



ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
EXECUTIVES' ASSOCIATION  
Central Head Quarters  
New Delhi

## Report of the General Secretary

**5<sup>th</sup> All India Conference**  
**From 17<sup>th</sup> June 2016 to 19<sup>th</sup> June 2016**

**Senate Bhavan,  
University of Mysuru,  
Manasa Gangothri, Chamaraja Mohalla,  
Mysuru - 570006 (Karnataka)**



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**Report of the General Secretary placed in the 5<sup>th</sup> All India Conference of  
AIBSNLEA held on 17<sup>th</sup> June, 2016 to 19<sup>th</sup> June, 2016 at  
Senate Bhavan, University of Mysuru, Manasa Gangothri,  
Chamraja Mohalla, Mysuru – 570006 (Karnataka)**

**Respected President and Dear Comrades,**

We are meeting here at heritage city Mysuru, the capital city of the kings of the Wodeyar dynasty for the 5<sup>th</sup> All India Conference of All India Bharat Sanchar Nigam Ltd. Executives' Association, after the 4<sup>th</sup> All India Conference held at Nashik (Maharashtra) on 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> November 2013. This Association was got registered under the Societies Registration Act 1860 on 24<sup>th</sup> December 2002. The Association was, formally launched on 1<sup>st</sup> May 2004. In this AIC, we shall unfold those pages that are objective assessment of the efforts that have initiated and the result that could be achieved. We may also like to decide here the future plan of actions. In this report, effort is being made to incorporate all the issues of importance to have useful discussion.

This AIC is being held at the most crucial period at Mysuru when BSNL is struggling to turn around and to achieve its pristine glory. After the 4<sup>th</sup> AIC at Nashik in November 2013, the representatives of AIBSNLEA met at the following occasions:

1. Central Office Bearers & Advisors meet at New Delhi on 12<sup>th</sup> and 13<sup>th</sup> July, 2014.
2. Central Working Committee Meet at Hyderabad on 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> August, 2014.
3. Central Office Bearers, Advisors & Circle Secretaries meet at New Delhi on 25<sup>th</sup> and 26<sup>th</sup> February, 2015.
4. Central Working Committee Meet at Kolkata on 25<sup>th</sup> and 26<sup>th</sup> August, 2015.
5. Central Office Bearers & Advisors meet at New Delhi on 12<sup>th</sup> and 13<sup>th</sup> April, 2016.

After all these meetings, the resolutions were immediately submitted to the BSNL Management and DoT administration for the settlement. All the issues of importance have been discussed in the informal / formal meetings with Secretary DoT/CMD BSNL/Director (HR) and other dignitaries of DoT/BSNL. On our continuous efforts & persuasion, all the CPCs, except a few which are held up due to ongoing court cases, could be held to fill up the vacant DGM (JAG) / STS Group -'A' posts on adhoc / regular basis & Group - 'B' grades on regular basis, regularization took place of STS Group -'A' level executives working on adhoc basis, CPCs to fill up vacant DGM (Telecom / Finance) and SE (C/E) Posts were held and promotion orders were issued. Promotion orders issued to fill up SAG/HAG level posts in BSNL by absorbed Group-'A' officers,

AIBSNLEA's sincere efforts yielded result in getting released the long awaited promotion orders of about 700 DGM (Telecom Engineering) vacant posts. The pay anomaly case of JAO 2010 Batch, Regularization of Officiating JTOs, JTOs Officiating Pay fixation under FR 22 (1) (a) (i), 3% pay fixation benefit on Time Bound Promotion and further pay fixation with 3% on DNI under EPP, E2 to E7 IDA Pay Scale implementation proposal got approved from BSNL Management Committee and now being sent to DoT for approval, PPS Post creation in field units and Sr. PPS Post creation in BSNL Corporate Office orders were issued, Restructuring of AD (O/L) cadre proposal is being submitted to BSNL Management Committee shortly. Superannuation benefit to DR BSNL employees with 3% contribution from BSNL has been approved by the BSNL Board and sent to DoT for ratification. Likewise some more HR issues are in pipe line for settlement.

Still sufficient vacancies in SDE/AO, DE/CAO, DGM/SE, GM posts remain unfilled. This AIC shall be discussing and decide time bound action plan to get the issues sorted out.

Besides these promotions, still many issues remains unresolved which needs thorough and critical examination. These are related to modifications in BSNL MSRRs & Executives Transfer Policy, CPSU Cadre Hierarchy, Implementation of Standard IDA pay scales E2 to E7 IDA Pay Scales for BSNL executives, Anti-dating of DNI, Pay anomaly wherein seniors are drawing less pay than juniors, Grant of 5(five) advance increments on the minimum of revised E1 IDA pay scale of Rs. 16400-40500/- to JAO (Dept.) at par with directly recruited JTOs/JAOs, Restructuring of AD(O/L) Cadre, BSNL MRS and Implementation of DPE OM dated 02.04.2009 regarding 78.2% IDA fitment benefit to BSNL Pensioners, ITS officers absorption in BSNL etc.

We are to discuss the status of HR issues related to various cadres, which have been taken up by AIBSNLEA at the appropriate level. Settlement of the issues is to be judged on proper perspective, so that the unresolved issues could be planned to get resolved expeditiously.

On the organizational side, we can have critical examination of our strength and weakness regarding actual paid membership of the Association and efforts being made to increase the membership in view of forthcoming verification of Membership. The proper corrective measures, wherever necessary, could be planned. Ensure regular and timely election of Branch / Circle bodies to provide transparent and democratic organization. 5<sup>th</sup> AIC is to take stock of the status of the HR issues of various executive cadres taken by AIBSNLEA CHQ during the period.

This All India Conference is being held at the most crucial period when BSNL is incurring losses for the last six years and may further face a loss in this year also however, the operative profit of BSNL is increased and continuous decline in Mobile, Landline and Broadband connections are arrested. BSNL's very existence and its viability is one of the important issues which need a thorough discussion. Performance of BSNL in all fronts is to be analyzed properly. We shall have to analyze, why the growth of BSNL is not up to our expectations and come out with concrete proposals to make BSNL a strong and viable Organization.

Confidence building measures in customers shall have to be given priority. Strategies are to be evolved for more revenue generation and its collection. This conference may suggest reducing the operational cost and stoppage of unwanted expenditures.

This conference should also decide the definite line of action to get resolve the long pending HR issues and burning items related to viability of BSNL.

**2.0 In the beginning of this report, we may discuss the organizational status and activities of the association, mainly covering the period since November 2013 after 4<sup>th</sup> AIC at Nashik.**

**2.1 AIBSNLEA Foundation Day on 1<sup>st</sup> May:** All India BSNL Executives Association was formally launched on 1<sup>st</sup> May' 2004. The Foundation Day on 1<sup>st</sup> May is being celebrated by all the Circles / Branches throughout the country. CWCs Manali / Chennai and subsequent AICs decided mandatory to organize special General Body Meetings / Get Together / Cultural Programmes / Seminars etc. on the Foundation day by all the Circles / Branches.

**2.2 Grant of Limited Trade Union facilities to AIBSNLEA:** As per the decision of Kolkata convention, former GS, AIBSNLEA approached BSNL to grant applicant status/recognition to AIBSNLEA. Accordingly, BSNL vide its no. BSNL/31/SR/2002 dated 29.04.2004, conveyed formation of All India Bharat Sanchar Nigam Ltd. Executives' Association (AIBSNLEA), consequent to merger of following 10 Associations:

1. Telecommunication Engg. Services Association,
2. All India P&T Accounts & Finance Service Officers' Association,
3. All India Junior Telecom Officers Association,
4. All India P&T Civil Engineers Association (Gr. B),
5. P&T Electrical Engineers Association,
6. All India Junior Engineers Association,
7. All India P&T Architectural Wing association,
8. All India Telecom Stenographers Association,
9. Akhil Bhartiya Doorsanchar Rajbhasha Association,
10. Bharat Sanchar Nigam Ltd. Executives Association (CTD).

BSNL also extended some facilities to AIBSNLEA i.e. Notice Board, telephone facilities as per existing procedures, immunity from transfer as per existing rules, granting of informal meetings by the administration and the facility of special casual leave as per existing procedure.

The former GS, AIBSNLEA and GS, TESA (I), vide letter no. TESA/CHQ/CMD/2008/01 dated 26.06.2008 wrote to Director (HRD) BSNL regarding corrective action to remove the confusion created consequent to issue of BSNL letter No. BSNL/31/SR/2002 dated 29.04.2004 in regard to status of Telecommunication Engineering Services Association (I) after formation of AIBSNLEA. He mentioned that AIBSNLEA never conveyed that formation of this Association is by the way of merger of 10 Associations. Thus, use of the word "merger" has been made by BSNL at its own giving the scope for confusion over the matter and has requested to issue a corrigendum to the above quoted letter No. BSNL/31/SR/2002 dated 29.04.2004 and other subsequent letters. In this connection, we explained the position to the BSNL Management and DOT administration. The merger of 10 DoT Associations was confirmed many times by first and former GS AIBSNLEA in National Convention Kolkata, CWC Bhopal and 1<sup>st</sup> AIC

Hyderabad wherein the position was cleared to BSNL Management by him to their full satisfaction. BSNL Management did not issue any clarification in this regard.

- 2.3 **Emblem/Flag of the Association:** The Emblem of the Association was designed by Shri Danial Karkee, SDE, Kolkata TD. The design of the Association Flag is partially (1/3<sup>rd</sup>) Blue (towards mast) and partially (2/3<sup>rd</sup>) White. The emblem has been fixed in the centre of the white portion. The size of the flag is 2' (wide) x 3' (long). In case, larger flag is required, it may be increased proportionately. The ratio between blue and white portion is 1:2.
- 2.4 **Membership:** The paid membership of the Association is now ..... as against ..... recorded at the time of 4<sup>th</sup> AIC at Nashik. All Circles / Branches should ensure immediate remittance of CHQ Quota up-to May 2016. Efforts should be made to clear the CHQ quota regularly on monthly payment basis. The paid membership reflects the strength of the organization and good financial position gives boost to the organizational activities. The Circle/Branch Secretaries are to give special attention on regular collection of subscription and remittance of quota. Still there is sufficient scope to increase the membership. As per the amendments made to the constitution in AIC Nashik, the monthly contribution towards membership was enhanced from the existing Rs.50/- to Rs.80/- at the ratio of CHQ Rs.40, Circle Rs.20 and Branch Rs.20. The date of effect was to be decided after the membership verification of the Executive Associations. This AIC may consider revising monthly contribution with immediate effect i.e. from 1<sup>st</sup> October 2016. Circle Wise Total strength of Executives is **41424** as per ITPC / ERP Data. All the Circle Secretaries have been provided the list of executives working in their circle. Accordingly they have to submit their Circle Secretary's report to 5<sup>th</sup> AIC.
- 2.5 **Contribution towards legal fund:** To protect the interest of the members, through the legal means, as and when required, we need to spend substantial amount to defend the cases e.g. ITS Deployment Case, Seniority cases of Group- 'B' level Executives', to get the stay order vacated against DPCs taken by some groups etc. The 3<sup>rd</sup> CWC at Guwahati after Kolkata AIC and subsequently AIC at Nashik had decided to collect Rs.200/- each member in legal fund but many circles are yet to deposit the fund and some more legal cases may be filed soon. Therefore, it is requested to all the Circle / Branch Secretaries to ensure collection of Rs.200/- from each member as one time arrangement and deposit it to CHQ for creation of a separate legal fund.
- 2.6 **Increase in the Circle / Central Office Bearers:** BSNL corporate Office SR Cell vide letter no. BSNL/1-1/SR/2006 Dated the 9<sup>th</sup> March 2007 has revised the limit of 15 Office Bearers of the existing Unions in BSNL i.e. Central HQs. level – 25, Circle Level -21 but the Executive Associations are not allowed to increase the limit of 15 office bearers. 2<sup>nd</sup> AIC at Jaipur decided to elect six advisors and 3<sup>rd</sup> AIC at Kolkata decided to elect 7 Advisors by amending the constitution and the same has been communicated to BSNL Corporate Office and Registrar of Societies.
- 2.7 **Allowing to contest to hold same Office Bearer post at same level more than three consecutive terms:** 4<sup>th</sup> AIC Nasik has allowed Comrade Prahlad Rai, GS and Comrade C.M. Saste, OS (West) to contest to hold same Office Bearer Post at same level for the 4<sup>th</sup> consecutive term by amendment of constitution.

## 2.8 Membership verification of the Executives Association in BSNL:

- At Present all the registered Associations of Executives' under Society act are enjoying the trade union facilities in BSNL. However, after verification of their membership only one Executives' Association will be recognized and the 2<sup>nd</sup> one will be the supporting Association.
- After the notification of Membership verification of the executive Association, AIBSNLEA and AIGETOA signed MOU in July, 2014 to move together unitedly for resolving the HR issues of BSNL executives and to face the referendum. AIGETOA decided to vote and support AIBSNLEA in the process of referendum. Thereafter AIBSNLEA and AIGETOA has conducted joint CWC meetings at Hyderabad in August, 2014 and at Kolkata in August, 2015 and the joint CHQ office bearers meeting at New Delhi on 13<sup>th</sup> April, 2016 to discuss and finalize the strategies for the settlement of pending HR issues and membership verification of executive Associations. AIGETOA has also decided hold their AIC along with 5<sup>th</sup> AIC of AIBSNLEA at Mysuru with a common OPEN SESSION to further strengthening the unity of AIBSNLEA and AIGETOA.
- All the Organization Secretaries and Circle secretaries may brief the status of membership in their areas and the efforts being made to increase the membership along with AIGETOA. The strategies to mobilize and ensure more and more members enrollment, this AIC may discuss in detail and finalize the future course of actions.
- BSNL Management earlier decided to conduct referendum in December, 2014 but due to stay order granted by Hon'ble High Court Bangalore against the referendum filed by one welfare association BASE registered under Trade Union Act, the referendum has been deferred to May-2016.
- Now BSNL Management has decided to break through the stalemate in the referendum process and decided to conduct the referendum for the majority executive Association in the month of September, 2016. The terms & conditions have been notified on 25<sup>th</sup> May, 2016.
- BSNL Corporate Office SR cell vide Letter No. BSNL/9-1/SR/2014 dated 25<sup>th</sup> May, 2016 issued amendment to the BSNL (Recognition of Executives Association) Rules, 2014 that is "5(1) The Association shall be registered either under the Societies Act or under the Trade Union Act with its constitution/Memorandum of Association duly approved by the concerned Registrar. Similarly, any amendment in their constitution/memorandum of Association shall require approval of the Registrar concerned".
- AIBSNLEA vide letter No: AIBSNLEA/CHQ/GM (SR)/2016 dated 2<sup>nd</sup> June, 2016 addressed to GM(SR) regarding necessary provisions which are absolutely essential for conducting the membership verification of Executive Associations in BSNL Electronically with secrecy. **(Annexure - I)**. GM (SR) has assured to examine the proposals. However, at present BSNL Corporate Office seems to conduct the membership verification through secret ballot paper conventionally as in the case of Non-Executive membership verification.
- This AIC may review / discuss and decide the strategies to face the referendum process successfully so as to become number one Executive Association.

**2.8 Regular Election of Branch/Circle Body of AIBSNLEA:** In most of the Branches / Circles, AIBSNLEA have conducted elections to form regular body by convening Branch / Circle conferences. But some Circle Conferences are overdue i.e. NE-I, NE-II,

JKD Circle, Himachal Pradesh, Uttarakhand and BRBRITT Jabalpur Circle and they are to conduct their Circle Conferences immediately.

- 2.9 Journal/Circular/Websites:** The web site of AIBSNLEA [www.aibsnleachq.in](http://www.aibsnleachq.in) provides all latest information regarding meetings with DoT Administration & BSNL Management for the benefit of the members and others. All-important communications made to DoT/BSNL Management and office orders are also promptly displayed on the web sites.

The consolidation of all the important events taking place in the monthly journal of AIBSNLEA i.e. 'TELEWAVE'. The printing of TELEWAVE has been stopped in view of regular expenditure and its less usefulness in the present scenario. After CWC Kolkata, we are publishing e-TELEWAVE on monthly basis and the same is prepared by Com. Bhagwan Singh, Auditor and Sh. M.K. Morodia, CS AIBSNLEA, Raj. Circle.

- 2.10 Publication of BSNL Executives' Diary-2016:** AIBSNLEA printed BSNL Executives Diary for the year 2016 with improved quality and features. The publication of next issue of BSNL Executive Diary-2017 has to be decided in this AIC. The diary payments against the year 2014, 2015 and 2016 are still pending. All the Organization / Circle / Branch Secretaries are requested to arrange the diary payments immediately to the CHQ. The details are available with Financial Secretary, CHQ. The Executive Diary 2014, 2015 and 2016 dispatch and billing work was done by Com. N.L. Sharma AGS HQ successfully. The technical literature finalization committee for diary has to submit its report to this AIC for consideration.

- 2.11 Welfare Scheme:** As per the decision of 2<sup>nd</sup> AIC Jaipur, 3<sup>rd</sup> AIC Kolkata & 4<sup>th</sup> AIC at Nasik all the claims received from various Branches / Circles have been cleared from the General Funds of AIBSNLEA. The welfare funds from TESA / AFSOA have not been transferred to AIBSNLEA. The GSs TESA/AFSOA have been requested to take necessary action for transferring the welfare fund to AIBSNLEA immediately but no response in this regard has been received.

In order to study and recommend various methods to strengthen the Welfare Scheme and raising fund, a committee was formed under the chairmanship of OS (S) with all other three OSs namely OS (W), OS (E) and OS (N) as members. The committee submitted its report in the last AIC held at Nasik. The AIC approved the Welfare Scheme which will be implemented after the membership verification of the Executives' Association or may be reviewed in 5<sup>th</sup> AIC. The salient features of the Welfare Scheme are follows:

1. Totally New scheme is to be launched
2. A sum of minimum of Rs.500/- (Rupees Five hundred only) is to be collected from each members as one time collection
3. A unique Welfare scheme ID is to be provided to each member
4. Relief amount to be enhanced to Rs.50,000/- (Fifty thousand only)
5. In the event of retirement on Superannuation / VR, on the day of retirement one of the office bearer at any level has to attend the function and present a memento from this fund (may be worth Rs.200/-)
6. To start with an amount of Rs.1,00,000/- will be transferred from the General Fund of the AIBSNLEA CHQ to the welfare fund.



This AIC should discuss and decide further course of action in this regard for its implementation.

### **3.0 STATUS OF HR ISSUES:**

The status of HR issues discussed with CMD BSNL on 19<sup>th</sup> May and Dir (HR) on 23<sup>rd</sup> & 24<sup>th</sup> May, 2016 during the Agitation Call given by the United Forum of AIBSNLEA & AIGETOA is enclosed at **(Annexure - II)**.

### **3.1 Implementation of Executives Promotion Policy in BSNL:** AIBSNLEA untiring & persistent effort's yielded result in getting issued Executive Promotion Policy on 18.01.2007 and got implemented but still some issues remains un-resolved as under:-

- **Implementation of the recommendation of the committee headed by Sh. M. A. Khan, ED (NB) on standard E2 & E3 scales for JTO & SDE Equivalent executives:**  
It is agreed to implement Khan Committee recommendations wherein E1A and E2A scales shall be replaced with E2 and E3 scales respectively. The date of effect of replacement of scales shall be 01.01.2007 i.e. E1A by E2, E2A by E3, E3 by E4, E4 by E5, E5 by E6 and E6 by E7. The promotion to the next scale shall be after a span of five years as per EPP. A proposal to this effect was submitted on 23.05.2016 to CMD BSNL for approval which he approved on 25.05.2015 and the same was presented in the meeting of the Management Committee of BSNL Board on 01.06.2016 wherein it was approved and now it will be sent to DoT directly for approval instead of BSNL Board. The assurance given by CMD BSNL is honoured. The Matter needs detail discussions and to decide strategies to get resolve the issues. Khan Committee recommendations are available at **(Annexure – III)**.

