

**GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT  
LOK SABHA**

**UNSTARRED QUESTION NO. 3457  
TO BE ANSWERED ON 08.08.2017**

**RECOMMENDATION OF NCSC**

**3457. PROF. PREM SINGH CHANDUMAJRA:**

**Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:**

- (a) whether the National Commission for Scheduled Castes (NCSC) has recommended to the Department of Telecommunications (DoT) and Mahanagar Telephone Nigam Limited (MTNL) to revise the seniority of Scheduled Caste Officers as per Department of Personnel and Training (DoPT) guidelines issued pursuant to 85th Constitution Amendment Act, 2001 and sought action taken report in this matter;
- (b) if so, the details thereof;
- (c) whether DoT/MTNL have submitted action taken report to NCSC;
- (d) if so, whether NCSC is satisfied with the report and revised seniority of the affected Scheduled Caste Officers; and
- (e) if not, the steps taken by the Government to safeguard the interests of Scheduled Caste Officials?

**ANSWER**

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT  
(SHRI VIJAY SAMPLA)**

- (a) : Yes, sir.
- (b): The National Commission for Scheduled Castes (NCSC) had received representations from some Scheduled Caste officers working in the Mahanagar Telephone Nigam Limited (MTNL) under the Department of Telecommunication (DoT) regarding wrong fixation of seniority and non implementation of 85<sup>th</sup> Constitution Amendment Act, 2001. The Commission heard both MTNL and the Department of Telecommunication in the matter. NCSC in its final hearing dated 12.10.2015 issued certain recommendations (copy placed at **Annexure-I**).
- (c) : Yes, sir (Copy placed at **Annexure-II**).
- (d): The NCSC has acted as per its mandate under Article 338 of the Constitution of India and issued its recommendations to MTNL/DOT.
- (e): Does not arise.

\*\*\*\*\*

**NATIONAL COMMISSION FOR SCHEDULED CASTES**

**Proceedings of the hearing held on 12-10-2015 in the Commission to discuss the representation of Shri Achachey Lal & others, SDE, MTNL New Delhi regarding fixation of seniority and denial of promotion in TES Group as per the 85th Amendment Act of the Constitution.**

The matter is taken for hearing on 12-10-2015. Shri N.K. Yadav, Member (S), DOT, Shri Rajbir Singh, DDG (Estt.), and other Senior Officers from DoT are present. The officers from the MTNL was also present. The petitioners Shri Ram Singh & Shri Ganga Sharan are also present.

The petitioner Shri Ram Singh has intimated to the Commission that he was recruited to the post of JTO in the year 1980 and promoted to the post of SDE in 1993. His seniority is 13344.394 in the seniority list of the SDE whereas Shri Inderjit Tiwari (General category) whose recruitment year as JTO is 1976 and promoted to the post of SDE on 11-10-1998, his seniority has been fixed at serial no. 12915.000 above to him. The officers from the DoT stated that the Hon'ble Supreme Court has given a judgement in the case of Shri P.N. Lal & others on 26-04-2000 in CA No. 4339/ 1995 lays down seniority on the basis of recruitment year and 85th Constitutional Amendment Act, 2001 which provides "restoration of seniority of SC/ST Government servants on promotion by virtue of rules of reservation vide DoPT O.M. dated 21.1.2002. The extract of DoPT order dated 21.2.2002 provides that" The Government have now decided to negate the effects of the DoPT OM dated 30.1.1997 by amending Article 16(4A) of the Constitution right from the date of its inclusion in the Constitution i.e 17.6.1995 with a view to allow the Government servants belonging to SCs/STs to retain the seniority in the case of promotion by virtue of rule of reservation. In other words, the candidate belonging to General/ OBC category promoted later will be placed junior to the SC/ST Government servants promoted earlier even though by virtue of the rule of reservation. The SC/ST Government services shall, on their promotion by virtue of reservation/ roster be entitled to consequential seniority and further promotions."

The petitioners stated that the report of the Department of Telecommunication dated 20-6-2014 to the Commission that the seniority list is as per 85th Amendment Act and in compliance with Hon'ble Supreme Court judgement is not correct as Hon'ble Supreme Court in its judgement dated 26-4-2000 stated that "all the eligible candidates who had passed the departmental examination and who had been recruited in 1950, are to be listed separately from those officers who also have qualified departmental examination and were recruited in the year 1951 and so on and so forth. Once, separate lists are prepared by the Departmental Promotion Committee of the officers recruited in different recruitment years in the feeder category and the criteria for promotion being seniority-cum-fitness, and then it would create no problem in promoting the officers concerned."

