



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION
CHQ, New Delhi**

Report of the General Secretary

Central Working Committee Meeting

**at
Swami Vivekananda Auditorium
Moulali Rajya Yuba Kendra**

Kolkata

25th & 26th August, 2015

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



**Report of the General Secretary placed in the Central Working Committee
Meeting of AIBSNLEA held on 25th & 26th August 2015 at Swami
Vivekananda Auditorium, Moulali Rajya Yuba Kendra, Kolkata**

Respected President and Dear Comrades,

We are meeting here at **Kolkata, the City of Joy**, for the Second Central Working Committee (CWC) Meeting of All India Bharat Sanchar Nigam Limited Executives' Association, after the 1st CWC meeting held at Hyderabad on 21st, 22nd & 23rd August 2014 and 4th All India Conference held at Nashik (Maharashtra) on 10th, 11th and 12th November, 2013. In this CWC, we may also like to decide here the future plan of actions on Organizational Matters, Membership Verification of Executives' Association, Status of HR issues & Viability of BSNL etc. In this report, effort is being made to incorporate all the issues of importance to have a useful discussion.

This CWC Meet is being held at a crucial period at Kolkata when BSNL is incurring losses for the last six years and may further face losses this financial year. After 4th AIC Nashik and 1st CWC Meet Hyderabad 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 as well as of BSNL.

After the 1st CWC meeting at Hyderabad the Central Office Bearers, Advisors and Circle Secretaries Meeting was conducted on 25th and 26th February 2015 at New Delhi. On 25th Feb 2015, a joint meeting of Central Office Bearers, Advisors and Circle Secretaries of AIBSNLEA and AIGETOA held which was addressed by the Shri Anupam Srivastava, CMD BSNL and to discuss the participation in the forthcoming referendum process for Membership Verification of Majority Executives' Association in BSNL. After detailed discussion on the issue, it was unanimously agreed to protect the interest of entire executive community of BSNL. Both the associations agreed together to face the referendum process jointly and a broad consensus was reached. till then, both the associations are running on this agreed path.

On our continuous efforts & persuasion the CPCs could be held to fill up the vacant 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 DGMs Posts were held and promotion orders were issued in Telecom Engineering, Finance, Civil/Electrical/Arch./TF Engineering Wings, Promotion orders issued to fill up SAG/HAG level posts in BSNL by absorbed Group-'A' officers and Pay anomaly case of Departmental JAOs, settled. There had been numerous important developments which needs thorough and critical examination for the settlement of the long pending issues of importance i.e. modifications in BSNL MSRRs & Executives Transfer Policy, CPCs to fill up vacant DGM (Engg.)/DGM(Fin), DE/CAO, SDE(T)/AO equivalent posts, CPSU Cadre Hierarchy, Implementation of Standard IDA pay scales E2, E3 instead of intermediate E1A, E2A IDA Pay Scales for BSNL executives, First Time bound promotion after four years' service in all the cases under EPP, Withdrawal of the system/practice of Local Officiating Arrangement or Local Officiating Promotion in BSNL and Introduction of Look After arrangement by Executives availing higher scales of pay w.r.t. temporary shortages in the grades/posts of SDE / DE/ DGM in Circles, Anti-dating of DNI, Pay anomaly wherein seniors are drawing less pay than juniors, Regularization of Officiating JTOs, Restructuring of AD(O/L) Cadre, Creation of PPS posts, BSNL MRS and Implementation of DPE OM dated 02.04.2009 regarding 78.2% IDA fitment benefit to BSNL Pensioners etc.

BSNL's survival at this stage is on threat. BSNL's market share is continuously declining. The performance of BSNL in all fronts is not good. BSNL's very existence as a strong Telecom Operator is one of the important issues which need thorough discussion. The dwindling market share is a matter of serious concern to all of us. BSNL is continuously making losses for the last six consecutive years (i.e. 2009-10 - Rs. 1823 Crs., 2010-11 - Rs. 6386 Crs., 2011-12 - Rs. 8851 Crs., 2012-13 ~ Rs. 7884 Crs. , 2013-14 ~ Rs. 7020 Crs and. 2014-15 Rs. 7265 crores) . The continuous decline of BSNL's profit has put it into a loss making PSU, the revenue flow has reduced to ~ Rs, 26,500 Crs. per annum. We shall have to analyze why the growth of BSNL is not to our satisfaction. This CWC should seriously discuss the ongoing situation and should come out with strong proposals to make BSNL a strong and viable organization.

Confidence building measures to the customers shall have to be given priority. Strategies are to be evolved for more revenue generation, its collection and best utilization of expert man power. In this connection recently **CMD BSNL has announced some major initiatives for the benefit of its valued costumers which include unlimited free night calling facility on land line phones from 9.00 PM to 7.00 AM, free incoming calls on roaming, services of BSNL Buzz and Speed pay etc. There is an opportunity to increase our revenue through these initiatives.** This CWC may suggest methods for making more popular to these schemes and to reduce the operational cost, and stoppage of unwanted expenditures. In addition to the above National Mobile Number Portability has been implemented, we need to improve our quality of service to not only to retain our customers but to attract new subscribers.

The Government's decision on formation of BSNL Tower subsidiary Company for its tower business and move to bring 30% disinvestment of BSNL through an IPO or strategic partner, VRS to one lakh employees and merger of BSNL & MTNL etc. needs thorough debate. Delay in procurement of GSM / NGN equipments, material i.e. CLIP instruments, PIJF Cables/ Jointing Kits, MLLN Modems, ADSL+2 Type 2 Modems, OF Cables, SIM Cards etc has adversely affected the growth of BSNL. Arbitrary deployment of ITS officers in BSNL is also

matter of serious concern to all of us. CWC Meet should decide the further line of action to get resolve the long pending issues and burning items related to Viability of BSNL.

AIBSNLEA's consistent efforts yielded result in getting released the Executive Order of allowing Diploma holder SDEs (C/E) having 10 years of technical experience to be promoted to the post of EE (C/E), long awaited promotion orders of 200 DGM (F), 1600 DEs posts are filled up on Regular basis and 26 JTOs(TF) to SDEs(TF), JTO(C/E) to SDE(C/E) LDCE quota, DGM to GM and GM to PGM/CGM promotion orders were issued. CPCs are in progress to fill up the vacant JAG and STS Group -'A' (DE/CAO/EE) posts on regular / adhoc basis & Group -'B' (SDE/AO) grades on regular basis. Still sufficient vacancies in SDE/AO, DE/CAO/EE, DGM/SE, and GM posts remain unfilled. This CWC shall be discussing and decide time bound action plan to get the issues sorted out.

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

2.0 In the beginning of this report, we may discuss the organizational status and activities of the association, mainly covering the period since August 2014 after the 1st CWC Meet at Hyderabad.

2.1 Membership: The paid membership of the Association is now as against recorded at the time of 1st CWC meet at Hyderabad in August 2014 large numbers of Branches have not remitted the CHQ quota. All Circle Secretaries should ensure to clear the CHQ quota during this CWC meet at Kolkata. 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.

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. As per the decision of the 4th AIC at Nashik, 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 Associations in BSNL: At Present all the Executives Associations are enjoying the trade union facilities in BSNL. However, after verification of their membership only one Executives Association will be recognized and the 2nd one will be the supporting Association. The BSNL Management constituted a Committee to finalize the terms and conditions for verification of membership for Executives' Associations. AGM (SR) circulated the committee report to all Executive Associations for submitting views / suggestions to finalize the terms and conditions of membership verification of the executive Association of BSNL. AIBSNLEA submitted its views / suggestions. Now the BSNL Management has notified executives Association recognition rules, terms & conditions of membership verification of the executives Association in Jan., 2014 vide letter no.

BSNL/31-2/SR/2009 dated 6th Jan. 2014 and also notified vide letter no. **BSNL/5-1/SR/2014(1) dated 16th June, 2014** to start the process of Membership Verification of the Executives Association. AIBSNLEA has filed application for participation in the membership verification of executive association on 14th July, 2014. The following Executive Associations have applied for taking part in the referendum-

1. AIBSNLEA 2.SNEA 3.AIBSNLOA 4 BSNLOA 5.Bahujan Executive Association of BSNL and 6.BASE – BSNL Association of Serving Executives

2.4 Central Office Bearers, Advisors and Circle Secretaries meeting of AIBSNLEA CHQ at New Delhi: AIBSNLEA CHQ hold the meeting of Central Office Bearers, Advisors and Circle Secretaries on 25th & 26th February 2015 at New Delhi to discuss and decide the strategies for participating in the forthcoming referendum of majority executives association. Also hold a joint meeting of AIBSNLEA and AIGETOA Central Office Bearers, Advisors and Circle Secretaries on 25th February, 2015 which was addressed by Shri. Anupam Shrivastava, CMD BSNL He was welcomed and felicitated on assuming the high office of the CMD BSNL and to discuss and decide the strategies for coordination and to participate in referendum, process for Membership Verification of Majority Executive Association in BSNL. After detailed discussion on the issue, it was unanimously agreed and reiterated to protect the interest of entire executive community of BSNL. Both the associations further agreed together to face the referendum process jointly and a broad consensus which was reached earlier has to be followed as under:

- The referendum process shall be jointly fought. Since AIGETOA has maintained that it will seek a formal platform for representing the distinct issues of direct recruits of BSNL, it will keep its stand maintained and will seek a formal platform for representing issues. AIGETOA is agreed to support AIBSNLEA in referendum process and its members shall Vote and Support for it.
- AIBSNLEA will ensure to protect the rights of all the BSNL absorbed and directly recruited executives, it will also support the stand of AIGETOA for formal representation as and when required.
- The CHQ office bearers/Circle/Branch Secretaries of both the associations will work together for the settlement of day to day problems at CHQ, Circle and Branch/SSA Level respectively.
- At CHQ/ Circle/ SSA level, Coordination Committees of AIBSNLEA & AIGETOA will be formed to face the referendum process and to represent the issues at different levels. These committees shall be negotiating and discussing with the management at CHQ/Circle and Branch/SSA level.
- AIBSNLEA will ensure the AIGETOA membership will not be encroached and direct recruit executives shall be the members of AIGETOA. However, decision in regard to the exceptional cases shall be jointly taken by AIGETOA and AIBSNLEA Coordination Committee. Other direct recruit's executives shall also be encouraged to join AIGETOA.
- Leaders of both the Associations will jointly tour at All Levels during the membership verification process of executive Association.
- It was agreed that AIBSNLEA and AIGETOA will jointly pursue the 8th AUGUST 2013 agreement of AIGETOA and Record of Discussion dated 23.04.2014 of AIBSNLEA on the issues like Pay Parity, Standard Pay scales (E2/E3 for J10/SDE equivalent), 30 % Superannuation benefit to Direct recruits, 4 year uniform time bound

upgradation, EPF issues, CPSU cadre Hierarchy, Management Trainee (MT and DGM recruitments from internal executives, implementation of transfer policy in true spirit etc. Similarly other issues shall also be pursued jointly for early settlement.