**Implementation of CPSU cadre hierarchy - Change of designations on each Time Bound up-gradation on functional basis:** BSNL Management constituted a Joint Committee headed by Shri M.A. Khan, ED (NB) to submit a report on CPSU Cadre Hierarchy, standard E2-E3 Pay scale to JTO/SDE equivalent executives and first time bound promotions on completion of four years. The Khan Committee submitted its recommendations on both the issues i.e. CPSU Cadre Hierarchy and standard E2-E3 Pay scale to JTO/SDE equivalent executives in the month of September 2015 but the nodal units i.e. Pers. Cell and Estt. Cell of BSNL Corporate Office made their all-out efforts to dilute/deviate from the Khan Committee report. However, after giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, regarding Implementation of CPSU cadre hierarchy it has been decided to implement the Khan Committee Recommendation in regard to the implementation of CPSU hierarchy wherein time bound functional promotions shall be given to the executives after every five years up to the level of AGM/DET/CAO/equivalent. The promotions up to AGM/DE/CAO/equivalent level shall be independent of number of posts and the promotion from AGM/DE/CAO/equivalent to DGM (Equivalent) shall be restricted to availability of posts. If the posts are less, remaining may be promoted as Jt. DGM. The proposal to this effect shall be put up to the board for approval by 15<sup>th</sup> June 2016. The Matter needs detail discussions and to decide strategies to get resolve the issues. Khan Committee recommendations are available at **(Annexure – IV)**.

- Date of effect of Implementation of revised IDA Pay Scales for the Executives w.e.f. 1.10.2000:** BSNL management has granted benefit of residency period w.e.f. 1.10.2000 to the Executives i.e. JTO/SDE (Civil/Electrical/Arch./TF) Engineering wings, CSSs, PAs/PSs, JAOs etc. for whom the RRs were notified after 1.10.2000 and accordingly the pay scales were upgraded. Whereas, as per Dr. Vinay Shahi's committee recommendations, the upgraded scales for the above executives' should have been implemented w.e.f. 1.10.2000 on actual basis or notional basis. BSNL Corporate Office has issued order of notional pay fixation for JAOs only w.e.f. 01.10.2000. We are demanding similar benefit to other upgraded cadres also. The proposal moved by PGM (BW) is pending in Estt. Cell for further necessary action. However, after giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, regarding Date of effect of Implementation of revised IDA Pay Scales for the Executives w.e.f. 1.10.2000 the case has been submitted by Estt Cell for direction to Director (HR) on the demand of the United forum of AIBSNLEA and AIGETOA. Further, the proposal will be submitted to competent authority as per discussion with United Forum by 30<sup>th</sup> June 2016.
- Time bound promotion from E-5 to E-6 to the DGMs promoted from Group "B" Executives.** The proposal for modification in BSNL MS RR 2009 for Time bound promotion from E-5 to E-6 to the DGMs promoted from Group "B" Executives was discussed in the BSNL Board meeting but could not be considered due to some queries made by Govt. Directors. However, the same shall be put up again for consideration of the Board or the proposal shall be de-linked from the agenda of Board, if permitted. The Matter needs discussions and to decide strategies to get resolve the issues.
- One time placement of SDE to Sr. SDE:** 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 back drop 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. The majority of TES Group 'B' officers has been absorbed in BSNL and the BSNL Executive Promotional Policy is implemented w.e.f. 01-10-2000, the issue needs to be settled favorably. BSNL Management is continuously replying that since this issue was not in the terms and reference of absorption of Gr. 'B' Officers in BSNL, now it cannot be considered after implementation of the Executive promotion policy. We have requested Director (HR) to re-examine the case in view of the feedback provided by our Association. The Matter needs detail discussions and to decide strategies to get resolve the issues.
- Settlement of Pay anomaly cases wherein senior Executives are drawing less pay than their juniors:** BSNL CO, Pers. Cell has filed SLP against Hon'ble High Court, Kerala judgment in The Hon'ble Supreme Court of India, wherein AIBSNLEA has been impleaded. Hon'ble Supreme Court of India has dismissed the SLP of BSNL.

AIBSNLEA has made the representation to extend the similar benefit to all as granted by Hon'ble High Court Kerala. However, after giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, regarding Settlement of Pay anomaly cases wherein senior Executives are drawing less pay than their juniors the proposal shall be submitted to the management committee by 30<sup>th</sup> June 2016.

- **Amendment in BSNL MSRRs allowing Diploma holders to the promotion of EE:** As per these BSNLMS RRs, the existing JTOs/SDEs (C/E/Arch) Engineering wings having diploma qualification were not eligible to be promoted to the grade of Assistant General Manager EE/Arch. AIBSNLEA strongly protested against this discrimination and finally BSNL Management issued amendment on BSNLMS RRs allowing Diploma holder SDEs (C/E/Arch) to the post of EE as per 1994 DoT RRs. We have again pleaded to remove discrimination on the pretext of degree/diploma qualification to the promotion of EE from SDE (C/E/Arch) and parity with the JTO (T) / SDE (T). On our persuasion, a committee comprising GM (Pers.), PGM (BW)/(EW)/(Arch) was constituted to examine the issue. We submitted our views to the committee members. Now the committee has submitted its recommendations to the Management Committee which has cleared the proposal. The BSNL Board approval is still expected. It is understood that 50%-50% EE(C/E) posts will be shared by the Degree and Diploma holder SDEs(C/E). Meanwhile DoT allowed diploma holders with 10 years technical experience to be treated at par with degree holders for EE promotions which was also endorsed by BSNL but it was challenged by some degree holders in the court and stay order has been granted. The case is pending in Hon'ble PB CAT New Delhi and CAT Ahmedabad. We have further requested management to implement committee report to consider 50%-50% EE(C/E) posts shared by the Degree and Diploma holder SDEs(C/E).

After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL in this regard now the approval of the competent authority has been given to initiate CPC from SDE (Electrical) to EE (Electrical) to the Cadre controlling authority i.e. PGM (EW). The promotion orders will be issued within one month from the date of receipt of APRs and VCs from the cadre controlling authority, in case the clearance is given by the Hon'ble PBCAT, New Delhi. Similar action is being initiated by PGM (BW) unit also. The Matter needs detail discussions and to decide strategies to get resolve the issues.

- 3.2 30% Superannuation benefits to directly recruited employees as per DPE guidelines:** We requested CMD BSNL and Director (HR/Finance) to resolve superannuation benefits to directly recruited employees as per DPE guidelines and BSNL should contribute 12% as Superannuation Benefits in respect of Direct Recruits to fulfill the limit of 30% contribution. The remuneration committee of BSNL Board has recommended starting a superannuation benefit trust to directly recruited BSNL employees with a contribution of 3% initially and further it can be reviewed on the basis of financial health of the company which has been approved by the BSNL Board and now the proposal has been sent to DoT for approval.
- 3.3 Scrapping of MTRRs:** AIBSNLEA and AIGETOA consistent effort yielded results in getting deferred MT Exam - 2015 but some executives associations and non - executives Unions are continuously making efforts for MT recruitment. Our considered

opinion is that since the CPSU Cadre hierarchy for non - post based promotions up to JAG selection grade is under discussion in Committee, the MTRRs has no relevance. BSNL Management has to scrap the MTRRs. After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL it is decided that the issue of scrapping of MT RRs shall be dealt after the membership verification/referendum process of the Executive Associations and the view of the majority association shall be taken into consideration. Till that time MT recruitment shall be kept on hold.

- 3.4 Scrapping of DGM RRs:** The qualified and experienced Executives in BSNL having 10 to 20 years of service should also get an opportunity to compete with others for the DGM posts by making appropriate, justified and rational changes in the eligibility conditions. This would mark the beginning of allowing BSNL to have a management structure of its own at DGM level which by virtue of age profile will be groomed into senior management in due course of time. This strategic move will not only meet the career growth of aspiring talented executives in BSNL but will immensely contribute towards growth and viability of BSNL. However, in the recently held DGM Recruitment it does not happen and the internal candidates however allowed to write the examination but their result is not declared treating them not-eligible. After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, it has been decided to scrap the DGM RRs. The process for scrapping the ongoing recruitment shall be dealt by a committee constituted for the purpose. The Committee will submit the report by 15<sup>th</sup> June 2016 and the subsequent action for scrapping the Recruitment shall be taken by 30<sup>th</sup> June 2016.
- 3.5 New SDE RR-2014:** BSNL Management Committee has approved the new SDE RR 2014 , the BSNL Board approval is awaited.
- 3.6 Diversion of 50% MT quota CAO Posts to the seniority quota:** After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, it was informed that efforts were made to withdraw the matter from BSNL Board and to settle at par with Telecom Operations stream but BSNL Board has not agreed since it is need modifications in BSNL MSRRs. Hence, the matter will be further submitted in the next BSNL Board meeting for consideration.
- 3.7 CPCs to fill up the vacant HAG, SAG, JAG, STS Group 'A' & Group 'B' Grade posts in BSNL on adhoc / Regular basis:**
- i. **Telecom Operations:**
- (a) **JTO (T) to SDE (T) CPC against seniority cum fitness quota (67%):** The Court case regarding JTO to SDE promotions in the Hon'ble CAT Bench Chandigarh came for hearing on 31<sup>st</sup> March 2016 and dismissed. However, still there is a stay order granted by the Hon'ble High Court of Kerala on promotion from JTO to SDE. The next date of hearing of the case in the Hon'ble High Court of Kerala is in the month of July 2016 wherein, Shri R.D. Aggarwala, Sr. Advocate of New Delhi has been nominated by BSNL Corporate Office to defend the case in Hon'ble High Court of Kerala at Ernakulum. BSNL Corporate Office is also filing an MA for early hearing of the case. After vacation of the stay orders by Hon'ble High Court of Kerala, the CPC proceeding for JTO to SDE promotions will be expedited to fill up 6600 SDE (T) vacant posts. Further, stay

order has also been granted by the Hon'ble CAT Bench Allahabad on the JTO (T) to SDE (T) promotions which is also being defend by BSNL Corporate Office.

- (b) **LDCE form JTO (T) to SDE (T):** BSNL conducted LDCE from JTO (T) to SDE (T) to fill-up the TES Gr."B" LDCE quota vacancies of the year 2010-11but Hon'ble CAT Chandigarh granted stay order on declaration of result till the time the seniority quota promotion orders are issue. Now the Hon'ble CAT Chandigarh has given the permission to declare the results and BSNL CO has declared the result on 21.05.2016. The promotion orders however, shall be issued only after pronouncement of the final judgment in July 2016.
- (c) **CPC from SDE (T) to DE Regular:** CPC from SDE (T) to DE (T) Regular is in progress to fill up 750 DEs posts but the promotion orders could not be issued due to stay order on promotions granted by Hon'ble CAT Chandigarh on the basis of SC/ST roster implementation in BSNL. After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL in this regard, it has been assured by the Management that promotions can be issued within two months from the date of decision of the Hon'ble Court. Adhoc promotions in under process and vetting is being taken from legal as well as CLO section as the case is sub-judice on reservation issue.
- (d) **CPC form DE (T) to DGM (Engg.):** The CPC was initiated to fill-up 480 DGM posts on Adhoc basis one year before but due to pendency of court case promotion orders could not be issued. Hon'ble Supreme Court delivered the judgment on 21.01.2015 on TES Gr. "B" seniority to re-cast on the basis of Rule – 206 and one expert committee headed by Shri Rammurthy, Retd Judge of Hon'ble High Court with Shri Sharma, Administrative Member of Hon'ble CAT has been constituted to submit report within a period of six months to examine the repercussions on beneficiaries of RR – 1966. The case was posted for hearing on 02.09.2016. After taking the legal opinion from Sr. Advocate of BSNL, Addl. Solicitor General of India on TES Group 'B' seniority pending court cases, BSNL Management decided to expedite CPC and issued 213 DGM promotion orders on 03.03.2016 against which a contempt application was filed by 147 SDEs (LDCE quota) in Hon'ble Supreme Court but was dismissed. Thereafter, BSNL Management continued to expedite CPC and issued 445 DGM promotion order on 31<sup>st</sup> March, 2016 and some left out cases thereafter. Hence in the month March / April, 2016 about 695 (658+17+20) DGM promotion orders have been issued, which created a history. Promotion for balance 34 executives will be issued after the receipt of their ACR within one month.
- ii. **Telecom Finance & Accounts:**
- (a) **CPC from JAO to AO:** We continued our efforts to get expedite CPC and finally with our untiring efforts, the promotion orders from JAO to AO of 1552 AOs were issued wherein, majority AOs have been posted in the same circle, only a few AOs about 50 have been posted to other circles that to nearby. Further CPC to fill up about 600 AO posts could not be initiated due to pending court case in the Hon'ble CAT Kolkata.
- (b) **CPC from AO to CAO Regular/Adhoc:** About 230 CAO (Adhoc) to CAO (Regular) promotion orders were issued in 2014. Further, CPC work of CAO regular promotion was in progress to fill up about 290 CAOs posts on regular

basis and 336 CAOs posts of MT quota on adhoc basis but due to stay order granted by Hon'ble CAT Chandigarh, the promotion order could not be issued. The case is posted for hearing on dated 12.07.2016. As soon as the clearance from the Hon'ble court is given the CPC will be expedited within the period of two months.

- (c) **CPC from CAO to DGM (F):** Promotion and posting of 160 Nos. Executives of STS level of Telecom Finance to JAG level on regular basis were issued in 2014. To fill up about 247 vacant DGM (Fin) posts, a proposal for one time relaxation in the eligibility conditions of CAOs has been approved by the BSNL MC and now the proposal to initiate the CPC from CAO to DGM (F) has been sent to the competent authority to fill-up about 200 DGM (F) vacant posts. Shortly ACRs/VCRs will be called for.

iii. **Telecom Civil Wing:**

- (a) CPC from JTO(C) to SDE (C): Regular promotion up to the vacancy year 2014-15 has been completed. CPC under SCF quota for approximately 65 nos vacancies is under processing. VC has been called for 89 candidates on 22/04/2016.
- (b) CPC from SDE (C) to EE(C): After modification of BSNL MSRR, VC were called for from 148 SDE(C)s to fill up around 85nos EE(C) posts and CPC was almost completed but the process was stalled by court cases. We are demanding to issue adhoc promotion orders subject to the outcome of court verdicts to fill up all vacant posts of around 200 in numbers without reserving for MT quota as there is no such provision in BSNLMSRR for Civil/Electrical/Arch stream.
- (c) CPC from EE(C) to SE (C): Promotion order in the grade of SE© has been issued for 18 nos up to the vacancy year 2015-16.
- (d) CPC from SE(C) to CE (C): During this period five SE (C)s have been promoted to CE(C).
- (e) CPC from CE(C) to PCE (C): Two CE(C)s have been promoted to the grade of Principal CE© on 09/12/2015 and no vacancies exist now.

iv. **Telecom Electrical Wing:**

- (a) CPC from JTO(E) to SDE (E): Regular promotion order under SCF quota for 12 nos has been issued on 07/09/15 and in LDCE quota 14 JTO(E) have been qualified and VCs have been called for and the posting orders will be issued shortly.
- (b) CPC from SDE (E) to EE(E): After modification of BSNL MSRR, VC has been called for from 210 SDE(E)s to fill up around 100nos EE(E) posts but the process was stalled by court cases. Again EW unit called for VCs from 244 candidates on 03/06/2016 and the processing is on. We are demanding to issue adhoc promotion orders subject to the outcome of court verdicts to fill up all vacant posts of around 145 in numbers without reserving for MT quota as there is no such provision in BSNLMSRR for Civil/Electrical/Arch stream.
- (c) CPC from EE(E) to SE (E): Regular Promotion order in the grade of SE (E) has been issued for 24 EE(E)s on 17/05/1016 & 23/05/2016.
- (d) CPC from SE(E) to CE (E): Four SE(E)s have been promoted to the grade of CE (E) on 29/03/1016.
- (e) CPC from CE(E) to PCE (E): One CE(E)s have been promoted to the grade of Principal CE (E) on 29/03/2016.

v. **Telecom Architect Wing:**

- (a) CPC from JTO(Arch) to AE (Arch): 3 JTO(Arch) have been promoted to SDE(Arch)/AE(arch).
- (b) CPC from SDE (Arch) to Architect: 3 SDE(Arch)s promoted to the grade of Architect.
- (c) CPC from Chief Architect to PGM(Arch) : One Chief Architect has been promoted on Regular basis to the grade of PGM(Arch) on 27/05/1016.

vi. **Telecom Factory Wing:**

- (a) CPC from JTO(TF) to SDE (TF): Promotions are up to date under SCF quota barring a few vacancies. Promotions under LDCE quota is under process.
- (b) CPC from SDE (TF) to AGM(TF): 19 SDE(TF)s have been promoted the grade of AGM(TF) promotions are up to date.
- (c) CPC from AGM(TF) to DGM(TF) : 12 AGM(TF)s have been promoted the grade of DGM(TF) promotions are up to date.

vii. **CSS Wing:**

**Promotion orders from Assistants to Section officers and personal Assistant to Private Secretaries in the erstwhile CSS and CSSS:** These Executives are posted mainly in the BSNL Corporate Office. The promotion order for them are being issued on regular basis and some SOs have been promoted as AGMs and three AGMs(CSS) have been promoted as DGM in BSNL CO, New Delhi.

- 3.8 **Serious anomalies in the TES Gr. 'B' officers' seniority lists:** 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/BSNL has re-casted the seniority of  $45+20+9+4=78$  (about) 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. Regarding implementation of Rule-206 or Rule-1966, BSNL Management has filed SLP in the Hon'ble Supreme Court for clarification. Hon'ble Supreme Court has delivered the judgment on 21.01.2015 on TES Gr. "B" seniority to re-casted on the basis of Rule – 206 and one expert committee headed by Shri Rammurthy, Retd Judge of Hon'ble High Court with Shri Sharma, Administrative Member of Hon'ble CAT has been constituted to submit report within a period of six months to examine the repercussions on beneficiaries of RR – 1966. The case is posted for hearing on 02.09.2016.

**270 SDEs seniority case:**

The Hon'ble Supreme Court on 12.5.2008 passed an interim order for maintenance of "Status quo". In-spite of the said interim order, BSNL issued promotion order for the posts of DGM to 172 DE/AGM out of 270 SDEs on 8.2.2012. Contempt petition no. 403 of 2012 was filed by promote Sh. M. Shamugam for initiating contempt processing against contemnor CMD BSNL and other officials of BSNL. The said contempt petition

no. 403 of 2012 was listed before the Hon'ble Supreme Court on 26.7.2013 and the Hon'ble Court issued show cause notices and directed for personal appearance of contemnors CMD, BSNL, Director(HR) and AGM (Pers.) of BSNL. The Contempt Case was heard on 23<sup>rd</sup> Sept 2013 and disposed-off but next date of hearing is yet to be announced.

**147 SDEs seniority case:**

AIBSNLEA OA 2126/2009 in Principal Bench CAT, New Delhi reference mentioned in the Operative portion of the judgment on 147 SDEs (LDCE Quota) retrospective seniority case as:

*"We have to remind ourselves, some more are waiting in the wings, watching the proceedings, to jump on at the appropriate time. We cannot, but, record our deep anguish and displeasure at such conduct. We say this, because, the matter has been raised in various Benches of the Central Administrative Tribunal in Chandigarh, Cuttack, Calcutta and the Principal Bench with varying results. We only notice the proceedings pending before the Principal Bench (Judicial I) Delhi of the Central Administrative Tribunal, in O.A 2126/2009 wherein all the 147 merit based candidates are stated to be parties. We have been taken through the order of the Principal Bench dated 21.9.2011 wherein the proceedings pending before the various Benches were noticed, while considering the application for reference to a larger Bench. The Principal Bench has referred to OA No.86/2009 which challenged the seniority of the 147 persons as also the stay order of this Court dated 18.2.2010. The Principal Bench in paragraph 11 held so:*

*Contention raised by the counsel for the respondents before us is that since two contradictory views have been expressed by different Benches of the Tribunal, namely, Ernakulum Bench and Chandigarh Bench, the matter should be referred to the Full Bench. We, however, of the opinion that even if the matter is referred to the Full Bench, no purpose would be served because ultimately this very issue is pending before the Hon'ble High Court of Kerala. Once the Hon'ble High Court of Kerala gives its view, it would be binding not only on the parties but also on the Tribunal unless, it is upset by the Hon'ble Supreme Court or by some other High Court in some other proceedings. At that time the matter can be finally resolved."*

BSNL filed an SLP in the Hon'ble Supreme Court along with other respondents. The BSNL has already applied for withdrawal of its SLP. The next date of hearing is 02.09.2016.

