



**ALL INDIA  
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EXECUTIVES' ASSOCIATION  
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No. AIBSNLEA/CHQ/ACP/2007-08

Dated 18<sup>th</sup> September, 2007

To,

**Shri Kuldeep Goyal,  
Chairman-cum-Managing Director  
BSNL, New Delhi.**

**Sub: Modifications/withdrawal of already implemented ACP scheme of DoP&T for cadres whose pay scales were upgraded after 1.10.2000 -regarding.**

Sir,

We are constrained to draw your kind attention towards the following arbitrary, unjust and illegal orders of Personnel Division of BSNL Corporate Office:

(i) Para 1(I)(d)8 of O.M. no. of 400-61/2004-Pers.I dated 18.1.2007 regarding Executive Promotion Policy which provides that all benefits of ACP scheme granted after 1.10.2004 would be withdrawn. The benefits of Promotion Policy in respect of a large number of executives becomes due w.e.f. 01.10.2005 and 01.10.2006. Withdrawal of ACP benefits from these executives without giving any benefit under Executive Promotion Policy till 1.10.2006 is causing serious frustration in the minds of executives.

(ii) Para 3 & 4 of letter no. 25-4/2006-Pers.II dated 20.8.2007 provides that no benefit of ACP schemes has to be granted against the upgraded pay scale for which the orders have been issued by BSNL. It also provides that wherein IDA pay scale has already been granted under the ACP scheme corresponding to the BSNL upgraded scales, the same may be reviewed and regulated as per above provision.

2. With reference to above mentioned letters issued by BSNL Corporate Office, we would like to draw your attention towards following relevant/salient features of ACP scheme, which was formulated and implemented by DoP&T to deal with the problems of genuine stagnation/ hardship faced by the employees due to lack of adequate promotional avenues:

(a) **ACP scheme has no provision for withdrawal of benefits granted under it.**

(b) Point 7 of Annexure to DoP&T O.M. no. 35034/1/97-Estt(D) dated 9.8.99 regarding introduction of ACP scheme provides that **"Financial Upgradation under the scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/post without creating new posts for the purpose."**

(c) As per the para 35 of Annexure to DoP&T O.M. no. 35034/1/97-Estt(D)(Vol-IV) dated 18.7.2001 regarding clarification on the ACP scheme, **"where all the posts are placed in a higher scale of pay, with or without a change in the designation, without requirement of new qualification for holding the post in the higher grade, not specified in the Recruitment Rules for the existing post, and without involving any change in responsibilities and duties, the placement of all the incumbents against such upgraded posts is not to be treated as promotion/upgradation."**

(d) As per the para 52 & 55 of Annexure to DoP&T O.M. no. 35034/1/97-Estt(D)(Vol-IV) dated 18.7.2001 regarding clarification on the ACP scheme for restructured cadres, **"If as a restructuring, feeder and promotional posts are merged to constitute one single level in the**

*hierarchy, then in such a case next financial upgradation will be in the next hierarchical grade **above the merged levels** and if any promotion has been allowed in the past in the grades which stand merged, it will have to be ignored. However, if for certain reasons, it is inescapable to retain both feeder and promotional grades as two distinct levels in the hierarchy though in the same scale of pay, thereby making a provision for allowing promotion to a higher post in the same grade, it is inevitable that benefit of financial upgradation under ACPs, has also to be allowed in the same scale. **This is for the reason that under the ACPs financial upgradation has to be allowed as per the 'existing hierarchy'. Since a new hierarchy has come into being, the financial upgradation may be allowed only in the restructured hierarchy**".*

4. Recruitment Rules in respect of all the posts for which scales were upgraded had been framed by BSNL Management and all these posts/cadres have well defined hierarchy of promotion. This hierarchy of promotion had only been followed while granting benefits of ACP, as required under Point 7 of Annexure to DoP&T O.M. no. 35034/1/97-Estt(D) dated 9.8.99. Besides, it was only due to above mentioned clarifications from DoP&T that the ACP benefits were granted to the BSNL executives in IDA scales in their existing hierarchy. Now BSNL by its orders mentioned at para 1 above, is withdrawing the duly justified benefits granted under ACP scheme to its executives.

5. Grant of benefit under ACP scheme by BSNL to its executives was unconditional one, and not related to any modifications at a later date. Hence issuing of above mentioned orders by Personnel Division shows that BSNL is stepping back from the commitment made by it earlier. We have already taken up the matter against arbitrary withdrawal of ACP benefit vide letter dated 15.5.2007. A copy of this letter is enclosed. Such orders give impression that an earlier unconditional order issued by an authority can be subsequently modified without any logical ground in violation of existing norms & practice.

6. The ACP scheme stipulated by Department of Personal and Training and **BSNL can not modify the scheme of DoP&T on its own. Any alteration in ACP scheme can be made only by DoP&T.** Besides the BSNL has to seek financial concurrence of DoT while finalising a scheme affecting pension of BSNL Employees/Executives. **Since this order dated 20.8.2007, if implemented, affects the pension prospect of the ACP beneficiaries, the case file should have been referred to DoT for its concurrence.** However no such attempts were made by BSNL. This is a clear violation of norms laid by DoT and DoP&T. This further shows arbitrariness in the attitude of BSNL authorities.

7. The underlying premise of the orders issued recently by Personnel Branch is that for one particular post BSNL can have two pay scales – one scale as granted under Recruitment Rules and another for granting benefit under ACP. This is brazen violation of Fundamental Rules, as **no FR allows two pay scales for one post.** Such order tends to prove that BSNL authorities does not have any respect for norms of Government of India.

8. We also feel that any attempt to modify the order granting benefits of ACP issued by BSNL after 1.10.2000 is arbitrary, unjustified and tend to invite legal complications, as it attracts contempt of the Court for going against the AWARD passed in the 'Central Government Industrial Tribunal Cum Labour Court, Ernakulum' in I.D. no. 10/2005.

9. We therefore requested that the benefits of ACP should be extended to the Executives who are to be benefited from Executives' Promotion Policy after 1.10.2004 and up to 30.9.2006. Simultaneously, orders modifying/withdrawing the ACP benefits already granted by BSNL shall be repealed and benefits granted under ACP scheme may be protected.

With regards,

Yours sincerely,



(Prahlad Rai)  
**General Secretary**

Encl: As above.

Copy to:

1. Shri A. Raja, Hon'ble Minister of C&IT, Sanchar Bhawan, New Delhi.
2. Shri Suresh Pachouri, Minister of State (Personnel, Public Grievances & Pension), New Delhi.
3. Shri D. S. Mathur, Chairman (TC) and Secretary, DoT, Sanchar Bhawan, New Delhi.
4. Director (HRD), BSNL, Bharat Sanchar Bhawan, New Delhi.
5. Director (Finance), BSNL, Bharat Sanchar Bhawan, New Delhi.