Hence in view of the above the department of telecommunication is advised to re-examine the matter in the light of the petitioner's contention and the DoPT OM No. 20011/1/2001-Estt. (D) dated 21-1-2002. The said DoPT guidelines will also be applicable to all other SC officers working in MTNL whose seniority was affected. Submit an Action Taken Report to the Commission within a period of 30 days positively.

  
**(VICE CHAIRMAN)**

12-10-2015

महानगर टेलीफोन निगम लिमिटेड

(भारत सरकार का उद्यम)

**MAHANAGAR TELEPHONE NIGAM LIMITED**

(A GOVERNMENT OF INDIA ENTERPRISE)

MTNL/CO/Pers-II/Court Cases/2013/66  
4<sup>th</sup> March, 2017

Shri Achchhey Lal  
DE (Retd.)  
F-81, Sector 20, Noida  
District: Gautam Budh Nagar (UP)  
Pin Code-201301

**Sub: Representation from Sh. Achchhey Lal, Sr.SDE (GO-32856) MTNL, Laxmi Nagar Telephone Exchange, Delhi regarding fixation of seniority and implementation of Constitutional Amendment (85<sup>th</sup>) Act, 2001.**

Please refer your representation on the above cited subject. The case was sent to DoT regarding amendment in the seniority.

In this regard, the reply has been received from DoT vide letter No.14-2/2006-STG.II dated 16.02.2017 (copy enclosed).

Here it is also intimated that MTNL has complied with the directions of DoT by assigning you revised seniority No.17198.056 in the Seniority List issued by MTNL vide letter dated 05.02.2009 (copy enclosed).

This issues with the approval of the Competent Authority.

A.K. Gupta  
Sr. Manager (Pers-II)

Copy to:

1. Shri Y.K. Bansal, Research Officer, National Commission for Scheduled Castes
2. Shri Ajay Kumar V R, Under Secretary to Govt. of India, DoT
3. Sr. Manager (IR & Coord.) in reference to VIP reference case of Sh. Ajay Tamte vide Registration No.DTDDG/P/2016/00156 dated 25.11.2016 for further necessary action.

*Handwritten signature*

99/C

14-2/2006-STG.II

Government of India  
Ministry of Communications  
Department of Telecom  
(STG.II Section)

Chandigarh, 20-Ashoka Road, New Delhi - 110 001.

Dated: 16.02.2017.

Managing Director  
Director, Mahanagar Doorsanchar Sadan  
Complex, Lodhi Road  
New Delhi-110003

Representation from Shri Achchhey Lal & Others Sr. SDE MTNL, New Delhi regarding fixation of seniority and denial of promotion in TES Group as per the 85<sup>th</sup> Amendment Act, of the Constitution.

Ref: MTNL's letter No.MTNL/CO/Pers II/Court Cases/2013/ 1548 dated 30.12.2016.

Sir,

I am directed to refer to letter under reference on the above mentioned subject and to state that Shri Achchhey Lal has already been absorbed in MTNL w.e.f. 01.10.2000 on permanent basis and he is no longer Govt. employee. The Personnel & Establishment matters such as promotion, seniority etc., of Shri Achchhey Lal are under the purview of MTNL only and DoT has no role to play in such matters.

2. The records, in original, relating to promotion, seniority, court cases, DPC etc., which were being dealt with by DoT prior to absorption of TES Group 'B' officers in MTNL/BSNL, have already been transferred to MTNL/BSNL for taking appropriate action at their end since there is no employee-employer relationship between the absorbed TES Group 'B' officers of MTNL/BSNL and DoT.

3. MTNL has also circulated the seniority list of their absorbed TES Group 'B' officers as intimated by MTNL by their letter dated 05.03.2009.

4. If, Shri Achchhey Lal is having any grievance regarding assignment of his seniority position, he should approach MTNL for re-dressal.

5. Shri Achchhey Lal has been knocking the doors of Commission at a regular intervals for such a relief which has already been granted to him by accelerating his seniority in the grade of TES Group 'B' Cadre from 17398 to 17198.056 as per Constitution (85<sup>th</sup>) Amendment Act-2001. However, the officer is claiming the seniority at 14146.070 which

*Handwritten notes:*  
- DC, Sec  
in file

*Handwritten notes:*  
2/1/17

*Handwritten notes:*  
4 MEMOS  
20/02/17  
20/2  
M(PH)

*Handwritten notes:*  
13/02/17 (MS/EB)  
18/2/17

*Handwritten notes:*  
2153/SM(NL-1)  
18/2/17

*Handwritten notes:*  
20/02/17 (file)  
20/2/17

*Handwritten notes:*  
21-2-17

was inadvertently assigned to him and later the same was withdrawn correctly, hence, the officer cannot claim for such seniority inadvertently granted and for which he is actually not entitled. The seniority claimed by Shri Achchhey Lal has not been accepted/considered by DoT.

