

**Brief Note on Pending issues which needs immediate settlement**

- 1 Immediate withdrawal of clarifications dated 19.02.2010 and 13.10.2010 issued by BSNL Corporate Office w.r.to AAO/Sr.AO/Sr.SDE and PA/PSSs cadres, pay fixation in Executive Promotion Policy.**

We strongly protest against 19.11.2010 orders only for keeping abeyance the recovery of pay as per wrong clarifications dated 19.02.2010 and 13.10.2010 issued by BSNL Corporate Office. Whereas, the entire clarifications could have been kept in abeyance as assured by CMD BSNL. We protest against the indifferent attitude of BSNL Corporate Office Pers. Cell wherein discriminatory and wrong clarifications on EPP are being issued which are causing heavy recoveries and downgrading the pay scales of Executives.

- 2 Early settlement of Pay anomaly cases wherein senior Executives are drawing less pay than their juniors**

The Executives' promoted prior to 01.10.2010 as STS are drawing less pay than their juniors promoted as adhoc STS after June-July 2010. We requested for removal of anomaly by issuing proper clarification on EPP but no action in this regard is being taken and we also apprised about the continuous deprivation of senior executives of Telecom Engineering wing who were promoted to SDE cadre in 1990 DPC and are drawing less salary than juniors who promoted in 1993 and 1994 DPCs, which still remains unresolved. BSNL CO is fully aware that out of the entire executive community a small group of about 600 executives have not and will not get any benefit from the time bound executive promotion policy.

- 3 Immediate holding of DPCs on seniority cum fitness basis and LDCE from JTO (T) to SDE(T) to fill up about 10,000 vacant SDEs posts.**

BSNL Estt./Pers. Cells are not finalizing the seniority list of JTOs to be promoted to SDE(T) cadre since last two years and has postponed LDCE on the pretext of court cases. Court cases have taken place just because of the irregularities made by BSNL CO Pers cell in the previous LDCE wherein the ineligible JTOs were allowed to appear in LDCE and they are now promoted as SDE(T). BSNL CO Pers cell should rectify its irregularity & finalize the JTOs seniority list immediately so that DPC from JTO to SDE(T) is held and about 10000 vacant SDEs posts of LDCE and seniority cum fitness quota are filled up.

- 4 Promotion from JTOs Offg. (TTAs) to JTO (Telecom) on regular basis and Removal of FR-35 for JTO (Offg.)**

We requested to give FR 22 (I) (a) (i) pay fixation to all JTOs offg all over the country and to regularise them as one time measure. As per the Recruitment Rules, officiating JTOs have fulfilled all the eligible conditions for JTO posts i.e. service condition, educational qualification, qualifying in the examination and JTO Phase-I Training. Invoking of FR35 for them is not correct. If completion of Phase-II Training is essential to get the JTO Pay scale, the candidates are ready to undergo the same. We requested BSNL Management to remove FR35 and upgrade about 2200 TTA posts to JTO posts as ONE TIME MEASURE so that officiating JTOs are given regular promotion. Kerala Telecom Circle has given fixation under FR 22 (I) (a) (i) to officiating JTOs as per Ernakulam Court & PB CAT ND judgment. We also requested to give FR 22 (I) (a) (i)

pay fixation to all JTOs offg all over the country and to regularise them as one time measure.

## **5 Immediate settlement of revision of pay scale of Asst. Director (OL) as per 6<sup>th</sup> CPC recommendations**

The AD (OL) in BSNL are drawing pay scale Rs. 9850 – 250 – 14600 whereas, in the other Ministries the AD (OL) are drawing the pay scale Rs. 13000 – 350 – 18250 as per 6<sup>th</sup> CPC recommendations. AIBSNLEA has been demanding to remove the discrimination. But BSNL Management has not taken any decision in this regard. We requested for early revision of the pay scale of AD OL.

## **6 Sanction/creation of posts of PPS in the field units**

With the restructuring, there remains only two grades i.e. PA and PS. In the restructuring order it was specifically clarified that the Private Secretaries who were already promoted as Sr. Private Secretary shall continue to hold the designation in the field units till further orders. It was agreed by the then Director (HRD) that the posts of PPS in CDA pay scale of Rs. 10000-325-15200 will be created and attached with Heads of Circles. We request that all CGMs/PGMs (HAG level) may be provided with PPS.

## **7 The single Rule for recasting of TES Gr. B officers seniority list should be implemented in BSNL**

The seniority of TES Gr. 'B' officers in DoT were revised based on the Hon'ble Supreme Court Judgments wherein prior to 1993 the seniority of TES Gr. 'B' officers was based on according to the year of recruitment (Rule-1966) 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 those who qualify in the Deptt. exam earlier were entitled to 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 cannot 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.

