TES Gr B officers subject to final outcome of the various court cases has arbitrarily issued the promotion orders to DE(adhoc) in illegal manner.

It is more surprising that out of 52 TES Gr B officers, most of the officers on promotion to DE(adhoc) have been posted in the same circles whereas in the recent promotion order of 1099 TES Gr B to DE(adhoc) more than 350 TES Gr. B officers were transferred and posted to distant circles even for the Executives' who have completed 58 years age. For which the reasons are best known to the BSNLCO Pers Branch.

We would therefore, request you to kindly intervene in the matter so that the said illegal promotion order of 52 TES Gr B to DE(adhoc) **are kept in abeyance till the final outcome of the pending Court cases to avoid further litigations and serious heartburn to the seniors.**

With kind regards

Yours sincerely

(PRAHLAD RAI)
GENERAL SECRETARY

Copy to: 1.Shri Siddhartha Behura ,Chairman TC & Secretary (Telecom)
2.Shri Gopal Das,Director(HRD) BSNL
3.Shri R.K.Mishra GM(Pers.) BSNLCO

ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

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CENTRAL HEADQUARTERS
NEW DELHI

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23343970 (R)

Financial Secretary
G.R. Sharma
Ph.: 23734096 (O)
22614070 (R)

General Secretary
Prahlad Rai
Ph.: 9868278222 (M)
23037272 (O)
23315315 (R)

AIBSNLEA/CHQ/Secy DoT/2008 **Dated 19-08-2008**
To

Shri Siddartha Behura,
Chairman Telecom Commission & Secretary (Telecom)
Department of Telecommunications,
Govt. of India, New Delhi-110001

Sub: Serious objections against the recently circulated revised Seniority List of TES Group 'B' Officers vide letter No 2-32/2001-STG-II dated 28-07-2008 and BSNL letter no. 15-8/2006-Pers-II dated 11-08-2008-request for immediate withdrawal-Regarding

Ref:- Our letter no. AIBSNLEA/CHQ/Secy DoT/2008 Dated 28-04-2008

Respected Sir,

It is in continuation to our above cited reference and subject matter wherein we strongly opposed the circulation of provisional TES group B officers seniority list of ineligible competitive quota TES group B officers and demanded it's immediate withdrawal but ignoring the protest the STG-II section of DoT has recently circulated final seniority list of TES Group 'B' Officers of competitive quota wherein most of the TES Group 'B' officers, who were junior and promoted through Limited Departmental Competitive Examination (LDCE) held in November, 2000 and July, 2003 has suddenly become senior to those TES Group 'B' Officers promoted up to the year 1994 DPCs. It has caused serious frustration and demoralization to thousands of TES Group 'B' officers

It is understood that the seniority of the Officers who appeared in the Limited Departmental Competitive Examination (LDCE) held in November, 2000 & July, 2003 has been re-fixed in accordance with the observations contained in the para-11 of the judgment of the Kerala High Court date 09.10.2007. As such, Kerala High Court in the said Judgment has not directed the Department to revise the seniority list immediately with retrospective effect. Moreover, any observation should not be considered as a direction of any Court and also should not be implemented abruptly. Dot simply implemented the Hon'ble Kerala high court judgment and it's observations without considering the fact that it was against the DoT notifications of LDCE quota 2000 & 2003 examinations and the said judgment was not challenged in the Hon'ble Supreme court, as thousands of TES Group 'B' Officers are affected by this act of the Department. It is a clear violation of notification issued for competitive examination Nov 2000 and special supplementary LDCE July 2003.

The first notification for holding of the Combined Qualifying-Cum-Competitive Examination was published; vide DOT No. 5-7/98-DE dated 06-11-1998. As per the notification "**All Qualified JTOs including TES Gr. 'B' Officers promoted against the vacancies for the years 1994-95,1995-96. & 1996-97 (up to 22.07.96) shall also be eligible for appearing in the Competitive part of the Combined Limited Departmental Examination and will be entitled for the seniority which is beneficial to them**".

This condition was retained in all the subsequent clarifications and related letters pertaining to the above said Examination held in November 2000 & Special Supplementary Examination held in July, 2003.

Hence, the TES Group 'B' Officers promoted up to the year 1994 DPC were excluded from appearing at the above LDCE. In this manner, it is clear that the TES Group 'B' Officers who were promoted against the vacancies prior to years 1994-95 were not required to appear in the said examination and also it was automatically implied that the seniority of these officers were not going to be affected.