Further, details are available in the attached **Annexure – V.**

**1966 SDEs reversion case:**

(a) The CAT, Bangalore ordered cancellation of DoT's order creating 1966 posts of SDE's (By up-gradation) after the last revision of TES Group 'B' recruitment rules (mainly abolishing the qualifying examination), which were added with the vacancies available prior to revision of the above stated Recruitment Rules to hold the October 98 DPC for promotion from JTOs to TES Group 'B'. The CAT also ordered to revert those from Karnataka Circle who were promoted in excess of the vacancies available in that circle. The second part of the judgment got implication on the entire DPC. In accordance with the court judgment DoT issued revised seniority list of TES



- Group 'B' officers. AIBSNLEA filed case in Delhi High Court against reversion and accordingly Delhi high Court granted stay order against posting reversion.
- (b) In the 1966 SDEs reversion case filed by our members in CAT Ernakulum and Kerala High Court, Hon'ble Courts has quashed the reversion order issued by DoT. The case was heard on 27.08.2007 in Hon'ble Delhi High Court. The last hearing was on 13th May'2008. On the date of hearing in Delhi High Court, DoT/BSNL Management submitted the copy of the decision of Hon'ble High Courts of Kerala and CAT Ernakulum. The case was heard on 11<sup>th</sup> August'2008 and finally disposed-off based on Kerala High Court judgment.
- (c) Some SDEs have again challenged the revised seniority of 1966 SDEs in Hon'ble Bangalore High Court. AIBSNLEA has impleaded in the case. Hon'ble Bangalore High Court has given its judgment on 01.04.2016. Now BSNL Management has to take a call to resolve to issue permanently.

Further, details are available in the attached **Annexure - VI.**

### 3.9 Grievances of PA/ Stenographers' cadre:

- **Creation of the Post of P.P.S.in the field units:** Post of PPS in the field units and Sr. PPS posts in the Corporate Office has already been created. In the field units 38 posts of PPS has been created and are to be attached with the CGMs. The demand of the association & also the recommendation of the HK Gupta Committee report is to create the PPS posts with all the HAG level officers in the field units. Post of PPS has already been created for the PGMs of Civil / Arch./Fin/. Hence, more number of PPS posts in the field units for PGMs are to be created. The matter is under persuasion.
- **Relaxation of Qualification for filling up the post of PPS in the field units.** As per the orders on the subject, R.R of BSNLMS are to be made applicable to fill up the posts of PPS in the field units. The Qualification criteria stipulated in the BSNLMS RR is graduation. Since the criteria for the post of Stenographers recruited in DoT/DTS through Staff Selection Commission was only Secondary School Certificate with Stenography, the qualification of almost all PSs who have been absorbed in BSNL field units is SSC with Stenography. Hence, almost all the PSs in the field units, who are due for their promotion as PPS and working for more than 30 years of total service with 10-15 years as PS would not be eligible to get their PPS promotion due to the qualification of graduation criteria stipulated in the BSNLMS RR. Hence, relaxation of qualification, as done in the case of Civil and Electrical stream allowing Diploma holders as against the Engineering Graduation, is to be granted by Corporate Office. The matter is under persuasion.
- **One time diversion of 33% LICE quota vacancy of P.Ss to settle the adverse impact being faced by Personal Staff working in the field units of BSNL due to implementation of DOP&T OM No. 14017/2/1997-Estt. (RR) dated 19.01.2007.**
- As per the order, the vacancies arises every year from both the 67% quota and 33% quota are to be merged together and re-distributed as 67% and 33%. However the vacancies in the 33% quota prior to 31.3.2012 cannot be

considered for such merging and has to be kept separately. Due to various reasons like non-holding of LICE etc, the 33% remains unfilled resulting in no retirement from the 33% quota. The retirement is only from the 67% quota and as per the order every year the vacancies arises due to retirement from 67% quota is re-distributed as 67% and 33% reducing the number of vacancies in 67% quota. This has resulted in increase of 33% quota more than that of 67% in most of the circles. The matter has already been taken up for one time relaxation to fill up all the vacancies of 67% and 33% under seniority cum fitness. The matter is under persuasion.

- **Post based promotions for PAPS:** With restructuring and declaring the cadre of stenographers as 'dying cadre', the entry cadre is now Personal Assistants (Executive) with two promotional avenues as P.S and PPS whereas executives of other streams viz. JTO / JAO are having promotional avenues up to the level of G.M. and above. In order to reach at least at the level of SG JAG (E-6) before retirement, we suggested the following post based promotion for the Personal Assistants:
  - All the posts of Stenographers, Personal Assistants and Private Secretaries may be pooled together and placed in the ratio of 40% (E-1) PA, 40%(E-2) P.S. and 20 %(E-4) PPS.
  - All Officers (PA/PS/PPS) who are in E-4 scale for a period of 5 years or have completed 23 years of service from the date of entry in the cadre may be promoted to E-5.
  - All officers who have been promoted to E-5 and have completed a minimum period of 3 years may be placed in E-6.
- **Implementation Of Policy Guidelines in respect of PA / PS in the field units:-** The case of pay protection of the PA /PS in the Kerala Circle was pending for quite long time and the matter is in the CAT, Ernakulam. The matter was heard in person by the then CMD as per the direction of Hon. CAT. However, the speaking order issued after the personal hearing has not given any guidance to settle the grievance. The matter was pursued time and again and ensured that the recovery is not ordered in this respect. A clarification issued by the corporate office has mentioned to wait till the outcome of the Court case. The matter will be further pursued based on the outcome of the Court Case.
- **Introduction of Promotion Policy for Stenos (Dying cadre):** Stenos (Dying Cadre) are covered under NEPP for promotion as per the Non-executive promotion policy. Since the stenos are already drawing the pay scale of executives' based on the then ACP scheme, they cannot covered under the NEPP, as they are already drawing the pay scales above the maximum pay scale of Non-executives. The Stenographers, approx. 169 in number, who have been granted ACP in the executive pay scale are ceased to be non-executives as per BSNL HQ order No.1-22/2009-PAT (BSNL) dated 30.04.2009. The only cadre now left out from the purview of any promotion policies is Stenos who are non-executives but drawing the pay scale of executives (E1A& E2A).

These Stenographers also have to undergo mandatory training meant for the executives as per EPP. These stenographers after serving in DoT/BSNL for more than 30 years are at the verge of their retirement and they have to retire from the entry cadre itself without getting even a single functional Promotion. Granting one time relaxation to the Stenographers and promote them to the cadre of P.A is the only remedy. The matter is under persuasion

- **Common Recruitment Rules & Nomenclature:** Different Recruitment Rules for PAs, PSs & PPSs have been issued by Corporate Office for field units and Corporate Office. This method does not exist in any of the PSUs and also does not exist for any other cadres in BSNL. Common RRs for field units PAs, PSs & PPSs and corporate office PAs, PSs & PPSs should be there.

**3.10 Restructuring of AD (OL) Cadre:** The committee constituted under the Chairmanship of Addl. GM (Estt.) submitted the report to the competent authority recommending to revise the pay scale of AD (OL), Sr./Jr. Hindi Translators. The Pers. Cell received the clearance / comments of EF Cell and on that basis the revised proposal with matching saving concept has been sent to the competent authority for approval wherein the pay scales of AD (OL) will be at par with SDE/AO and 25% Sr. Hindi Translator posts will be upgraded equivalent to JTO cadre. However, after giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, regarding **restructuring of AD (OL) Cadre** it has been decided to submit the case for approval by 31.05.2016 and shall be put up to the MC by 07.06.2016. Necessary action in this regard has been taken.

**3.11 Regularization of offg. JTOs:** The suggestions put forward by AIBSNLEA in the matter of regularization of the remaining officiating JTOs by a onetime personal up-gradation, is the correct feasible and viable solution. BSNL ought to have initiated the regularization of the remaining officiating JTOs through the up-gradation as demanded by all recognized trade unions and associations in BSNL. On the basis of legal opinion BSNL Management decided to modify the JTO RR 2001 and accordingly a committee was constituted wherein AIBSNLEA submitted suggestions/views and finally committee submitted report to frame the new JTO-RR-2014. After the approval of BSNL Board, the regularization of the Offg JTOs started and now all the officiating JTOs have completed their training and joined as regular JTO.

AIBSNLEA filed case in the Hon'ble CAT Delhi for granting FR-22(1)a(i) pay fixation benefits to the Officiating JTOs and got favorable judgment. Further, the recovery from the pay of Officiating JTOs has been stopped vide BSNL CO letter number 3-8/2010-Estt-IV dated 03.06.2016 pursuant to the Hon'ble PBCAT New Delhi interim order dated 22.12.2015 in the matter of the case filed by AIBSNLEA

**3.12 Allowing exercising option to Departmental JAOs on their promotion:** The pay anomaly case of departmental JAO-2010 batch joined after 7<sup>th</sup> May 2010 was taken up by AIBSNLEA and got settled favorably.

**3.13 E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs:** The BSNL Board has approved the proposal of E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs which is now being sent to DoT for ratification by 15.06.2016.

- 3.14 3% Pay fixation on Time Bound Promotion and 3% fixation on DNI:** BSNL Corporate Office finally issued orders for pay fixation 3% on Time Bound Promotion and 3% on DNI instead of total 6% on DNI.
- 3.15 Antedating of pay - anomaly due to accrual of increment of Junior earlier than the senior after fixation of pay in revised pay scale implementation of 2<sup>nd</sup> PRC:** We further requested to restore the original order dated 23.09.2009 wherein provision for ante-dating the increment of the senior to that of the junior was envisaged. Alternatively, management can think of any other solution that will address the issue of anomaly wherein the junior does not draw more pay than the senior and also the senior does not face any drop in his basic pay which he/she will be drawing by virtue of the 3% annual increment provided in the rule. The Committee constituted to examine the case has not recommended to change the present order.
- 3.16 Special recruitment drive for hard tenure/shortfall circles of JTOs/JAOs:** After giving Organizational Actions program by the United Forum of AIBSNLEA and AIGETOA and on the intervention of CMD BSNL, it was informed that the recruitment has been announced to cater to all Rule 8 cases based upon the inputs received from circles. However, the details regarding vacancy calculation shall be shared with United Forum and there after the forum shall submit its input to establishment cell for further examination.
- 3.17 Deployment of ITS Group 'A' Officers in BSNL:**
- (a) **ITS court case in Hon'ble High Court, New Delhi:** The case in this regard was listed on 16.02.2016 as Item No. 10 in Court No. 13 before Hon'ble Justice Midha at the Delhi High Court. Advocate Mr. Rajshekhar Rao appeared on behalf of the Petitioners i.e. Ours. Mr. Sanjay Jain, ASG, appeared on behalf of the Union of India (DOT) and Mr. Saket Sikri, Senior Advocate appeared on behalf of BSNL. The counsel appearing in Item 11 (Petition preferred by the ITS officers) sought an adjournment in as much as Mr. Sandeep Sethi, Senior Advocate, was leading them and was in a difficulty to appear. The Hon'ble Judge was pleased to direct that OA 1283/2013 listed on 18.03.2015 be decided on merits independent of the Petition pending before the High Court and that the Ld. CAT, should endeavor to decide the matter expeditiously without any adjournments being sought by either party. In addition, the parties have been directed to file a compilation of the relevant documents before the High Court and the matter was re-notified for 06.05.2016 as end of the board matter. On 06.05.2016, the Ld. Judge was on leave and therefore the matter has been adjourned to 17.08.2016.
- (b) **ITS court case in the Hon'ble PB CAT, New Delhi to quash deployment of ITS Officers in BSNL:** The case was listed for hearing on 05.04.2016 as Item No. 20 in Court No. 3 before the Principal Bench, CAT under the category of "part heard". Mr. Rajshekhar Rao appeared on behalf of the Applicants. Counsel for DOT was present, who informed the Court that the Additional Solicitor General would be appearing in this matter and therefore sought an accommodation. Mr. Rao requested the Bench that the matter was part heard and if the Bench was inclined, he could conclude his arguments.

However, since an accommodation was sought on behalf of the ASG, the matter has been adjourned to **09.05.2016**. Further details are being collected.

- 3.18 Implementation of DPE order for payment of 78.2% IDA fitment benefit w.e.f. 01.01.2007 in BSNL Pensioners and withdrawal of 60:40 provision from Rule-37A:** DoT issued Presidential Directives on 10.06.2013 and for implementation of 78.2% IDA pay fixation order. BSNL also issued order immediately. But DoT is yet to issue order for BSNL Pensioners on 78.2% IDA fitment benefit for which we are pursuing vigorously in DoT. The present status is that the Cabinet Note to revise 68.8% IDA fitment benefit by 78.2% IDA fitment benefit and to withdraw 60:40 provision from Rule 37A was sent to Cabinet through PMO for approval but the Note has been returned by the Cabinet Secretaries mentioning that the Cabinet Note is voluminous and instructed to brief it. Now, revised Cabinet Note is in process in DoT to finalize and to send it to Cabinet for consideration.

Further, it is mentioned that our veteran Comrade Amit Kumar Gupta, who had earlier submitted number of RTI queries on the Pension issue, had submitted another RTI six month ago (21-12-2015) asking some more questions based on the information received out of his earlier queries. DOT vide 13-1/2016-PSF dt 16-5-2016 has replied the queries. The questions and answers are available in the attached **Annexure - VII**.

- 3.19 3<sup>rd</sup> Pay Revision Committee (PRC):** The DPE has sent a proposal for constituting 3<sup>rd</sup> PRC to submit report on Pay Revision of non- unionised executives of PSEBs in the month of Oct-2014 to the PMO/Cabinet Secretariat. The 3<sup>rd</sup> PRC implementation is due w.e.f 01.01.2017. The 7<sup>th</sup> CPC has already submitted its recommendations to the Govt. Now the committee of secretaries is examining the issue. The 7<sup>th</sup> CPC report is expected to be notified in July 2016. It is understood that as soon as the 7<sup>th</sup> CPC report is notified, just thereafter the 3<sup>rd</sup> PRC notification will also take place and immediately all the PSUs and the Executive Associations will give their presentation to the Chairman and members of the 3<sup>rd</sup> PRC. AIBSNLEA CHQ is closely monitoring the developments. On the issue of IDA Pension Revision of BSNL/MTNL Pensioners Just after the notification of 3<sup>rd</sup> PRC report by Govt. and delinking this from the revision of Pay scales of BSNL/MTNL serving employees. AIBSNLEA representatives along with the representatives of MTNL Executives' Association (TEAM) and RTOWA MTNL met the Jt. Secretary, Cabinet Secretariat to consider the case of IDA Pension revision of BSNL/MTNL Pensioners in 7<sup>th</sup> CPC recommendations itself. Since the oral evidence was already given by the BSNL Unions/Associations to the Chairman and Members of 7<sup>th</sup> CPC but the 7<sup>th</sup> CPC do not consider it in its report since it was not the terms and reference of 7<sup>th</sup> CPC. Jt. Secretary, Cabinet Secretariat advised to take up the issue now with 3<sup>rd</sup> PRC through DPE. Accordingly, we met Jt. Secretary DPE and requested in writing to make the terms and reference of 3<sup>rd</sup> PRC for IDA Pension revision of BSNL/MTNL Pensioners. Jt. Secy. DPE assured to consider and put the matter to 3<sup>rd</sup> PRC Chairman after its constitution. We again met Jt. Secretary DOP&W and requested to consider IDA Pension revision of BSNL Pensioners also in the same manner of Central Govt. Pensioners revision of Pension through DOP&W. The Jt. Secretary, DOP&W informed that the Cabinet Note for revision of IDA Pension of BSNL/MTNL Pensioners will be prepared and moved by DOT only as happened after 2<sup>nd</sup> PRC. Hence, matter has to be taken up with DOT for revision of IDA Pension after 3<sup>rd</sup> PRC report is notified by Govt. This AIC should discuss and give opinion/suggestions to be submitted to 3<sup>rd</sup> PRC after its constitution immediately.

**3.20 Deloitte Consultant Recommendations:** A meeting of the Forum of BSNL Unions/ Associations was held on 4th August 2014 at New Delhi to discuss about the report of the M/s Deloitte, a consultants appointed by BSNL to furnish recommendations on revival and restructuring of BSNL. The report is completely anti-employees as well as anti-BSNL. M/s Deloittee didn't made any consultation with the employees or its representatives who are the actual stake holders of the company before making such recommendations. So far Management has also not shared the details of the recommendations with the Associations / Unions. Forum opined that the report is being studied and discussed in detail before taking any decision. After detailed discussion by all the participants the decision taken: Massive Protest Demonstrations organized on 12th August 2014 at all Circle / SSA levels and Corporate Office on 21<sup>st</sup> Aug 2014 the date on which the meeting of the Circle Heads is taking place in Corporate Office to take decisions on the said recommendations of the M/s Deloitte.

**3.21 Improvement in the revised policy for service GSM, RSTC & Broadband to Executives:**

- (a) Enhancement of 200 free calls limit per month on RSTC, & enhancement of free call limit on GSM Telephone connection to STS level officer from 500 calls to 700 calls.
- (b) Rent free Broadband service connection to all Executives with BSNL 750 plan. Sr. GM (Admn.) has processed the case to the competent authority for rent free Broadband connection.
- (c) All the BSNL executives should be provided GSM Handsets of the cost of Rs.3000/- Rs. 4000/- &Rs 5000/- to the JTO/SDE/DE level executives instead of Rs, 1500/- , Rs 2500/- Rs 3500/- respectively.
- (d) All Executives' should be allowed CUG facility on RSTC at circle level.
- (e) 3G Mobile service to all Executives has been allowed with free data service. All the issues have been taken up with Dir (HR) for necessary action.

**3.22 Other issues of BSNL Pensioners taken up by AIBSNLEA:**

**(i) OUTDOOR MEDICAL BILLS REIMBURSEMENT:**

After introduction of ERP, the settlement of medical claims for the serving employees have been streamlined. Serving employees now enter their claims in the system themselves and can also monitor the progress till payment which is also almost time bound. But the pensioners, who are almost equal in number of serving employees are practically kept out of the ERP. Their claims are still manually processed and entered in the system only at the last stage before payment. It is true that the payment is now deposited to their bank accounts but they are not informed the payments vis a vis the pending bills. They are also not informed about the receipt of the bill or the progress of the bill. We therefore proposed the following for consideration of the management.

- Pensioners will prefer their claims in usual way and deposit it personally or by speed post/couriers as per their convenience.
- On receipt of the claim the accounts office shall immediately enter the claim into the ERP system on the same day. After entry, the system will generate a 'claim number' and intimate the same to the pensioner by SMS.

- The pensioner can view the progress of the claim in the portal with the help of the 'claim no'
- Additionally system will generate SMS when the claim crosses each stage of settlement.
- Finally the payment details against the 'claim nos' to be intimated so that the pensioner understand which claim is paid. This information to be provided in portal also.
- Claims are to be settled within a specified Time limit like serving employees.
- The ERP package and BSNL intranet to be suitably modified to cater the above provisions.

**(ii) INDOOR MEDICAL TREATMENT**

Other than Delhi, almost in all circles no of empanelled hospitals for treatment on cashless basis is minimum. In some circles for month together no empanelled hospitals are there. This has to be looked into. TPA system as is available in other corporate or linking with LIC as done by CGHS may be introduced. The committee constituted for reviewing the BSNLMRS may kindly be asked to take the views of Pensioner Associations also. The committee constituted by the BSNL should hear the voice of pensioners also as their need is different than the serving employees to some extent.

**(iii) FREE CALLS AS PER BSNL ORDER IN CONCESSIONAL TELEPHONES**

Free calls allowed in the concessional telephones are 500+50 calls which should be 500+220calls to BSNL as per order of BSNL dated 12-07-2007. Order to this effect may kindly be issued. Further the free calls allowed should be the call made in local and national networks.

**(iv) ALLOWING NIGHT CALLING FACILITY IN CONCESSIONAL TELEPHONES:**

The free Night Calling Facility as introduced in land phones has not been extended to concessional land phones for pensioners which are not coming under service telephone category. This may kindly be introduced.

**(v) TRANSFER OF SERVICE BOOKS OF BSNL PENSIONERS TO DOT CELLS AFTER RETIREMENT:**

After retirement all BSNL pensioners draw their pension from DOT. All further pension revision etc are to be carried out by DOT cells of respective CCAs. Hence it will be appropriate to transfer the custody of the service books to DOT for proper maintenance. It may be noted that DOT cells are maintaining the service books electronically for safety and security.