- Ensuring the notification and conduction of LDCE every year on calendar basis in all disciplines without delay.
- Issues related to the TTAs promoted to JTO cadre will be taken up vigorously for early settlement. TTAs promoted as JTOs shall be encouraged to join AIBSNLEA.
- Rule-8 Spouse case transfers, issues related to the executives posted at hard tenure stations and Mass displacement eases, shall be vigorously pursued.
- Five increments as an interim measure till settlement of Pay scales to SRD JTOs, JAOs of 2013 batch and PAs shall be vigorously pursued.

A Formal MoU based on the Joint Declarations was prepared and jointly signed by the General Secretaries of both the Associations.

In most of the Circles, Circle/Branch Level coordination committees have been formed to face the ensuing referendum. This time also we have requested AIGETOA leadership to convene their CWC meeting also at Kolkata along with our CWC to have a joint session for further interaction and AIGETOA decided to hold their Annual GB Meeting at Kolkata on 24th and 25th August, 2015 along with our CWC Meet at the same venue. The joint session of AIBSNLEA and AIGETOA will commence on 25th August, 2015 at 19.00 Hrs, wherein the further strategies to face the forthcoming referendum effectively and to strengthen the unity for the settlement of pressing HR issues will be discussed and decided.

In 4th AIC at Nasik, a Committee consisting the following members was formed to study and report the strategies and methods to be adopted for the membership verification and this committee e-mailed its report/recommendations to all the Circle Secretaries. The same may be further discussed in view of the ensuing Membership Verification. The Committee consisting the following members. Com. J. Saibaba, C.S. A.P. – Chairman, Com. H.Y. Andeli, C.S. Karnataka, Com. Devesh Kumar Sharma, OS (N), Com. Prasun Mukhopadhyaya, C.S. Calcutta Telephones, Com. Bijoy Krishna Bhattacharjee, C.S. West Bengal, Com. Parvez Khan, C.S. Madhya Pradesh, Com. Veera Pandian, C.S. Tamil Nadu as Members.

All the Organizing Secretaries may brief the status of membership in their areas and the effort being made to increase the membership. The strategies to mobilize and ensure more and more members enrollment, this CWC meeting may discuss in detail and finalize the future course of actions.

2.5 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. Some Circles like Punjab Circle, MP Circle, Chhatisgarh Circle, Chennai TD Circle, UP (East) Circle, UP (West) Circle, MH Circle, Gujarat Circle and A&N Circle have conducted their Circle Conferences. But some Circles ie. NE II Circle, NE I Circle ALTTC Gaziabad, TTC Jabalpur and J&K Circle are yet to hold the Circle Conferences. The concerned Circle Secretaries are to ensure immediate notification of Circle Conferences. After the CHQ Office bearers, Advisors and Circle Secretaries meeting held in February 2015 at New Delhi an Adhoc Circle body of UP East Circle was formed which conducted

regular Circle Body Election in August 2015 Similarly the adhoc Circle Body of Chennai TD Circle also conducted Election of regular Circle body on 25th May 2015.

2.6 Journal/Circular/Websites: Our web site of AIBSNLEA i.e. 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 and office orders are also promptly displayed on the web sites. The consolidations of all the important events were taking place in the monthly journal of AIBSNLEA i.e. 'TELEWAVE'. The printing of TELEWAVE has been stopped as per the decision taken in the 4th AIC at Nashik in view of regular expenditure and its less usefulness in the present scenario. The CHQ Web site is being maintained by Shri Bhagwan Singh, CHQ Auditor and Shri. N.L. Sharma, AGS HQ.

2.7 Publication of BSNL Executives' Diary - 2016: AIBSNLEA printed BSNL Executives Diary for the year 2015 with improved quality and features. The publication of next issue of BSNL Executive Diary-2016 has to be decided in this CWC meeting. All are requested to give their requirement in this CWC meeting.

2.8 Welfare Scheme: As per the decision of 2nd 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 was 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. After lot of discussions and deliberations, it was decided to accept the recommendation of the committee with the following:

- Totally New scheme is to be launched
- A sum of minimum of Rs.500/- (Rupees Five hundred only) is to be collected from each members as one time collection
- A unique Welfare scheme ID is to be provided to each member
- Relief amount to be enhanced to Rs.50,000/- (Fifty thousand only)
- 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/-)
- 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.
- The scheme will be available with effect from 1.1.2014 but in view of the membership verification, the Welfare Scheme will be implemented after the membership verification of the Executive Association.

3. STATUS OF HR ISSUES:

United Forum of BSNL Executives' Associations (AIBSNLEA and AIGETOA) serves a notice on 24th 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. After serving the notice and during agitation programme United Forum Leaders had series of meetings with CMD BSNL, Dir (HR), Sr GM SR, GM (Pers) and other senior officers to discuss the withdrawal of MT recruitment and settlement of long pending HR issues. During meetings some positive steps have been taken for the resolution of the pending HR issues as under:

3.1 Implementation of Executives Promotion Policy in BSNL: AIBSNLEA untiring & consistent effort's yielded result in getting issued Executive Promotion Policy on 18.01.2007 for implementation of the promotion policy for the Executives in BSNL up to 31-03-2007, which was finally implemented after the clarifications were issued by BSNL Corporate Office on 30.05.2007 but still some issues remains un-resolved as under:-

- Introduction of E-2 and E-3 pay scales for JTOs, SDEs and equivalent cadres in place of E-1A and E-2A pay scales, Implementation of CPSU cadre hierarchy - Change of designations on each Time Bound upgradation on functional basis and first time bound promotion uniformly after four years w.e.f. 01.10.2000: BSNL Management gave the draft proposal vide letter number 4-5/2011-Restg dated 01.07.2013 for submitting our views on this issue which was immediately uploaded on the CHQ website seeking the suggestions/views. Association has already submitted the comments/opinion on this issue to the Management but no meeting in this regard was conducted. Association has demanded Time bound functional promotions up to the level of SG-JAG grade with change of designations of that grade. The post based promotions may be from SAG and above grades as assured at the time of absorption in BSNL.

On our persuasion CMD BSNL re constituted the Committee headed by ED(NB) and members official side GM(Estt) GM (EF) Staff side GS, AIBSNLEA, GS SNEA ,GS AIGETOA and convener DGM (Pers) to discuss the following items and to submit the recommendations before 15th August 2015:

- Ø To examine the introduction of E-2 and E-3 pay scales for JTOs, SDEs and equivalent cadres due to non-approval of E-1A and E-2A pay scales by Government
- Ø To examine the introduction of CPSU cadre hierarchy viz-a-viz present setup.
- Ø To examine the implementation of first time bound promotion uniformly after four years w.e.f. 01.10.2000.

After the formation of the committee some meetings have taken place where the discussion on introduction of E2 & E3 pay scales to JTO s and SDEs and equivalent cadres and the introduction of CPSU cadre hierarchy viz-a-viz present setup have been completed. The report is being finalized by ED (NB) Chairman Committee wherein it is recommended to replace E1A and E2A intermediate Pay scales by standard IDA pay scales E2 & E3. CPSU cadre hierarchy in terms of change of designation on functional basis up to DE level and time bound promotion up to DGM grade with change of designation ie. DGM holding charge and DGM promotion on functional basis against available DGM posts and also Time bound promotion up to SG-JAG level on the interval of four to six years on 1st promotion ie. JTO to SDE and subsequent all the promotions after 5 years of service .The committee report is expected to be submitted shortly to the competent authority for consideration and further

necessary action. In case the committee recommendations are accepted by the BSNL MC and approved by BSNL Board and DOT then it may be implemented. This process may take minimum six months' time in case everything goes smooth. The third item of First time bound promotion after 4 years' service in all the cases will automatically be settled on implementation of CPSU cadre hierarchy. The minutes of the Joint committee meetings headed by ED (NB) are enclosed here with as Annexure - I

- **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 BSNL Board approval.

- **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. 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 matter is under consideration in BSNL CO Establishment Cell and shortly decision will be taken in this regard.

- **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:** Committee headed by PGM (FP) submitted its report and denied stepping up of the pay of seniors' w.r.t. their juniors as per the provision of EPP and also did not consider the advice of Hon'ble CAT Ernakulam, bench O.A. NO. 109 of 2011 with O.A. No. 110/2011 and 236/2011 judgment dated 07.12.2011 in the Seniors (SDEs promoted as adhoc DEs before getting the second TBP) getting less pay than Juniors (SDEs promoted as adhoc DEs after getting the second Time Bound Promotion) case : *"The respondents are directed to step up the pay of the applicants to the level of pay of their juniors with effect from*

the date of arising of the anomaly of seniors drawing less pay than their juniors in respect of each of the applicants within a period of 3 months from the date of receipt of a copy of this order. However, this order will not stand in the way of the Committee set up to deal with the issue under consideration in these O.As, giving a more beneficial recommendation for the applicants."