Inspite of this clear instruction, some of the ineligible Officers appeared and the present seniority list in question contains the names of all such Officers. As per the list most of the ineligible Officers are becoming very senior to all such officers who were promoted through 1994 DPC and earlier, which is great injustice to the senior TES group B officers.

Under no circumstances they should be made senior to the Officers promoted against the vacancies of 1993-94 and prior to that it is in violation to the conditions contained in the notification for holding of LDCE.

This association has already protested the seniority list published vide DoT no.2-32/2001-STG-II dated 27.03.2008 with the above referred letter but the same is ignored by the concerned officers of DoT for which the reasons are best known to them.

In view the above background it is kindly requested to consider all the facts and detail as mentioned above.

The TES Group B officers of competitive quota final revised Seniority List Annexed to letter No. 2-32/2001-STG-II dated 28.07.2008 should immediately be withdrawn.

2. As per the direction of different CATs and High Courts the unfilled vacancies of a particular category/quota (Qualifying or Competitive) of a particular year should be carried over to the next year and added to the existing vacancies of that year. The unfilled vacancies of a particular year can not be considered for more than one Competitive Examinations.

3. The latest Judgment of Madras High Court in case No. 21961 & 22087 of 2001 date 02.04.2008 may be implemented in true spirit and be taken as the guide lines for settling all seniority disputes. But the judgment was challenged in the Hon'ble Supreme court and the decision is awaited. Hence this revised seniority list should not be implemented till the outcome of the Hon'ble supreme court's decision.

We would, therefore, request you to kindly intervene in the matter so that immediate steps are taken to withdraw the above said revised seniority list of TES Group 'B' Officers issued on 28-07-2008, and affected TES Group 'B' Officers are not forced to take the shelter of the Courts of Law.

With kind regards,

Yours Sincerely

(Prahlad Rai)
General Secretary

Copy to: (1) Shri G.S. Grover Member (Services), Telecom Commission, New Delhi
(2) Shri Kuldeep Goyal, CMD, BSNL New Delhi-110001

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ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

CENTRAL HEADQUARTERS
NEW DELHI

President
K. Satyanarayana
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2343970 (R)

Financial Secretary
G.R. Sharma
Ph. : 23734096 (0)
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General Secretary
Prahlad Rai Ph. :
9868278222 (M)
23037272 (0)
23315315 (R)

No. : AIBSNLEAICHQ/Secy (T)/2008 Dated 24.07.2008

To,
Shri Siddharth Behura
Secretary (T)
Govt. Of India
New Delhi - 110001

Sub: Serious anomalies in the TES Gr. 'B' officers' seniority lists-regarding

Ref:

1. Allahbad High Court WP No. 2739 and 3652 of 1981 dated 20.02.1985
2. Supreme Court SLP No. 3384-86 of 1986 dated 08.04.1986
3. Supreme Court CA No. 4339 of 1995 dated 13.02.1997
4. Supreme Court CA No. 4339 of 1995 dated 26.04.2004
5. Supreme Court CA No. 4339 of 1995 dated 28.09.2006
6. Supreme Court CP (Civil) No. 248 of 2007 in CA No. 4339 of 1995 dated 25.03.2008

Sir,

We are constraint to bring to your kind notice that the seniority of TES Gr. 'B' officers in DoT were revised based on the above referred Court Judgments wherein prior to 1993 the seniority of TES Gr. 'B' officers was based on according to the year of recruitment but in 1993 as per Hon'ble Allahabad High Court judgment upheld by Hon'ble Supreme Court the seniority of TES Gr. 'B' officers was re-casted that tliose who qualify in the deptt exam earlier were entitled tc be promoted prior to those who qualified later irrespective of the year of initial recruitment. It was held that para rule 206 of the P& T manual was not in conflict with either the rules of 1966 or 1981 but was supplemental to those rules. Relief was accordingly granted to petitioners based on para 206 of P&T manual.

Later on Hon'ble Supreme Court CA No. 4339 of 1995 dated 13.02.1997 and CA No. 4339 of 1995 dated 26.04.2000 judgment stated that one statutory RRs have come into force the earlier administrative instructions contained in para 206 *can* not be adhered to. The view of the Allahabad High Court has reached its finality, because of the dismissal of SLP No. 338486 of 1986 on 08.04.1986 on merit. It was made clear that the persons who have already got the benefit like P.N.Lal and Brij Mohan by virtue of the judgment in their favour, they will not suffer and their promotion already made will not be affected by this judgment.

