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No. AIBSNLEA/CHQ/DIR(HR)/2012

DATED 01.05.2012

To

The Director (HR)
BSNL CO
NEW DELHI-110001

SUB: Option for Pay Fixation or Grant of Five Advance increments to compensate reduction of Emoluments as in the case of DR.JTOs/Dr.JAOs—Case of Internal Officials recruited against DR.JTO QUOTA who have applied through proper channel-Reg.

- Ref:** 1) AIBSNLEA/CHQ/GM (Estt)/2010-11 dated 23-09-2011
2) BSNL CO LR. NO: 1-07/2012-PAT (BSNL) dated 28-03-2012.
3) BSNL CO LR. NO: 5-31/2001-Pers IV dated 23-06-2010.
4) BSNL CO LR. NO: 37-PAT (BSNL) dated 18-05-2011.
5) BSNL CO LR. NO: 1-29/2010-PAT (BSNL) dated 03-Jan-2012.
6) BSNL CO LR. NO: 1-29/2010-PAT (BSNL) dated 19-Mar-2012.
7) BSNL CO LR. NO: 1-16/2010-PAT (BSNL) dated 07-05-2010.

With reference to the above subject matter under reference (2) dated 28-03-2012 wherein vide para No: (3) it was stated that "The matter has been examined and it is hereby clarified that the appointment given under direct recruitment quota after rendering technical resignation by the employee cannot be treated as promotion. Therefore, such employees are not entitled for exercising the option for fixation of pay in terms of the para 3.6 of this office order dated 07-05-2010."

It was shocking and created heartburn amongst the Internal Officials recruited against Dr.JTO Quota since the said order was contrary to the order issued by BSNL Corporate Office cited under reference (3). Para (4) of BSNL Corporate office Lr. No.: 5-31/2001-Pers IV dated 23-06-2010 cited under reference (3) in which the clarification reads as follows: "The Officials recruited as DR. JTO are entitled for benefits of past service, if otherwise admissible under rules, for fixation of pay in the post of DR.JTO, treating the resignation as technical formality. The Pay is fixed under FR 27. The leave will be carried forward." The very purpose of the order dated 23-06-2010 cited under reference (3) is to protect the benefits of past service, fixation of pay admissible under the rules on the subject. Even in the past their pay was fixed under FR 22C [now FR 22 I (a) I]

Further the Internal Officials recruited against DR.JTO Quota [both 2007 Batch and 2008 Batch] for whom results have been declared before 07-05-2010, the date on which the Non-executive pay scales were notified vide BSNL CO Lr. No:1-16/2010-PAT (BSNL) dated 07-05-2010. Para 3.6 of the letter dated 07-05-2010 cited under reference (7) reads as follows: “ The non-executives can opt for the revision of pay on 01-01-2007, or from the date of promotion after 01-01-2007, or from the date of next increment in the existing scale. The option under this shall be exercised in writing in the form as per Annexure- II so as to reach the authority within period of three months from the date of issuance of this order.

Para (2) of the letter dated 18-05-2011 cited under reference (4) reads as follows: “ The matter has been examined in consultation with BSNL Finance and accordingly, it is clarified that the Non-executives, who got promotion/financial upgradation under ACP scheme from Non-executive grade to Executive grade between the period 01-01-2007 i.e. the date of revision of IDA pay scales and 07-05-2010 i.e. the date of issuance of Office Order No. 1-16/2010-PAT (BSNL) may be allowed to exercise option for fixation of pay in the revised pay from the date of their promotion/financial up-gradation under ACP Scheme.”

Since the results of these Internal Officials recruited against DR.JTO Quota [both 2007 Batch and 2008 Batch] before 07-05-2010, they are entitled to exercise their option as per para 3.6 of the BSNL CO Letter dated 07-05-2010 cited under reference (4) and (7). The result of 2007 Batch was declared in October,2008 and the result of 2008 Batch was declared in November,2009 but they have been denied to exercise option to have their pay fixed on the date of promotion.