**4.0 Other Organizational Activities:**

- **Establishment of Association office and permanent assets:** At present the Association Office is being run from BSNL's accommodation. However, decision on some accommodation on permanent basis / rented basis for stay purpose of our members at CHQ New Delhi may be taken in the 5<sup>th</sup> AIC at Mysuru.
- **Winding-up of all constituent Associations:** All the General Secretaries of constituent Associations have been requested again and again to take necessary steps to wind-up the constituent Associations and transferring their movable/ immovable properties/ assets to AIBSNLEA. But no constituent Association has

taken necessary steps in this regard. As per the decision of 3<sup>rd</sup> AIC Kolkata a Committee has been constituted headed by Sh. P. Venugopal, President, Sh. Amit Gupta, OS(East), Sh. Jogi Ram, CWC Member Haryana, Sh. C.M. Saste, OS(W) and Sh. Sai Baba, CS AP Circle to suggest the mean and manner to resolve the issue.

Accordingly, the Committee members met GS, TESA (I) and GS, AFSOA during their visit to CHQ on dated 31.01.2013 but they did not shown any inclination to transfer the movable/immovable assets to AIBSNLEA on one pretext or the other. In view of this, CHQ consulted advocate for legal actions and a legal notice was sent by our advocate to GS TESA (I) in the month of June'2013 and now the writ petition is pending the Hon'ble Civil Court, NOIDA.

- **Permanent Employee at CHQ Office:** Shri Ramesh Chand, is at present working in CHQ Office and helping day to day work on nominal salary. Similarly one Car driver Shri Rohit Kanozia is also working. Shri Ramesh Chand's presence at CHQ is helpful in day to day work as he is very much aware of the working procedure of BSNL Corporate office as well as of Associations. Hence his regular appointment as an employee to AIBSNLEA CHQ may be approved by 5<sup>th</sup> AIC. For deciding terms and conditions of the appointment, a three member committee may be constituted which may give its recommendations to CHQ for approval.
- **Organizational tours:** The details of the Organizational tours of CHQ Office bearers are being placed regularly on the website for information.
- **Venue for next CWC:** This AIC may decide venue for next CWC Meeting.

**5.0 Organisational Action Programmes:** The details of the Organizational Action programmes / meeting under the banner of United Forum of BSNL Executives' Associations comprising AIBSNLEA and AIGETOA and Forum of BSNL Unions/Associations at CHQ Office are being placed regularly on the website for information.

- A. Functioning of United Forum of BSNL Executives' Associations comprising AIBSNLEA and AIGETOA:** AIBSNLEA, SNEA(I) and AIGETOA under the banner of United Forum of BSNL Executives Associations were taking up the common issues mainly holding of CPCs to fill up vacant JAG / STS grade posts on regular and adhoc basis, CPSU Cadre hierarchy, Implementation of E-2, E-3 standard IDA Pay scales, transfer policy, amendment in EPP, MTRR, BSNL MSRRs, DGM RR etc. similarly on the issues related to viability of BSNL but after the notification of membership verification of Executives' Association in 2014, the coordination between AIBSNLEA and SNEA (I) is practically missing. However, after the coordination with AIGETOA and MoU signed between AIBSNLEA and AIGETOA in July 2014, we are moving together for the settlement of the common HR issues and making efforts to strengthen the unity to make the Association as Number One Association. During the period AIBSNLEA and AIGETOA has conducted joint CWC meetings at Hyderabad, in August 2014 and at Kolkata in August 2015 and Joint Central Office Bearers meetings also. Now, the joint AIC of AIBSNLEA and AIGETOA is being held here at Mysuru. The organizational action programs launched by United Forum of AIBSNLEA and AIGETOA in the month of November,



2015 and May 2016 have been successfully implemented throughout the country which has strengthened the unity of AIBSNLEA and AIGETOA and has given an identity to executives as well as in Management of BSNL.

United Forum is taking up the common issues mainly holding of CPCs to fill up vacant JAG / STS grade posts on regular and adhoc basis, CPSU Cadre hierarchy, Implementation of E-2, E-3 standard IDA Pay scales, transfer policy, amendment in EPP, MTRR, BSNL MSRRs, DGM RR etc. Recently United Forum of AIBSNLEA and AIGETOA launched agitation program as under:

United Forum of BSNL Executives' Associations (AIBSNLEA and AIGETOA) served a notice on 24<sup>th</sup> June 2015 for resuming the deferred organizational actions to protest against the arbitrary recruitment of Management Trainee and non-settlement of long pending HR issues in BSNL. The Protest actions and the Schedule of the agitations was as follows-

- Lunch Hour Demonstration on 1<sup>st</sup> July, 2015 at all SSA/Circle/Corporate Office level.
- Hunger Fast for three days from 10.00 Hrs. to 18.00 Hrs. on 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> July, 2015 at all SSA/Circle/Corporate Office level.
- "Work According to Rule" program with effect from 00.00 Hrs. of 7<sup>th</sup> July, 2015 till withdrawal of the MT Recruitment and settlement of the pending HR issues.

"दिल्ली चलो" [Delhi Chalo] and "Indefinite Dharna" at BSNL Corporate Office, New Delhi with effect from 22<sup>nd</sup> July, 2015 till withdrawal of the MT Recruitment and settlement of the pending HR issues.

Responding to our Organizational Action call, a committee was constituted by the competent authority. Committee meeting on MT issue held on 30<sup>th</sup> June 2015 at 10:00 am. General Secretary of AIBSNLEA, AIGETOA, SNEA and AIBSNLOA have participated from association's side. AIBSNLEA, AIGETOA and AIBSNLOA were on the same opinion that MT recruitment must not be done with present notification and need to be withheld. First management should finalize the time bound promotion policy in line with CPSE cadre hierarchy and then must discuss about the any other recruitment if required only at SAG/HAG level Posts. We have also pleaded that all CPSEs make single recruitment of fresh candidates at executive's level and then promote them up to top level by measuring their performance and experience. Same set of promotion policy must be implemented in BSNL. Unfortunately our sister association SNEA (I) conveyed that they are not concerned with external MT recruitment but pleaded that internal MT recruitment must take place on notified date as their members are crossing the age of 50 years. It is well known that present MT RR is having the provision of external and internal both and their seniority is interlinked, there is no possibility of only internal recruitment without scrapping the present MT RR.

From Management side GM (Pers/Rect) advocated the external MT as need for the company to acquire fresh talent in BSNL in other words BSNL is having no talent. He was also in the view that only MT can turn around the company. GM (Pers) has

offered that let the exam to be conducted and result may be withheld till the finalization of CPSE cadre hierarchy which was rejected by three association i.e. AIGETOA, AIBSNLEA and AIBSNLOA. It is surprising that GS SNEA against his previous claim of implementation of CPSE cadre hierarchy before 15-08-2015, was of the opinion that MT recruitment in current hierarchy must continue till the implementation of CPSE cadre hierarchy in BSNL because, after the implementation of the CPSE cadre hierarchy all the RRs of SDEs/DEs/DGM level executives will be scrapped hence, our people will not be able to become MT.

Here, I would like to appraise you the development took place during the second Magnificent struggle of United Forum in May 2016.

The magnificent struggle of united forum of AIBSNLEA & AIGETOA and its achievements has paved the way for the settlement of the long pending HR issues of BSNL executives and has proved the strength and importance of executives before management.

All the organisational actions i.e. demonstration, one day Dharna on 13.5.2016, day long hunger fast for three days on 25, 26, 27 may 2016 have been successfully implemented throughout the country. During the agitation, several meetings were held with BSNL management. On 13<sup>th</sup> May, CMD called the General Secretaries of all the three Associations wherein date for the meeting was fixed as 19<sup>th</sup> May 2016 with all the three General Secretaries together. However, the GS of the friendly association held the meeting on 17<sup>th</sup> only for the reasons known to all as he was not willing to wait till 19<sup>th</sup> May 2016. In the meeting on 19<sup>th</sup> May, Detailed discussion with CMD BSNL took place on the main issues of Standard Pay Scales, Implementation of CPSU Hierarchy, Abolishing of MT and DGM RRs, Implementation of 30% Superannuation to all DRs, conduction of CPCs, Declaration of LDCE results, consideration of Rule -8 cases and holding of recruitment drive in tenure and shortfall circles etc. Director (HR) & other HR Officers were also present in the meeting.

On the Pay scale issue, we demanded replacement of scales with promotions as per existing EPP. We explained to CMD BSNL that keeping one executive in E3 scales for 10 years just to offshoot his gain in lower scale is not at all justified. Earlier CMD was having some doubts about the demand because of wrong feeding from some corners but after listening to our arguments and submissions, CMD BSNL was convinced that whatever we are pleading is correct and keeping an executive in a scale for 10 years should not be done. He immediately directed for implementing our proposal. Establishment cell pointed out that if the proposal of United Forum is implemented, there may be lot of anomalies which can be difficult to settle afterwards. CMD BSNL told that whatever we are pleading is logical and asked what will happen if the scales are upgraded for all executives. Establishment cell pointed out that group B executive will reach E7 scales while as per EPP they can be promoted up to E6 only. Establishment cell also informed that there shall be huge financial implication on implementing this proposal. Establishment cell also pointed that with replacement of scales for all executives, there won't be any anomalies. CMD BSNL told them that when executive are getting some benefit out of refusal by government, to snatch that benefit from executives is not good and BSNL should bear the expenses occurring as an outcome of refusal by government

to implement E1A and E2A. We asked from CMD BSNL that whether the proposal which is resulting in huge financial implications can be implemented. He assured that he will get the proposal through as the financial burden is out of pension liability and the Amount will any how go to the government only.

We also highlighted that as per current practice, the amount of pension contribution on highest basic is being paid only when the person retires and hence the burden is not immediate. However, we will go by management decisions but only thing that should be kept in mind is that replacement of E1A and E2A with E2 and E3 scales are immediate necessity as the executives joining after 1.1.2007 are facing losses in their salary and that an executive should not be made to remain in E3 scale for 10 years just because he has achieved E2 scale five years before his/her seniors. CMD BSNL again reassured that an Executive will not be kept in any scale for 10 years and he is willing to upgrade all the scales to avoid anomalies.

On the issue of implementation of KHAN COMMITTEE REPORT ON CPSU Hierarchy, CMD BSNL said that since the committee has proposed that executives may be given time bound functional promotion up to the scale of AGMs and in the DGM scale as Jt. DGM, management does not have any issue over it and the same shall be implemented as per KHAN COMMITTEE RECOMMENDATIONS. On extending superannuation benefit, it was agreed that the quantum will be reconsidered after approval from DoT and the date of implementation shall also be reviewed with increasing financial performance by BSNL. On DGM RRs and the ongoing DGM recruitment, it was agreed that the same will be scrapped. On MT RR, Though the United Forum once again emphasized that they are against any lateral recruitment of fresher's above JTO/JAO Equivalent, Director (HR) advised that keeping in view, the demand of other stake holders, the issue of scrapping of MT RRs may be dealt after the membership verification/referendum process of the Executive Associations and the view of the majority association shall be taken into consideration. Till that time MT recruitment shall be kept on hold. We agreed to the proposal as the action was to be taken by considering the view of the majority and if majority wants MT to be scrapped, it will be scrapped, if majority wants MT to be held, it will be held. CMD BSNL also directed HR team to take all necessary actions to expedite the CPCs and LDCE by engaging senior lawyers. On Rule-8 cases and special recruitment drive for hard tenure/short fall circles and other issues enumerated in agenda, a meeting was fixed with Director (HR) on 23rd May 2016. On 23rd May, the meeting was held with Director (HR) which continued on 24th May also where in all the demands of united forum were discussed in detail and the decisions were taken with a firm time line for implementation of the same with due commitment from all the HR Unit officers to adhere to the timelines. On 24th May 2016 evening, the meeting continued till 9:30 pm and after the decisions, the letter containing minutes of the meetings with decisions & firm timelines were prepared which was to be taken to CMD BSNL for approval. Hence, director (HR) advised us to wait in her office, while the minutes were discussed with CMD. About 10 pm GM (SR) returned after discussing with CMD BSNL and informed us that some corrections are required in the minutes of E-2 and E-3 pay scale. After corrections, we saw that there was ambiguity on the issue of number of years for the executives in E3 scale and requested to correct the letter accordingly. GM (SR) tried to contact Director (HR) but could not get her on telephone. Finally GM (SR) told that next morning of 25<sup>th</sup> May 2016, he shall discuss the matter with director (HR) and will

inform us to release the decisions communicated in the meeting. ( All this while, the friendly association was on toes, running here and there to derail all these developments). However, on the inaction of the SR section to address the issue of keeping executives in E3 scale for 10 years next morning as there was no communication, we were forced to start Hunger Fast. In the evening, however, under pressure from some overzealous corners that didn't bothered about the resolution of the issues just for the sake of credit, SR cell notified referendum and enforced code of conduct which acted as a tool for the friendly association in their quest for sabotaging the agitation and settlement of issues. On 26-5-2016 afternoon at 2.30PM, GM SR informed to attend meeting with Dir HR at 3.30pm. Dir HR in the meeting told that the minutes prepared till now can't be issued as the notification of Executive Association has been issued and management has to maintain a level playing field. We told Director (HR) that notifying referendum was not called for at this time when the settlement of burning HR issues should have been the prime agenda. We asked if they can't communicate the decisions then they should take action on ground as HR team will not sit idle till referendum and whether all the transfer postings are also going to be put on hold. We firmly emphasized that till clarity is not brought on the issue of keeping executives in E3 scales for how many years, we are not going to withdraw. We met CMD BSNL also and apprised him about the developments. CMD assured us to discuss the matter with Dir HR and Sr. GM legal. On 27-5-2016 again Dir (HR) called us and informed that as per legal advice, now decisions cannot be communicated formally, however they will issue a general letter stating that timelines committed with the association and decisions taken in the meeting shall be adhered to. Thereafter Director HR, issued the appeal stating that the timelines committed to the association shall be adhered to issues shall be resolved in a time bound manner.

Thereafter, in meeting with CMD BSNL, We again requested to bring clarity on the issue of number of years in which an executive shall be kept in E3 scale. After that, in another meeting with Director (HR) was held at 19:00 hours wherein she informed that CMD has approved the proposal to replace the scales of E1A with E2 and E2A with E3 and thereafter E3 to E4, E4 to E5, E5 to E6 and E6 to E7 with promotion from one grade to another in a span of Five years and no executive shall be kept in E3 scale for 10 years. When our continuous demand to not to keep executives in E3 scale for 10 years was agreed, we decided to defer our agitation.

Friends, a lot of talk were made from the overzealous quarters about the organizational action program of United Forum and we were able to protect the interest of the executives despite consistent hobnobbing and hand in gloves approach of the vested interests. We promise that we will keep on doing that.

Now going through their website, it appears that on CPSU hierarchy also, they are singing the tune of the management by showing different approach from that captured in KHAN COMMITTEE REPORT. However, their actual intent will be known only when the management finalizes the proposal. But that should not be a reason to worry, as we are maintaining a strict vigil and any detrimental activity which harms the interests of the executives shall be dealt with accordingly.

Well Friends!!! United Forum will not comment on who is doing agitation through Website and who is doing on the ground. It is for the members to compare whether

sitting on three days Hunger Fast is real agitation or converting one day Dharna into lunch hour demo and the lunch hour lasting for five minutes is real agitation. We will also not comment on the organizational ethics of the so called association who has been doing everything to derail the settlement of issues and running every nook and corner to stop management from settling the demands of the United Forum. We also won't comment on why it took ten days for them to publish the issues on their website as according to them everything was settled on 17<sup>th</sup> itself. Perhaps they were waiting for the final settlement with United Forum to claim the credit thereafter. Perhaps they think that members are fools and they will buy their wizard logics and unnecessary tantrums. However, we still request members to concentrate on the larger cause as indulging into unnecessary mudslinging will deviate us from our real goal. We request members to ignore the child like tantrums of the great warriors and concentrate on their work whole heartedly to overcome the losses which may have happened owing to the resentment of the executives.

- B. Forum of BSNL Unions & Associations functioning:** Forum of BSNL Unions and Associations has expressed its deep concern and anxiety about the continuous losses of BSNL for the last six years and the reduction in its market share. The slow growth rate is mainly due to lack of expansion and developmental activities, non-procurement of required equipment etc. which continued despite the sustained demands raised by the employees and their unions for improvement of the services. Also the wrong policies of Government have adversely affected the viability of BSNL. To overcome with this situation Forum gave a call of SWAS - Service With A Smile - from 1<sup>st</sup> Jan., 2016 which will continue up-to March, 2017. It has given growth to the BSNL and motivation among the BSNL employees. The decision on continuation with Forum of BSNL Unions and Associations may be discussed and decided in the AIC.

#### **Issues related to viability of BSNL taken up by Forum**

- (a) Payment of pension contribution of the IDA pay scales:** We requested to BSNL Management to take up the matter with DoP&T/DoT for modification in payment of pension contribution from highest of IDA pay scale to the actual basic pay from BSNL. As the case was referred to DPP&W and DOP&T by DoT and now DoT vide letter no. 7-45/2008/TA-I/409-433 dated 01.03.2012 submitted that Ministry of Finance (Department of Expenditure) has not concurred the above proposal. Hence the Pension contribution in respect of absorbed BSNL employees are to be recovered as per the previous methodology as stipulated vide DoT letter no. 7-45/2008/TA-I/409-433 dated 25.02.2010.
- (b) Creation of Tower Subsidiary:** BSNL Management through a presentation to all the Unions/Associations on 21.04.2014 informed regarding tower business of BSNL. He explained in detail that at present about 2900 BSNL towers could be leased out to other Telecom Service Providers due to less focus on this issue. To provide more focus in this segment wherein approx. 62000 BSNL towers can be shared and may get approx. Rs. 35000/- per month per site and thus may be earn a huge revenue in the tone of hundreds of the Crores in the next 3-4 years itself as Four to Six Sites can be developed on a tower. He further mentioned about the recommendations of the Consultant and approval of BSNL board which is as under-

**Phase 1:** Formation of a Strategic Business Unit (SBU) including outsourcing of Operations & Maintenance and Sales & Marketing.

**Phase 2:** Creation of subsidiary and induction of a Joint Venture (JV) partner.

To begin with the action plan to implement the first phase of advise, a Project Management Office (PMO) is proposed to be established for which services of professionally qualified external consultant are to be taken. The timeline for the phase 1 and phase 2 is expected to be 12-18 months and the proposal has been forwarded to DoT for the approval.

We strongly opposed against induction of strategic Joint Venture (JV) partner who will come to earn more and more revenue from BSNL infrastructure and finally may take over the tower subsidiary company by increasing its share. It will dilute the strength of BSNL and allow fragmentation of BSNL. We pleaded that BSNL tower should be monetized by creating its own infra units at all circles/ SSA level i.e. the Strategic Business Unit (SBU) as recommended by the consultant as the Phase-1 to maintain the site perfectly and earn revenue by leasing out and creating new sites. We strongly opposed the implementation of the Phase-2 of the recommendations.

All the Unions and Associations representatives present in the meeting also opposed the Govt. decision for creation of BSNL tower subsidiary by induction of strategic partner. GM (SR) assured to communicate our feelings to the BSNL Management.

Now, the cabinet, in its meeting held on 05.08.2015 has given the “**In-principle**” approval to the proposal for hiving off the telecom tower infrastructure of BSNL into a separate subsidiary company which will be fully owned by BSNL. Consequent to approval, DoT will constitute an inter-ministerial group consisting of representatives of DPE, DoP PW and DEA for working out the capital structure and organizational structure of the new company after market valuation of its tower assets holding for consideration of the Union Cabinet. On this arbitrary decision of the Government of India for formation of a Subsidiary Tower Company of BSNL Mobile Towers a Demonstration has held on 12.08.2015 all over the country on the call of Forum of BSNL Unions / Associations. The Inter Ministerial Group (IMG) constituted so far as also given its recommendations.