6. It is therefore, requested that the action may be taken by MTNL at their end and a reply may be given to Shri Achchhey Lal accordingly

Yours Faithfully



[Ajay Kumar V R]

Under Secretary to the Govt. of India  
Tele No. 23036282/Fax No.23716099

# महानगर टेलीफोन निगम लिमिटेड

(भारत सरकार का उद्यम)

निगम कार्यालय

**MAHANAGAR TELEPHONE NIGAM LIMITED**

(A GOVERNMENT OF INDIA ENTERPRISE)

CORPORATE OFFICE



MTNL/CO/Peers-II/SDE Seniority/2009/761  
February 5, 2009

To  
Executive Director  
MTNL  
Delhi/Mumbai.

**Sub: Seniority List of TES Group 'B' Officers [SDE (Telecom)] of  
MTNL- Circulation reg.**

Please find enclosed herewith a copy of Final Seniority List of TES Group 'B' [SDE (Telecom)] Officers of MTNL, as on 29/01/2009, for information and wide circulation among concerned Officers. The seniority list can also be viewed on the web at "[www.mtnl.net.in](http://www.mtnl.net.in)"

This issues with the approval of the Competent Authority.

  
R. K. Tanwar  
Divl. Engr. (Pers-II) 5/21

Encl: As above

Copy to:

1. CMD
2. Director (Technical)/ Director (Finance)/ Director (HR)
3. GM (Admn), MTNL Delhi/Mumbai
4. DGM (IR), MTNL Delhi/Mumbai for wide circulation among concerned Associations.
5. Manager (IR), Corp. Office for wide circulation among concerned Associations.
6. Office copy.