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.

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 i.e. 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.

Similarly BSNL CO P-II section circulated revised seniority list of competitive quota officers in the court case O.P. No. 21656/2001 and 37134/2001 titled UOI v/s George Paul and K.C.Jose, wherein the final seniority list of 147 competitive quota officers who have passed the competitive exam held in the year 2000/2003. The list is subject to final outcome of writ petition No. 21578/2007, writ petition No. 9256/2007, writ petition No. 17448/2008 and writ petition No. 17449/2007 and other writ petitions in the matter in different high courts.

AIBSNLEA got impleaded in the Hon'ble Supreme Court against the case of 270 SDEs delivered by Hon'ble Madras High Court. Similarly filed SLP in Principal Bench CAT, New Delhi / CAT Ernakulam against 147 SDEs seniority case given on retrospective date.

Regarding implementation of Rule-206 or Rule-1966, BSNL Management has filed case in Hon'ble Supreme Court for clarification. But the case is still pending in Hon'ble Supreme Court. It seems that no follow up action is being taken by BSNL Pers cell for early settlement.

**8 Modification of BSNLMS RRs to allow the existing JTOs/SDEs(C/E/Arch) for the promotion to the grade of AGM/EE/Architect**

As per these BSNLMS RRs, the existing JTOs/SDEs (C/E/Arch) Engineering wings having diploma qualification are not eligible to be promoted to the grade of Assistant General Manager EE/Arch. In addition to this, in the Architecture discipline, having valid registration as Architect with the council of the Architects is made compulsory, which is gross injustice to the absorbed Executives of Civil/Electrical/Arch Engineering wings in BSNL and against the DoP&T guidelines and CPWD RRs wherein Diploma holders are also allowed to be promoted to the grade of EE (C/E/Arch). AIBSNLEA strongly protested against this discrimination and requested to remove discrimination on the pretext of degree/diploma qualification to the promotion of EE from SDE (C/E/Arch) and demanded parity with the JTO (T) / SDE (T).

**9 Change of designations of Executives on each Time Bound Promotion**

On each up gradation to the next higher grade, the designation and the duties / responsibilities associated with the grade should also be allowed but BSNL Management is yet to decide the designations. BSNL Board has decided to change the designations in BSNL C.O. i.e. JTO equivalent – Asst. Manager, SDE equivalent – Dy. Manager, Sr. SDE equivalent – Manager, DE equivalent – Asst. General Manager, JAG equivalent – DGM, SAG equivalent – GM and HAG equivalent – PGM. The change of the designations in field units is yet to be decided

**10 One time placement of SDE to Sr. SDE grade on 01.10.2000**

As per DoT agreement and commitment of BSNL at the time of absorption of Group B officers in BSNL on 01.10.2000, the SDEs who completed 5 years of regular service would be provided one time placement in the Sr. SDE grade. A proposal to give relief to the stagnating SDEs for their placement in the Sr. SDEs grade through Cadre Review Concept, on the backdrop of the demand of the Association to reduce the eligibility criteria from 12 years to 5 years (as approved by Telecom Commission in 1994) for placement in the existing scheme, was approved by DoT and discussed in the GoM. This was subsequently remitted to BSNL. It was assured by Hon'ble MoC&IT in the meeting held on 22.10.2001 with the Association that BSNL has agreed to the proposal in principle and a board memo was under preparation. We further understand that the memo was also finalized, but was not placed in the BSNL board meeting. Now the majority of TES Group B officers have been absorbed in BSNL and the BSNL

Executives' Promotion Policy is implemented with effect from 01.10.2000, and thereby re-assure us that neither DoT nor BSNL would like to disown their commitment.

**11 Date of effect of implementation of revised IDA pay scales w.e.f. from 01.10.2000 on notional benefit.**

Date of effect of Implementation of revised IDA Pay Scales for JTOs/SDEs of Civil/Electrical/Architecture/TFs and Assistants, SOs of CSS, PA/PS (Field Units) and JAOs etc. of finance wing of BSNL, including the proposed revised IDA pay scale of the Official Language officers shall be 01.10.2000 with actual benefit. We explained that counting of residency period is not benefiting the senior JTOs/SDEs (C/E/Arch) in the Executive Promotion policy, hence date of effect of implementation of revised IDA pay scales w.e.f. 01.10.2000 on notional basis.

