

ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
EXECUTIVES' ASSOCIATION

Central Head Quarters,  
New Delhi



**Central Office Bearers & Advisors Meeting**

held on 12<sup>th</sup> April (Tuesday) & 13<sup>th</sup> April'2016 (Wednesday) at New Delhi

**DISCUSSION & DECISION ON ORGANISATIONAL MATTERS, MEMBERSHIP  
VERIFICATION OF EXECUTIVES ASSOCIATIONS, VIABILITY OF BSNL &  
STATUS OF LONG PENDING HR ISSUES**

**Respected President & Dear Comrades,**

We are meeting here at New Delhi for the Central Office Bearers & Advisors meeting of AIBSNLEA, after after CWC Meeting at Kolkata w.e.f. 25<sup>th</sup> & 26<sup>th</sup> August 2015. In today's meeting, we shall have the objective assessment of the efforts that we have initiated and the result that we could achieve after CWC Meet at Kolkata. We may also like to decide here the future plan of actions on Organisational Matters, 5<sup>th</sup> AIC to be held at Mysuru from 17<sup>th</sup> June to 19<sup>th</sup> June, 2016, Membership Verification of Executives Associations, Viability of BSNL & Status of long pending HR issues.

This Central Office Bearers & Advisors Meeting is being held at the most crucial period at New Delhi when BSNL is incurring losses for the last six years and may further face loss in this year however the operative profit of BSNL is increased and continuous decline in Mobile, Landline and Broadband connections are arrested. After CWC Meeting, Kolkata, all the resolutions were immediately submitted to BSNL Management and DoT administration for settlement. All the issues of importance have been discussed in the informal meetings with Secretary DoT/CMD BSNL and other Sr. Officers of DoT/BSNL. But still many issues remains unresolved.

In the Organisational front, we are to ascertain that Circles/Branches are functioning well by holding regular Branch/Circle elections and all the organisational action calls given by CHQ are implemented successfully. The membership has increased at Branches / Circles and some more efforts are required to enroll more & more executives to strengthen the Association, in view of the proposed membership verification of executive association. CHQ/Circle quota payment has to be ensured. There should be critical examination of our strength and weaknesses, so that proper corrective measures, wherever necessary, could be decided.

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

BSNL's very existence and its viability is one of the important issue which need a thorough discussion. Performance of BSNL in all fronts have 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 Organisation. Implementation of ERP /NGN needs detailed discussions.

Confidence building measures in customers shall have to be given priority. Strategies are to be evolved for more revenue generation and its collection. This meeting may suggest reducing the operational cost and stoppage of unwanted expenditures. Delay in procurement of material i.e. MLLN/CPE Modems, MPLS Ports etc is adversely affecting the growth of BSNL and arbitrary deployment of ITS officers in BSNL are also matters of serious concern to all of us. This meeting should decide the definite line of action to get resolve the long pending issues and burning items related to viability of BSNL.

Implementation of the assured Promotional Avenue i.e. CPSU Cadre hierarchy, implementation of E-2 & E-3 IDA pay scales to JTO/SDE equivalent executives, 30 % superannuation benefits to BSNL recruited employees etc. will take the centre stage during the discussions in this meeting. We are aware that the Management is not ready to implement Khan Committee Report on CPSU Cadre hierarchy and E-2, E-3 standard IDA Pay scales. This meeting would also like to adopt time bound action plan to get the issue sorted out once for all.

This would certainly be an important meeting before 5<sup>th</sup> All India Conference to be held at Mysuru from 17<sup>th</sup> June to 19<sup>th</sup> June, 2016. AIBSNLEA's consistent and untiring efforts yielded result in getting released 658 DGM(T) promotion orders but still the CPCs to fill up the vacant DGM(Fin.)/SE(C/E), DE/CAO/EE(C/E) and SDE/AO/SDE(C/E) are to be conducted immediately but some more HR issues are still pending for settlement i.e. Sr. PPS/PPS posts creation in BSNL, Restructuring of AD(O/L) cadre, date of effect of implementation of all upgraded IDA pay scales w.e.f. 01.10.2000, pay anomaly wherein seniors are drawing less salary than their juniors, regularization of officiating JTOs, E1+ 5 advance increments to JTO SRD, JAO -2013 batches and PA cadre and E5 to E6 time bound upgradation to DGM(Adhoc) etc. There had been numerous important developments which needs thorough and critical examination.

