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No. AIBSNLEA/CHQ/CMD/2014

DATE:12.03.2014

To

Shri R. K. Upadhyay,
Chairman cum Managing Director,
BSNL, New Delhi-110001.

Sub: Modification in BSNL MSRRs 2009 of EE(C/E/Arch) retrospectively wherein SDEs(C/E/Arch) having diploma qualification should be allowed to the promotion of EE (C/E/Arch) posts – Reg.

Respected Sir,

We are constrained to bring to your kind notice that, hundreds of SDEs(C/E/Arch) of BSNL Civil wing having diploma qualification are being deprived from the promotion of EE(C/E/Arch) posts on the pretext of BSNL MSRRs 2009. It is a matter of fact that BSNL Board has granted parity to JE (C/E/Arch) at par with JTO (T) in BSNL. Accordingly, all the executive cadres i.e. JAO, JE/AE(C/E/Arch/TF) engineering wings, PA/PSs, CSS cadres were restructured w.e.f. 01.10.2000 by changing their RRs with change of designation, qualification and pay scales to provide parity at par JTO (T). But, BSNL MSRR-2009, by ignoring the parity already granted by the BSNL Board to JTO/SDE(C/E/Arch) at par with JTO/JAO & SDE (T)/AO in respect to their promotion at STS level by prescribing the entry qualification of direct recruits i.e degree in civil/elect/arch engineering for the promotees also. Against this discrimination and breach of assurance, AIBSNLEA strongly protested and demanded parity to SDE(C/E/Arch) at par SDE (T)/AO with respect to their promotion to the post of EE(C/E/Arch). BSNL Management considering the request of the Association modified BSNL MSRR to the extent of EE(C/E/Arch) RR - 1994 which did not met our demand in full. We are continuously pleading since 2009 to provide parity to SDE(C/E/Arch) at par with SDE (T)/AO on promotions also.

Similarly, AIBSNLEA has been pleading to consider the degrees acquired through Distance Mode of Education while in service with due permission which has already been allowed in PGM(EW) unit. This was based on the opinion of the legal cell of corporate office that BSNL MSRR does not speak anything about the mode of acquiring the degree i.e full time or part time or distance mode. It only talks about recognized by Indian law. But PGM (BW) did not consider it. On our request, Director (HR) constituted a committee of three Officers i.e. GM (Pers.), PGM (BW) and PGM (EW). Committee in its first meeting sought clarification on the validity of degree availed through Distance Education from UGC which has also been received one month before and the committee further discussed the matter wherein, it is decided to seek the opinion on distance Education from AICTE also and accordingly a letter is being sent to AICTE by GM (Pers.) cell

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Meanwhile, PGM (BW) and PGM (EW) sent the proposals for filling up of the vacant EE(C/E) posts i.e. about 75 EE (Elect) and about 125 EE(Civil) posts. AIBSNLEA met PGM(BW) on 05.03.2014 and pleaded that since the proposal of modification in BSNL MSRRs is in process as well as the committee to examine validity of distance Education while in service, is also on job, CPCs for promotion to the grade of EE (C/E) should not be initiated until a finality is achieved on both the issues. PGM (BW) categorically told that now he can not wait for the decisions on both the above issues and want immediate filling up of the vacant (about 125 EE (Civil)) posts. He also mentioned that in case the BSNL MSRR-2009 in respect of EE(C/E) is modified, these will be applicable on a prospective date only. This shows his irrational attitude against the diploma engineers. We pleaded that we have been protesting BSNL MSRR-2009 in respect of EE(C/E/Arch) since its notification but he did not agree and told that he has already sent the CPC proposal to the Competent Authority for approval.

On 06.03.2014, we further met Director (HR) and requested for an early action on modification of BSNL MSRR-2009 of EE (C/E/Arch) and decision on validity of distance Education in Civil Wing in the presence of PGM (EW). Director (HR) mentioned that though both the proposals are under consideration of the BSNL Management but it may take time in decision. Hence, the proposals of PGM (BW/EW) to fill-up vacant EE (C/E) vacant posts can not be further delayed to initiate CPCs on the basis of existing BSNL MSRR. PGM (EW) also pleaded for early filling-up of the EE (Elect.) posts. Director (HR) informed PGM (EW) that shortly a decision will be taken on this issue in the presence of PGM (BW). We further pleaded that it will be a great injustice if the diploma holders having more than 30 years of service are kept aside and all the vacant EE(C/E) posts are filled up by degree holders SDE(C/E) only which will be a breach of assurance given to provide parity with JTO(T) to the JTO(C/E) at the time of absorption in BSNL.

Also Hon'ble Principal Bench CAT, New Delhi in OA 2651/2012 in the matter of Sh. T.R. Sharma and others vs Union of India through its Secretary, Ministry of Communications & IT, Department of Telecommunications, has given the judgment on 26/04/2013 that JEs/AEs with Diploma in Engineering and having 10 years technical experience will be treated equivalent to Degree in Engineering in consideration of the MHRD order no.F18-19/75/T-2 Dtd 26/05/1977. Copy of the judgment is enclosed herewith for ready reference please. Recently the BSNL has been forced to downgrade the qualification for MT examination for internal candidates and will be applicable for all backlog vacancies.

In view of the above, it is requested to kindly intervene urgently in the matter so that an early decision is taken by BSNL Management on the issues of the validity of the degree acquired through Distance Mode of Education while in service with due permission and proposed modification in the BSNL MSRR-2009 retrospectively to allow SDEs (C/E) having diploma qualification for the promotion to the grade of EE (C/E) to avoid grave injustice to the diploma holder SDEs (C/E) and also to avoid litigations.

With kind regards,

Yours Sincerely
-sd-
(Prahlad Rai)
General Secretary

Copy to:

1. Shri A.N. Rai, Director (HR), BSNL Board, New Delhi – 110001
2. Shri A.K. Gupta, PGM (BW), BSNL CO, New Delhi – 110001
3. Shri U.N. Rai, PGM (EW), BSNL CO, New Delhi – 110001
4. Shri S.S. Agarwal, BSNL CO, New Delhi - 110001