In addition Para No: (2) of BSNL CO Lr. No: 1-29/2010-PAT (BSNL) dated 03-Jan_2012 reads as follows: “The Board of Directors has approved the proposal for grant of 5 (five) advance increments on the minimum of the revised pay scale of Rs. 16400-40500 E-1 Scale) be given to directly recruited JTOs of 2007 & 2008 batch and JAOs in respect of whom result declared in April, 2010 on the date of their joining the service.” This consideration is given stating that there is reduction in emoluments. While our association wholeheartedly welcome this decision since it is our demand to grant 5 Advance Increments to Directly recruited JTOs and JAOs, the same could not be denied to the Internal Officials recruited against DR.JTO Quota who have applied through proper channel.

In the light of the above it is apparent that the internal candidates qualified in the same Examination is discriminated and they have been denied the benefits of Pay fixation by the said order dated 28-03-2012 cited under reference (2) above. Hence the same may be withdrawn immediately.

Hence it is requested to consider the following points for the settlement of Pay Fixation case of Internal Officials recruited against DR.JTO Quota who have applied through proper channel.

- 1) As per Corporate Office letter dated 23-June-2010 [Reference cited under (3)], Internal Officials recruited against DR.JTO Quota are entitled for benefits of past

service for fixation of pay in the post of Dr.JTO and hence the letter dated 28-MARCH-2012 [Reference cited under (2)] may please be withdrawn.

- 2) Their case has to be treated as promotion as per letter dated 23-06-2010 and hence the letter dated 28-MARCH- 2012 which considered their promotion as fresh appointment has become null and void.
- 3) Since their results (both 2007 and 2008 Batch) has been declared between 01-01-2007 and 07-05-2010, they are covered by the order dated 18-May-2011 [Reference cited under (4)] and hence it should be made applicable to them. A clarification order for letter dated 18-05-2011 [cited under reference (4)] i.e. it is applicable to the internal Officials recruited against DR.JTO Quota as well would suffice.
- 4) Further the date of declaration of results has been taken as the criteria for grant of 5 (Five) Advance increments in the case of DR. JTOs/ DR.JAOs (result declared between 01-01-2007 and 07-05-2010), the same should be made applicable to the Internal Officials recruited against DR. JTO Quota.
- 5) Further these officials already crossed the minimum basic pay of Rs. 16400/= and were drawing between Rs. 19000 to Rs.20000 as basic pay. Granting 5 (Five) Advance increments on the minimum of E-1 Pay scale of Rs. 16400 will be less than (Rs. 19020/-) their actual basic pay of Non-executive grade on the date of promotion and hence it will not give them any relief.
- 6) These officials have qualified in the same competitive examination under DR.JTO Quota and seniors in service when compared to DR.JTOs and hence their pay should be protected and they should draw higher pay than directly recruited JTOs.
- 7) Even in the past Internal Officials were allowed to exercise their option to have their pay fixed on the date of promotion as per sub-para. of clause (a) (1) to FR 22 (I).

Hence it is requested that the anomaly created on account of the order dated 28-03-2012 may be removed and the reduction in the emoluments of Internal Officials recruited against DR.JTO Quota may be restored either

- 1) By allowing them to exercise their option to have their pay fixed on the date of promotion as per letter dated 18-05-2011 cited under reference (4) (in which case they will draw Rs.21620 /- on the date of promotion and the entire pay fixation arrears they have received consequent on the pay fixation in non-executive grade w.e.f. 01-01-2007 to the date of promotion as JTO to the tune of Rs. 1 lakh will be adjusted/recovered) since they continue to draw the same pay of Non-executive grade in the pre-revised IDA Pay scale till the date of promotion as JTO.

OR

- 2) By Granting 5 (Five) Advance Increments on their ACTUAL BASIC PAY arrived at after their pay is fixed from Non-executive Grade to Executive grade by granting one Increment @ 3% on their actual basic pay in the Non-executive Grade as on the date of Promotion instead of the minimum of the revised pay scale of Rs. 16400 /- which will put to rest all anomalies/discrimination among

Directly recruited JTOs and Internal Officials recruited against DR.JTO Quota who have applied through proper channel.

We would therefore request you to kindly intervene in the matter, so that necessary order may be issued.

Thanking you,

Yours faithfully,
-sd-
(Prahlad Rai)
General Secretary

Copy to : The Director (Fin), BSNL, New Delhi-1
2 The ED(Fin),BSNL CO, New Delhi-1
3 The SR. GM(Pers), BSNL CO, New Delhi-1
4 The GM(Estt), BSNL CO, New Delhi-1