BSNL CO, Pers. Cell appeal against above judgment has been dismissed by Hon'ble High Court Kerala at Ernakulum i.e. *"Hon'ble High Court of Kerala has dismissed the petitions OP CAT 1576, 1560 & 1592 of 2012 filed by BSNL against the order of Hon'ble CAT Ernakulum in OAs 109, 110, 236 & 241 of 2011(filed by Sethumadhavan & others) which directed BSNL to fix the pay of the seniors at par with the juniors drawing more pay. The Hon'ble Court also observed the unconstitutional part of the condition incorporated in the pay fixation criteria which prohibits complaining against anomalies. Court also commented that such condition is very primitive and against the fundamental rights. As the applicants in the OAs have already filed petition for contempt of court against BSNL, the Hon'ble Kerala High Court allowed three months' time for BSNL to implement the orders passed by CAT"* but BSNL has filed SLP in the Hon'ble Supreme Court in this regard. AIBSNLEA got impleaded in the case and got the judgement with a direction to BSNL CO for consideration. Now pursuing BSNL CO Pers cell for allowing stepping up of pay.

- **Amendment in BSNL MSRRs allowing Diploma holder SDEs(C/E/Arch) 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. The committee has submitted its recommendations to the Management Committee which has cleared the proposal. The BSNL Board approval is still awaited on 50-50 % EE(C/E) Posts to the Degree and Diploma holder SDEs (C/E).But meanwhile DOT has endorsed the Honb'le PB CAT Judgement allowing Diploma holder SDEs (C/E) having 10 years technical experience for the promotion of EE (C/E) with our great persuasion BSNL Management has issued administrative order for its implementation which has been ratified by BSNL MC and BSNL Board approval is awaited. Now the CPCs to fill up vacant EE(C/E) posts have been initiated.

3.2 Serious anomalies in the TES Gr. B officers' seniority lists: The seniority of TES Gr. 'B' officers in DoT were revised based on the Hon'ble Supreme Court Judgments wherein prior to 1993 the seniority of TES Gr. 'B' officers was based on according to the year of recruitment (Rule-1966) but in 1993 as per Hon'ble Allahabad High Court judgment upheld by Hon'ble Supreme Court the seniority of TES Gr. 'B' officers was re-casted that those who qualify in the Deptt. Exam earlier were entitled to be promoted prior to those who qualified later irrespective of the year of initial recruitment. It was held that para 206 of the P&T manual was not in conflict with either the rules of 1966 or 1981 but was supplemental to those rules. Relief was accordingly granted to petitioners based on para 206 of P&T manual.

Later on Hon'ble Supreme Court CA No. 4339 of 1995 dated 13.02.1997 and CA No. 4339 of 1995 dated 26.04.2000 judgment stated that Statutory RR have come into force the earlier administrative instructions contained in para 206 cannot be adhered to. The view of the Allahabad High Court has reached its finality, because of the dismissal of SLP No. 3384-86 of 1986 on 08.04.1986 on merit. It was made clear that the persons who have already got the benefit like P.N. Lal and Brij Mohan by virtue of the judgment in their favour, they will not suffer and their promotion already made will not be affected by this judgment.

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

While implementing the above judgment DoT has re-casted the seniority of 45 TES Gr. 'B' officers only whereas, thousands of TES Gr. 'B' officers are to be provided similar benefit. Now TES Gr. 'B' officers promotions to DE is being issued on the basis of two seniority lists i.e. one on rule-1966 and another on para rule-206 basis. It has caused serious anomaly and heart burn to the TES Gr. 'B' officers in BSNL.

Hon'ble Supreme Court in the matter of Civil Appeal 4389/2011, Union of India V/s Sohan Lal Sayal & ORS passed the historical judgement on 21.01.2015. Hon'ble Supreme Court constituted an Expert Committee consisting of Hon'ble Shri Justice K. Ramamoorthy, Retired Judge of the High Court of Madras, the Chairman and Mr. D.P. Sharma, Former Secretary in the Ministry of Law and Justice and Former Vice Chairman, Central Administrative Tribunal, Principal Bench at New Delhi as the Member. The appellant Department were directed to provide all necessary details as regards the officers/employees whose names were found in the 17 Lists drawn in the year 1993 whose rights have been upheld by the Tribunal and affirmed by the impugned orders of the various High Courts, as well as, the list of those officers who came to be subsequently dealt with and whose seniority was fixed after 2000 i.e. after reversing the 17 Seniority Lists of 1993 along with all relevant Rules, Regulations and other materials which the Expert Committee wish to call for, for their consideration. Hon'ble Supreme Court further directed the Expert Committee to ensure that the rights which have been crystallized in favor of the applicants in IA No. 16 in CA No. 4339 of 1992 reported in the judgment of Union of India v. Madras Telephone SC & ST Social Welfare Assn. (2006) 8 SCC 662 as well as by the judgment in the Contempt Petition No.248 of 2007 reported in Promotee Telecom Engineers Forum and Others v. D.S. Mathur, Secretary, Department of Telecommunications - (2008) 11 SCC 579, shall not in any way infringed while suggesting the way out for balancing the rights of the two groups of employees referred to above based on the principles laid down in this judgment.

Hon'ble Supreme Court further directed that let both the groups be represented by a representative body of not more than two along with their lawyers on either sides in order to ensure that the Expert Committee is able to deal with the issue without much protraction and confusion apart from the representation of lawyers on behalf of the appellants. It will be appreciated if the Expert Committee carries out the exercise and submit its Report to this Court within a period of six months.

The expert committee held several meetings but could conclude its work in the given time frame. The expert committee has sought time up to 30th September 2015 from Hon'ble Supreme Court to complete its task and fixed the next date of hearing on 28/29.08.2015.

The expert committee will give its recommendations to Hon'ble Supreme Court thereafter, Hon'ble Supreme Court will pass final orders in this regard. The case will come up in the Hon'ble Supreme Court in the month of October 2015.

Seniority of competitive quota officers:

a. Case of the seniority of 147 SDEs of LDCE quota:

BSNL CO P-II section has circulated revised seniority list of competitive quota officers in the court case O.P. No. 21656/2001 and 37134/2001 titled UOI v/s George Paul and K.C. Jose, wherein the final seniority list of 147 competitive quota officers who have passed the competitive exam held in the year 2000/2003. The list is subject to final outcome of writ petition No. 21578/2007, writ petition No. 9256/2007, writ petition No. 17448/2008 and writ petition No. 17449/2007 and other writ petitions in the matter in different high courts. AIBSNLEA filed SLP in Principal Bench CAT, New Delhi / CAT Ernakulum against 147 SDEs seniority case given on retrospective date. Hon'ble CAT Ernakulum quashed the seniority of 147 SDEs and Hon'ble Ernakulum High Court dismissed the appeal of BSNL and 147 SDEs. Now the case applicants have applied in the Hon'ble Supreme court. SLP (C) No. 32284/2013 Mamnoj Kumar Tripathy & Ors. Vs. Union of India & Ors and SLP (C) No. 27072/2013 Rupendra Pathak & Ors. Vs. Union of India & Ors.; all these matters were listed on 28.10.2013 for hearing before this Hon'ble Court since first two matters were listed first time therefore the Hon'ble Court simply passed same order as was passed in Rupendra Pathak on 28.10.2013 by issuing notice in the Special Leave Petition as well as interim relief but no interim relief is given. In the stay application I.A. No. 6 in SLP No. 27072 of 2013 filed in the matter of Rupendra Pathak only notice is issued no interim relief is given even though the counsel of the petitioners strenuously insisting that the official respondents are going to revert them so order of the Hon'ble High Court of Kerala be stayed and/or status quo be maintained, but Hon'ble Court has not passed any order and the case is posted for hearing on 23rd Sept., 2014.

b. Case of the seniority of 270 SDEs of LDCE quota:

Civil appeal No 3149 of 2009 is pending in the Hon'ble Supreme Court against the judgment and order dated 2.4.2008 passed by Hon'ble High Court of Madras in a W.P.(C) No. 21961 of 2001 by which the Hon'ble High Court has dismissed the writ petition filed by BSNL and confirmed the order of CAT Madras quashing the seniority list assigned to 270 SDEs vide order dated 1.2.2001 and directed for re-drawing this seniority. 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 contemnors 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. In this contempt petition, contemnors CMD BSNL, Sh. A.K. Garg, Director (HR), BSNL and AGM(Pers.), BSNL C.O. were directed to appear before the Hon'ble Court at the time of issue

of show cause notice on 26.07.2013. This matter after notice was listed for hearing on 23.09.2013, all the contemnors stated in para supra were present in the Hon'ble Court since the respondents had filed counter affidavit after 16.09.2013 therefore the Petitioner sought time to file rejoinder affidavit. The Hon'ble Court granted time to file rejoinder affidavit and dispense with the appearance of contemnors during the hearing of contempt petition. The next date of hearing is yet to be decided.

The TES Group –'B' seniority lists no. 6 and 7 were quashed by Hon'ble High Court Chandigarh against that BSNL has filed SLP in the Hon'ble Supreme Court which is dismissed by the Hon'ble Supreme Court and accordingly the list number 6 & 7 have been revised against that again a case has been filed in the Principal Bench of CAT New Delhi.

3.3 1966 SDEs reversion case:

(a) The CAT, Bangalore ordered cancellation of DoT's order creating 1966 posts of SDE's (By upgradation) 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 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 & Ernakulum. The case was heard on 11th 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. The case is still pending.