## **2.0 In the beginning of this report, we may discuss the organizational status and activities of the association, mainly covering the period since Aug'2015 after CWC Meet at Kolkata**

**2.1 Membership:** The paid membership of the Association is now ..... as against ..... recorded at the time of 4<sup>th</sup> AIC, Nashik. After 4<sup>th</sup> AIC at Nashik in Nov., 2013, large numbers of Branches have not remitted the CHQ quota. All Circle/ Branches should ensure to clear the CHQ quota before next CWC Meet. 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 before 5<sup>th</sup> AIC.

**2.2 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 the legal

cases. A separate fund has been created by one time collection of Rs. 200/-, special donation for court cases. But many Circles are yet to deposit the special donation to CHQ.

### **2.3 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. Now the BSNL Management has decided to start the process of Membership Verification of the Executives' Association. The terms & conditions have been notified.
- After the notification of Membership verification of the executive Association, AIBSNLEA and AIGETOA signed MOU in July, 2013 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 Aug., 2014 and at Kolkata in Aug. , 2015 and further holding the joint CHQ office bearers meeting here 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 CHQ Office bearers, Advisors 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 meeting may discuss in detail and finalize the future course of actions.
- BSNL Management earlier decided to conduct referendum in Dec., 2014 but due to stay order granted by Hon'ble High Court Bangalore against referendum filed by one welfare association BASE registered under Trade Union Act has been deferred to May-2016 but till date stay order has not been vacated hence there is uncertainty prevails in this regard.

**2.4 Regular Election of Branch/Circle Body of AIBSNLEA:** 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-II, KTK Circle, UP(W) Circle, A&N Circle & HR Circle and they are to conduct their Circle Conferences immediately. Ex. CS AIBSNLEA J&K Circle dissolved the existing Circle body led by him and requested CHQ to form an adhoc Circle Body being led by Com. Parinoo, as Circle Secretary J&K Circle and regular body elections are to be conducted soon.

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

The consolidation of all the important events is 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.

**2.6 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 5<sup>th</sup> AIC at Mysuru. The Diary dispatch work was carried out by Com. N.L. Sharma, AGS(HQ). The diary payments against the year 2015 and 2016 are immediately to be remitted to CHQ by perusing the respective

Circle/Branch Secretaries before 5<sup>th</sup> AIC and the details is available with Financial Secretary, CHQ.

- 2.7 Welfare Scheme:** As per the decision of 2<sup>nd</sup> AIC Jaipur, 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 has been formed under the chairmanship of OS (S) with all other three O.Ss that is OS (W), OS (E) and OS(N) as members. The committee submitted its report in the last AIC held at Nashik. 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.

### 3.0 STATUS OF HR ISSUES:

- 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 CPSU cadre hierarchy- Change of designations on each Time Bound upgradation on functional basis:** BSNL Management constituted a Joint Committee Headed by Sh M.A. KHAN, (ED(NB) to submit a report on CPSU Cadre Hierarchy, 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 E2-E3 Pay scale to JTO/SDE equivalent executives in the month of Sept. 2015 but the nodal units i.e. Pers. Cell and Estt. Cell are making efforts to dilute/deviate from the KHAN Committee report. The Matter needs detail discussions and to decide strategies to get resolve the issues.
- **Implementation of E-2, E-3 standard IDA Pay scales to JTO and SDE equivalent executives in BSNL:** No intermediary scales have been permitted under DPE O.Ms. dated 26.11.2008 and 02.04.2009. Generally, promotion has to be from one 'Grade' to next higher 'Grade' with it corresponding scale as per the promotion policy of respective CPSEs. A CPSE cannot have more than one pay scale in a grade (say DGM & GM in E8 pay scale) to promote its executives within the same grade". Ignoring the DPE O.Ms. on implementation of 2<sup>nd</sup> PRC recommendation for standard pay scales E-2 & E-3 for JTO/SDE equivalent executives, BSNL Management is continuing efforts to implement E1A & E2A intermediate IDA pay scales in BSNL for JTO/SDE equivalent executives, which is not at all justified. In view of this, standard IDA pay scales E-2 & E-3 as recommended by 2<sup>nd</sup> PRC and KHAN Committee has to be implemented in BSNL for JTO and SDE equivalent executives to provide justice. DPE has again clarified not to allow intermediary pay scales in PSUs.
- **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. Now BSNL Corporate Office has issued order of notional pay fixation for JAOs 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.