**6.0 Merger of BSNL & MTNL:** In the UPA Government the Empowered Group of Ministers (EGoM) recommended to provide Pension to MTNL employees under Rule-37A., after 3<sup>rd</sup> PRC, the pay scales of BSNL & MTNL employees will be made equal which has got approval of Cabinet and orders are issued. It is also proposed that as per synergy and PAN INDIA presence to review both the PSUs, EGoM has also suggested merger of BSNL & MTNL. EGoM's recommendations are yet to be send to Cabinet for approval. Meanwhile some study groups were formed in DoT to examine the issues related to financial matters, technical matters and HR issues. We have given our views on this issue that before the merger of BSNL and MTNL these issues needs settlement to avoid complications. This AIC should discuss and decide the guidelines in this regard.

## **Conclusion:**

This is a report having reported the important developments & activities of the Association after 4<sup>th</sup> All India Conference held at Nashik from 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> November, 2013 mainly to have quick catch-up of the major developments that took place during the period. So that the deliberation on the various items on agenda of the 5<sup>th</sup> All India Conference became easier. Most of the issues related to the members of AIBSNLEA and the important developments of the Association as above are available in the report. Before concluding, I shall fail in my duties if I do not express my gratitude and sincere thanks to all the esteemed members of the Association for their unqualified support which enabled the CHQ and the CWCs to discharge their functions as effectively as was possible. I express my sincere thanks to all the branches and Circles who co-operated their best in allowing us to discharge our duties and commitment towards the members. My sincere thank goes to the Circle Secretaries, Circle Presidents and the CWC Members for their sincere participations in the CWC meetings which made meetings meaningful. I thank my CHQ colleagues for their valuable support and assistance. I also thank to our veteran leader Comrade Amit Kumar Gupta, Ex OS (East) for his valuable guidance. I express my sincere gratitude to Comrade P. Venugopal, CHQ President for his valuable and mature guidance during this period. We successfully overcame from all the hurdles created by vested interest to destabilize this Association. We could function as cohesive team despite the fact that our Association is having executives of various disciplines with divergent views, different problems and dissimilar approach. That is why during this period most of the important issues could be successfully resolved. I am confident that our collective strength and maturity in decision making will make it possible for us to reach our goal. Let us, therefore march forward to re-write our own future with confidence and firm determination. We are extremely thankful to the comrades of Karnataka Circle and in particular to Mysuru SSA for holding this 5<sup>th</sup>All India Conference at Mysuru.

**Thanking you,**

**AIBSNLEA – UNITY – ZINDABAD ! AIBSNLEA ZINDABAD ! BSNL ZINDABAD !**

Comradely yours,



**(Prahlad Rai)  
General Secretary**

# **Annexure – I**





# ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

Central Headquarters  
New Delhi-110001

**President**  
**P. Venugopal**  
Mob:9443200177  
E-mail:presidentaibsnlea@gmail.com

**General Secretary**  
**Prahlad Rai**  
Mob:9868278222  
E-mail:gsaibsnlea@gmail.com

**Financial Secretary**  
**T.C. Jain**  
Mob:9868188748  
E-mail:fsaibsnlea@gmail.com

No. AIBSNLEA/CHQ/GM (SR)/2016

Dated 02<sup>nd</sup> June 2016

To

**Shri A.M. Gupta,**  
**GM (SR), BSNL CO**  
**New Delhi-110001**

**Subject: Necessary provisions which are absolutely essential for conducting the Membership verification of Executive Associations in BSNL electronically with secrecy-Reg.**

**Reference: BSNL Corporate Office Letter No. BSNL/5-1/SR/2016 Dated 25.05.2016**

**Respected Sir,**

In the above cited reference and subject matter it is submitted that to maintain secrecy in election even country like USA President Election is being conducted through secret ballots and polling in India through EVMs but not through Internet/Intranet systems to avoid false voting.

We are strong in our opinion that the election of majority Executive Association in BSNL should be through secret ballot only as in the case of Non-Executives' Unions elections in BSNL. Further, in this connection, the following are submitted for your kind consideration and necessary action to ensure secret and democratic elections in BSNL of majority Executives Association in September 2016. We are confident that you will consider the views/suggestions given by this Association to have non-controversial election.

1. There should be a central server (A) at ITPC Pune where the master program should be loaded and other polling stations should be connected through authorized passwords only. Representatives of Associations should be there in the server room or at any suitable places as polling/counting agents. There should be display on the information like number/detail of polling stations logged in, number of votes polled station wise etc. This display may be in form of a webpage which should be refreshed periodically and can be viewed by all concern with passwords

2. In polling stations there should be two computers. One with polling officer (B) and other (C) where voters should cast their vote. B & C both should be logged in with A but program should be such that B should control operation of (C).
3. The server A should recognize each pair of B & C with separate identity. There should be several hundred B & C terminals through the country. One pair for each polling station. Standby PCs has to be there in each polling station for emergency replacement.
4. The Polling Stations should be so located that the executives need not travel more than 5 KMs in districts and more than 3 KMs in cities.
5. The Polling Stations are not to be manned by officers below the rank of GM and equivalent.
6. The Suitable security arrangements of Police/Guard etc. should be there at each the polling station.
7. The suitable monitoring should be there to avoid the false polling in the elections.
8. Polling agents are to be allowed in all polling stations. They should identify the voters and observe the polling procedure.
9. Polling Station wise voter list has to be prepared and circulated at least 3 months before the polling day for verification, information and campaign activity and the Executives' hereafter should not be transferred till the completion of the election process.
10. In each Polling Station executives working in near vicinity under different CGMs should cast their vote. There should be separate login for each CGM in every polling station. Before casting the vote the terminals B & C have to be logged in suitably. The login IDs should be operative till all the votes allotted for that particular polling centre are casted. Once all votes are casted the login ID should be locked. This is for precaution to prevent any untoward happenings.
11. Executives should present themselves before the polling officers with their identity cards, their names are to be scored off from voter list, indelible ink to be applied on his figure and then polling officer with B should made C active for casting one single vote with proper login id as at 8 above. Once the vote is casted some prominent color display should appear at the screen of B and should remain till next time poling officer energizes C for next vote. (This is something like polling by EVMs in general elections) The screen of B should be visible to all polling agents
12. The polled votes should be recorded polling station wise and has to be tallied with the attendance of that polling station. For small circles like Inspection Circle, ITPC, Regions, Projects etc the recording may be centralized to ensure secrecy of polling but there also total votes polled to be tallied with the result. This is not difficult as separate login ID should be there polling station wise and CGM wise.
13. The result should be declared circle wise with additional breakup of polling station wise with exception as mentioned at 10 above.

14. The software and the system should be such that double voting etc cannot happen. The system so developed has to be field trialed with mock polling etc for any possible bugs. The server should be capable of handling so many polling stations effectively without delay. 'Hanging' of the system has to be avoided and such incidents should cause suspicion. The identification (MAC) of each B & C PCs has to be recorded with server for avoiding wrong computers login in to the system.
15. In summary the system should be as below :
- ✓ At the schedule time say 9-00 AM on polling day the server A should be made active and all terminal Bs & terminal Cs should be logged into the system by the polling officer.
  - ✓ Voting should commence as at 7 above and each time the polling officer should made C active with terminal B which should accept only one vote.
  - ✓ Voting should continue and the server A should accept only a predetermined no of votes from a particular pair of B & C terminals, against the particular login ID, which is according to the voter list of that station.
  - ✓ Voting should close at 17-00 hours when all B & C should be disabled for polling job and immediately counting should commence after receiving 'All OK' report from all B stations. This 'All OK' report should be sent by polling officers after obtaining written consent from respective polling agents.
  - ✓ Results declared.
  - ✓ Polling agents should observe the progress of polling from screens of B at polling stations and from A through a suitable machinery (web page etc).

We would therefore request you to kindly consider for implementation the above views/suggestions to maintain secrecy and transparency in ensuing membership verification of majority executive Association.

With regards

Yours Sincerely  
Sd/-  
**(Prahlad Rai)**  
**General Secretary**

**Copy to:**

**Smt. Sujata Ray, Director (HR), BSNL Board, New Delhi 110 001**

# **Annexure – II**

**UNITED FORUM OF EXECUTIVES' ASSOCIATIONS**  
(Comprising of AIBSNLEA & AIGETOA)  
CHQ, New Delhi

No:UF/DIRHR/Agitation/10

Dated the 27<sup>th</sup> May 2016

To,

The Director (HR),  
BSNL Board,  
New Delhi-110001

Subject: Deferment of the ongoing organizational program – regarding.

Respected Madam,

This is in reference to the positive and firm assurances given to the United Forum of AIBSNLEA and AIGETOA in the meeting held with CMD BSNL on 19<sup>th</sup> May 2016 in presence of Director (HR), GM (Establishment), Jt. GM (PERS) and DGM (Establishment) and thereafter another meeting held on 23<sup>rd</sup> May 2016 with Director (HR) in presence of GM (Establishment), GM (SR), Addl. GM (SR), Jt. GM (PERS) and DGM (Establishment) with GS, President, FS, AGS (HQ) of AIBSNLEA and President, AGS, OS, CWC of AIGETOA and the subsequent meetings and communication of Director (HR) vide letter no. BSNL/5-1/SR/2016 dated 27<sup>th</sup> May 2016 wherein the management has reaffirmed that they shall take all the steps to honor the commitments made to the forum in respect of the resolution of the issues on agreed timelines.

We are very much thankful to CMD and Director (HR) for taking the necessary efforts and initiating the steps for resolution of the issues.

We have firm faith and belief that management shall be honoring all its commitments in regard to the timelines and settlement of the issues as annexed here with for your kind consideration please.

In view of the above we hereby defer our organizational action Programme and assure our fullest cooperation in taking BSNL to the new Heights.

With kind regards,

Yours sincerely

  
(PRAHLAD RAI)  
General Secretary  
AIBSNLEA  
9868278222

  
(AMIT ROY) 27/5/2016  
Asstt. General Secretary  
AIGETOA  
9953967217

Encl: Brief of discussions and decisions arrived thereof.

Sl. No.	Issue	Decision
1.	<b>Implementation of the recommendation of the committee headed by Sh. M. A. Khan, ED' (NB) on standard E2 &amp; E3 scales for JTO &amp; SDE Equivalent executives</b>	It is agreed to implement Khan Committee recommendations wherein E1A and E2A scales shall be replaced with E2 and E3 scales respectively. The date of effect of replacement of scales shall be 01.01.2007 i.e. E1A by E2, E2A by E3, E3 by E4, E4 by E5, E5 by E6 and E6 by E7. The promotions to the next scale shall be after a span of five years as per EPP. A proposal to this effect has already been submitted on 23.05.2016 for approval and the same shall be presented in the next MC Meeting for ratification by MC and thereafter by BSNL Board.
2.	<b>Implementation of CPSU Cadre Hierarchy in BSNL</b>	It has been decided to implement the Khan Committee Recommendation in regard to the implementation of CPSU hierarchy wherein time bound functional promotions shall be given to the executives after every five years up to the level of AGM/DET/CAO/equivalent. The promotions up to AGM/DE/CAO/equivalent level shall be independent of number of posts and the promotion from AGM/DE/CAO/equivalent to DGM (Equivalent) shall be restricted to availability of posts. If the posts are less, remaining may be promoted as Jt. DGM. The proposal to this effect shall be put up to the board for approval by 15 <sup>th</sup> June 2016.
3.	<b>Scrapping of the MT RRs</b>	It is decided that the issue of scrapping of MT RRs shall be dealt after the membership verification/referendum process of the Executive Associations and the view of the majority association shall be taken into consideration. Till that time MT recruitment shall be kept on hold.




4.	<b>Scrapping of the DGM RRs</b>	It has been decided to scrap the DGM RRs. The process for scrapping the ongoing recruitment shall be dealt by a committee constituted for the purpose. The subsequent action for scrapping the Recruitment shall be taken by 23 <sup>rd</sup> June 2016.
5.	<b>Extending 30% Superannuation benefit to the BSNL recruited employees.</b>	The proposal for implementation of Superannuation benefit is being sent to DoT. The issue of date of implementation is to be examined after the proposal is approved by DoT. The review of the quantum shall also be done, keeping in view the improving financial health of the company.
6.	<b>Immediate conduction of various CPCs in all the disciplines to fill up the vacant group-A and Group B equivalent posts in a time bound manner</b>	The Status of CPCs in all disciplines i.e. Telecom Engineering, Telecom Accounts, Civil, Electrical, Architecture/TF Engineering Wings etc. is enclosed herewith as Annexure-II
7.	<b>Notional Pay fixation of all upgraded pay scales w.e.f. 01.10.2000</b>	The case has been submitted for direction on demands of the United forum of AIBSNLEA and AIGETOA. Thereafter, the proposal to be submitted after discussion with United Forum by 30 <sup>th</sup> June 2016.
8.	<b>One time relaxation to Steno Grade-III for their promotion to PA cadre</b>	Fresh representation of United Forum shall be examined and the conclusive decision shall be taken by 30 <sup>th</sup> June 2016.
9.	<b>Settlement of Pay Anomaly cases where junior executives are drawing more pay than senior executives</b>	The case has already been processed. The proposal shall be submitted to the management committee by 30 <sup>th</sup> June 2016.
10.	<b>Special recruitment drive for hard tenure/shortfall circles,</b>	It was informed that the recruitment has been announced to cater to all Rule 8 cases based upon the inputs received from circles. However, the details regarding vacancy calculation shall be shared with United forum and there after the forum shall submit its input to establishment cell for further examination.
11.	<b>FR 22(I)a(i) pay fixation to officiating JTOs,.</b>	The matter is being examined based on the Judgement of Hon'ble PB CAT Delhi.
12.	<b>Restructuring of AD (OL) cadres,</b>	The case to be submitted for approval by 31 <sup>st</sup> May 2016 and shall be put up to the management committee by 7 <sup>th</sup> June 2016.

13.	<b>Finalization of new SDE RR 2014 in line with association suggestions</b>	The proposal shall be approved in next board meeting with minor changes as directed by board. The changes to be intimated to United Forum by 31 <sup>st</sup> May 2016.
14.	<b>Declaration of LDCE results.</b>	The result has been declared. All efforts shall be taken to ensure promotions at the earliest. The request for choice postings shall also be called for in due course of time and the same shall be considered based upon the administrative feasibility.
15.	<b>Settlement of Rule-8 transfer cases</b>	Circle shall be advised to clear the long pending cases based upon the administrative feasibility and local arrangements.
16.	<b>Pay loss to JTOs/JAOs recruited after 01.01.2007</b>	The matter shall be re-examined after submission of new inputs by the United Forum.
17.	<b>Fixation of pay in respect of departmental outsider (TTA) appointed as JTOs</b>	The matter shall be re-examined after submission of new inputs by the United Forum.
18.	<b>Extension of E1+ 5 advance increment benefit to JTO (SRD)/JAO 2013 batch and PA Cadre</b>	The proposal approved by BSNL Board to be sent to DoT for ratification by 15 <sup>th</sup> June 2016.
19.	<b>Diversion of 50% MT quota CAO Posts to the seniority quota.</b>	It was informed that efforts were made to withdraw the matter from BSNL Board and to settle at par with Telecom Operations stream but BSNL Board has not agreed since it needs modifications in BSNL MSRRs. Hence, the matter will be further submitted in the next BSNL Board meeting for consideration.
20.	<b>Increment of promotions through LDCE quota</b>	The matter has been discussed at length. The Forum will submit additional inputs which shall be examined.
21.	<b>Extending NFSG Grade to DGM (Adhoc) promoted from group -B.</b>	It was informed that matter has not been considered by BSNL Board. However the same shall be put up again for consideration of the board or the proposal shall be delinked from the board.

*[Handwritten signature]*

*[Handwritten signature]*



## Annexure-II

Sl. No.	CPC Status	Status
1.	JTO to SDE (T)	Promotion In SDE Cadre (SCF Category for VY 2009-10) can be issued with in one month of the decision of the Court at Ernakulum
2	SDE(T) to DE (Adhoc)	Promotion can be issued with in two months from the date of decision of court. However, case for Adhoc - Promotion is under process and vetting will be taken from legal as well as CLO section as case is under sub-judice on reservation issue
3.	DE to DGM	Promotion for balance 34 executives will be issued after the receipt of their ACR within one month.
4.	SDE to DE /EE in civil/electrical stream	Approval is required to be taken by cadre controlling authority which is not received in the Pers. Section. Promotion orders will be issued within one month from date of receipt of APAR and VC from the Cadre controlling authority.
5.	JTO Civil to SDE Civil	The CPC work is in progress. VCRs are being collected. Shortly promotion orders will be issue for filling up 64 posts.
6.	JAO to AO and AO to CAO	It was informed that CPCs are held up due to the Court case pending in the Hon'ble CAT. These cases are posted for hearing in the month of July 2016. As soon as clearance from the court is given the CPC will be expedited within the period of two months.
7.	CAO to DGM (Finance)	The Proposal for relaxation in the eligibility criterion from four to three years was sent to BSNL MC, But the MC has made some queries which are being replied shortly.

*Arshad Ali*

*Arshad Ali*

# **Annexure – III**

# Khan Committee

## Recommendations on Replacement of E1A and E2A pay scales with E2 and E3 pay scales

### Recommendation

As per the detailed calculation by AGM (Estt.) U.O. Note no.1-01/2012-PAT(BSNL), dt. 9<sup>th</sup> June 2015, the annual implication for replacing the pre-revised E1A and E2A pay scales with the revised E2 and E3 pay scales is estimated to be about Rs.40 crores. If arrears are also paid, then the expenditure shall be Rs.260 crores without cascading effect of replacement of higher pay scales and Rs. 400 crores for change with cascading effect on successive higher pay scales.

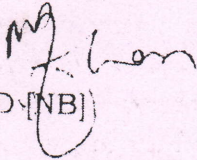
The committee hopes that the young executives and all staff of BSNL will work hard to turn around BSNL.

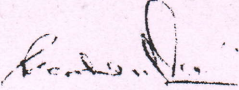
BSNL is on recovery path, as Hon'ble MOC mentioned that BSNL has to be the State highway and not it has to move on to National Highway. When the executives, JTO/SDE and equivalent cadres go on deputation to BSNL, MTNL or any other organization, they are fixed with lower status due to this anomaly. The Committee recommends the following:-

- i. The standard pay scales for JTO and equivalent grades in replacement of the pre-revised E1A pay scales may be fixed at E2 level in revised scale. Similarly, those of SDE and equivalent grades may be replaced from pre-revised E2A pay scale to E3 in the revised scale.
- ii. Necessary changes in the EPP may be made, if required, and also the approval of DoT for issues of related pension outgo, gratuity etc., may be sought by concerned wings of BSNL.


Further, it is decided to hold the next meeting of the Committee at 3 pm on 07-2015 in which CPSU cadre hierarchy will be discussed.

The meeting ended with a vote of thanks by Sh. Manish Kumar, Convenor.


  
ED (NB)

  
GS, AIBSNLEA

*We differ from the recommendations given above. Our recommendations / views are enclosed as Annexure I of this report.*  
*Madhu*  
GM (Estt.) 29/11/15

  
GS, SNEA(I)

GM (EF) *Pranta*  
29/11/15

  
GS, AIGETOA

Copy to:-

1. The CMD, BSNL
2. The Director [HR], BSNL

Annexure I

**Opinion of Members GM (Estt.), Smt. Madhu Arora, and GM (EF), Smt. Smita Choudhary as to the recommendation the committee with regard to replacement of E1A and E2A pay scales (ref: meeting of the committee held on 09-07-2015)**

After examining all aspects, it is a considered opinion from our side that upgradation of pay scales E-1A to E-2 and E-2A to E-3 cannot be done in isolation without considering :

- (i) The likelihood of demand for upgrading of scales E-3 and above which has very heavy financial implication and,
  - (ii) Reviewing the associated policies such as EPP, MSRR and MTRR.
2. Accordingly, E-1A & E-2A pay scale upgradation can only be considered if there is written agreement of the Associations on the following:
- i) Upgradation of scales for cadres in E-3 and above will not be considered. Accordingly, both SDE and Sr. SDE will be in the same scale i.e. E-3.
  - ii) Emoluments in the revised pay scales will be payable w.e.f. the date of final approval by DoT i.e. arrears will not be paid.
- ii) Necessary changes in EPP including increase in residency for promotion from E-2 to E-3 scales etc. will be reviewed to avoid anomalies which may arise consequent upon E-1A/ E-2A upgradation such as juniors getting promotion much faster than seniors, reaching E-6 level under EPP earlier than envisaged in the current policy and also stagnating in the pay scales for much longer etc.

Madhu  
29/7/15  
GM (Estt.)