3.4 Management Trainees Recruitment Rule-2009 & 2013: AIBSNLEA consistent effort yielded results in getting revised MT RRs-2013. BSNL Management revised MTRR-2013 allowing B.Sc. Ist Class/B.Tech and 50 years age for internal candidates. Presently the issues raised by AIBSNLEA have been addressed up to some extent. Now, 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. AIBSNLEA & AIGETOA launched serious trade union action against arbitrary recruitment of 300 MTs in Telecom Operations and Telecom Finance which forced BSNL Management to defer the MT recruitment Exam. For next six months accordingly the agitation program has also been differed for next six months. AIBSNLEA will continue to oppose any lateral induction above JTO to DGM cadre. CWC may discuss and decide the further strategies on this issue.

3.5 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.

3.6 Superannuation benefits to Direct Recruited employees as per DPE guidelines:

We requested Director (HR/EB) to resolve superannuation benefits to directly recruited employees as per DPE guidelines. We requested that BSNL should contribute 12% as Superannuation Benefits in respect of Direct Recruits, to fulfill the limit of 30% contribution and the effective date of implementation of Superannuation benefits of BSNL Recruited Employees must be 01.01.2007.

As per DPE OM 26.11.2008, CPSEs would be allowed 30% of Basic Pay as Superannuation benefits. So, BSNL should contribute at the rate of 12 % (Basic plus DA) on monthly basis and 8.33% contribution of BSNL and 1.16 % of Government to EPS Fund should be continued.

As per DPE OM dated 24-1-2013, it has clarified that DPE OMs do not provide for mandatory contribution on the part of employees and suggested that employees' contribution to their post retrieval benefit would enhance their social security and therefore CPSEs can frame scheme as per their requirement. We suggest that the employee contribution in this respect should not be taken mandatory. The committee headed by ED (Fin.) Ms. Geeta Rau has left the decision on BSNL Management in this regard. We are pursuing the matter with our level best to resolve this important issue.

Now the management has proposed 3% contribution as superannuation benefit which is cleared by BSNL MC and is pending with BSNL Board Remuneration Committee for clearance and thereafter by BSNL board, based on the calculations submitted by the GM (Estt), which in her opinion is a balance between absorbed and DR employees.

Our Director (HR) is very much concerned with this issue and clearly said that employer has the responsibility to secure the retrieval life of its employees. She has mentioned that BSNL is ready to take decision for increasing the contribution to minimize the gap if any between absorbed and direct recruits in terms of their retrieval benefits after seeing the fresh calculation to be submitted by GM (Estt). She has assured that the revised proposal, if any shall be submitted to the Remuneration Committee before the next Board Meeting. United Forum has submitted a detailed calculation sheet / draft and will have further discussion with the GM (Estt) on this issue.

3.7 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:** As per the clarification received from DOP&T through DoT, the vacancy position of LDCE quota and seniority quota has been re-calculated for the years 2009-10, 2010-11, and 2011-12 now the CPC process has started to fill up about 6612 SDE (T) posts. The ACRs/VCRs of eligible JTO (T) to SDE (T) promotions have already been received in BSNL CO. The promotion

orders will be issued only after the stay order is vacated by Hon'ble CAT Bench Ernakulam. AIBSNLEA is impleaded in the case.

(b) **LDCE from JTO (T) to SDE(T):** GM (Rectt.), BSNL C.O. has been informed by Pers. Cell to notify LDCE against 1883 vacancies under 33% LDCE quota in respect of SDE (T) for the vacancy year 2010-11(1287), 2011-12(273) and 2012-13(323). The syllabus of LDCE cleared by BSNL MC is pending for the approval of BSNL Board. After the approval of BSNL Board, the LDCE was held allowing JTOs of up to 2005 batch. The result is awaited. As soon as the result is declared another LDCE will be notified immediately.

(c) **CPC from SDE(T)/DE(Adhoc) to DE Regular:** The CPC from SDE/DE(Adhoc) to DE(Regular) against the DE vacancies of the year 2011-12, 2012-13, 2013-14 were completed to fill up about 2523 DEs posts on regular basis in the month of August 2014. The breakup is 682, 379 & 1710 for vacancies year 2011-12, 2012-13 & 2013-14 respectively. All available about 2100 DEs Adhoc were promoted on Regular basis and about 500 SDEs were promoted as DE Regular, which has included some 1983 year JTO recruitment.

Now, the vacancies in the cadre of DEs of the earlier years and of the year 2014-15 are calculated about 1200. CPC has been initiated, ACRs/VCRs of the eligible SDEs were called from circles up to 15th August 2015 but till date many circles have not furnished the ACRs/VCRs to BSNL Corporate Office. The CPC target has been decided to issue the promotion orders before 31st October 2015 by BSNL Corporate Office.

(d) **CPC form DE to DGM (Engg.) on Adhoc basis:** BSNL Management approved to fill up 480 DGM Posts by giving one year relaxation in the eligibility criteria of four years DE service more than one year before. The CPC work has been initiated, some ACRs/VCRs are awaited & the CPC will be further expedited. ACRs/VCRs of the eligible DEs were called from circles up to 15th August 2015 but till date many circles have not furnished the ACRs/VCRs to BSNL Corporate Office. The CPC target has been decided to issue the promotion orders before 31st October 2015 by BSNL Corporate Office.

Now the vacancies in DGM (Engg) cadre are 767 out of that 157 DEs from TES Gr B seniority list I to XVII will be promoted immediately before 30.09.2015 and the remaining DGM (Engg) vacant posts will be filled up before 31.10.2015.

(e) **CPC from DGM (Engg) Adhoc to Regular basis:** The CPC from DGM (Adhoc) to DGM (Regular) is being initiated shortly to regularize about 100 DGMs (Adhoc).

(f) **Fixing of 1325 DEs posts for MT quota:** The 1325 DEs posts of MT quota instead of 2650 DEs of MT quota has been fixed up by MC of BSNL Board and BSNL Board approved the proposal. BSNL MC has decided to fix up 25% (1325) of DEs posts (of 5300 DEs posts) for MT quota and 3975 DEs posts for departmental quota on seniority basis. However, the initial proposal was to fix up 1000 MT posts but MC decided to fix up 25% quota for MTs of total DEs sanctioned posts. It has ended the adhoc promotion in DE cadre. Similar action is requested for other disciplines also.

(g) **CPC from JAO to AO:** CPC from JAO to AO was initiated long before and it was about to be completed to fill up about 1500 AOs vacant posts but mean while some JAOS

filed case in Hon'ble Chandigarh CAT and availed stay order against CPC for proper implementation of SC-ST Roster as per Hon'ble Supreme Court judgment for considering backlog vacancies. Legal opinion was sought by the SEA Cell from BSNL's counselor of HR Telecom Circle to initiate CPC but he has opined not to issue any promotion order till the final outcome of the court case. Finally, the case was disposed off with a direction not to implement the SC/ST roster in promotions as per the judgment of Hon'ble Supreme Court in the Nagrajan case. BSNL CO SEA cell took the legal opinion and has sent to DoT/DoP&T for advice but the advice is still awaited. Meanwhile, the SEA Cell initiated the CPC process and directed Circles to send the screening reports to C.O. to process the CPC to fill-up about 1800 vacant AOs posts. Finally, SEA Cell issued promotion orders for 1551 JAO to AO. Shortly, the next CPC from JAO to AO will be initiated to fill up the vacant AO posts against the vacancies up to July 2015.

(h) **CPC from AO/CAO (Adhoc) to CAO Regular:** CPC work from AO/CAO (Adhoc) to CAO regular promotion was expedited to fill up about 300 CAO posts but meanwhile stay order against promotion have been granted by Hon'ble CAT Chandigarh which has stalled the entire process on the pretext of Nagraj judgement from Hon'ble Supreme Court regarding SC/ST reservation on promotions. The case was heard on 05.08.2015 and now posted on 21.09.2015 for further hearing. BSNL has filed an application to allow promotions on the basis of DoP&T instructions available in this regard. BSNL Corporate Office has taken the legal opinion from Sr. GM (Legal) who has advised to take that legal opinion from Govt. ASG in this regard. SEA Cell is now taking the advice from ASG. AIBSNLEA will shortly implead in this case.

(i) **CPC from AO to CAO (Adhoc):** Management has assured that as soon as the promotion order of CAO (Regular) are issued the CPC work from AO to CAO (Adhoc) will be taken up. However, the proposal for diversion of MT Posts (336 CAOs) to seniority quota has been cleared by BSNL MC and pending for BSNL Board approval.

(j) **CPC from CAO to DGM (F):** Promotion from CAO to DGM (F) Adhoc has been initiated to fill up the vacant DGM (F) posts. ACRs/VCRs of the eligible CAOs are being collected.

(k) **CPC from DGM (F) Adhoc to DGM (F) Regular:** CPC work from DGM (Adhoc) to DGM (Regular) is in progress to fill up about 12 vacant DGM (F) posts. The promotion order will be issued shortly.

(l) **Review of JAO Part-II Exam result:** We requested to review JAO Part-II Exam result wherein many candidates have failed with 1-2 marks in CPWD paper. Some grace mark given, may help to fill up the vacant JAOs posts in Circles immediately. The relaxation of 5 marks was considered for SC/ST candidates but OC category candidates are not given any relaxation. Director (HR) has assured to re-look into the matter considering huge number of vacant posts.

(m) **Allowing option to departmental JAOs who joined after 07.05.2010:** The pay anomaly case of departmental JAOs was processed by PAT Cell. A committee formed headed by PGM (SR), Sr. GM (Pers.), GM (Estt.), GM (EF) and GM (FP) and the said committee finalized the report and submitted to competent authority for approval. The said Committee recommended five additional increment benefits to Deptt. JTOs/JAOs at par with

direct recruit JTOs/JAOs and accordingly implemented. Allowing option to Departmental JAOs who joined after 07.05.2010 in the executives' cadre has been settled. AIBSNLEA consistent efforts yielded result in getting released order on 24.07.2015 regarding pay fixation of JAOs (Deptl)(40% quota) of 2010 Batch arising out of Non-Executives' Wage revision orders dated 7.5.2010 and subsequent clarification dated 18.5.2011

(n) **Recruitment of JAOs and MT (F):** BSNL CO has recruited 965 JAOs from outside. The batches are proceeding for training. SEA cell has given a letter to Recruitment cell for the recruitment of 1000 JAOs departmental quota. As soon as the eligibility for non-executives cadres is reduced from 7 year to 5 year after the approval of BSNL Board notification for recruitment will be issued. A notification of 100 MTs recruitment in the Finance Wing was made which was strongly opposed by AIBSNLEA and AIGETOA. Thereafter, the MT Exam is deferred for the next six months. CWC may discuss and decide the strategy in this regard.

