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**No. AIBSNLEA/CHQ/SECY/T/2017**

**DATED: 18.07.2017**

To,

**Shri Manoj Sinha Ji  
Hon'ble MOSC (I/C),  
Govt. of India,  
New Delhi -110 001**

**Subject: Arbitrary and unjust orders issued by DOT to withdraw additional increment provision under BSNL Executive Promotion Policy (EPP) on financial promotions– Our protest against.**

**Reference:**

1. DoT letter number 40-12/2004-Pen (T) (pt) dated 05.07.2017
2. Our letter no. AIBSNLEA/CHQ/SECY/T/2017, dated 13.07.2017

**Hon'ble Sir,**

The member (Finance) DOT who has recently joined DOT as member (Finance) without knowing the background of the issue and the developments took place at the time of formation of BSNL on 01.10.2000 and thereafter absorption took place of about 70000 Group-B level Executives in BSNL under the assurances of DOT/BSNL is now withdrawing even the assured career progression settled promotion policy and pay fixation envisaged in it on the pretext of P&T audit para as per the advice given by Principal CCA Delhi. Such arbitrary and unjust order is issued after a gap of more than 10 years wherein the pay fixation with one additional increment in the same pay scale on post based promotion was granted with the approval of BSNL Board and DOT administration and Hon'ble MOC&IT is now withdrawn.

DOT has directed BSNL to review the executive promotion policy issued on 18.01.2007 on retrospective manner after 10 year which will cause huge recoveries and great financial loss to BSNL Executive without any fault of them. It has caused serious resentment and frustration among the BSNL Executives and it will force them to go on agitation.

**Background:-**

The Executive Promotion Policy (EPP) for Group-B level officers was approved by BSNL Board and DoT came into existence on 18.01.2007 as per the assurances given to Group "B" level officers before their absorption in BSNL. The benefit of one additional increment in the same grade on post based promotion was recommended by the high level committee headed by Shri S. Bhave, the then Addl. Secretary (T), DoT to ensure that the one executive on his post based promotion gets one increment on higher responsibility knowing well the provisions of DOP&T and FRSR. The EPP was also approved by DoT with the approval of the then Hon'ble MOC&IT. Now after 10 years, some senior officers of DoT are denouncing the decisions of the earlier DoT officers including Hon'ble MOC&IT and Secretary (T). Moreover, BSNL is a PSU wherein the Executive Promotion Policy was introduced to get absorbed about 70 thousand Group "B" level officers under the assurance that after their

absorption they will get better pay, promotion and pension, just to motivate them to compete with the private telecom operators in Telecom field of India. Now after 10 years such DoT decisions to withdraw the pay fixation benefit of Group "B" level executives is nothing but depriving them from their legitimate benefit already granted.

We, the erstwhile DoT employees got absorbed in BSNL in October 2000, observed that whenever BSNL beats the telecom industries revenue growth bench mark (in Quarter 4 of 2016-17 – BSNL's revenue is positive compared with other private operators) some orders are issued which demoralize the entire working employees of BSNL and create an industrial unrest.

The DoT letter under reference above is also an example of its kind. The stated order issued by DOT is based on the P&T Audit para during the review of accounts of Pr. CCA New Delhi without appreciating the genuine reasons behind awarding one additional increment on his/her post based promotion whenever the executive is in the same scale of pay. The Executive Promotion Policy completed its 10 years and the said Executive Promotion Policy order was released after wide consultation by High Level Committees and Sub committees which sorted out all outstanding issues of absorption and it recommended an Executive Promotion Policy for Group-B level officers. The recommendations of the committee was duly considered by BSNL Board with approval of DOT and the time bound /post based Executive Promotion Policy in respect of Gr-B level officers in BSNL was approved, only the salient points are mentioned below for consideration and cancellation of the ill-conceived order dated 05.07.2017.

1. Time bound promotion of Executives of BSNL has given advantage of double fixation of pay i.e. one at the time of time bound up-gradation and another at the time of regular promotion to the same scale:
  - i) No advantage of double fixation of pay is granted to BSNL executives. If allowed same may be proved with reference to FR22 I(a)(1).
  - ii) As per BSNL Executive Promotion Policy clause II (v) which speaks about Post Based Promotion Policy, consequent to grant of any post based promotion the executive's pay will be fixed under FR22(I)(a)(1) only in cases where such posts carries higher scale from the current scale of the Executive being promoted. Further, where Executives pay scale is the same as that of promoted post, benefit of one increment in the current scale of the Executive shall be granted on promotion. Hence one additional increment is awarded only for those executives who is on the same scale of pay to take over the higher responsibility on the functional promotion. Even this additional one increment is not allowed for those executives who are in the higher scale of Pay at the time of regular promotion
  - iii) The EPP unmistakably states that there is no fixation of pay involved if the executive is promoted to a higher post in the same scale of pay and the fixation under FR22(1)(a)(1) arises only to executives who are promoted to a post with carrying higher scale of pay.
  - iv) With implementation of EPP in BSNL all arrangements like In-situ / ACP or any other time bound promotion / up-gradation scheme under Government set up was withdrawn unless permitted under specific context.
2. The EPP for BSNL executives is not comparable to the similar schemes of **Modified Assured Career Progression (MACP)** of Government employees or of other PSUs:
  - i) Apple and Orange cannot be compared. Comparison is a false analogy. While drafting the BSNL EPP, the committee headed by the then Additional Secretary (T), DoT, Shri S. Bhave has considered the other PSUs Executive Promotion Policies read with DPE guidelines. The EPP for BSNL executives is duly approved by BSNL Board and DoT.