**12 First and subsequent up gradation to the next higher grade on completion of 4 years of service in all cases**

In the revised pay scales the JTO/JAO equivalent Executives from E-1A (18850-40500) to E2A (22800-46500) pay scale will be reaching within 4 years e.g. 9850 equivalent scale is 21620 and with 3% increment every year, they will reach 24340 (i.e. 22270, 22940, 23630, 24340). Hence reduction in Time Bound Promotion from 6 to 4 years has become irrelevant but the Executives may be benefitted in the pre-revised pay scale. Hence first and subsequent upgradation to the next higher grade on completion of 4 years of service in all cases is to be provide.

**13 Immediate notification of new IDA pay scales (E1A / E2A) for JTO / SDE equivalent Executives**

BSNL Board has approved the in between pay scales for (E1A, E2A, E9A & E9B) JTO, SDE, CGM & ED and sent to DOT for approval. Internal Finance Cell of DOT has not cleared the proposal and not sent to DPE for approval. It has put these Executives' in great financial losses and further up gradations are held up.

**14 Immediate Settlement of EPF issues on transfer of DR Executives'**

Yearly EPF statement is being supplied to BSNL recruited Executives in response to our detailed letter. But the cases of the transfer of EPF A/c from one place to another are still unresolved.

**15 Regularisation of adhoc STS, JAG & SAG level Executives' of all disciplines.**

BSNL CO Pers cell has issued order for regularization of 1571 DEs adhoc but about 800 DEs regular vacancies are pending. We are requesting to fill up all vacant DE regular posts at the earliest.

**16 Filling up of all vacant JAG/STS level posts on regular/adhoc basis and SDE equivalent posts on regular basis in all disciplines .**

A good number of DGMs/DEs/SDEs posts are lying vacant since long but are not being filled up on one or the other pretext.

**17 Consideration of all pending requests / tenure transfer cases and seniority cases of SDEs /DEs and AOs/CAOs**

Most of the request transfer applications of SDEs/DEs are not considered. We requested for immediate relieving of executives who completed tenure at hard tenure Circles viz.

J&K, North East and A&N Circles. We also requested for modification / cancellation of posting order on promotion to DE adhoc of the Executives of CHTD, STR / STP, TN, KTK, but due to non-availability of vacant DEs posts , the cancellation could not take place. BSNL CO may restructure some SDEs posts to DE and may accommodate the DEs on promotion in these circles.

**18 Holding of DPC for 1999 JAO batch to AAO.**

We demanded to hold DPC of 1999 JAO batch on retrospective date i.e. 01.10.2003 when they were eligible to be promoted as AAO and the BSNL declared AAO as wasting cadre in 2004 without holding their DPC.

**19 Implementation of DPE OM dated 02.04.2009 regarding fitment benefit from 68.8% to 78.2% with effect from 01.01.2007.**

Regarding implementation of DPE OM dated 02.04.2009 for increasing IDA fitment benefit from 68.8% to 78.2% and revision of perks specially transport allowance and other allowances. CMD BSNL / Dir (HR) mentioned that these issues can be resolved only when BSNL profit increases. But DPE issued order on 02.04.2009 when BSNL was profit making. Hence it can't be denied whereas, 6<sup>th</sup> CPC recommendation for deputationists has been implemented in full.

**20 Immediate completion of absorption process of ITS Group 'A' officers in BSNL .**

We demanded immediate absorption of ITS Officers in BSNL and non-filling up of BSNL posts by deputationists on Adhoc / Regular Basis. Duality in absorption issue should not continue, otherwise all absorbed Executives' should also be repatriated to DoT. As assured by Hon'ble MoC&IT to JAC leaders on 20<sup>th</sup> April 2010, on the day of Indefinite Strike Agitation Call, a Cabinet Note on this issue will be sent to Cabinet for approval within a period of 3 months but till date no Cabinet note has been sent to Cabinet for approval and absorption of ITS Officers in BSNL remains unresolved. It is adversely affecting the viability of BSNL since they don't have sense of belongingness.

**21 The IDA pension revision order for BSNL pensioners who retired before 01.01.2007 should immediately be issued by the DOT.**

As assured by Hon'ble MoC&IT to JAC leaders on 20<sup>th</sup> April 2010, the Cabinet Note on IDA pension revision has been prepared and after the approval of Hon'ble MoC&IT and Nodal Ministries clearance and it has been sent to Cabinet for approval. But till date no order from DoT for IDA pension revision is issued for want of Cabinet approval.

**22 Rent free 3G mobile service and Broadband connections should be provided to all BSNL Executives.**

Rent free 3G mobile service and broadband connections should be provided to all BSNL Executives is in the interest of service to improve the day to day work efficiently.

**23 BSNL CO should take immediate action to solve the problems related to O&M of CDR System which are resulting in surrender of a huge number of landline connections and in turn loss of business and revenue.**