(o) **CPC from JTO(C) to SDE (C):** Regular promotion order under SCF quota for 52 nos has been issued on 24/04/15 up to the vacancy year 2014-15. Further promotions in LDCE quota for approximately 65 nos vacancies is under processing and CPC for SCF quota promotion is also in the pipeline.

(p) **CPC from SDE (C) to EE(C):** After modification of BSNL MSRR, VC has been called for from 148 SDE(C)s to fill up around 85nos EE(C) posts. We are demanding to fill up all vacant posts of around 140 in numbers without reserving for MT quota as there is no such provision in BSNLMSRR for Civil/Electrical/Arch stream.

(q) **CPC from EE(C) to SE (C):** Promotion order in the grade of SE© has been issued for 9 nos up to the vacancy year 2014-15. CPC for filling up to date vacancies has been initiated and VC has been called for on 05/08/2015 from 35nos EE (C)s.

(r) **CPC from SE(C) to CE (C):** Since Aug'2014 to till date, total 22 SE (C)s have been promoted to CE(C) up to the vacancy year 2015-16, the last being on 27/07/2015 for 12 no. CE(C)s.

(s) **CPC from CE(C) to PCE (C):** Five CE(C)s have been promoted to the grade of Principal CE© on 27/07/2015 and no vacancies exist now.

(t) **CPC from JTO (E) to SDE (E):** Regular promotion order under SCF quota for 9 nos has been issued on 06/02/15. Further promotions in LDCE quota & SCF quota is under processing. VC has been called for 33nos. on 20/05/2015.

(u) **CPC from SDE (E) to EE (E):** As per RR 1994, 4nos SDE (E)s have been promoted to EE(E) on 16/09/2014. After modification of BSNL MSRR, VC has been called for from 210 SDE (E)s to fill up around 100nos EE(E) posts. We are demanding to fill up all vacant posts without reserving for MT quota. EW unit also started adhoc promotion initiatives in EE (E) grade vide letter dated 07/08/2015 against MT quota.

(v) **CPC from EE (E) to SE (E):** Regular Promotion order in the grade of SE (E) has been issued for 1 no and adhoc promotions given to 5nos. on 24/02/1015.

(w) **CPC from SE E to CE (E):** Regular Promotion order in the grade of CE (E) has been issued for 1 no on 24/04/1015.

(x) **CPC from CE (E) to PCE (E):** One CE (E) have been promoted to the grade of Principal CE (E) on 24/04/2015.

(y) **CPC from JTO (Arch) to AE (Arch):** Regular promotion order under SCF quota for 3 nos has been issued on 24/02/15.

(z) **CPC from SDE (Arch) to Architect:** VC has been called for from 3 SDE (Arch)s to fill up the vacancy.

(aa) **CPC from Architect to Sr. Architect:** Regular Promotion order in the grade of Sr Architect has been issued for 5 nos on 28/07/1015.

(bb) **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 against the vacant posts.

(cc) **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 26 JTOs (TF) to SDEs (TF) on regular basis were issued, 11 SDE (TF) to DE/AGM (TF) and 18 DE/AGM to DGM (TF) were completed and promotion orders have been issued. Now, the efforts are being made for notification of LDCE from JTO (TF) to SDE (TF) and the syllabus of LDCE has been notified. Also CPCs are being initiated to fill up the vacant SDE (TF)/AGM (TF)/DGM (TF) posts on seniority quota.

(dd) **CPC from JAG to SAG and SAG to HAG:** The CPCs have been conducted to fill up about 16 SAG level posts and 8 HAG level Posts in Telecom Operations by BSNL absorbed ITS Officers and the ITS officers absorbed under Rule 37. Similarly the SAG/HAG level posts in Telecom Finance, Civil/Electrical/Arch/TF Engineering Wings are also being filled regularly. Further, under Rule 37 about 90 ITS officers have applied to join BSNL.

3.8 Declaration of AAO/Sr.AO/Sr.SDE as post based promotion: AAO/Sr.AO/Sr.SDE are to be treated Post based promotions as were treated in DOT for the purpose of counting of residency period under EPP. The matter is under active consideration to the committee comprising GM (FP), GM (EF) and DGM (Pers)

3.9 Withdrawal of the system/practice of Local Officiating Arrangement or Local Officiating Promotion in BSNL and Introduction of Look After arrangement by Executives: BSNL Corporate Office issued letter regarding withdrawal of the system/practice of Local Officiating Arrangement or Local Officiating Promotion in BSNL and Introduction of Look After arrangement by Executives having higher scales of pay w.r.t. temporary shortages in the grades/posts of SDE / DE/ DGM in Circles on 22.03.2013. We are demanding to restore earlier practice of local officiating arrangement as in the new system one executive has to perform duties of two posts one his original post and another his promotional post on looking after basis. Our executive thus remains over loaded moreover he does not get the

designation of newly promoted post. Always he is mentioned as L/A. BSNL is yet to review the order.

3.10 Grievances of PA/ Stenographers' cadre :

- **Creation of the Post of P.P.S. & Sr. P.P.S. in the field units:** A committee under the chairmanship of Shri M.C. Chaubey, ED (CN), as Chairman consisting of Smt. Madhu Arora GM (Restg.) – Member, Smt.Smita Choudhary GM(EF) – Member, and Shri Deepak Agarwal Addl. GM(pers.) Convenor has been constituted to consider the creation of the posts of PPS and Sr. PPS in the field units at par with the BSNL Corporate Office. The committee in its meeting has demanded certain information related to the number and the present pay scales of PAs/PSs. The same has already been called for from the field units. Upon receipt of the data the committee will hold its meeting to consider the case.
- **Post based promotions for P.A/P.S:** With restructuring and declaring the cadre of stenographers as 'dying cadre', the entry cadre is now Personal Assistants (Executive) with only one promotional avenue available as P.S., as against executives of other streams viz. JTO / JAO having promotional avenue upto 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:-
 - Ø All the posts of Stenographers, Personal Assistants and Personal Secretaries may be pooled together and placed in the ratio of 40% (E-1) PA, 40%(E2) P.S. and 20 %(E3) PPS.
 - Ø As per the recommendations of the H.K. Gupta Committee, all the HAG level officers may be provided with secretarial assistance at the level of E-4.
 - Ø 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.
 - Ø All officers who have been promoted to E-5 and have completed a minimum period of 3 years may be placed in E-6.
- **Common Recruitment Rules & Nomenclature:** Different Recruitment Rules for Stenographers, PAs and PSs 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 Stenographers, PAs & PSs and corporate office stenographers, P.As and PSs should be there.
- **Holding of LICE to fill up the post of PAs from stenographers.** The R.R. of the P.As are being modified with the reference to the percentage of marks to be obtained at par with R.Rs of other disciplines. The LICE will be held only after modifying the R.R.
- **Introduction of Promotion Policy for Stenos (Dying cadre):** There are about 168 Stenographers working throughout the country in the field units of BSNL. Out of these 168, majority of the stenographers have completed more than 12 years and is placed in the pre-revised executive pay scale of 9850 & 11875 as the case may be at par with PA/PS. The Stenographers who have been granted ACP in the executive pay scale ceased to be non-executives as per BSNL HQ order No. 1-22/2009-PAT (BSNL) dated 30.04.2009, yet the status attached to the pay scale has not been accorded to them. Promotion policy for non-

executives has also been notified now. The only cadre which has been kept outside the purview of both the promotion policies is the Stenographers (dying cadre). Neither Executive Promotion Policy nor Non-Executive Promotion policy has been made applicable to this small group of Stenos drawing executive pay scale. If no promotion policy is implemented, there is no scope of any promotion for these stenographers other than getting an increment as per modified ACP as recommended by the 6th Pay Commission for the Central Govt. Employees which has been implemented in BSNL also.

BSNL CO Vide No.15-07/2011-Pers.II Dated 18th August 2015 issued clarification in respect of implementation of policy guidelines issued by BSNL Corporate Office in respect of PA/PS of BSNL field units wherein wrong implementation of EPP guidelines /restructuring order /ACP orders issued by BSNL CO are required to take corrective measures which will cause heavy recoveries AIBSNLEA has strongly oppose such arbitrary and unjust recovery orders. (Annexure – II)

- **Pay protection of the PA /PS in the Kerala Circle:** 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. The case is in the CAT Ernakulam, Kerala. A recent clarification issued by the corporate office in this on 18.8.2015 has already been taken up with the CMD and Director (HR). The matter is under persuasion.

3.11 Restructuring of AD (OL) Cadre: The committee constituted under the Chairmanship of Shri Harsh Wardhan Addl. GM (CP&M), BSNL C.O. has submitted the report to the competent authority to revise the pay scale of Rajbhasha Adhikari at par SDE/AO scale. The case is still pending with GM (Pers) to be put up to the competent authority for approval to introduce a new scale for Sr. HT may be NE-12 and to revise the pay scale of AD (OL) from E1A to E2A at par with SDE/AO. After the approval of competent authority, necessary orders will be issued.

3.12 Regularization of Postal JAOs: The process for regularization of postal JAOs was completed and regularization orders were issued. Now they are being considered for AO promotion.

