



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

**Central Headquarters
New Delhi-110001**

President P. Veneugopal Mob:9443200177 E-mail:presidentaibsnlea@gmail.com	General Secretary Prahlad Rai Mob:9868278222 E-mail:gsaibsnlea@gmail.com	Financial Secretary T.C. Jain Mob:9868188748 E-mail:tcjain_1957@yahoo.co.in
--	---	--

No.: AIBSNLEA/CHQ/CMD/2014

Dated: 19.02.2014

To

Shri R.K. Upadhyay
Chairman-cum-Managing Director
Bharat Sanchar Nigam Limited
New Delhi -110001

Subject : Non-settlement of the long pending issues of the Executives' in BSNL - regarding

Respected sir,

We would like to bring to your kind notice that non settlement of the long pending issues of the executives in BSNL has caused serious frustration among the executives. It is unfortunate that even after the formal meetings held on 29th & 30th April 2013 in response to the notice for organizational action programme commencing w.e.f.29th April 2013 by AIBSNLEA, formal meetings were held between the representatives of AIBSNLEA and the BSNL management (Record of discussions enclosed Annexure A). But for the last 9-10 months no follow up action has been taken by the management as assured in the formal meetings. All the pending issues were deliberated in the 4th AIC of AIBSNLEA held at Nashik from 10th Nov 2013 to 12th Nov 2013 and the 4th AIC expressed its serious concern and resentment against the non settlement of long pending issues.

Some pressing issues of importance needs immediate settlement

1. Implementation of Assured Executives Promotion Policy in BSNL.
 - a. Implementation of CPSU cadre hierarchy- Change of designations on each Time Bound upgradation on functional basis. First time bound promotion on 1-10-2004 after completion of four years w.e.f. 1-10-2000 in all the cases.
 - b. Date of effect of Implementation of revised IDA Pay Scales for the Executives of Civil /Elect./Architect Engg. Wings and PAPS cadre w.e.f. 1.10.2000 on notional basis.
 - c. Settlement of Pay anomaly cases wherein senior Executives are drawing less pay than their juniors.
 - d. Amendment in BSNL MSRRs allowing Diploma holders to the promotion of Executive Engr. (Civil/Electrical) wings at par with other disciplines of executives.
2. Implementation of E-2, E-3 IDA pay scales for JTO/JAO & SDE/AO equivalent executives in BSNL.
3. Pay anomaly in the pay of JTOs of 2007 and 2008 batches (recruited after 01.01.2007)

4. 30% Superannuation benefits to directly recruited employees as per DPE guidelines.
5. Early Resolution of EPF anomalies with serious discrepancies in respect of Direct Recruited Employees of BSNL.
6. CPCs to fill up the vacant PGM/GM/DGM (Engg.)/DGM(Fin), DE/CAO,SDE(T)/ AO equivalent posts in BSNL on adhoc/ Regular basis.
7. Inordinate Delay in holding the 33% LDCE for the promotion of SDE(T)
8. Restructuring, Revision of pay scale of AD (OL) and Hindi Translators.
9. Regularization of officiating JTOs and removal of FR-35 pay fixation.
10. Grievances of PA/ Stenographers' cadre.
 - a. Post based promotions for PA/PS to PPS/Sr.PPS.
 - b. Common Recruitment Rules & Nomenclature in BSNL.
 - c. Introduction of Promotion Policy for Stenos (Dying cadre).
11. Antedating of pay - anomaly due to accrual of increment of Junior earlier than the senior after fixation of pay in revised pay scale implementation of 2nd PRC
12. Allowing exercising options to Departmental JAOs on their promotion who got promoted on or after 07.05.2010.
13. Two weeks of training to executives whose pay is upgraded and on every promotion under EPP
14. Inordinate delay in settlement of disciplinary cases.
15. Modifications in Executives Transfer Policy for soft tenure stations.
16. Recruitment of JTO (E)/ JTO (TF) from TTAs cadre through LDCE.
17. Improvement in the revised policy for service GSM, RSTC & Broadband to Executives.