- **Time bound promotion from E-5 to E-6 to the DGMs promoted from Grp."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 Grp."B" Executives has been cleared and awaited for withdrawal from BSNL Board.
- **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.
- **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. Pers. Cell of BSNL Corporate Office is examining the case.
- **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) we 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. 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).

- 3.2 30% Superannuation benefits to directly recruited employees as per DPE guidelines:** We requested CMD BSNL, Director (HR/EB) and ED (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 to start 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. Now the proposal is being send to BSNL Board for approval.
- 3.3 Management Trainees Recruitment Rule-2009:** 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.
- 3.4 DGM Recruitment:** 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.
- 3.5 CPCs to fill up the vacant JAG, STS Group 'A' & Group 'B' Grade posts in BSNL on adhoc/ Regular basis :**
- (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 31st 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 15.05.2016. 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.

- (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 2010-11 but Hon'ble CAT Chandigarh granted stay order on declaration of result till the time the seniority quota promotion orders are issued.
- (c) CPC from SDE (T) to DE Regular:** CPC from SDE (T) to DE 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. The case is posted for hearing on 23<sup>rd</sup> April, 2016.
- (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. Now, Hon'ble Supreme Court has delivered the judgment on 21.01.2015 on TES Gr. "B" seniority to be re-casted on the basis of Rule – 206 and one expert committee headed by Shri Rammurthy, Retd Judge of Hon'ble High Court with one member 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 18.04.2016. 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 which was dismissed. Thereafter BSNL Management continued to expedite CPC and issued 445 DGM promotion order on 31<sup>st</sup> March, 2016. Hence in the month March, 2016 about 658 DGM promotion orders have been issued, which has created history. Further, DGM vacancies are being calculated to begin next CPC.
- (e) 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 are nearby. The next CPC to fill-up AO vacancies against the year 2013-14 is being initiated shortly. Further CPC to fill up about 600 AO posts could not be initiated due to pending court case in the Hon'ble CAT Chandigarh.
- (f) 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 18<sup>th</sup> May, 2016.
- (g) 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 have been issued in 2014. To fill up about 200 vacant DGM(Fin) posts a proposal for one time relaxation in the eligibility conditions of CAOs has been moved to the BSNL MC for approval and after its approval the CPC will be initiated..
- (h) CPC from JTO (E) to SDE (E):** CPC from JTO (E) to SDE (E) to fill up about 8 SDEs (E) vacant posts is completed for 2013-14 vacancies. The posting orders are issued in 2014 and at present no vacant post is available in Electrical wing.

- (i) **CPC from SDE(C/E) to EE(C/E):** Efforts are being made to initiate CPC from SDE(C/E) to EE(C/E) but due to stay order granted by Hon'ble PB CAT New Delhi and Hon'ble CAT Ahmedabad Bench, the promotion orders could not be issued.
- (j) **CPC from EE(E) to SE(E):** CPC from EE(E) to SE(E) to fill up about 27 (Twenty Seven) vacant SE(E) posts have been expedited and shortly promotion orders will be issued.
- (k) **CPCs from SE to CE and CE to Sr. CE:** The CPCs from SE to CE and CE to Sr. CE have been expedited and promotion orders are issued.
- (l) **CPCs to fill up vacant AEs(Arch) and SDEs(Arch) Posts:** All vacancies of AEs/SDEs(Arch) have been filled up.
- (m) **CPC from JTO(C) to SDE(C):** The CPCs from JTO(C) to SDE(C) is in progress to fill up about 64 SDE(C) posts the VCs are yet to be received in PGM(BW) Cell.
- (n) **CPC from EE (Civil) to SE (Civil):** All the excising vacancies of SE (Civil) have already been filled-up in December 2014
- (o) **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 recently three AGMs(CSS) have been promoted as DGM in BSNL CO, New Delhi.
- (p) **Issue of promotion order from JTOs (TF) to SDEs (TF) on regular basis, SDE (TF) to DE/AGM (TF) and DE to DGM (TF):** The promotion orders from JTOs (TF) to 26 SDEs (TF) were issued, CPC from SDE (TF) to DE/AGM (TF) and DE to DGM (TF) were expedited and promotions order were issued.

