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EXECUTIVES' ASSOCIATION
CENTRAL HEADQUARTERS
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No. AIBSNLEA/CHQ/Sr. GM(Pers.)/2012-13

Dated:08.10.2012

To,

**Shri A.K. Jain
Sr. GM (Pers)
BSNL, Corporate Office
Bharat Sanchar Bhawan,
NEW DELHI-110001**

Sub: Change of nature of AAO Cadre from Post based to Time bound through clarifications issued vide No:400-175 / 2007 – Pers.I Dated 19th FEB 2010 resulting postponement of First Time Bound Promotion under EPP for one year and loss of one increment there of - Regarding.

Respected Sir,

It is constraint to bring to your kind notice that, JAO's appointed in DOT on regular basis from 1996/ 1997 batches who had not been issued Adhoc / Regular promotion to the AAO cadre prior to 01-October 2000, were absorbed in the substantive JAO post in BSNL upon its formation with effect from 01-10-2000. As per Recruitment Rules circulated vide notification dated 14-9-2000, the No of posts of AAOs were shown as 3826 (subject to variation dependent on workload) in the pay scale of Rs.6500-200-10500. These posts were to fill up by promotion from amongst those JAOs who have completed three years regular service in the grade. Accordingly, the JAOs of 1996/ 1997 batches were promoted on ad-hoc basis by DOT vide Memo No. 39-6/2000-SEA-11 dated 26-12-2000 and there names were published in the Gazetted notification of DOT (Govt. of India) clearly mentioning that JAOs group-C were promoted to the grade of AAO Group-B (Gazetted) involving higher responsibilities. They were further promoted on regular basis as AAOs with effect from 01-04-2001 also by DOT vide No:39-2/2000-SEA-II dated 23.04.2001.

- (2)** In the year 2004, all such officers were permanently absorbed in BSNL retrospectively w.e.f. 01.10.2000 as per options called for by DOT on giving written assurance that all the promotions given by DOT will be protected. Subsequently, BSNL introduced promotion policy for executives vide letter No: 400-61 / 2004 – Pers.I Dated 18th JAN 2007. Accordingly, they were granted first TBP with effect from 27-DEC-2004 from E-2 scale to E-3 scale after completion of four years residency period in the E-2 scale treating adhoc promotion from JAO to AAO cadre as post based promotion, in accordance with the instructions issued in the EPP.
- (3)** In the year 2010 Personal Branch suddenly issued clarifications vide Memo no. 400-175/2007-Pers - I dated 19-02-2010 relating to E.P.P wherein it was mentioned that those who got the promotion from JAO to AAO between 01.10.2000 to 30.09.2004 will be treated as 1st time bound Up-gradation. Accordingly, the time bound upgradation given to my members, who were earlier promoted to the grade of AAO on 26.12.2000 by DOT, was postpond from 26.12.2004 to 26.12.2005.

- (4) Resulting postponement of First Time Bound Promotion from 26.12.2004 to 26.12.2005, the pay of such members was brought down by one increment which has further converted into cumulative loss at the time of implementation of revised pay scales under 2nd PRC w.e.f. 01.01.2007 due to the fitment methodology.
- (5) The same was objected and represented by individuals/ Association. Then the issue was referred to a high level committee for examination. The committee upheld the same clarification issued on 19.02.2010 and issued its decision vide letter no: 400-11 / 20- Pers.I (Pt). Dated 23rd April, 2012 which stipulates that “the pay grades of AAO are not substantive grades and have not been consciously included in the hierarchy of post based promotion of the EPP” and it had also been mentioned in the letter that “excess pay drawn by them, if any, need not to be recovered by the circles”.
- (6) While postponement of their up-gradation for one year from 26.12.2004 to 26.12.2005, approximate 500 AAOs lost one increment forever which also affect their pensionary benefit.

In view of the above facts & to meet out the natural justice of our members the following is suggested:

- (i) **To reconsider the decision of the high level committee conveyed vide letter no: 400-11 / 20- Pers.I (Pt). Dated 23rd April, 2012.**
- (ii) **In case administration is still of the view to uphold the decision of the High level committee then, to avoid any litigation, it is suggested that the pay refixed/ brought-down consequant upon the postponement of time bound upgradation from 26.12.2004 to 26.12.2005 in view of the clarification issued by Pers. branch vide its letter dated 19.02.2010, may be given pay protection on one time measures as a special case.**

To avoid the litigation, it is therefore requested to kindly look into the matter sympathetically and direct the concerned authorities that at least their pay may be protected even while uniformity with the provision of EPP residency frequency of Time Bond Promotion in the past and future. While protecting the pay of these AAOs there will not any pay disparity with other Accounts personnel and there will be no further litigation in Finance cadre.

There have been many other cadre cases, where, the pay was protected in such type of cases.

Hence, it is requested that the matter may be reviewed simpethitically keeping in view the above contents in this regard.

With kind regards,

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