3.13 New SDE RR: BSNL Management Committee has approved the SDE RR 2014, the BSNL Board approval is awaited.

3.14 Regularization of offg. JTOs: Hon'ble High Court of Punjab & Haryana at Chandigarh was pleased enough to close the Contempt of Court case COCP 1431/2008 against CMD BSNL & others filed by some petitioners in WPC 5608/2007 in the matter of diversion of DR quota JTO vacancies. The counsel for contempt petitioners have chosen to withdraw the contempt petition and the high court has been pleased to dispose of the contempt petition on his statement. No adverse observation with account to supernumerary posting of Officiating JTOs have been made by the court virtually accepting the stand of BSNL to adjust earlier test qualifying offg. JTOs. This order paved the way for adjustment/regular promotion of all other offg. JTOs as a onetime measure all over India. The

BSNL Management finally decided to amend the JTO RR-2001 with new JTO RR-2015 which has been cleared by the BSNL MC and pending for BSNL Board's approval. As soon as the Board approval comes the regularization of offg. JTOs will take place. As per new JTO RR 2015 the eligibility from TTA to JTO LICE will be 5 years service instead of 7 years of service. The seniority will be determined on the basis of marks obtained in the training centres. JTO will continue to be a Circle cadre in the scale of E1+5 advance increments.

3.15 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.

3.16 Allowing to exercise option to Deptt. JAOs on their promotion: The pay anomaly case of departmental JAOs was processed by PAT Cell. A committee formed headed by PGM (SR), Sr. GM(Pers.), GM(Estt.), GM(EF) and GM(FP) and the said committee finalized the report and submitted to competent authority for approval. The said Committee recommended five additional increment benefits to Deptt. JTOs/JAOs at par with direct recruit JTOs/JAOs and accordingly implemented. AIBSNLEA consistent efforts yielded result in getting released order on 24.07.2015 regarding pay fixation of JAOs(Deptt)(40% quota) of 2010 Batch arising out of Non-Executives' Wage revision orders dated 7.5.2010 and subsequent clarification dated 18.5.2011

3.17 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 2nd PRC: We have requested to restore the original order dated 23.09.2009 wherein provision for antedating 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 for example senior's pay will be stepped up with respect his junior and further senior's old DNI is restored will remove the future anomaly.. We have discussed the issue with new GM (Estt) who has assured to examine the issue afresh.

3.18 Merger of Civil/Electrical Division with SSAs: We expressed our serious concern against the merger of Civil Divisions with SSAs wherein one EE (C/E) will be reporting to one SSA Head and will carried out the work in 3-4 SSAs which will adversely affect the work of other SSAs. We demanded that either the EE (C/E) post are to be created SSA wise or the merger should take place up-to CE (C/E) level only. The matter is now resolved with the intervention of ED (NB).

3.19 Pension issues of BSNL pensioners:

1) 78.2% IDA Merger Issue For the Pensioners: After lot of persuasion made by this Association and lot of file movement within DOT and outside DOT, ultimately the draft Cabinet Memo on 78.2% IDA merger for pensioners has been approved by the MOC Sh. Ravi Shankar Prasad on 09-06-2015 exactly after two years of issuance of the order for serving employees. As per the procedure the Cabinet note has been circulated to four nodal ministries i.e. Legal, Expenditure, Public Enterprises and Pension & Pensioners welfare for their comments. All ministries have sent favourable comment except DOE who asked certain

clarifications. DOT is now preparing the reply of the queries and it will be sent to DOE soon. After receipt of their final comments, DOT will prepare the reply of the comments and it will be compiled with the cabinet memo and will be submitted for Cabinet Approval. As gathered from the reliable sources the Cabinet Memo has proposed the following:

- Ø **For Pre 2007 Pensioners:** Their pension will be notionally revised by merging 78.2% IDA as on 1-1-2007 but the revised pension will be actually paid from 10-06-2013. **Pension Arrears from 1-1-2007 to 09-06-2013 will not be paid.**
- Ø **For Post 2007 Pensioners:** Their pay will be notionally revised from 1-1-2007, which will also revise their last pay drawn notionally. The pension will be revised accordingly from their date of retirement but will be actually paid from 10-06-2013. **They will not be paid the pension arrears from date of retirement to 09-06-2013, and also arrears of leave encashment, gratuity, commutation. The pay arrears from 1-1-2007 to date of retirement will also be not paid like serving employees.**
- Ø It is also proposed to abolish the 60:40 pension sharing system with BSNL as was approved in the cabinet memo dated 29-12-2010. It is now expected that within two months time.

2) Cabinet Approval to 60:40 Pension Sharing with BSNL – A Serious Threat To The DOT Pensioners Retired after 1-10-2000 and also before 1-10-2000

With the approval of the cabinet memo dated 29-12-2010 by the Union Cabinet on 20-01-2011 the question of smooth payment of pension to BSNL absorbees and to those who retired before formation of BSNL is certainly **at stake**. The Union Cabinet has approved Para 6 of the said cabinet memo which reads as below: **6.2 “....., and government liability of pension being limited to 60% of receipts as mentioned in Para 3.2 to 3.5 of this note”** and Para 3.5 reads as **“After this revision the annual pension liability of the government in respect of employees of DoT/DTS/DTO who retired prior to 1.10.2000 and those who have worked or working in BSNL on deemed deputation and for those who are absorbed in BSNL, shall not exceed 60% of annual receipts to the Government from (i) Dividend income from MTNL/BSNL, (ii) Licence fee from MTNL/BSNL, and (iii) Corporate Tax/Excise Duty/Service tax paid by BSNL. If the annual pension liability exceeds the figure 60%, the balance amount is to be paid by BSNL.”**

Above Cabinet approval has thus superseded the assurance of the then Secretary DOT Sri Sidhartha Behura on 05-01-2009, clarifying the position that the provision of 60% is only for “funding purpose”, and **it does not in any way distract from the fact that ultimate liability of paying pension lies with the Government of India. And if BSNL for any reason is unable to contribute, the Government of India will still pay the admissible pension to BSNL employees”.**

It is also revealed from the note sheets of the file in which cabinet approval was taken that initially the protection clause as mentioned above was also part of the cabinet memo, which has subsequently been removed from the final draft without showing any reasons for such removal.

We have strongly protested such treacherous action of DOT immediately in writing as it will endanger the future of everyone. In the meeting held with secretary DOT on 01-05-2015 after

the Strike of 21st&22nd April 2015, along with other issues this issue was also strongly protested by AIBSNLEA. We have handed over a note with 20 annexure related to absorption documents and term conditions. GS AIBSNLEA has established in that meeting that the 60:40 pension sharing as approved by cabinet had never been mentioned to us at the time of absorption and now implementing such provision endangering the pension will be nothing short of treachery on the part of DOT. Secretary DOT agreed to examine the issue with all the documents supplied.

Subsequently it is now learnt that DOT has decided to withdraw the 60:40 provision and included the same in the cabinet memo for 78.2% IDA merger for pensioners as mentioned above. This has been achieved only due to timely action taken only by AIBSNLEA. This is a great achievement made only by negotiations with proper documents silently. Making agree the DOT to revert back its own decision taken is not a small thing. We hope that the cabinet also will finally approve the withdrawal of the 60:40 pension sharing. If still anything unexpected happen, then we have to be prepared for a legal battle.

However members may note the actual financial position as per the 60:40 fund sharing for last 5 years from the following table:

<u>Year</u>	<u>Divdnt</u>	<u>Corp.</u> <u>Tax</u>	<u>Service</u> <u>Tax</u>	<u>Excise</u> <u>Duty</u>	<u>License</u> <u>Fee</u>	<u>Total</u>	<u>60% of</u> <u>Total</u>	<u>Pension</u> <u>Payment</u>
2009- 10	Not paid	1935.00	2914.68	37.75	2154.10	7041.53	4224.91	2987.18
2010-11	Not paid	479.87	2355.13	8.20	1671.05	4514.25	2708.55	3522.81
2011-12	Not paid	456.04	2412.38	4.91	608.16	3481.49	2088.89	4822.98
2012-13	Not paid	392.35	2899.18	5.30	437.10	3733.93	2240.35	5685.13
2013-14	Not paid	196.12	2871.80	2.88	636.52	3707.32	2224.39	5657.03
<u>All amount in crores</u>								

3) FUTURE PENSION REVISION OF IDA PENSIONERS: The pension of CDA pensioners gets revised at the interval of 10 years automatically as per the recommendations of the central pay commissions. But for IDA pensioners till now the Pay Review Committees (PRCs) do not recommend anything as it was not mentioned in their terms of references. After pronouncement of 2nd PRC, we have seen that for implementing the recommendations DOT has to take separate cabinet approval for 68.8% IDA merger and for 78.2% IDA merger it is still under process. DOT initiated the process only after the recommendations are implemented in BSNL for serving employees. For CDA pensioners the pension revision takes place on the strength of specific recommendations of CPC. The same system should be for the BSNL absorbees also but unfortunately this was not mentioned in the terms and conditions at the time of absorption and no one taken a note of it that time. Now in view of the fact that BSNL constantly making loss year after year and there is no sign of recovery, and also for the reason that 3rd PRC is due next year, we have to explore the means and ways to protect at least our pension and its revision as per other government employees. **I put forward the present proposal for consideration of the house.**

- Ø We should immediately start negotiations with DOT and DPE so that pension revision for IDA pensioners be included in the terms and references of 3rd PRC.
- Ø Although the recommendations of PRC is only for the executives, but DOT should implement the same recommendations for NON executive IDA pensioners also.
- Ø In the event of the recommendations of 3rd PRC not implemented for serving executives by BSNL, the pay last drawn at the time of retirement has to be notionally fixed by implementing the latest PRC recommendation and Pension and pensionary benefits has to be calculated as per the revised notional pay. The same process has to be applied for non-executives also.
- Ø For implementation of the above proposals AIBSNLEA should mobilize the opinion of other Unions/Associations in BSNL and also in MTNL including pensioners Associations.

We have already written one letter to Secretary DOT, requesting to write to DPE for inclusion of pension revision as terms and reference for 3rd PRC.