In the above back ground, the 4th All India Conference held at Nashik in November 2013 has resolved to request the BSNL Management to take immediate necessary steps for the settlement of the above pending grievances of our members (Brief enclosed in the Annexure) in a time bound manner and immediate grant a meeting to this Association to avoid further launching of organizational action programmes.

With kind regards,

Yours sincerely,
-sd-
(Pralhad Rai)
General Secretary

Copy to: -

1. The Director (EB/HR) / (Fin.) / (CFA) / (CM), BSNL Board, New Delhi.
2. The PGM (BW) / (EW) / (Arch) BSNL C.O., New Delhi.
3. The GM (SR) / (Pers.) / (Estt.) / (Restructuring) / (TRG) / (FP) / (EF) / (CA) BSNL C.O., New Delhi

Brief Note on Pending issues which needs immediate settlement

1. **Implementation of Assured Executives Promotion Policy in BSNL.**
 - a. **Implementation of CPSU cadre hierarchy- Change of designations on each Time Bound upgradation on functional basis. First time bound promotion on 1-10-2004 after completion of four years w.e.f. 1-10-2000 in all the cases.**
 We have already given the detailed letter on this issue on 20.12.2013. On each time bound upgradation to the next higher grade, the designation and the duties/responsibilities associated with the grade should also be changed as assured at the time of absorption to the Gr.'B' officers in BSNL i.e. "Non post based time bound promotions upto SG JAG level grade and post based promotions after SAG level post ". Also first time bound promotion on 1-10-2004 after completion of four years w.e.f. 1-10-2000 in all the cases.
 - b. **Date of effect of Implementation of revised IDA Pay Scales for the Executives of Civil /Elect./Architect Engg. Wings and PA/PS cadre w.e.f. 1.10.2000 on notional basis.**
 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. After implementation of this order no Executive has been benefited. Whereas, as per Dr. Vinay Shahi's Committee recommendations the upgraded scales for the above executives' should have been implemented w.e.f 1.10.2000 on actual basis or notional basis. Recently, notional pay fixation from 01.10.2000 in the upgraded pay scales has been allowed to JAOs. Similar treatment is required to be given to JTO/SDE (Civil/Electrical/Arch.) engineering wings and PAs/PSs cadres.
 - c. **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 Ernakulam 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 Ernakulam 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 first filed SLP in the Hon'ble Supreme Court in this regard denying its implementation but later on Hon'ble Kerala High Court judgment is implemented for the applicants. We request to extend the same treatment to similar executives.

d. **Amendment in BSNL MSRRs allowing Diploma holders to the promotion of Executive Engr. (Civil/Electrical) wings at par with other discipline of executives.**

As per the BSNLMSRRs, 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. and against the DoP&T guidelines & CPWD RR wherein Diploma holders are also allowed to be promoted to the grade of EE (C/E/Arch). AIBSNLEA strongly protested against this discrimination and demanded 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) as per BSNL Board decision.

In addition to this, in the Architecture discipline, having valid registration as Architect with the council of the Architects is made compulsory, which is gross injustice to the absorbed Executives of Arch Engineering wings in BSNL.

2. **Implementation of E-2, E-3 IDA pay scales for JTO/JAO & SDE/AO equivalent executives in BSNL.**

AIBSNLEA has taken the issue many times and recently provided the letter on 20.12.2013 on the issue. As per Recommendation of 2nd PRC, DPE has issued order to all CPSEs vide Letter No. 2(70)/08-DPE(WC)-GL-VII/09 dated 02/04/2009 wherein it is clarified that "There will be no change in the ten pay scales of below board level posts as indicated in OM dated 26/11/2008 and there is no justification for introducing intermediary pay scales. In BSNL the Executives of JTO/SDE level are placed in the lower pay scales against their standard IDA pay scales E2 to E3. Almost all the Oil sector, Steel Sector and Power Sector PSUs including MTNL are already adopted the entry level Executives' pay scale starting from E2 scale. The demand to place JTOs and SDEs in standard pay scales of E2 and E3 is very legitimate.