- ii) Some of the PSUs are offering time bound promotions in 2 to 3 years whereas in BSNL the 2<sup>nd</sup> time bound up gradation and further upgradations are in 5 years only. Executives of BSNL are deprived of such quicker EPP.
- iii) Central Government employees are covered under Central Pay commission whereas PSUs are governed by Pay Revision Committee. When revision of pay is having two different types, how the promotion and time bound up-gradation can be similar.
- iv) As BSNL is a CPSU, it can frame its own rules in consonance with DPE guidelines and the same was done with regard to Executive Promotion Policy. BSNL is no way overseen by FRSR of Govt. Of India and all pay matters are dealt by BSNL and the PRC being taken care by DPE. The EPP of BSNL cannot be compared with MACP as both are of different disposition and BSNL is not Government Department.
- v) Earlier also in DoT set up the JTOs (T) / SDEs (T) were getting double pay fixation in the same pay scale i.e. one pay fixation on lateral advancement and the second on vertical promotion in the same pay scale which later on in the year 2006 on the basis of P&T audit para was withdrawn on prospective date basis wherein no recoveries or repay fixation was ordered by DoT on retrospective manner.

**3. Grant of extra increment on post based promotion under EPP stands rescinded:**

It is proved beyond doubt that action of DoT by letter dated 5.7.2017 is completely wrong. The P&T audit para would have been replied by Pr. CCA New Delhi stating that BSNL executives are not granted double fixation of Pay and allowed one additional increment with some conditions like executives should be on the same scale of pay etc.

It is pertinent to state here that whenever there are some P&T audit paras on allowing AMC by BSNL, Management took a conscious decision and replying about the need of the AMC, similarly the rationale behind awarding one additional increment at the time of post based promotion of BSNL executives would have been replied.

- 4. With regard to additional pensionary liability, all absorbed executives (Erstwhile DOT officers) are covered by Rule 37A CCS (Pension) Rules, 1972. The pension will be paid on 50% of the last basic pay drawn in IDA scale as in case of CDA. For this purpose, pension contribution is paid by BSNL to DoT for each and every executive as envisaged in FR116. Hence there is no question of additional burden to the ex-chequer as BSNL is burdened to pay pension contribution on the maximum of the pay scale instead of actual pay.
- 5. We are surprised to note that P&T audit has not pointed out that BSNL employees are getting lesser pay-scale than MTNL employees for the last 17 years, which requires comparison.
- 6. We are surprised to note that there is no sufficient compensation by Government for the rural services rendered by BSNL and the same is yet to be raised as para by P&T Audit.
- 7. We are yet to understand the logic behind paying pension contribution on the maximum of the pay scale instead of actual.
- 8. And, with a lot of unjustifiable surprises BSNL is surviving with the hard and untiring contribution by Absorbed / BSNL recruited executives and non-executives.
- 9. With regard to the observations of P&T Audit, they have failed to note that promotion and fixation benefits of a PSU and Government are totally different and equating the promotion scheme of a Mini Ratna to Government department was a gross misjudgment. The executives in BSNL are bemused on how the Finance branch of DOT agreed for withdrawal of one increment of post based promotions because it was them who had vetted the Executive Promotion Policy of BSNL before it was released on 18.01.2007.

10. It is more than ten years since the EPP was implemented in BSNL and it is unreasonable to ask BSNL to bring in line all pay fixations made in line with Government rules. The truth is in BSNL all pay fixations are governed by EPP (Approved by BSNL board in consultation with DOT) and not by Govt. rules.

Now ignoring all the above facts DoT has issued arbitrary order of withdrawal of double pay fixation in EPP in the same pay scale on retrospective date, which is amounting recoveries of lakhs of rupees of the executives and demotivating them. In the present circumstances when the BSNL is struggling to turn around by increasing its growth and revenue, DoT by issuing such arbitrary and unjust orders is demoralizing the entire executives of BSNL.

In view of the above facts, it is requested to kindly intervene in the matter so that DoT immediately review its decision with respect to BSNL which is a PSU not Govt. Department and all the PSUs have their own promotion policy. In case DOT continues to reverse its earlier decisions then all the BSNL absorbed Executives should immediately be reverted back to DOT by cancelling the absorption process and their Presidential orders.

With kind regards,

**Yours sincerely,  
Sd/-  
(Prahlad Rai)  
General Secretary**

**Copy for kind information to:**

1. Ms. Aruna Sundararajan, Chairperson TC & Secretary (T) Govt. of India, New Delhi-110001.
2. Shri Anpum Srivastava, CMD, BSNL, New Delhi – 110001.