3.20 Two weeks of training to executives whose pay is upgraded and on every promotion under EPP: AIBSNLEA's consistent efforts yielded result in getting released the letter no. 32-27/2004-Trg[Vol. VII] Dated: 18/02/2013 for relaxation in mandatory Training under Executive Promotion Policy for officers, who are of 55 years and above age on the date of their respective upgradation order, these officers will have the option of undergoing one week Refresher Course as a part of the mandatory training under EPP followed by appearing in online exam at the respective Training Centre.

3.21 Modification in soft tenure Transfer Policy: The BSNL Management Committee has approved the modifications in the soft tenure transfer policy. With this amendment now the executives working in soft tenure stations after notification of this modified soft tenure transfer policy are being exempted from inter/intra circle transfers. Also after serving in soft tenure stations, one executive can be transferred back to his choice of station after 3-years of service instead of 6-years etc. Finally, AIBSNLEA succeeded in getting released modification in the soft tenure transfer policy as demanded.

3.22 EPF Statement of BSNL recruited Employees: Yearly EPF statement is being supplied to BSNL recruited Executives in response to our detailed letter and we are continuously monitoring the same. We requested Director (HR) to resolve EPF issue for BSNL recruited JTOs at the earliest. We have also met with the EPF authorities several times regarding the proper redressal of the EPF issues and due to the same now the concept of the Universal EPF number has become a reality and EPF authorities has given the Direction to all the Employers vide letter number R-1/C-DAC/2014 dated 21.07.2014 regarding the introduction of Universal EPF Account Number.

3.23 Inordinate delay in settlement of disciplinary cases: We have requested BSNL Management for the settlement of long pending disciplinary cases. Many cases are pending more than 7-8 years and no decision is given, causing undue harassment to the executives on promotions and retirement. As per CVC guidelines all the disciplinary cases needs early settlement. All the Circle Secretaries are requested to submit a list of members of this

Association facing disciplinary cases with details in brief like date of initiation of disciplinary case, type of charge sheet and the matter in short.

3.24 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 800 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 with Data facility to all Executives: All the issues have been taken up with CMD/Dir (HR) for necessary action. In this regard orders are expected shortly.

3.25 Special drive for recruitment of JTO's/ JAO's for tenure circles: As a onetime measure a special drive for recruitment of JTO's / JAO's for the tenure Circles should take place with relaxed conditions. BSNL Management is considering the proposal in new JTO RR 2015.

3.26 Leave Encashment Fund created: On our persistent efforts BSNL has created leave encashment fund of Rs. 4800 crores and deposited to LIC which has enabled BSNL employees for their smooth payment of leave encashment on their retirement.

3.27 Meetings of Staff welfare Board / Sports & Cultural Board BSNL: The Meeting of BSNL Staff welfare Board & Sports & Cultural Board BSNL is being regularly attended by GS as special invitee. Similarly BSNL Corporate Office issued instructions to nominate representative from AIBSNLEA at Circle level also.

3.28 BSNL MRS Scheme:

1. The CGMs have been empowered to allow the officers/officials to take treatment in any recognized hospital of BSNL at any place of INDIA on justified grounds.
2. The BSNL MRS scheme for retired employees has been circulated.
3. AIBSNLEA is making efforts to get the facility of CGHS for BSNL serving/retired employees

4 Other Organizational Activities :

- **Amendments to Rules and byelaws of the Association:** The amendments in the constitution passed in the 4th AIC Nasik also amended some clauses of the constitution which has been submitted to BSNL Management and Registrar of Societies for information and necessary action. A committee consisting the following members was formed to study and report the resolutions and amendments to constitution, if any. Com. Amit Gupta, OS (E)

– Chairman, Com. R B Athani, AGS (Engg) Member, Com. C M Sasthe, OS (W) Maharashtra, Com. B S Reddy, OS (S), A.P., Com. Karan Singh, Advisor. The committee submitted the following amendments to the constitution:

Amendment to the Constitution

1. Enhancement of membership subscription from the existing Rs.50/- to Rs.80/- at the ratio of CHQ 40: Circle Rs.20 and Branch Rs.20. The date of effect will be after the membership verification.
2. After clause 6(e) to be added: *“For the purpose of accounting the hosting branch / circle shall maintain a Separate Bank Account other than the branch / circle for the purpose of All India Conference which shall have to be closed after the final account is prepared.”*
3. After clause 8(iii)(b) added: Or preferably through a computerized programme and system maintaining secrecy.
4. The clause 8(iii)(d) : “The General Secretary / Circle Secretary CWCs / CECs respectively” to be deleted. (This is not being followed anywhere and hence unnecessary. Further in the clause no provision for the persons who was circle secretary, etc, but before retirement conducted election. There will be financial burden on CHQ/Circles if all the retired GS / CSs are to be called for CWCs/CECs without serving any practical purpose).
5. The Office bearers of the Association who are retiring before completion of their tenure, they will continue as associate member by paying the membership fee till they complete the tenure in the association even after the retirement.
6. The Circle hosting the AIC should not hold their Circle Conference and hold their election before and after six months from the date of AIC
7. The clause 8(C)(ii)(g) Word forty to be corrected as thirty, being contradictory to the earlier clause

• Resolutions on Organizational Matters:

1. Holding the post in the association for more than 3 consecutive terms:
 - a) As per the provisions in the clause 13(v) it is proposed that this 4th AIC of AIBSNLEA approved the eligibility of Shri Prahlad Rai to contest for the post of General Secretary for the fourth consecutive term.
 - b) As per the provisions in the clause 13(v) it is proposed that this 4th AIC of AIBSNLEA approved the eligibility of Shri C.M. Saste and Sh. K.P. Nair to contest for the post of OS (W) and AGS(GD) for the fourth consecutive term.
2. It is resolved that 4th AIC of the AIBSNLEA that while claiming TA bill for organizational tour, the office bearers of different levels should attach photocopy of ticket and boarding pass for all travels by AC class and Air.

• **Establishment of Association office and permanent assets:** At present the Association Office is being run from BSNL’s accommodation. However, CWC may raise a proposal to take some accommodation on permanent basis / rented basis for stay purpose of our members visiting CHQ/BSNL CO New Delhi.

- **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 4th AIC Nashik the legal proceedings has been initiated against TESA (I) in the Hon'ble Civil Courts of NOIDA (UP).

- **Venue for next CWC/AIC:** This CWC may decide venue for next CWC/AIC.

- **Organizational Tours:** The details of the Organizational tours of CHQ Office bearers are being placed regularly on the website for information.

5 Organizational 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: The functioning of united forum of BSNL executives associations is mainly now with the coordination of AIBSNLEA, and AIGETOA only. SNEA (I) is not participating / coordinating with AIBSNLEA and AIGETOA under the banner of United Forum of BSNL Executives Associations. But for the last one and half year SNEA prefer to launch its separate agitation programs on the issues, hence the functioning of United Forum is derailed.

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 24th 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-

- Ø Lunch Hour Demonstration on 1st July, 2015 at all SSA/Circle/Corporate Office level.
- Ø Hunger Fast for three days from 10.00 Hrs. to 18.00 Hrs. on 7th, 8th and 9th July, 2015 at all SSA/Circle/Corporate Office level.
- Ø "Work According to Rule" program with effect from 00.00 Hrs. of 7th July, 2015 till withdrawal of the MT Recruitment and settlement of the pending HR issues.
- Ø "TOA ????" [Delhi Chalo] and "Indefinite Dharna" at BSNL Corporate Office, New Delhi with effect from 22nd 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 30th 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.

Finally GM (Pers) decided to put the opinion of individual representatives along with his own opinion to the competent authority for taking final decision. Over all talk was failed and forum of AIBSNLEA and AIGETOA decided to go with proposed agitation.

Three days nationwide hunger fast called by the united forum of AIBSNLEA and AIGETOA was observed successfully all over India on first day. Executives from the nook and corner of the country participated actively and shown overwhelming support to make the programs a grand success.

Realizing the gravity and strength of the agitation, four rounds of talks were held with Senior GM (SR), GM (Pers), Director (HR) and CMD BSNL with the representatives of AIBSNLEA and AIGETOA. Considering our demands and acknowledging the genuineness of the issues raised and the subsequent resentment and unrest amongst the executives, BSNL management informed us that they have deferred the internal and external MT exam for six months. We insisted that since the discussion on CPSU hierarchy is going on in the committee headed by ED (NB), any discussion on the requirement of any fast track mechanism within internal candidates should be held thereafter and MT in any form is not acceptable to us. We also pleaded with management to inform the timeline for resolution and progress on other pending HR issues discussed with Director (HR). Director (HR) appreciated our concern and directed Senior GM (SR) to issue a letter in line with the discussions.

Thereafter, CMD BSNL assured that he has been personally monitoring the developments and he is aware of the commitment given by HR wing. He further reaffirmed his commitment for resolution of the NO MT issue raised by the forum and resolution of other HR issues in a time bound manner. He also assured us that an agenda meeting with United Forum shall be held on Monday, the 13th July 2015 for his review of the HR issues. CMD BSNL emphasized on the need for exercising restraint and patience in view of the formalities associated with the matter. He also asked us to concentrate on the viability of the BSNL and making the recently launched schemes popular i.e. free night calling and free roaming and to provide quality services to the customers. We assured our fullest cooperation in his endeavor to turn around BSNL and to achieve its pristine glory.

Com GS, President AIBSNEA and President, AGS AIGETOA attended all the meetings with the management and also addressed the meeting during hunger fast at BSNL CO, New Delhi.

In response to the positive gesture shown by the BSNL management particularly CMD BSNL, forum of AIBSNLEA and AIGETOA has decided to defer the ongoing agitation program for six months. Though, some break through has been achieved but final outcome is awaited. We sincerely hope that management will honor its commitment for implementation of CPSU cadre hierarchy and resolution of pending HR issues in a time bound manner failing which we all should keep ourselves ready for resuming the deferred agitation program. At this juncture, we request all the members of AIBSNLEA and AIGETOA and other executives who supported the program, to resume their duties immediately and to concentrate for the growth of BSNL. We extend our sincere gratitude and heartfelt thanks to all the office bearers, esteemed members and well-wishers for their overwhelming support to the agitation program.