No intermediary scales have been permitted under DPE O.Ms. dated 26.11.2008 and 02.04.2009. Generally, promotion has to be from one 'Grade' to next higher 'Grade' with its corresponding scale as per the promotion policy of respective CPSEs. A CPSE cannot have more than one pay scale in a grade (say DGM & GM in E8 pay scale) to promote its executives within the same grade". Ignoring the DPE O.Ms. on implementation of 2nd PRC recommendation for standard pay scales E-2 & E-3 for JTO/SDE equivalent executives, BSNL Management is continuing efforts to implement E1A & E2A intermediate IDA pay scales in BSNL for JTO/SDE equivalent executives, which is not at all justified. In view of this, standard IDA pay scales E-2 & E-3 as recommended by 2nd PRC are to be implemented in BSNL for JTO and SDE equivalent executives to provide justice.

BSNL Management is not at all serious to introduce CPSU cadre hierarchy and implementation of E-2, E-3 IDA pay scales for JTO & SDE equivalent executives. The Joint Committee of BSNL officers headed by PGM (SR), BSNL CO, New Delhi and the representatives of BSNL Executives Associations was constituted in Feb-2012 to discuss and submit its report on both the issues within a period of six months but even after a laps of two years, no serious discussions has taken place in the Committee Meetings. Executive Associations has already submitted their unanimous opinion/ suggestion on CPSU Cadre hierarchy but the Management side has not started discussion on this. Similarly, E-2, E-3 standard IDA pay scales implementation case has so far not even discussed in any meeting. It clearly shows the ignoring attitude of the BSNL Management.

3. **Pay anomaly in the pay of JTOs of 2007 and 2008 batches (recruited after 01.01.2007)**

AIBSNLEA has submitted its view on this issue in its letter dated 20.01.2014. Around 5000 talented Direct Recruit JTOs have joined BSNL after 1.1.2007 in JTO 2007 and 2008 batch. They are demoralized and frustrated due to a large

difference of around Rs 3500/- in basic pay as compared to the JTOs recruited prior to 01.01.2007. **At the time of their recruitment, it was advertised that their pay will be fixed in E1A pay scale, but it is unfortunate that their pay was later fixed in revised E1 scale.**

It is worthwhile to mention here that a committee was constituted under the Chairmanship of Shri K C G K Pillai, the then PGM (FP) to find out the possibilities to overcome the situation of the pay loss to 2007 and 2008 batch JTOs/JAOs. The committee was in favour to recommend standard pay scales i.e. E2 for JTO/JAO and E3 for SDE/AO, but the committee recommend provisional pay of E1+5 increments only due to possible enhancement in pension contributions in that situation. Management has extended the E1+5 increments of JTO 2007 and 2008 batches but it is definitely not a permanent solution. The pay differences between the JTOs recruited after 01.01.2007 and their counterparts who joined before 01.01.2007 will boost up largely in 3rd PRC in 2017

DoT has rejected the proposal of BSNL Management for Intermediary pay scales of E1A and E2A for the JTO/JAO, SDE/AO equivalent cadres. It is pertinent to mention here that as per the recommendations of 2nd PRC, DPE has issued orders to all CPSEs vide Letter No. 2(70)/08-DPE(WC)-GL-VII/09 dated 02/04/2009 wherein it is clarified that "There will be no change in the ten pay scales of below board level posts as indicated in OM dated 26/11/2008 and there is no justification for introducing intermediary pay scales. DPE has provided the guidelines that all CPSUs should switch over to standard pay scales recommended by 2nd PRC. It is pertinent to mention here that many PSUs in Oil, Power and Electrical sectors including the MTNL have already switchover to the new standard IDA pay scales w.e.f. 01.01.2007 as per the guidelines of DPE.