Smita  
29/7  
GM (EF)

# **Annexure – IV**

# Khan Committee

## Recommendations on CPSU Cadre Hierarchy

### RECOMMENDATION:

CPSU hierarchy recommendations are based on motivating the executive officers of BSNL which will result in higher productivity.

At present, time-bound promotions are given from JTO to SDE Grade and equivalent in 4 to 6 years. SDE to Sr. SDE grade (E3) and equivalent in 5 years, E3 to E4 (DE grade and equivalent) in 5 years, E4 to E5 Grade (DGM and equivalent) in 5 years and E5 to E6 (JAG – SG and equivalent) in 5 years. They are given higher pay but higher designations are not given to them. The staff nos. in JTO grade and equivalent as mentioned by Sr. GM(Estt.) are at present 7900, SDE grade and equivalent 7900 and Sr. SDE grade and equivalent (E3) 16500 and DE grade and equivalent (E4) 8673 and DGM grade and equivalent (E5) 4263. By giving them designation also through conducting CPC with higher benchmarks, BSNL will bear no extra financial burden, rather it will be saving money by removing double fixation on account of time bound and functional promotion. Further, various Court cases will be closed, thus, saving of BSNL on advocate fees. By keeping 'Very Good/Good' in ACR as benchmark, good performers will be promoted.

As per Deloitte's Report, JTO to DE and equivalent will have to work interchangeably and therefore availability of posts from JTO to DE will not matter. Only at DGM level, sanctioned posts are around 2000 and DGM recruitment posts were 200 which totals to 2200 posts of DGM, whereby promotions of about 4263 nos. may be required. This may be compensated by fast retirement of DGMs every month and justified by BSNL's expansion in the areas of IT, Infra Sharing, New Services etc. and induction of new tower company which will need extra DGMs. However, DE to DGM and equivalent promotion may be restricted to availability of posts. If posts are less, remaining may be promoted and designated as Jt. DGM (Parking Lot).

ACR based promotion with higher benchmark of 'Very Good/Good' is considered instead of earlier benchmark of 'Good/Average' etc. in post based promotions. It will also fulfill the commitment given to executives at time of absorption vide letter No. BSNL/11/SR/2003 dated 02/09/2003. Thus, the following is recommended:

- a) JTO to SDE and equivalent eligibility shall be 5 years of regular service in the grade and benchmark to be kept as 'Good' and not more than one 'Average'. For SC/ST candidates two 'Average' may be allowed.
- b) SDE to Sr. SDE and equivalent eligibility shall be 5 years of regular service in the grade and benchmark to be kept as 'Good' and not more than one 'Average'. For SC/ST candidates two 'Average' may be allowed.

- c) Sr.SDE to DE and equivalent eligibility shall be 5 years of regular service in the grade and benchmark to be kept as 'Good' and not more than one 'Average'. For SC/ST candidates two 'Average' may be allowed.
- d) DE to DGM and equivalent promotion will be restricted to availability of posts. The balance DEs may be promoted as Jt. DGM (parking Lot). DE to DGM and equivalent eligibility shall be 5 years of regular service as DE and benchmark to be kept as 'Very Good' and not more than one 'Good'. For SC/ST candidates not more than two 'Good'.
- e) DGM to JAG -SG and equivalent may be promoted in the grade of E6 in 5 years as per existing time bound promotion scheme with the benchmark of 'Very Good' and not more than one 'Good'.
- f) The benchmarks in above (c)&(d) are same as in Schedule-II of existing CPC as per Group "A" RRs.
- g) There are some UPSC recruited DEs or equivalent of 1995 batch etc., as on today. All UPSC recruits of all batches may be promoted en-bloc to DGM if they meet the benchmark. The executives already promoted to higher post on post based promotion will stand senior en-bloc.


**Agenda No. 3:**

To examine the implementation of first time bound promotion uniformly after four years w.e.f. 01.10.2000.

Committee is of the view that after the recommendation given above for CPSU hierarchy, this issue gets resolved partially. As per recommendation already given for Agenda 1 in the third meeting of committee on 09.07.2015, the minimum service required for upgradation from E2 to E3 as proposed in (a) above is 5 years.


To address the anomaly, the Committee recommends that first pay scale upgradation will be given in maximum of five years instead of six years, notionally w.e.f. 01.10.2000. However, existing provision of first time bound promotion after reaching minimum of next higher scales in four year shall remain unaffected.

Shri Manish Kumar, DGM(Pers.) thanked all the members for their valuable suggestions and declared the completion of meeting.

  
ED(NB)

\* Sr.GM (Estt.)

\*1 GM (EF)

  
GS AIBSNLEA

  
GS SNEA (I)

  
GS AGETOA

\* comments of Sr.GM (Estt.) are enclosed.

\*1 comments of GM (EF) are enclosed.

# **Annexure – V**



## 149 FLOW

**02.07.1990 – DoT Letter No. 5-4/90-DE:** Suspension of LDCE for promotion to TES Gr. 'B' for three consecutive years 1990-91, 1991-92 and 1992-93. Accordingly, all vacancies were used for promotion under DOE quota only vide **one** DPC in 1993. **None challenged the same.**

**10.03.1993 – DoT Letter No. 231-1/90-STG-II:** Further suspension of LDCE for promotion to TES Gr. 'B' for three more years 1993-94, 1994-95 and 1995-96. Accordingly, all vacancies of 1993-94 were used for promotion under DOE quota only vide **two** DPCs in 1994. **None challenged the same.**

DPCs for 1995 and 1996 by using vacancies of 1994-95 and 1995-96 respectively were pending as, not due. But, the same were not conducted in time. **(Moreover, this partially implemented letter was neither challenged in any court of law nor DoT had withdrawn the same. So, still it stands operative.)** (Para 206 was **not abrogated** in 1966, and remained **operative** till 22.07.1996 in the eyes of Allahabad High Court and the Apex Court. Similarly, above two letters are still operative.)

**27.07.1995 – CAT, ERK – OA 599/1995:** DoT was directed to hold an exam in terms of the R/Rs 1981.

**23.07.1996: R/Rs 1996** was promulgated from 23.07.1996.

**25.10.1996 -SC -SLA(c) 26071/1996 converted to SLP(c) 8890/1996:** DoT submits that the vacancies which were existing till the new Rules come into force would be filled up in accordance with old Rules.

**03.02.1998 - CAT, ERK – OA 982/1995:** DoT was directed to calculate year wise DOE and LDCE vacancies from 1981 to 1986 and to fill up LDCE vacancies adopting the principle of carryover of unfilled vacancies.

**01.05.1998 - CAT, ERK – OA 1497/1996, OA 629/1997, OA 1186/1997, OA 297/1998:**

**Para 31** – Following the principle first laid down by the High Court of Allahabad (Lucknow Bench) upheld finally by the Supreme Court, referred to above, **in the context of Para 206**, we hold that such an executive order must be deemed to be supplemental to the Recruitment Rules and hence valid. **We therefore conclude that the officials who have already qualified at the Departmental Qualifying Examination up to 1991 will have to be treated as senior to those who qualify after them at the same Departmental Qualifying Examination, for the specific purpose of regular promotion to the vacancies in TES Group-B cadre arising up to 22.7.96.**

**Para 33** – All the vacancies occurring up to 1993-94 have been filled up with the officers who had already qualified at the DOE held up to 1988-89, even though all the officials who have qualified have not yet been fully accommodated.

**Para 35** - We direct that the Department shall fill up the vacancies arising up to 22.07.1996 only with the officials of JTO cadre who have qualified and may qualify themselves at the Qualifying Examination part of the one Combined Departmental Exam for the quota of SC/ST vacancies for the TES Group-B cadre earmarked for the Qualified officers and fill up 1/3<sup>rd</sup> quota earmarked for the Competitive officers.

**21.10.1998 – DPC 1998** was conducted for three clear DPC (vacancy) years of 1994-95, 1995-96 and 1996-97 (up to 22.07.1996). 100% vacancies of 1994-95 and 1995-96 should be filled up by DOE quota only as these were the part of the pending DPC 1995 and DPC 1996. The vacancies for DPC 1996-97 (up to 22.07.1996) should be 66 2/3<sup>rd</sup> % for DOE quota and 33 1/3<sup>rd</sup> for LDCE quota.

The terms and conditions of the pending DPCs 1995 and 1996 cannot be altered due to the delay in holding the same. The onus cannot be shifted to promotees and they cannot be penalized for the delay caused by DoT, which is bound to obey its own letter of 10.03.1993.

**25.10.1998:** Affidavit submitted by DOT in OA 297/1998 in CAT, Ernakulam clearly indicates the above vacancy positions. 100% DQE quota for 1994-95, 1995-96. 66 2/3<sup>rd</sup> % DQE quota and 33 1/3<sup>rd</sup> LDCE quota for 1996-97 (up to 22.07.1996). DoT is bound to obey its own affidavit and can fill up 0, 0 and 147 LDCE post for the respective years. Denial of court to honour the affidavit is immaterial in this case.

**06.11.1998: LDCE 2000 notified:** It allowed only the following to the competitive part of LDCE 2000:

1. All JTOs qualified up to 1991 but, not promoted till DPC 1994 for any reason.
2. SDEs promoted only through 1998 DPC.
3. SC / ST JTOs qualified in the qualifying part of LDCE 2000.

**23.03.1999:** Kerala Circle disallowed 14 SDEs promoted up to 1994 to the LDCE 2000.

**27.04.2001 - CAT, ERK - OA 91/1999:**

**Para 2** - "It was stated (by DOT) that 3629 JTOs promoted vide order dated 29.10.1998 belonged to the 2/3<sup>rd</sup> quota and it did not include 1/3<sup>rd</sup> quota and that from 1992 to 1996 up to 22.7.96 there were 1242, 992, 1843 and 1814 vacancies available in Group-B against 1/3<sup>rd</sup> quota for each of the years.

**Para 3** – They (DOT) submitted that the qualifying examination to TES Group-B was conducted up to 1991 and as at that time a large number of qualified JTOs were awaiting their promotion it was decided to suspend the examination for three years which was later extended to another three years. Thereafter, the R/Rules were modified dispensing with the qualifying examination from 23.07.1996. **(Here also nobody challenged the suspension of LDCE for six years.)**

**Para 16** – We direct the respondents to conduct a Special Supplementary Qualifying - cum- Competitive Examination in continuation of the one conducted in 2000 and the applicant and others similarly placed should be allowed to participate.

**22.05.2001 - CAT, ERK - OA 1633/1998:**

Following the directions given in OA 91/99, we direct the respondents to conduct a special Supplementary Qualifying – cum Competitive Examination in continuation of the one conducted already.

**28.01.2002 – Kerala High Court – IA No. 35256/2001 in CMP No. 60734/2001 in OP No. 21656/2001:**

The petitioners shall conduct a special Supplementary Qualifying – cum Competitive Examination in continuation of the one conducted in 2000. The results also shall be published. However, the question of considering them for promotion against the 33 1/3<sup>rd</sup> quota will be decided while disposing of the OP.

**04.02.2002:** Only 16 JTOs (5 OC & 11 SC) were declared successful in LDCE 2000.

**18.02.2002:** 16 JTOs who were declared successful in LDCE 2000 were promoted.

**03.04.2002 - CAT, ERK – OA 213/2002:**

1. The court directed DoT to reply the applicants (**T Bennet & T V Mathews**) suitably within 2 months.
2. **DoT replied that JTOs promoted to SDEs up to DPC 1994 were not allowed to the LDCE 2000/2003.**

**11.11.2002:** 6 more JTOs were declared successful in LDCE 2000 and were promoted.

**24.07.2003: Special Supplementary LDCE 2003 notified:** It allowed only the following:

1. All JTOs qualified up to 1991 but, not promoted till DPC 1994 for any reason.
2. SDEs promoted only through 1998 DPC.

3. OC / SC / ST JTOs qualified in the qualifying part of Special Supplementary LDCE 2003.

**02.08.2004 - Kerala High Court– IA9809/2004 in OP 21656/2001:** Court directed to publish LDCE results.

**09.09.2004:** 35 JTOs were declared successful in Special Supplementary LDCE 2003.

**09.11.2004:** 53 more JTOs were declared successful in Special Supplementary LDCE 2003.

**10.11.2004:** 3 more JTOs were declared successful in Special Supplementary LDCE 2003.

**13.11.2004:** 31 more JTOs were declared successful in Special Supplementary LDCE 2003.

**11.02.2005 – Kerala High Court – IA No. 1545/2005 in CMP No. 60734/2001 in OP No. 37134/2001(S):**

The writ petitioners are directed to make promotions against the quota of 33 1/3<sup>rd</sup> on the basis of the results, subject to the final outcome in OP Nos. 37134 & 21656 of 2001.

**22.03.2005:** 122 JTOs who were declared successful in Special Supplementary LDCE 2003 were promoted.

**13.07.2006 – Kerala High Court – OP Nos. 37134 & 21656/2001:**

1. They were promoted but, no seniority has been assigned. None has so far challenged this.
2. The incumbents shall be placed against vacancies arisen before 22.07.1996 and above the persons promoted against vacancies occurred later than 22.07.1996.
3. News paper publication shall be there and objections be called for.

**13.09.2006:** 3 more JTOs were declared successful in Special Supplementary LDCE 2003 and promoted.

**27.06.2007: DoT Affidavit in Kerala High Court in Contempt Case No. 713/2007(S):**

Mr Krishna Sivaram Hegde was promoted to TES Gr-B in 1994 against vacancy year 1993-94 under 2/3<sup>rd</sup> seniority quota and was at serial number 17782 in seniority list no. XVII. After the court order dated 26.4.2000 he was placed at serial number 16154 in seniority list nos 1-5. After passing the LDCE 2000/2003 held against the vacancy year 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) his seniority was at 16476.1 as per merit list. He was entitled to retain the better seniority.

**NOTE: K S Hegde belongs to MTNL and also not entitled to sit for the LDCE 2000/2003. He along with similarly placed officer of BSNL R C Khuntia are continuously disturbing the settled seniority lists. R C Khuntia has already accepted the DGM promotion through normal quota.**

**09.10.2007 – Kerala High Court – Contempt Case No. 713/2007(S):**

1. Mr Krishna Sivaram Hegde the lone petitioner in this case, had sent his objection to a wrong direction, the reasons best known to him, as per the court. Thus, failing to get justice he filed this Contempt case which was rejected. He was not a party but, only an additional respondent in OP 37134/2001.
2. His case should not have been considered, as he is quite educated and the main petitioner in all the cases. But, court had taken a lenient view and **allowed only him** a second chance to represent to the appropriate authority to review his position in the already published final seniority list of 2007.
3. Vested interest group in DoT, reasons best known to them, most surprisingly, instead of reviewing the seniority of Mr K S Hegde alone, changed the entire seniority list of 147 persons and **allowed RETROSPECTIVE seniority to all from 1989-90 instead of 1996-97.**

4. DoT preferred to forget its own letter dated 10.03.1993, affidavit dated 25.08.1998, notification dated 06.11.1998, Kerala Circle letters dated 23.03.1999, T Bennet case dated 03.04.2002, notification dated 17.04.2003, affidavit dated 27.06.2007, objections received on seniority list and its note sheets.

**23.05.2008 - Page - 58\N Note sheets of DoT File No. 2-32/2001-STG-II: Queries and DoT comments.**

**Query - a.** As per the notification issued by DE Branch on 06.11.1998, the exams have been conducted against the vacancy year 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) but, now the officers who have passed the competitive examination are being given the seniority from the vacancy year 1990.

**Com.** – It is a fact that as per the notification of the DE Branch and further clarifications issued by the Staff ranch, DoT, the exams was conducted for the vacancy year 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) and subsequently, it was decided to give seniority as per the fulfilling eligibility criteria for appearing in the exam for respective years of vacancies.

**Query - b.** Many officers were not allowed to appear in the examination on the ground that they have been promoted against the vacancies prior to 1994-95 and, therefore, they will not get any benefit of seniority even if, they appeared in the competitive examination.

**Com.** – It is a fact that many officers were not allowed / did not appeared in the competitive exam on the ground that the exams was for the vacancy year 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) and those who have been promoted prior to that year of vacancies will not get the benefit of seniority even if they allowed / appeared in the said exam.

**Query - c.** In compliance of CAT, Ernakulam order dated 03.04.2002 in OA No. 213/2002 the Department has informed Shri T Bennet and T V Mathews that the Supplementary Qualifying – cum Competitive Examination was being conducted against the vacancy year 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) and since they have been promoted against the vacancy year 1993-94, they will not get any benefit of seniority even if, they are allowed to appear in the said examination and, therefore, they are not entitled to appear in the special supplementary exam.

**Com.** – It is fact that the Department has informed Shri T Bennet and T V Mathews that they are not entitled to appear in the special supplementary exam as they have already been promoted against the vacancy year 1993-94 vide communication dated 17.07.2002.

**05.02.2010 - CAT, ERK - OA 86/2009:**

**Para 1. a.** A clear mention was made in the said order that those who had qualified in the DQE prior to 1991 would all rank seniors to those who qualify after them in the DQE, for the purpose of promotion to the vacancies in the TES Group-B Cadre upto 22<sup>nd</sup> July 1996.

**Para 1. b.** LDCE 2000/2003 were held for the vacancies that had arisen during the years 1994-95, 1995-96 and up to 22<sup>nd</sup> July 1996.

**Para 1. c.** Two individuals who had already qualified in the earlier examination and promoted against the 1993-94 vacancies, it was mentioned that they having already been promoted, would not be permitted to participate in the examination to be conducted. Earlier too, there were certain individuals who were declared as ineligible to appear for the examination, presumably for the same reason.

**Para 22.** When the competitive examination took place, the same was for a number of years together and as many as 147 individuals were successful. Of them some would have cleared the qualifying examination along with some of the applicants and some later. Nevertheless, there promotion in the wake of their success in the competitive examination has been much after the promotion of the applicants. This is the admitted fact.

**Para 23.** Coming to the issue relating to seniority, evidently, the respondents tried to accommodate on the basis of merit in the slots of 1/3<sup>rd</sup> quota for the previous years. Thus, a 1980 recruit, having passed the DQE in 1988, on passing in the LDCE seems to have been **afforded seniority far ahead** of the applicants who stood promoted much earlier.

**Para 24.3.** It appears to us to be only proper that their **seniority must be reckoned in the higher post with effect from the date when they are promoted to the said post** after being successful in the LDCE and that they be given **promotion from the retrospective date cannot arise. (This must be applicable to all our LDCEs.)**

**Para 25.** Though both the two-third quota by way of seniority and one-third quota by way of competitive examination fall under 'promotion' while considering fixation of seniority, the two are **comparable to promotion and direct recruitment quota.**

**Para 30.** The 147 candidates whose seniority has been reflected in the impugned order qualified in the competitive examination in 2002 in which event, the settled seniority of the applicant who stood promoted long back cannot be unsettled. **Perhaps it is for this reason that the Tribunal in its order in OA No. 1497/96 administered a caution that those who stood passed in the qualifying examination prior in point of time would all be senior to those who qualify subsequently.**

**Para 31.** The impugned seniority and the promotion order issued based on the same seniority are hereby quashed and set aside.

**12.08.2011 - CAT, ERK - RA No. 29/2010 & 41/2010 in OA No. 86/2009:**

**Para 23 (a).** – RTI query on year of recruitment of 147 candidates reveals: Beyond 20 numbers, all others were recruited in 1989 and thereafter. As per the rules, these could participate in the competitive examination only after completion of 5 years of their regular service which would mean that their turn would come only on or after 1994. Thus, they cannot under any circumstances take under the competition quota, the position in any year anterior to 1994.

**Para 23 (b).** – Again, the caution administered in order in OA No. 1497/96 that **those who stood passed in the qualifying examination prior in point of time would all be senior to those who qualify subsequently** nullifies this ground taken by the review applicants.

**01.07.2013 - Kerala High Court - WP(C) 5406/2010 & 26226/2010, OP(CAT) 2941/2011 & 3019/2011.**

**Para 11.** The first petitioner (K S Hegde) in WP(C) 5406/2010, approached this Court with a contempt; being unsatisfied with the above (2007) seniority assigned, which was disposed of by (Kerala High Court-CCC No. 713/2007/Order 9.10.2007), **holding that there is no contempt** and relegating the petitioner to take appropriate remedies before the appropriate forum if he is aggrieved by the assignment of seniority.