EL

LIST OF SDEs [TES GROUP 'B' OFFICERS ] IN MTNL as on 29/01/2009

Sr. No.	Sr.No. (Seniority)	MTNL Staff No.	NAME OF OFFICER [S/Sh./Smt.]	DOB (DD/MM/YYYY)	Category	DOT list No.	Q. Month.	Q. Yr.	R. Yr.	Date of promn	Unit	Remarks [Retd/ Working]
32394	16982.000		RAVIKARAN SINGH	08/05/1957	OC	5	4	88	81	1994	DLI	
32402	16991.000	76174	SRINIVASAN S	16/04/1958	OC	5	4	88	81		MBI	
32406	16995.000		DAYA NAND GUPTA	29/11/1958	OC	5	4	88	81	1994	DLI	
33509	16998.000		I.P.S. CHAUHAN	01/07/1960	OC	5	4	88	81	1994	DLI	
32540	17165.000		P.K. DEVGUN	25/11/1952	OC	5	4	88	81	1994	DLI	
32542	17167.000		P.K. TYAGI	31/07/1958	OC	5	4	88	81	1994	DLI	
32545	17170.000		ASHOK KUMAR KOHLI	01/07/1954	OC	5	4	88	81	1994	DLI	
32567	17196.100		VED PRAKASH	13/07/1954	OC	5	4	88	81	1994	DLI	
18977	17198.002		SHISH PAL SINGH	03/01/1958	SC	5	4	88	81	1994	DLI	
19000	17198.024	75152	HAFALE A M	13/04/1953	SC	5	4	88	81		MBI	Retd/VR
19006	17198.033		SURJAN SINGH	12/12/1959	SC	5	4	88	81	1994	DLI	
19007	17198.038		RAM PRATAAP	10/06/1960	SC	5	4	88	81	1994	DLI	
19008	17198.039		PITAM SINGH	02/05/1955	SC	5	4	88	81	1994	DLI	
32838	17198.048		SATYA NARAIN	01/01/1961	SC	5	4	89	81	1994	DLI	
32840	17198.048		HUKAM SINGH	15/07/1952	SC	5	4	89	81	1994	DLI	
32847	17198.049		HARI CHARAN	01/01/1956	SC	5	4	89	81	1994	DLI	
32848	17198.050		HAR SWAROOP	15/07/1957	SC	5	4	89	81	1994	DLI	
32849	17198.050.1		AJEET SINGH	01/10/1955	SC	5	4	89	81	1994	DLI	
32851	17198.50.2		DAYA RAM	10/04/1953	SC	5	4	89	81	1994	DLI	
32856	17198.056		ACHCHHEY LAL	30/07/1954	SC	5	4	89	81	1994	DLI	
32853	17198.060		RAM RATAN SHANKHWAR	28/02/1958	SC	5	4	89	81	1994	DLI	
33168	17198.060		SATYA PRAKASH	12/02/1962	SC	5	4	89	81	1994	DLI	
32878	17198.061		RAGHUVIR	20/06/1960	SC	5	4	89	81	1994	DLI	
32877	17198.071		KRISHAN KUMAR	11/01/1958	SC	5	4	89	81	1994	DLI	
32875	17198.072		O.P. CHANCHAL	10/09/1959	SC	5	4	89	81	1994	DLI	
32874	17198.074		BHIM SINGH	05/08/1955	SC	5	4	89	81	1994	DLI	
32966	17198.080	75465	KASHYAP M B	10/07/1953	SC	5	1	90	81		MBI	
32967	17198.084		SOHAN LAL	03/06/1958	SC	5	1	90	81	1994	DLI	
32969	17198.085		PUSHPENDER KUMAR NIMESH	14/08/1960	SC	5	1	90	81	1994	DLI	
32976	17198.088	75467	KANOJIA S R	10/01/1952	SC	5	1	90	81		MBI	
33165	17198.092.1		NANAK CHAND	31/12/1953	SC	P	11	91	81	1994	DLI	
33161	17198.093		CHANDRA DEV RAM	20/05/1953	SC	5	11	91	81	1994	DLI	
32971	17198.097		HAR DAYAL	15/01/1959	SC	5	1	90	81	1994	DLI	
33162	17198.098.1		J P BHASKAR	15/07/1952	SC	5	1	90	81	1994	DLI	
32978	17198.104	75468	TAJANE K S	06/07/1956	SC	5	11	91	81		MBI	
33164	17198.108		M.P. SINGH	20/07/1957	SC	5	11	91	81	1994	DLI	
33166	17198.111		PANNA LAL SAGAR	15/01/1948	SC	5	11	91		1994	DLI	Retd
34947	17198.135		DEVKI NANDAN MEHTA	15/11/1961	OC	5	4	89	82	1998	DLI	
32908	17198.153		KANCHAN SINGH	01/03/1952	SC	4	4	89	82	1994	DLI	
32910	17198.156		KUNWARPAL SINGH	08/01/1962	SC	5	4	89	82	1994	DLI	
32917	17198.170		RAMESH CHAND	07/03/1950	SC	5	4	89	82	1994	DLI	
32983	17198.181.1		OMBIR SINGH	13/02/1962	SC	4				1994	DLI	
32989	17198.188		JAI BHAGWAN	31/08/1955	SC	5	1	90	82	1994	DLI	
33006	17198.189.1		KANHAIYA LAL	15/03/1953	SC	P				1994	DLI	
32994	17198.192		GAJRAJ SINGH	10/07/1959	SC	5	1	90	82	1994	DLI	
33000	17198.200		NARESH KUMAR	20/07/1960	SC	5	1	90	82	1994	DLI	
33007	17198.212		HARBILAS	08/03/1956	SC	5	1	90	82	1994	DLI	
33290	17198.225	75606	RAM R D	15/06/1954	SC	5	11	91	82		MBI	
33170	17198.226		BRAHM SINGH	07/12/1961	SC	5	11	91	82	1994	DLI	
33282	17198.228	75614	RANKHAMBE M Y	30/12/1962	SC	5	11	91	82		MBI	
33283	17198.232	75615	AHIRE N B	01/06/1960	SC	5	11	91	82		MBI	
33172	17198.241		DAMBER SINGH	10/02/1959	SC	5	11	91	82	1994	DLI	
33171	17198.242		C.P. KALYAN	01/05/1962	SC	5	11	91	82	1994	DLI	
33186	17198.249.1		RAGHUBAR DAYAL	15/07/1957	SC	4				1994	DLI	
33287	17198.252	75613	PUNDGE V S	09/01/1961	SC	5	11	91	82		MBI	
33523	17198.268		DAL CHAND	02/01/1954	SC	5				1994	DLI	
33174	17198.268.2		JITENDRA PRASAD	20/07/1950	SC	4				1994	DLI	
33288	17198.301	75480	DAHIWADE S T	18/07/1960	SC	5	11	91	83		MBI	
19092	17198.316	76994	SIRSIKAR V A	10/02/1952	ST	5	11	91	83		MBI	
33289	17198.324	75481	GANGADHAR A	12/08/1956	SC	5	11	91	83		MBI	

*Handwritten signature*