**3.6 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 one member has been constituted to submit report with in a period of six months to examine the repercussions on beneficiaries of RR – 1966. The case is posted for hearing on 08.08.2015. Regarding the CPC, BSNL Management has to take decision in view of the court judgment shortly.

The Hon'ble Supreme Court on 12.5.2008 passed interim order for maintenance of "**Status quo**" inspite 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 (today) 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 announced.

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:

*"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 next date of hearing is 18<sup>th</sup> April 2016.

- 3.7 Restructuring of AD (OL) Cadre:** The committee constituted under the Chairmanship of Addl. GM (Estt.) has submitted the report to the competent authority recommending to revise the pay scale of AD(OL). The Pers. Cell has received the clearance / comment's of EF Cell and on that basis the revised proposal with matching saving concept is being processed 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 are being upgraded equivalent to JTO cadre. After the approval of the competent authority the necessary order will be issued.
- 3.8 Regularization of offg. JTOs:** The suggestion already put forward by AIBSNLEA in the matter of regularization of the remaining officiating JTOs by a onetime personal upgradation, is the correct feasible and viable solution. BSNL ought to have initiated the regularization of the remaining officiating JTOs through the upgradation 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-2015. BSNL Management Committee has already approved the RR but it is pending for BSNL Board's approval. After the approval of BSNL Board the regularization of the Offg JTOs started and now all the officiating JTOs have completed their Phase-II 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.

**3.9 Allowing to exercise 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.

**3.10 E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs:** The BSNL Management Committee has cleared the proposal of E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs which is pending for BSNL Board approval.

**3.11 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.

**3.12 Implementation of DPE order for payment of 78.2% IDA fitment benefit w.e.f. 01.01.2007 in BSNL Pensioners:** 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.

**3.13 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.

#### **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 may be taken on permanent basis / rented basis for stay purpose of our members at CHQ New Delhi 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:** Sh. Ramesh Chand, is at present working in CHQ Office and helping day to day work on nominal salary. Similarly one Car driver Sh. Rohit Kanozia is working. Sh Ramesh Chand presence at CHQ is helpful in day to day work hence his regular appointment as an employee may be discussed and proposed to 5<sup>th</sup> AIC for consideration.
- **5<sup>th</sup> AIC at Mysuru arrangements:** The last CWC meeting was held at Kolkata decided the venue of 5<sup>th</sup> AIC to be held at Mysuru Karnataka in June 2016. The Circle Secretary KTK Circle (Host Circle) has been invited to brief about the arrangements and this meeting may propose the issues /items to be taken up in the 5<sup>th</sup> AIC for discussion and decision.
- **Organizational tours:** The details of the Organizational tours of CHQ Office bearers are being placed regularly on the website for information.

5.0 **Organisational Action programmes:** The details of the Organizational Action programmes / meeting under the banner of United Forum of BSNL Executives' Associations 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:-** 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 now after the notification of membership verification of Executives' Association the coordination between AIBSNLEA and SNEA (I) is practically missing. However, after the coordination with AIGETOA, 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.
- 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 upto March, 2017. It has given growth to the BSNL and motivation among the BSNL employees.

**Conclusion:** This is a brief report having reported the important developments & activities of the Association after the CWC Meeting held at Kolkata in August 2015 mainly to have quick catch-up of the major developments that took place during the period, so that the discussions, on the various items, on agenda of this meeting become easier. Most of the issues related to the members of AIBSNLEA are available in the report. We are extremely thankful to CS Delhi Circle for his help to CHQ for holding this meeting at Delhi and making its success.

**Thanking you,**

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

Comradely yours,



**(Prahlad Rai)**  
**General Secretary**

# **BRIEF REPORT OF THE GENERAL SECRETARY**

**Placed for discussion in the  
Central Office Bearers & Advisors Meeting**

**held on**

**12<sup>th</sup> & 13<sup>th</sup> April, 2016  
at  
New Delhi**



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED.  
EXECUTIVES' ASSOCIATION**

**Central Head Quarters,  
New Delhi**