**Para 12. Purportedly, taking cover under order in the Contempt Case, the 147 merit based candidates approach the BSNL which recast the seniority as sought for by the merit based candidates. Effectively, the merit based candidates were sought to be accommodated in the vacancies arising in the 1/3<sup>rd</sup> quota from the year 1990 onwards. This was on the premise that the promotions made filling up all the vacancies in the higher cadre were made from the seniority based candidates who had cleared the DQE and that as against the 1/3<sup>rd</sup> quota, the appointments / promotions made were only adhoc.** The entire seniority list was recast and though the list originally published and also that recast have been produced herein, we are not expected to go into the individual seniority of persons shown therein. **The dispute boils down to whether the seniority prior to 1994-95 could be upset.**

**Para 29.** The suspension of examinations resulted in a challenge being made by certain officers in the Kerala Circle of the Telecommunication Department, culminating in judgment dated 01.05.1998. (CAT, ERK – OA 1497/1996, OA 629/1997, OA 1186/1997, OA 297/1998).

**Para 30.** It is to be specifically noticed that none of the 147 LDCE candidates challenged the action of the respondent department, the then employer, in suspending the examination as also accommodating the qualified candidates in the promotion posts.

**Para 31.** The Tribunal (CAT, ERK – OA 1497/1996/01.05.1998) identified two distinct groups. The first group comprised of those JTOs who have already qualified at the prescribed qualifying examinations up to 1991. They claimed that they are entitled to be promoted to all the vacancies arising in the promotion post up to 22.07.1996.

**This was on the premise that in an earlier litigation (para 206) the Hon'ble Supreme Court had affirmed the decision that the seniority is determined by the year of qualification and not on the initial year of recruitment.**

All persons in the first group having qualified prior to 1991 and the similarly placed qualified candidates being larger in number than the available vacancies in the promotion posts, it was contended that accommodating them in order of the year in which they qualified would amply result in **compliance** of the undertaking of the department that prior to 1996, the promotions would be made as per the then existing rules. (Para 32 – The department endorses the view of the first group)

**Para 32. The department was found to have taken different positions at different point of time before different judicial forums in the past and that happens to be the case even at present.**

**Para 36. a. It is also pertinent that the candidates who qualified prior to 1991 were held to be admitted seniors of those qualifying later on.**

**Para 36. b.** A candidate qualifying in the examination acquires a right to be promoted to the available vacancy and assignment of seniority only with respect to the year of qualification.

**Para 36. c. Can a person who qualified in the DQE and came out meritorious in the LDCE of a particular year, said to have acquired a right to a position prior to the year of qualification? In the absence of any such specific rule we are unable to answer the question in the affirmative.**

**(Surprisingly, it is the only and normal practice in DoT, only for LDCE candidates, resulting number of court cases. Persons are taken back to such vacancies may be created before the birth of the officer. Retrospective seniority of any number of years only to LDCE candidates is a birth right in DoT/BSNL.)**

**Para 40. a.** Even in the year 1994 the prior existing vacancies were filled up by the qualifying hands (DQE). Neither the department at the time of SLP dated 25.10.1996, intended that such appointments could be upset, nor had the Tribunal directed the recasting of vacancies existing prior to 1994.

**Para 40. b.** Hence, the significance of the specific direction that the vacancies existing prior to 1996 would be filled up in accordance with the pre-1996 rules. That can only be understood as being for the years 1994-95, 1995-96 and 1996-97 (up to 22.07.1996). This was the **specific condition** of the notifications of LDCE 2000/2003.

**Para 40. c.** None of the review applicants before the Tribunal nor the other persons coming within the 147 competitive candidates challenged these specific conditions. **In the said circumstances, there cannot be any recasting of seniority prior to 1994.**

**Para 42.** This court found that there is no contempt and also negated the contention that objections were not invited before the final list was published. What was stated by this Court while closing the contempt case was that, if at all, the petitioner has any grievance against the final list published on 13.02.2007, that would only give rise to a separate cause of action. Relying on the said observation, it is contended that, the department was approached, who re-cast the entire seniority. **Whether the appropriate forum included the department, who published the final seniority list itself, is a moot question.**

**Para 44.** We do not see any reason to reopen the vacancies from 1990 onwards since the same were never the subject matter of litigation before any of the forums.

**Hence, there were valid appointments made to the vacancies prior to 1994 from the qualified hands which cannot be upset at this stage.**

**Para 45.** The Court notices Suraj Prakash Gupta v. State of J&K (2007)SCC 561 wherein it was held that ***“in service jurisprudence, a direct recruit can claim seniority only from the date of his regular appointment. He cannot claim seniority from a date when he was not borne in the service”***

**Para 47.** Merely because the LDCE was not held from 1989 that does not create a vested right in the 147 candidates to be assigned seniority in the 1/3<sup>rd</sup> quota of LDCE from the year 1990 onwards. Hence, the 147 candidates ought to be considered for the 1/3<sup>rd</sup> vacancies in 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) according to their merit as also their eligibility to appear for the combined examination.

**Note:**

1. 149 candidates shall be utilizing the 1/3<sup>rd</sup> vacancies of 1994-95, 1995-96 and 1996-97 (up to 22.07.1996) for their promotion. But, they must be assigned their seniority only from 18.02.2002 for 16 candidates, from 18.11.2002 for 06 candidates, from 13.04.2005 for 122 candidates and from 13.09.2006 for 03 candidates, the dates of their regular promotion. Two more candidates joined recently to make the list 149, must be assigned seniority from the date of their regular promotion only.  
(Refer SC directive at para 45 above and recent judgment of Mr. Sadasivan where BSNL was a party. Number of similar SC judgments are available. Rules does not permit retrospective seniority.)
2. DOE candidates were allowed seniority only from the date of their promotion irrespective of the creation of the vacancy. LDCE candidates must be allowed the same without any discrimination. Rule does not permit. Allotment of seniority to 149 group as above is the only feasible solution.
3. As per CAT ERK order of 01.05.1998 149 LDCE group shall be en-bloc junior to all JTOs qualified up to 1991.
4. Out of 149 LDCE group 5(five) ineligible seniors will prefer to retain their earlier seniority as already done by Mr. R C Khuntia. 6 to 67 the genuine LDCE group and will get seniority from the date of their joining. 68 to 149 are ineligibles as per CAT & H C ERK.

**An unique LDCE:**

1. Examination was held in two installments.
2. Results were published in several small installments.
3. Promotions were also made in several installments.
4. Seniority lists were also changed several times, some times Punamlata heading the list next time R K Pradhan leading.
5. Senior ineligibles as well as junior ineligibles were allowed.
6. Examinations were held for some vacancy years and seniority was assigned for some other earlier years.
7. DoT was above all courts and very proactive to allow retrospective seniority to the group.
8. **Now, all are requested join hands to arrange seniority to (6 to 67) 62 persons only from 13.04.2005, the date of their DPC as directed by the Apex Court in several similar cases.**

# **Annexure – VI**



## **BRIEF ON 1966 CASE**

### **List of Judgments on 1966 case**

1. 23.07.1998 - CAT-BG - OA 624/ 1997
2. 31.08.1999 – CAT-BG - OA 946, 1034/ 1998, 94/ 1999
3. **02.02.2000 – HC-BG - WP 43253-55/ 1999**
4. 09.11.2000 – CAT-BG - OA 1664, 1672, 1721/ 2000 (Interim)
5. 08.10.2001 – CAT-BG - OA 1664, 1672, 1721/ 2000 (Final)
6. 21.07.2003 – CAT-BG - OA 1031/ 2001, 849/ 2002
7. 02.09.2004 – CAT-BG - MA 305/ 2004 in OA 1031/ 2001, 849/ 2002
8. **01.02.2008 – HC-KRL - WP(C) 8245, 9634, 19129/ 2005, 13155/ 2006**
9. **11.08.2008 – HC-Delhi- CWP 12584-614, 17637-40/ 2005**
10. **12.08.2008 – HC-HP - CWP 305, 644, 695/ 2005, 560/ 2006**
11. **09.07.2010 – CAT-ERK- OA 702/ 2009**
12. **25.01.2012 – CAT-BG - OA 227, 309, 399, 440/ 2009**
13. **18.04.2012 – CAT-MS - OA 1216/ 2010**
14. **11.12.2012 – CAT-JBP - OA 1164/ 2011**
15. **05.06.2015 – HC-KRL - WP(C) 25634/ 2010 (Pending)**
16. **01.04.2016 – HC-BG - WP 10589-90, 11096, 11221, 12732, 18578-89, 18676-80, 21270-71, 21724-25, 21727-28/ 2012 (S-CAT), 49256/ 2013 (S-CAT)**

### **List of Letters on 1966 case**

1. 15.10.1998 - DOT 5-1/93-TE-II - Creation of 1966 supernumerary posts w.e.f 15.10.1993.
2. **21.10.1998 - DOT 2-7/98-STG-II - DPC 1998. 3629 Qualified JTOs were promoted.**
3. 26.04.2000 - DOT - 5626 first batch of JTOs were promoted under R/Rs 1996.
4. 06.10.2000 - DOT 5-1/93-TE-II - 1966 supernumerary posts cancelled
5. 19.10.2000 - DOT 15-84/98-STG-II - 1966 (68 KTK) JTOs reverted
6. 16.11.2000 - DOT 15-84/98-STG-II - 1966 (68 KTK) JTOs promoted
7. 29.04.2002 - DOT 15-84/98-STG-II - Reversion order cancelled and benefits restored.
8. **11.11.2004 - DOT 15-16/2000 – STG-II - 1966 SDEs reverted**
9. 01.04.2008 - BSNL 15-41/2005 - Pers.-II
10. **17.04.2008 - DOT 15-4/2005 - STG-II**
11. **05.05.2008 - BSNL 15-41/2005 - Pers.-II**
12. **09.03.2009 - BSNL 15-48/2005 - Pers.(DPC) - Creation of 1369 supernumerary posts**

### **DPC 1998 (Subject to out come of Court cases)**

HC KERALA / OP 11607/ 1998 – Disposed on 20.07.2000,  
P CAT, DELHI / OA 286, 1085/ 1996,  
CAT BOMBAY / OA 876, 930/ 1997,  
CAT CUTTACK / OA 95, 239/ 1998,  
CAT MADRAS / OA 834/ 1998.

## **History:**

Earlier, promotion from JTO to TES Group-'B' was regulated by Para 206 of P & T Manual vol. IV, but with effect from 15.6.1966 TES Grp-B R/Rs 1966 and from 7.5.1981 R/Rs 1981 were in force.

Due to a series of litigations and to implement Allahabad High Court order of 25.8.1985 on TES Grp-B promotions by following Para 206 of P & T Manual vol. IV, DOT on 18.2.1992, to avoid contempt, compelled to undertake to revise entire TES Grp-B seniority lists as per Para 206. Eligibility lists of all JTOs qualified up to 1991 were prepared. Basing on the same, Review DPCs for those already promoted up to DPC 1990 were held. After the Review DPCs 550 officers, already promoted recruitment year wise, could not be accommodated. To protect their promotions, additional **7700** qualified JTOs were needed to be promoted.

DOT was having only **3235** clear vacancies, **944** sanctioned posts and another **885** justifiable posts, totaling **5064** available posts. **Balance 2636 supernumerary posts were created on 15.10.1993, borrowed from future vacancies, to overcome the situation.** DPCs 1993 and 1994 were conducted and reversion of 550 officers was avoided. Around 3700 left out JTOs qualified up to 1991 were still waiting for their promotion.

**DPC 18.11.1993 – 2262, DPC 27.5.1994 – 2092 and DPC 3.6.1994 – 3752 total promoted - 8106.**

Meanwhile, DOT promulgated TES Grp-B R/Rs 1996 on 23.7.1996 and submitted an undertaking in SLP No.26071/1996 to fill up all **existing vacancies** up to 22.7.1996 by the old R/Rs 1981. DOT also assured Service Associations to accommodate all JTOs qualified up to 1991 in the next DPC.

To fulfill the above obligations on 15.10.1998, DOT created 1966 supernumerary posts with effect from 15.10.1993 (in addition to 2636 supernumerary already created earlier on the same day) to accommodate all JTOs qualified up to 1991 in the DPC 1998, as assured to Service Associations. **Accordingly, on 21.10.1998 it promoted 3629 JTOs all qualified up to 1991.**

**Two main deviations had prompted the 1966 case.**

- 1. DOT was directed to fill up all existing vacancies up to 22.07.1996 by R/Rs 1981. Courts observed that DOT was not coming clean about its vacancy position. In one of the affidavits 4200 vacancies were shown, but, DOT neither firmly sticking to it nor accessing the same, Circle wise. 3629 promotions against 4200 existing vacancies was not a crime.**
- 2. It created 1966 supernumerary posts only on 15.10.1998, after the crucial date 22.07.1996. R/Rs 1996 was in force from 23.7.1996. Any post created on or after this date is to be regulated, only by R/Rs 1996. Posts cannot be created retrospectively.**

## **DOT / BSNL Letters and resultant 1966 Court Cases:**

### **23.07.1998 - CAT - Bengaluru – OA No. 624/ 1997.**

1. Karnataka Circle had promoted 129 Qualified JTOs to SDE on purely local officiating basis. Out of these 129 posts 61 were created before 22.7.1996 and rest 68 were created after 22.7.1996.
2. Unqualified senior JTOs laid their claim on the 68 posts created after 22.7.1996, as per R/Rs 1996.
3. **Accepting the claim the Bench directed : “to end the adhoc promotion of 68 Qualified junior JTOs and for subsequent adhoc arrangements, the department would go strictly by the seniority-cum-fitness criterion and these 68 incumbents who were given the adhoc promotions, disregarding the seniority of the senior applicants would not be entitled to claim the benefit of such service for the purpose of fixing seniority in the TES Group ‘B’ cadre.**

### **15.10.1998 - DOT No. 5-1/93 -TE-II**

DOT promulgated TES Grp-B R/R 1996 on 23.7.1996 and submitted an undertaking in SLP No. 26071/1996 to fill up all existing vacancies up to 22.7.1996 by the old R/Rs 1981 and **simultaneously assured Service Associations** to promote all JTOs qualified up to 1991 in the next DPC.

To fulfill the above obligations on 15.10.1998, it created **1966** supernumerary posts deemed effective from 15.10.1993. This is in addition to **2636** supernumerary posts already created earlier on the same day to avoid reversion of **550** regularly promoted SDEs.

### **21.10.1998 - DOT No. 2-7/98-STG-II**

**3629** JTOs qualified up to 1991 were promoted vide DPC 1998 against existing vacancies prior to 23.07.1996.

### **31.08.1999 - CAT - Bengaluru – OA Nos. 946, 1034/ 1998, 94 / 1999.**

1. DOT letters of 15.10.1998 and 21.10.1998 (part) were challenged.
2. The Tribunal quashed the creation of 1966 posts with retrospective effect of 15.10.1993.
3. **It directed DOT to restrict the promotion order of 21.10.1998 only to the extent of existing vacancies arose up to 22.07.1996 and revert the rest.**

### **02.02.2000 - HC-Karnatak/ Bengaluru - WP No. 43253–55/ 1999.**

Court upheld the CAT order of 31.08.1999 and DOT petition was dismissed.

### **26.04.2000 – DOT No.**

DOT issued its first promotion order for 5626 JTOs under R/Rs 1996.

**06.10.2000 – DOT No. 5-1/93-TE-II**

1966 supernumerary posts created on 15.10,1998 was cancelled.

**19.10.2000 – DOT No. 15-84/98-STG-II**

Due to dismissal of the WP in Karnataka High Court, DOT reverted 1966 SDEs (68 KTK).

**09.11.2000 - CAT- Bengaluru - OA Nos. 1664, 1672, 1721/ 2000. (Interim order)**

1. The entire matter of inter-se-seniority of these applicants vis-à-vis others is still **indeterminate** and is in the process of being finalized ..... and if, in the light of the positions in the revised seniority list, the posts of present applicants do not have to be included in the list of 1966 which will stand abolished as per the decision of the Tribunal earlier, their promotion to the higher post would be regularized.

2. In view of the above position, the reversion order of DOT dated 19.10.2000 of 1966 officers was cancelled and all benefits as on 21.10.1998 was restored.

**16.11.2000 – DOT No. 15-84/98-STG-II**

1966 (68 KTK) JTOs again promoted vide court order dated 09.11.2000.

**08.10.2001 – CAT- Bengaluru - OA Nos. 1664, 1672, 1721/ 2000. (Final)**

1. In continuation to its order dated 09.11.2000 the Tribunal further directed DOT to finalize the seniority list within three months.

2. If, in the said seniority list the applicants are found senior enough, not to be included in the group of officers due for reversion, then, to that extent, their reversion will stand quashed.

**29.04.2002 – DOT No. 15-84/98-STG-II**

1. Concerned seniority list of TES Group-B in which the names of the applicants are appearing have been reviewed. It has been observed that the applicants and others are not the junior-most officers who were to be reverted after quashing the creation of 1966 posts in compliance to CAT Bangalore Bench order dated 31.08.1999 in OA 946/1998.

2. In view of the above position, the reversion order of DOT dated 19.10.2000 of 1966 officers is cancelled and all benefits as on 21.10.1998 is restored.

3. Comply with the direction of the Kerala High Court dated 28.01.2002 in CMP No. 60734/2001, the department has to conduct a Special Supplementary Qualifying-cum-Competitive Examination in continuation of one such examination conducted in November, 2000. Therefore, the officers who would pass such Special Supplementary Qualifying-cum-Competitive Examination would be included in the final seniority list No. 5. **Therefore, it is not possible to finalize the said seniority list at present.**

**21.07.2003 - CAT – Bengaluru - OA No. 1031/ 2001, 849/ 2002.**

1. DOT submitted an undertaking: " *the final seniority list 28.03.2001 will undergo changes in view of supplementary examinations as directed by Kerala High Court judgment. Thus, it would be premature to state that those 68 officers (1966) would be rendered junior to the applicants*"

2. "In the facts and circumstances, the relief as sought for by the applicants in these OAs cannot be granted and the OAs are accordingly dismissed. However, it is open to the applicants to seek promotion to TES Group-'B' on the basis of final seniority list of TES Group-'B' officials which the respondents are directed to finalize within six months from the date of holding Special Supplementary Qualifying-cum-Competitive Examination."

**02.09.2004 - CAT-BG - MA No. 305/ 2004 in OA Nos. 1031/ 2001, 849/ 2002.**

As per this order of CAT, an IA has been filed before the High Court of Kerala seeking clarification whether the stay of promotion against 33 1/3% quota will in any way stand in the way of the Department considering and fixing the seniority and further promoting, especially the applicant in obedience to the direction of the CAT Bangalore Bench.

**01.11.2004 - CAT-BG - MA No. 305/ 2004 in OA Nos. 1031/ 2001, 849/ 2002.**

The Bench directed to produce the copy of the order of the High Court of Kerala and make submissions if any. The order of High Court of Kerala is still awaited.

**11.11.2004 – DOT No. 15-16/2000 – STG-II**

1. (Back Ground) On 01.11.2004, when the seniority list was not finalized and this Bench decided to summon Secretary, DOT, on 22.11.2004, the department hurriedly passed order on 11.11.2004 and once again, reverted those 1966 SDEs **and made it subject to the final outcome of the Kerala High Court judgment.**

2. Consequent upon cancellation of the order for creation of 1966 posts of TES Group 'B' vide DoT order No. 5-1/93-TE-II dated 06.10.2000, 1966 officers of TES Group 'B' as per the list enclosed promoted by DoT order No. 2-7/98-STG-II dated 21.10.1998 are reverted to JTO grade and accordingly, their names are deleted from seniority list No. 1 to 5 of TES Group 'B'. The seniority list No. 1 to 5 is modified up to this extent.

**01.02.2008 - HC - Kerala/Ernakulam - WP(C) Nos. 8245, 9634, 19129/ 2005, 13155/ 2006.**

1. DoT had submitted in the Court that, as on 22.07.1996, 4200 vacancies were available and only 3629 were promoted.

2. The recruitment rules governing appointment to the said post were amended with effect from 22.07.1996. It is common case that the vacancies which arose before the said date were to be filled up in accordance with the erstwhile recruitment rules issued in 1981.