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Again Hon'ble Supreme Court CA No. 4339 of 1995 dated 28.09.2006 and CP civil No. 248 of 2007 in CA No. 4339 of 1995 dated 25.03.2008 in the judgment directed the respondent that they shall rearrange the seniority in terms of the principals laid down in P.N.Lal's case restoring their earlier position and shall not put any employee over and above the present petitioners on the basis of the seniority in the service in the entry year.

Recently while implementing the above judgment DoT has re-casted the seniority of 45 TES Gr. 'B' officers only whereas, thousands of TES Gr. 'B' officers are to be provided similar benefit.

Now TES Gr. 'B' officers promotions to DE is being issued on the basis of two seniority lists Le. one on rule-1966 and another on para rule-206 basis. It has caused serious anomaly and heart burn to the TES Gr. 'B' officers in BSNL.

We would therefore request you to kindly intervene in the matter so that the case may be taken up in the double bench of Hon'ble Supreme Court for giving the clear cut direction in this regard to avoid serious anomalies in TES Gr. 'B' seniority lists.

With kind regards,

Yours SinCerelY~

~~

General secretary

Copy to :

1. Shri G.S. Grover, Member (Services), Telecom Commission
2. Shri Kuldeep Goyal, CMD, BSNL

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ALL INDIA
BHARAT SANCHAR NIGAM LIMITD
EXECUTIVES' ASSOCIATION
CENTRAL HEADQUARTERS
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General Secretary
PRAHLAD R.A.
Ph. 09958278222(M)

AIBSNLEA/CHQ/Secy DoT/2008 **Dated 19-08-2008**

To

Shri Siddartha Behura,
Chairman Telecom Commission & Secretary (Telecom)
Department of Telecommunications,
Govt. of India, New Delhi-110001

Sub: Serious objections against the recently circulated revised Seniority List of TES Group 'B' Officers vide letter No 2-32/2001-STG-II dated 28-07-2008 and BSNL letter no. 15-8/2006-Pers-II dated 11-08-2008-request for immediate withdrawal-Regarding

Ref:- Our letter no. AIBSNLEA/CHQ/Secy DoT/2008 Dated 28-04-2008

Respected Sir,

It is in continuation to our above cited reference and subject matter wherein we strongly opposed the circulation of provisional TES group B officers seniority list of ineligible competitive quota TES group B officers and demanded it's immediate withdrawal but ignoring the protest the STG-II section of DoT has recently circulated final seniority list of TES Group 'B' Officers of competitive quota wherein most of the TES Group 'B' officers, who were junior and promoted through Limited Departmental Competitive Examination (LDCE) held in November, 2000 and July, 2003 has suddenly become senior to those TES Group 'B' Officers promoted up to the year 1994 DPCs. It has caused serious frustration and demoralization to thousands of TES Group 'B' officers

It is understood that the seniority of the Officers who appeared in the Limited Departmental Competitive Examination (LDCE) held in November, 2000 & July, 2003 has been re-fixed in accordance with the observations contained in the para-11 of the judgment of the Kerala High Court date 09.10.2007. As such, Kerala High Court in the said Judgment has not directed the Department to revise the seniority list immediately with retrospective effect. Moreover, any observation should not be considered as a direction of any Court and also should not be implemented abruptly. Dot simply implemented the Hon'ble Kerala high court judgment and it's observations without considering the fact that it was against the DoT notifications of LDCE quota 2000 & 2003 examinations and the said judgment was not challenged in the Hon'ble Supreme court, as thousands of TES Group 'B' Officers are affected by this act of the Department. It is a clear violation of notification issued for competitive examination Nov 2000 and special supplementary LDCE July 2003.

The first notification for holding of the Combined Qualifying-Cum-Competitive Examination was published; vide DOT No. 5-7/98-DE dated 06-11-1998. As per the notification **"All Qualified JTOs including TES Gr. 'B' Officers promoted against the vacancies for the years 1994-95,1995-96. & 1996-97 (up to 22.07.96) shall also be**

eligible for appearing in the Competitive part of the Combined Limited Departmental Examination and will be entitled for the seniority which is beneficial to them".

This condition was retained in all the subsequent clarifications and related letters pertaining to the above said Examination held in November 2000 & Special Supplementary Examination held in July, 2003.

Hence, the TES Group 'B' Officers promoted up to the year 1994 DPC were excluded from appearing at the above LDCE. In this manner, it is clear that the TES Group 'B' Officers who were promoted against the vacancies prior to years 1994-95 were not required to appear in the said examination and also it was automatically implied that the seniority of these officers were not going to be affected.