4. 30% Superannuation benefits to directly recruited employees as per DPE guidelines.

This Association has already submitted its crystal clear views about the issues related to provisions of Superannuation Benefits to directly recruited employees in its letter dated 20.12.2013. We requested BSNL Management to resolve superannuation benefits to directly recruited employees as per DPE guidelines. 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. Further, as per DEP OM dated 24-1-2013, it has also been clarified that DEP OMs do not provide for mandatory contribution on the part of employees and suggested that employees contribution to their post retirement 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.

Recently BSNL Management has organized a meeting on 15.01.2014 with all the Unions/Association on this issue and insisted for providing only 2% additional contribution as superannuation fund. But all the Unions/Association including AIBSNLEA has submitted their crystal clear stand for providing the remaining 12% contribution as superannuation fund only.

5. Early Resolution of EPF anomalies with serious discrepancies in respect of Direct Recruited Employees of BSNL.

This Association has already submitted its crystal clear views about the Early Resolution of EPF anomalies with serious discrepancies in respect of Direct Recruited Employees of BSNL in its letter dated 30.01.2014.

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/EB) to resolve EPF issue for BSNL recruited JTOs at the earliest. GM (Estt.) & GM (CA) met EPF Authorities to centralize the EPF accounts online. EPF authorities clarified that EPF account of employees has been centralized at Regional Level and efforts are being made to centralize it on All India level shortly. But even after a lapse of one year the EPF is not centralized. Hence, BSNL should centralize the EPF. Para-32 of EPF Act clearly stipulates that "no past contribution can be recovered from current salary of the employees, past arrear if any shall be paid by employer in respect of both the contribution". But in many field units in BSNL the past contribution has been recovered from current salary of the employees. A clarification may be issued to field units regarding the same including the refund of the already recovered amount

BSNL has neither contributed for the diet allowance, nor for the stipend for the period of training, inspite of the mandatory provision of EPF Act. An order in this regard may be issued from BSNL CO for making both the contributions. BSNL Field units (except BSNL CO) are not providing the display of monthly EPF statement to the employees; Due to this the employees are unaware with their actual contribution and relevant shortcomings. Strict instructions may be issued to field units for providing regular EPF statement. The EPF slips are issued with a great delay by EPF authorities. Instructions may be issued to the all concerned IFAs to persue the same with EPF authorities to avoid the said delay.

6. CPCs to fill up the vacant PGM/GM/DGM (Engg.)/DGM(Fin), DE/CAO,SDE(T)/AO equivalent posts in BSNL on adhoc/ Regular basis.

A good number of PGMs/GMs/DGMs/DEs/SDEs equivalent posts are lying vacant since long. It is adversely affecting the viability of BSNL and causing stagnation in the career prospects of executives. Hence, immediate CPCs to be conducted to fill up all vacant Group -'A' and Group-'B' level posts.

7. Inordinate Delay in holding the 33% LDCE for the promotion of SDE(T):

Personnel Section of BSNL Corporate Office has already notified the vacancies for the year 2010-11, 2011-12, 2012-2013 to Recruitment Section. BSNL has a large number of posts of SDE (T) lying vacant. So the LDCE to fill up these vacant posts is the need of hour. This forthcoming Limited Departmental Competitive Examination from JTO (T) to SDE (T) should be conducted **with a single and common paper**. We have submitted our views on this issue in our letter dated 22.01.2014.

8. Restructuring, Revision of pay scale of AD (OL) and Hindi Translators.

The committee constituted under the Chairmanship of Addl. GM(CP&M) Shri Harshvardhan has not yet finalized the report to restructure the AD(OL) cadre even after a lapse of one and half year. We request for early restructuring of the AD(OL) cadre as per 6th CPC recommendations and to provide promotional avenues as available in DoT/ Govt.