3. DOT order dated 11.11.2004 on cancellation of all promotions vide DPC 1998 is not justified, so, quashed.

**4. It is clarified that, if there is dearth of vacancies as on 22.07.1996 to accommodate all promotes, the excess junior hands can be reverted.**

**01.04.2008 – BSNL No. 15-41/2005 - Pers.-II**

Clarification sought by BSNL from DOT on Kerala High Court order dated 01.02.2008.

**17.04.2008 – DOT No. 15-4/2005 - STG-II & 05.05.2008 – BSNL No. 15-41/2005 - Pers.-II**

Since interim stay has been granted by different High Courts in similar matters, an MA may be filed before High Court of Kerala for extension of time to adjourn sine die the implementation of the judgment till similar WPs pending in different High Courts are disposed of.

**11.08.2008 - HC - Delhi – CWP Nos. 12584–614, 17637–40/ 2005.**

DOT accepted the Kerala H C orders of 01.02.2008 and consequential actions would be taken in due course. DOT order dated 11.11.2004 is quashed and no reversion shall take place.

**12.08.2008 - HC - Himachal Pradesh/ Shimla - CWP 305, 644, 695/ 2005, 560/ 2006.**

These cases are squarely covered by the Kerala High Court order dated 01.02.2008 in WP(C) 19129/2005. Till implementation, the parties shall maintain status quo to balance the equities.

**09.03.2009 – BSNL No. 15-48/2005 - Pers.(DPC)**

1. It is decided to cancel the reversion of 1966 TES Group-'B' officers and restore their seniority in SLs 3-5 in supersession of the order dated 11.11.2004 and regulate their promotions with effect from 21.10.1998.

2. In order to give effect to the decision, the Management Committee of BSNL has approved creation of **1369** supernumerary posts of TES Group-'B' for the period 21.10.1998 to 25.04.2000 vis-à-vis 1966 abolished posts earlier created on 15.10.1998.

**09.07.2010 – CAT – ERK - OA No. 702/ 2009**

**1. The judgment dated 01.02.2008 cannot be understood as validating the promotions dated 21.10.1998. There was a direction in the judgment to reassess the actual vacancies and to accommodate promotes to the extent of available vacancies.**

2. The respondents had passed the prescribed qualifying examination in accordance with R/Rs 1981 and were eligible for promotion against the vacancies which arose prior to 23.7.1996.

3. The respondents were promoted in 1998 when to rectify a factual error in assessing the actual requirement of posts of TES Group 'B' for implementing the judgment dated 20.02.1986 in P N Lal's case to avoid reversion of 550 officers, 1966 posts of TES Group 'B' were created with retrospective effect from 15.10.1993.

**4. 3629 promotions were made against 4200 existing vacancies which arose prior to 23.7.1996 and not against the 1966 posts which were cancelled.**

5. The Bangalore Bench of CAT observed in O.A. No. 946/1998 that "From the way the impugned order dated 15.10.1998 has been passed, the inference that the decision is taken on a superficial basis and to suit a particular situation without realising the implications in that regard is inescapable."

**6. It is an administrative lapse that the creation of 1966 posts with effect from 15.10.1993 is linked with the promotions of qualified JTOs in 1998 against the vacancies prior to 23.07.1996.** This will not confer any right on the applicants to claim seniority over the party respondents or provide valid ground to challenge the promotions of the respondents in 1998 because the respondents were qualified for promotions under the Recruitment Rules of 1981.

**7. Total number of existing vacancies was determined to be 4200 as on 22.07.1996 out of which only 3629 vacancies were filled up by order dated 21.10.1998. Therefore, the creation of 1966 posts or abolition of those posts does not affect the promotion of party respondents.**

8. The party respondents are not liable to be reverted or counted against the supernumerary posts as their promotion to TES Group-'B' on 21.10.1998 against vacancies prior to 23.07.1996 remains valid. As the respondents are promoted against regular vacancies prior to 23.07.1996, their questionable accommodation in supernumerary posts does not confer any benefit on the applicants, none of whose rights was adversely affected in the year 1998 by the promotion of respondents on 21.10.1998.

**9. The official respondents could have introduced the Recruitment Rules, 1996, after promoting those JTOs to the TES Group-B, who are eligible for promotion in accordance with Recruitment Rules, 1981.**

10. The utter failure to ascertain the actual number of vacancies at any given point of time and the clumsy creation of posts as an easy way out, do not bring any credit to the official respondents.

**11. The instant case is built upon the assumption that there were no regular vacancies against which the respondents could be promoted to TES Group-A in accordance with Recruitment Rules, 1981. This assumption not having been proved, the O.A. fails.**

**25.01.2012 – CAT- Bengaluru - OA Nos. 227, 309, 399, 440/ 2009.**

1. Court distinguished the two conflicting groups as **Qualified Juniors** and **Unqualified Seniors**.

2. On 21.10 1998, the department promoted 1966 Qualified JTOs after creating those many supernumerary posts with effect from 15.10.1993, thus, giving them seniority under the old Rules. Hence, the creation of these posts with retrospective effect as well as promotion of 1966

persons without clear declaration of vacancies before the new Rules i.e. 23.07.1996, was challenged. The vacancies arising after 23.07.1996, shall be filled as per the R/Rules 1996.

3. On 05.10.2009 DOT in a reply statement stated: "In the year 1998 the Department has issued an order dated 15<sup>th</sup> October, 1998 creating 1966 posts of SDE and it is indicated that those posts are deemed to have been created along with 2636 posts in 1993 itself for the purpose of preventing reversion of 550 regularly promoted officers."

4. There is a distinction between the **vacancies** and **creation** of posts. Vacancies can be located pertaining to the previous years. Posts cannot be created with retrospective effect.

**5. The Department should have carried out Circle wise exercise to find out vacancies between 15.10.1993 to 23.07.1996 and justify these 1966 posts.**

6. It is seen from the Kerala High Court judgment that some LDCE posts and SC/ST posts were also to be filled after the Special Supplementary Qualifying-cum-Competitive Examination, made the revision of **1966 seniority issue more complicated** and the department could not finalize the list earlier.

**7. The argument do not go beyond the point that since the reversion of 1966 officers has been annulled by the orders of the High Courts of Kerala and Delhi, therefore, they will remain senior. We cannot agree with this. The only protection that the 1966 reverted officers have been granted is a protection from their reversion compared to the promotion of many more junior officers promoted on 26.04.2000.**

But, it cannot be against the present applicants whose case stands supported by the judgment of this Bench in OA 624/1997 as well as 946, 1034/1998 and 94/1999, also supported by the judgment of High Court of Karnataka in WP No. 43253-43255/1999.

8. On 15.10.1993 the Department had a vacancy position of (-) 2636 posts of TES Group 'B'. If that be so, how could the Department issue orders on 15.10.1998 creating 1966 posts with effect from the same date of creation of 2636 posts, i.e., with effect from 15.10.1993.

**This situation has now been corrected and the Department agrees that the supernumerary posts are not from 15.10.1993 but from 21.10.1998 onwards.**

9. It is not understood as to how the department which had already over-drawn 2636 vacancies on 15.10.1993, was still having 4200 vacancies on 23.07.1996, i.e., within a span of 3 years.

10. DOT produced no records to show their circle wise vacancies nor any record to show whether any promotions were given between 15.10.1993 to 22.07.1996 against those vacancies. It would be much better if the department dealt with this issue circle wise.

11. BSNL had tried to explain that "in view of various judgments of the High Courts of Kerala and Delhi, the continuous promotion of 1966 JTOs as TES Group 'B' has remained protected. Its order dated 09.03.2009 is an outcome of those judgments and the hands of the department are tied up and hence the same order cannot be quashed."



12. We cannot overlook the department's own contention that these 1369 supernumerary posts have been created from 21.10.1998 to 25.04.2000.

13. **The date of recruitment of both groups be compared and strictly as per the comparison, their seniority should be finalized** and the existing seniority lists be modified to that extent within two months. **Consequential financial benefits based on the notional seniority will accrue from the date of this order.**

#### **18.04.2012 - CAT-MS – OA No. 1216/ 2010**

1. DOT had revised the seniority list issued on 12.01.2005 by another list issued on 26.10.2009 without proper notice to the affected parties.

2. The respondents being the public authority are expected to work and act in a transparent manner. Any action which is taken to decide seniority issue between the applicants and the private respondents, the same should have been done with the full acknowledgment of the parties whose interests are affected.

3. It is an admitted fact that as per the 2005 seniority list the applicants were senior to respondents no 4 and 5. However the same is totally changed by the impugned list dated 26.10.2009 and the applicants have been denied the benefit which was granted to them by the 2005 order. Such denial has been affected without giving a notice to the applicants. We are of the opinion that the respondents have acted in a opaque manner.

4. For the aforesaid reasons **we are of the opinion that the impugned order should be liable to be set aside and we do so** by placing reliance on the law laid down by the Supreme cited supra. Applicants should be given opportunity to be heard when their service rights are being affected.

#### **11.12.2012 – CAT - JABALPUR - OA No. 1164/ 2011**

We are of the opinion that the applicants claim for seniority over and above the private respondents and similarly situated persons is without any substance and they cannot claim service benefits from the date of arising vacancy and the service benefits can be claimed only from the date of joining duty.

#### **05.06.2015 – HC - Kerala/Ernakulam - WP(C) No. 25634/ 2010 - Interim (Pending)**

1. The vacancies which were in existence prior to the amendment of the rules were to be filled up under the old rules and the vacancies which arose thereafter are to be filled up as per the new rules.

2. **The Department was bound to publish the fresh seniority list and promotion was to be granted with reference to actual number of vacancies.**

3. **A competent officer of Higher Level shall file an affidavit in this Court as to the chronology of events with reference to date and documents, also stating in point blank whether the respondent has honored the undertaking recorded by the Supreme Court and the direction passed by a learned Judge of this Court.**

4. The subsequent events with reference to the verdict passed by the Bangalore Bench of CAT or such other courts/Tribunals and other relevant materials shall also be put on record, so as to have effective adjudication of the issue.

**01.04.2016 - HC - Bengaluru – WP Nos. 10589, 10590, 11096, 11221, 12732, 18578–89, 18676-80, 21270-71, 21724-25, 21727-28/2012 (S-CAT), 49256/ 2013 (S-CAT)**

1. CAT Bengaluru Bench distinguished the two conflicting groups as **Qualified Juniors** and **Unqualified Seniors**. Hon'ble High Court of Karnataka at Bengaluru termed the two groups as **First Group** and **Second Group** respectively.
2. The **First Group** of **Qualified Juniors** got their promotion vide R/Rs 1981 on 21.10.1998 allegedly against excess posts that did not exist prior to 23.07.1996. Whereas, the **Second Group** of **Unqualified Seniors** got similar promotion vide R/Rs 1996 on 26.04.2000.
3. It is crystal clear that there is no dispute that from the date the vacancies have to be filled up on the basis of seniority-cum-fitness, as per 1996 Rules and not under 1981 Rules at any stretch of imagination, **the department has in unequivocal terms clarified the situation that the vacancies which arose after 23.07.1996, would be filled up on the basis of seniority-cum-fitness, as per 1966 Rules and not on the basis of 1981 Rules.**
4. Promotions given, ignoring the inter-se-seniority between the JTOs under the FIRST and the SECOND group is not in accordance with 1996 Rules. Both group of officers are coming under the common category i.e., under 1996 Rules which say that the promotions shall be given only on the basis of seniority-cum-fitness and not on the basis of selection under departmental qualifying examination.
- 5. The direction of CAT Bengaluru Bench at para 27 on 25.01.2012 be implemented within four months.**
- 6. Promotions given to the JTOs of the FIRST and the SECOND group shall not be disturbed and there shall not be any reversion. However, the department is directed to fix the inter-se-seniority of the officers in the said cadre and place them in accordance with their seniority.**

**Some Suggestions**

1. DOT / BSNL & MTNL should reassess the vacancies. DOT can discover 270 vacancies after 12 years. Searching for 1966 unfilled vacancies may not be a big job. Lots of unfilled normal & LDCE vacancies, correct & sincere assessment of assets and liberal staff justification can lead us to the goal.
2. If allowed by law, BSNL can differ the R/Rs 1996 to 1.1.2000 (as R/Rs 2000) as, the first promotion vide R/Rs 1996 was effected only on 26.04.2000. It may not be impossible.

# **Annexure – VII**

## RTI queries on our Pension issue

Our veteran Comrade Amit Kumar Gupta, who had earlier submitted number of RTI queries on our Pension issue, had submitted another RTI six month ago (21-12-2015) asking some more questions based on the information received out of his earlier queries. DOT vide 13-1/2016-PSF dt 16-5-2016 has replied the queries. The questions and answers are placed below in a tabular form for better understanding.

<b>QUESTIONS ASKED</b>	<b>REPLY BY DOT (13-1/2016-PSF DT 16-5- 2016)</b>
<p>1. Vide note sheet <u>N-4 of File no 1-45/2003-B (pt.-1) dated 6-9-2006</u>,(copy received through RTI enclosed) Secretary, DOT gave approval for creation of a Rolling Fund from the 60% of the receipts from BSNL on Dividend Income, License Fee and Corporate Tax/Excise duty etc. for exclusive use of payment of pension.</p> <p>a) Whether the said Rolling Fund has been created accordingly?</p> <p>b) What is the present nomenclature of the fund</p>	<p style="text-align: center;">NO ROLLING FUND HAS BEEN CREATED</p>
<p>2. Considering the reply of 1(a) above is yes? kindly inform :</p> <p>a) Whether the pension of the pensioners retired after taking absorption is paid from this rolling fund?</p> <p>b) Whether the pension of the pensioners retired before 1-10-2000 from DOT is paid from this rolling fund?</p> <p>c) Whether the pension of the pensioners retired from BSNL while serving BSNL as deemed deputation is paid from this rolling fund.?</p> <p>d) Whether the pensionary benefits like Gratuity etc is also paid from this rolling fund to above pensioners at 2(a),(b) and (c) ?</p>	<p>a) Pension pf the pensioners retired after taking absorption in BSNL is paid from Consolidated Fund Of India as per Rule 37-A</p> <p>b) From Consolidated Fund of India</p> <p>c) From Consolidated Fund of India</p> <p>d) Does not arise in view of reply to para 1 &amp; 2 above</p>

<p>3. Considering the reply of 1(a) above is no kindly inform :</p> <p>a) From which fund the pension of the pensioners retired after taking absorption in BSNL is paid?</p> <p>b) From which fund the pension of the pensioners retired before 1-10-2000 from DOT is paid?</p> <p>c) From which fund the pension of the pensioners retired from BSNL while serving BSNL as deemed deputation is paid?</p> <p>d) From which fund the pensionary benefits like Gratuity etc is paid to above pensioners at 2(a),(b) and (c)</p>	<p>From Consolidated Fund of India</p>
<p>3. From which fund the pension and pensionary benefits of the pensioners retired from DOT after 1-10-2000, who never served in BSNL, is paid? Kindly inform.</p>	<p>From Consolidated Fund of India</p>
<p>4. If the said rolling fund is created, kindly inform :</p> <p>a) What is the present balance of the fund?</p> <p>b) Kindly furnish the year wise balance from year 2009 with year wise credit and debit amounts.</p>	<p>In view of reply to para 1 , information is 'NIL'</p>
<p>5. Kindly inform in details the utilisation of the Pension Contribution paid by BSNL for each of its serving employees under FR 116 and deposited to DOT. How the collected money is spend?</p>	<p>Pension Contribution collected from BSNL serving employees is deposited in Consolidated Fund of India as per extant rules.</p>

**After this reply the question which comes to everybody's mind:-**

- 1) Then why Hon'ble MOC while replying the question raised in lok sabha did not mention that the pension is paid from the Consolidated Fund of India?
- 2) Why then there is so much of correspondence on question of fund provision for granting 78.2% IDA for pensioners?
- 3) Why DOT has asked for annulment of 60:40 provision in the Cabinet Memo?
- 4) If the pension funding is from Consolidated Fund, then why 78.2% IDA is not given to pensioners even after 3 years?
- 5) While replying the DOE's query in the tear 2014, why it was not pointed out to DOE that the pension is paid from consolidated fund of India. (No 40-13/2013 Pen(T) dt 11-7-2014)



### Achievements of AIBSNLEA after formation of BSNL

1. To bring all Group 'B' Officers (DOT recognized) Associations of the Executives under the umbrella of Central Coordination Committee.
2. Smooth absorption of Gr. "A" and Gr. "B" officers of BSNL in 2003
3. IDA Pay Scale finalization for BSNL Executives on point to point fixation basis.
4. Absorption of Gr.B and Gr.A Officers in BSNL
5. Grant of perks to BSNL Executives from 01.01.2005 in 2006 on actual basis.
6. Executive Promotion Policy (EPP) notification on 18.01.2007
7. Clarifications related to execution of EPP issued on 30.05.2007 and EPP implemented in full.
8. Restructuring of Executive cadres i.e. JAO, JE(C/E/Arch/TF) Engineering Wings, PA/PS and Assistants of CSS cadre etc.
9. Date of effect for all upgraded pay scales decided as on 01.10.2000 for the purpose of counting the residency period and now pursuing for notional benefit.
10. AAO pay scale settled in the grade of Rs.11875/- at par with the grade of AO.
11. Filling up of the vacant STS Gr. "A" posts in all disciplines in BSNL in the year 2006.
12. Transparent transfer policy for executives in BSNL notified in 2009.
13. Implementation of 2<sup>nd</sup> PRC with 30% Fitment benefit.
14. Notification of BSNL MSRR in 2009 with date of effect as 01.10.2000.
15. Regularization of Adhoc STS level Executives in year 2010.
16. Promotion of Regular STS level Executives to the grade of DGM on Adhoc basis by giving one time relaxation of one year in the eligibility conditions for promotion to DGM in year 2010 first time in BSNL.
17. IDA Pension revision of BSNL Pensioners on 15<sup>th</sup> March 2011.
18. Regularization of Adhoc DGM to DGM (Regular) in year 2012
19. Regular holding of CPCs in Gr."B", Gr."A", JAG, SAG and HAG grades.
20. Provided GSM Mobile Telephone connections with STD facility and hand set to all Executives.
21. Provided Broadband connections at the residence of all Executives and increased free call limit. Provided data facility to all Executives.
22. E1+5 advance increments in IDA pay scale to JAO/JTO equivalent Executives to avoid their losses.
23. Regularization of Officiating JTOs by creating supernumerary posts of 3500 JTOs to avoid reversion as per the judgement of Hon'ble Chandigarh High Court and now after finalization of JTO RR 2014.
24. Reversion of 1966 SDEs could be stopped by intervention of AIBSNLEA in Hon'ble Delhi High Court in the year 2007.
25. JAO-2010 batch option case resolved with the untiring efforts of AIBSNLEA
26. Implementation of 2<sup>nd</sup> PRC recommendations with 30% fitment to all BSNL Executives.
27. 78.2% IDA fitment to all BSNL Executives.
28. E-2 to E-7 IDA Pay Scales proposal got approved from BSNL MC and sent to DOT for ratification.
29. CPSU cadre hierarchy implementation as per KHAN Committee report within two months' time given by BSNL management.
30. Superannuation benefit to BSNL recruited employees with 3% contribution has been approved by BSNL Board and sent to DOT for ratification.
31. E-1 + 5 advance increments benefit to JTO (SRD), JAO 2013 batch and PA cadre approved by BSNL Board and now sent to DOT for ratification.
32. PPS Posts are created with all CGMs and Sr.PPS Posts with CMD / Director of BSNL Board.
33. Membership verification of Executive Association process has started as per AIBSNLEA demand.
34. 3% Pay fixation benefit on time bound promotion and further 3% Pay fixation on DNI under EPP settled.
35. BSNL Board approved to have recruitment of 2000 JTOs (DR) and 2500 TTAs (DR) in BSNL.
36. LICE from TTA to JTO (T) has been started after the finalization of JTO RR-2014.
37. ITS officer's absorption issue got finality in BSNL/MTNL. Filed contempt case against arbitrary deployment of ITS Officers in BSNL in the Hon'ble High Court Delhi and PB CAT New Delhi to quash the deployment order.

In addition to dealing with the HR related issues of BSNL Executives, AIBSNLEA played a pivotal role with regard to the viability of BSNL. AIBSNLEA always remained at fore front in all the struggles of the Forum of BSNL Unions and Associations to safe guard the interest of BSNL. In true sense, AIBSNLEA safe guarded the interest of the entire BSNL Executive fraternity and BSNL as a whole.

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