Inspite of this clear instruction, some of the ineligible Officers appeared and the present seniority list in question contains the names of all such Officers. As per the list most of the ineligible Officers are becoming very senior to all such officers who were promoted through 1994 DPC and earlier, which is great injustice to the senior TES group B officers.

Under no circumstances they should be made senior to the Officers promoted against the vacancies of 1993-94 and prior to that it is in violation to the conditions contained in the notification for holding of LDCE.

This association has already protested the seniority list published vide DoT no.2-32/2001-STG-II dated 27.03.2008 with the above referred letter but the same is ignored by the concern officers of DoT for which the reasons are best known to them.

Under the above background it is kindly requested to consider all the facts and detail as given below:-.

1. The TES Group B officers of competitive quota final revised Seniority List Annexed to letter No, 2-32/2001-STG-II dated 28. 07. 2008 should immediately be withdrawn.

2. As per the direction of different CATs and High Courts the unfilled vacancies of a particular category Quota (Qualifying or Competitive) of a particular year should be carried over to the next year and added to the existing vacancies of that year. The unfilled vacancies of a particular year can not be considered for more than one Competitive Examinations.

3. The latest Judgment of Madras High Court in case No. 21961 & 22087 of 2001 date 02.04.2008 may be implemented in true spirit and be taken as the guide lines for settling all Seniority disputes . But the judgment was challenged in the Hon'ble Supreme court and the decision is awaited. Hence this revised seniority list should not be implemented till the outcome of the Hon'ble supreme court's decision.

We would, therefore, request you to kindly intervene in the matter so that immediate steps are taken to withdraw the above said revised seniority list of TES Group 'B' Officers issued on 28-07-2008, and affected TES Group 'B' Officers are not forced to take the shelter of the Court of Law.

With kind regards,

Yours Sincerely

(Prahlad Rai)
General Secretary

Copy to: (1) Shri G.S. Grover Member (Services), Telecom Commission, New Delhi-110001

(2) Shri Kuldeep Goyal, CMD, BSNL New Delhi-110001

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BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprises)
O/o GMTD GZB.

To,

The AGM (staff-I)
O/o C.G.M.T U.P (W) Circle
Meerut.

Sub: - ***Representation dated 24-04-2008 against the Revised Seniority list of Competitive quota as per O.P No. 2165 6 of 2001 & 37134/2001 titled UOI Vs George Paul & K.C Jose.***

Kindly find enclosed herewith my representation against the revised seniority list mentioned under subject circulated vide Under Secretary to Govt of India ,DOT Sanchar Bhawan, letter no.2-32/2001-STG-II dated 27-03-2008, for further necessary action at your end please.

Encls: - As above

(Parmanand)

SDE (Estt) O/o GMTD GZB

Dated: - 24/04/2008

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To,

Shri B.M David
The under secretary to the Govt. of India
DOT, Room No . 421, Sanchar Bhawan,
20, Ashoka Road, New Delhi- 01.

Through proper channel

Sub: - ***Representation against the Revised Seniority list of Competitive quota as per O.P No. 21656 of 2001 & 37134/2001 titled UOI Vs George Paul & K.C Jose.***

Ref: - Your office letter no.2-32/2001-STG-II dated 27-03-2008.

Sir,

I came to know through INTERNET that vide your office letter under reference on the subject that the seniority of 147 JTOs is being revised. In this regard I submit some following facts and genuine and legal objections on the said Seniority List.

1. That, My recruitment year/ of ITO cadre formerly known, as JE is 1980.
2. That, I joined in 1982 in the Department.
3. That, I was given officiating promotion in T.E.S Group-'B' service in Feb' 98 on Local arrangement basis and in2000 on regular basis in exigencies of services.
4. I was allotted Sr. No. 22936 and staff No 102256 in Revised seniority List no. 06 dated 12.01.2005.
5. That, Prime facie it is clear that vide DOT letter mentioned above, seniority of some `JTOs have been allotted against the vacancies of years 1973 to 1993 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".

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6. That, in above revised seniority list other details like Telecom Circle, date of joining in JTO Cadre/ Recruitment year etc. are not mentioned.

7. That, on seeing the service record of some JTOs/SDEs of UP (W) Circle of impugned Seniority list it is noticed that some JTOs joined their services in 1992 as detailed below.

Name of Officer S/Shn	Staff no.	New Seniority No.	Old Seniority No.	Rect t. 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

8. 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 proceeding Para.

9. That, from the said impugned seniority list it is clear that all JTOs are given seniority against the vacancies of years from. 1973 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 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.