9. Regularization of officiating JTOs and removal of FR-35 pay fixation.

The Committee Constituted to amend the JTO RR-2001 has to submit its report. All the Unions/Associations have already given their views/suggestions in this regard. We request for early regularization of the officiating JTOS and removal of FR-35 Pay Fixation by giving pay fixation under FR-22-(1a)(i) to all the officiating JTOs as per the judgment of Hon'ble Apex Court.

10. Grievances of PA/ Stenographers' cadre.

(a) Post based promotions for PAPS to PPS/Sr.PPS.

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:-

- 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.
- 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.
- All Officers (PA/PS/PPS) who are in E-4 scale for a period of 5 years or have completed 23 years of service from the date of entry in the cadre may be promoted to E-5.
- All officers who have been promoted to E-5 and have completed a minimum period of 3 years may be placed in E-6.

(b) **Common Recruitment Rules & Nomenclature in BSNL.**

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.

(c) **Introduction of Promotion Policy for Stenos (Dying cadre).**

There are about **251** Stenographers working throughout the country in the field units of BSNL. Out of these **251**, 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 Time Bound Promotion in future and have to retire from the present position when others may enjoy the benefits. This discrimination is against natural justice.

11. Antedating of pay - anomaly due to accrual of increment of Junior earlier than the senior after fixation of pay in revised pay scale implementation of 2nd PRC.

We requested to BSNL Management to restore the original order dated 23.09.2009 wherein provision for ante-dating the increment of the senior to that of the junior was envisaged. Alternatively, management can think of any other solution that will address the issue of anomaly wherein the junior does not draw more pay than the senior and also the senior does not face any drop in his basic pay which he/she will be drawing by virtue of the 3% annual increment provided in the rule.

12. Allowing exercising options to Departmental JAOs on their promotion who got promoted on or after 07.05.2010.

Allow to execute option to the departmental JAOs appointed after 7.5.2010. As 7.5.2010 was the "cut of date" for implementation of 2nd PRC for non - executives and the pay of non-executives has to be revised w.e.f. 7-5-2010. We requested to consider that as special case wherein the JAO exam result was declared in March 2010 but they were sent to training centers later on in different months due to shortage in Training centre and these JAOs could join after 7.5.2010 only and they are not allowed to exercise option on promotion to executive cadre.

13. Two weeks of training to executives whose pay is upgraded and on every promotion under EPP.

BSNL issued 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. We further request to withdraw the Mandatory Training.

14. Inordinate delay in settlement of disciplinary cases.

We have been requesting 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.

15. Modifications in Executives Transfer Policy for soft tenure stations.

We requested for an early action on amendment in transfer policy clause wherein the condition of serving 3 years in soft tenure station for one executive and further he has to serve some other SSA for next 3 years, thereafter, only his request may be considered for posting to his choice of station. It is not justified and that is why these soft tenure stations vacancies in Telecom. Circles are not being filled up. Hence, immediate modification in Executive Transfer Policy for soft tenure stations is needed

16. Recruitment of JTO (E)/ JTO (TF) from TTAs cadre through LDCE.

In order to augment the shortage of JTO (E), we proposed to conduct LICE for TTAs having Diploma / Degree qualification in Electrical / Mechanical Engg by making provision in the JTO (E) RR. Also it is a fact that the working strength of JTO (TF) is very less than the sanctioned strength and direct recruitment is not taking place. So we proposed to conduct LICE for TTAs having Diploma / Degree qualification in Electrical / Mechanical / Metallurgical Engg by making them eligible through modification in the JTO (TF) RRs.

17. 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) Executives working in BSNL Corporate office, New Delhi should be provided GSM service connection from the neighboring BSNL Circles falling under NCR.
- (c) Rent free Broadband service connection to all Executives with BSNL 750 plan.
- (d) 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.
- (e) All Executives' should be allowed CUG facility on RSTC at circle level.
- (f) Allowing 3G Mobile service to all Executives.

-sd-

(Prahlad Rai)

General Secretary