B. Viability of BSNL and functioning of Forum of BSNL Unions & Associations:

Forum of BSNL Unions & Associations has deep concern and anxiety about the continued loss of BSNL for the last five financial 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 continue despite the continued and sustained demands raised by the employees and their Unions/Associations for improvement of the services.

Forum of BSNL Unions and Associations submitted a memorandum to the Hon'ble Prime Minister of India on the following demands / suggestions before the government and the BSNL Management for Revival of BSNL and for a better service to the Nation:

1. The Government should honour and implement the assurances given at the time of formation of BSNL for financial viability like Reimbursement of License Fee, Payment of ADC to BSNL and Liberal subsidy from the USO Fund for compensating for the losses for providing services in villages, remote / rural / naxal affected areas etc.
2. The Spectrum should be allotted free to BSNL, which is the incumbent and Government Company, including the additional spectrum with BSNL.
3. The Rs. 18,500 crores charges for BWA and 3G Spectrum from BSNL should be refunded.
4. Orders should be issued making it mandatory for all Central/State Government departments, Central/State PSUs to take telecom services from BSNL/MTNL as

have been issued for air-travel by another central PSU, Air India. This will help in dealing with security concerns also.

5. Refund BSNL the huge interest of about Rs. 12,000 crores recovered from BSNL @ 14.5% for the Notional loan of Rs. 7,500 crores. Now Government has taken a decision to wave off the pending Notional loan and interest amount.
6. Transfer the assets and land to BSNL from the government for which BSNL is paying the taxes and other charges.
7. An effective and quick mechanism and immediate procurement of equipment like Mobile lines, Broadband Modem, Cables, Drop Wires, Optical Fiber etc. so that expansion and Development could be implemented quickly.
8. The Pension Contribution to be remitted to the government should be on the basis of actual pay and not on the basis of the maximum of the pay scale, by which the company is losing huge money.
9. BSNL should be exempted from payment to USO Fund and License Fee, considering the fact that the financial condition of the BSNL is weak.
10. The Management of the company should belong to the company and not to deputed officers.
11. Telecom Factories to be modernized. In addition to towers, other equipment required for telecom services should be manufactured. It should be made mandatory for the field offices to purchase the equipment from telecom factories.
12. No VRS /Retrenchment in BSNL, which will have negative impact on the services as has already been the experience wherever it has been implemented.
13. No Disinvestment / Privatization of BSNL
14. Abolition of the Telecom Advisory Committees, which have been formed when only DOT was providing services, and which has got no relevance now except unnecessary expenditure.
15. Active and committed participation of the employees in marketing and other developmental activities.

- **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 Deloitte 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 21st 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.

Forum of BSNL Unions & Associations served Notice on 18.11.2014 to Secretary, DoT and CMD, BSNL on various demands related to growth and viability of BSNL.

Programme of Action

1. "Demands Day" on 11th December 2014 with Lunch Hour Demonstrations.
2. 10 Days Campaign from 11th to 20th December 2014.
3. 3 Days Dharna at SSA/Circle/BSNL CO from 6th to 8th January 2015.
4. **"March to Parliament"** on 25th February 2015.
5. Two Days Strike from 21st and 22nd April 2015.

Charter of Demands

1. Filling up the posts of CMD/BSNL and DIR (Finance) and DIR(HR) of BSNL Board:
2. Formation of subsidiary companies of BSNL.
3. Compensation for Loss on landlines for rural / remote area service.
4. Procurement of equipment for development, expansion and better service, more focus on laying OF cable to strengthen the transmission network.
5. Transfer of Assets to BSNL
6. Proposal for Merger of BSNL and MTNL.
7. Spectrum Liberalization and Trading.
8. Pension contribution on actual basic instead of maximum of the pay scale for the employees absorbed from DoT to BSNL.
9. Reject the recommendation of TRAI to force BSNL to surrender 1.2 MHz spectrum in premium 900 MHz band.
10. Reject M/s Deloitte Consultant recommendations
11. Allotment of spectrum free to BSNL
12. Provide financial assistance to BSNL to expand the network.
13. BBNL should be merged with BSNL
14. 4G Services should be started by BSNL.
15. Refund of BWA spectrum charges by the Government for the spectrum surrendered by BSNL earlier.
16. 78.2% IDA merger fixation for pre-2007 and post-2007 Pensioners.
17. Pension Revision of BSNL Pensioners
18. Fresh Recruitment of Staff required
19. BSNL service to be mandatory to Central Government, State Government and PSUs:
20. Condition of mandatory purchase of equipment from ITI to be scrapped.

AIBSNLEA actively participated in all the above calls given by the Forum.

- **Distribution of SAG level officers in Telecom Operations Stream in Territorial Circles and SSAs on Provisional basis:** Restructuring Cell of BSNL Corporate office issued instructions vide letter no. 4-3/2011-Restrgr./Vol. II dated 28.10.2013 wherein requirement of SAG level officers of Telecom Operation Stream in Territorial Circles and as SSA Heads have been reviewed. In the said letter, distribution of GM level officers and their roles in Circle have been mentioned and it is also mentioned that level of SSA Head has been determined by SSA revenue. This CWC may suggest further action in this regard.

- **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 (Deptt. 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 but the Govt. yet to take the decision in this regard.

- **Deployment of ITS Group 'A' Officers in BSNL :** The contempt case on ITS issue in Hon'ble High Court of Delhi was listed for hearing on dated 19.03.2014 as CASE No. 227/2013 in Court No. 7 before Hon'ble Justice S.K. Misra at the High Court of Delhi at New Delhi. Mr. Rajshekhar Rao appeared on behalf of the Petitioners. Mr. Sikri appeared on behalf of BSNL and Mr. Vaibhav Kalra appeared on behalf of DOT. The case is posted for hearing on 14.10.2014. AIBSNLEA is party in this case along with BSNLEU and SNEA.

The writ petition filed by AIBSNLEA, BSNLEU and SNEA came for hearing on 12.08.2014, the Hon'ble Central Administrative Tribunal, Principal Bench at New Delhi. However, as Court No. 1 was not sitting on 18.04.2013, the matter was heard in Court No.2 before the bench comprising of Hon'ble Mr. George Paracken and Hon'ble Mr. Sudhir Kumar.

Mr. Rajshekhar Rao appeared on behalf of the Applicants. Counsel for DOT entered appearance. However nobody appeared for B.S.N.L.

After hearing the submissions put forward by Mr. Rao, the Hon'ble Tribunal was pleased to admit the matter and therefore issued notice to the Respondents. Mr. Rao's submissions were two fold, firstly the contumacious disregard of the Order of the Hon'ble High Court in W.P. 22515/2005 and the consistent effort of the Respondents to issue the Orders which virtually supersede a judicial decision which in itself was illegal. Secondly, it was submitted that the officers who had not exercised the option at the material time were now being deployed to BSNL which will gravely prejudice the promotional benefits of the Applicants. Notice has been issued on the prayer made for stay of the Impugned Orders and the Respondents have been directed to file a Reply as regards the same. The captioned matter has been notified for hearing on 17.09.2014.

Contempt Case at Hon'ble High Court, Delhi on ITS deputation:

The case was listed for hearing on 21.05.2015. In the contempt matter, DoT submitted an undertaking to the Hon'ble Court to correct its earlier order and implementing the judgment in a phased manner by relieving the ITS officers in bunches of 100 on year to year basis. Full details of the submission will be uploaded after receiving it from our lawyer. Hon'ble High Court posted the matter to 31.07.2015, after the vacations giving another opportunity to the Government to comply with the original order. On 31.07.2015, the contempt case was heard in the Hon'ble High Court at length and posted for 18.11.2015 for further hearing. The Contempt is still continued. However, in compliance to the Hon'ble High Court directives BSNL relieved 94 ITS officers on repatriation to DoT before hearing on 31.07.2015. Now, 86 ITS officers are expected to be redeployed in BSNL shortly.

Court Case for Quashing of the redeployment order of ITS officers in BSNL:

The matter was listed on 18.08.2015 before the Central Administration Tribunal, Principal Bench as Item no 17. The Bench was not inclined to hear the matter in view of the contempt petition pending before the High Court. However, our advocate submitted that the relief in the contempt petition and the present application are entirely different and requested that the matter be heard after the contempt petition is heard on 18.11.2015 in view of certain developments by the department, which the Hon'ble High Court was still considering.

Accordingly, the matter has now been adjourned to 07.12.2015.

- **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.

6 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 3rd 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.

Conclusion:

This is a report having reported the important developments & activities of the Association after the 1st CWC meeting held at Hyderabad on 21st, 22nd and 23rd August 2014 and the 4th All India Conference held at Nasik from 10th to 12th Nov 2013 mainly to have quick catch-up of the major developments that took place during the period. So that the deliberations on the various items, on agenda of the CWC Meeting at Kolkata may 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. AIBSNLEA and AIGETOA friendship is now becoming stronger and stronger and is a historical event which will create milestone by safeguarding the interest of BSNL Executives and BSNL as a whole. I am confident that our collective strength, enthusiasm, zeal and maturity in decision making will make it possible for us to reach our goal to become Number one Majority Executive Association in BSNL. Let us, therefore march forward to re-write our own future with confidence and firm determination. We are extremely thankful to the comrades of Kolkata TD Circle and West Bengal Circle members for holding this CWC Meeting successfully at Kolkata.

Thanking you, it is concluded.

AIBSNLEA - UNITY - ZINDABAD ! AIBSNLEA - ZINDABAD ! BSNL - ZINDABAD !

Comradely yours,



**(Prahlad Rai)
General Secretary**