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No. AIBSNLEA/CHQ/CMD/2015

DATED: 08.07.2015

To,

Shri Anupam Srivastava
CMD BSNL
New Delhi -110 001

Subject: Regarding Clarification/Interpretation of DoT order on BSNL MSRR-2009 on EE (C/E) in Schedule – I B: reg

Reference: 1) DOT O.M. No. 19-23/2012-CWG dated 11th Feb, 2015.
2) DOT O.M. No. 19-23/2012-CWG dated 02/06/2015.
3) Our letter of even no. dated 31/03/2015.

Respected Sir,

Kindly refer to the above stated letters on the subject cited above. The brief fact of the matter is that BSNL MSRR-2009, in terms of its schedule I-B under Note-2 has discriminated the Civil/Electrical/Architecture Executives by prescribing the entry qualification of direct recruits i.e degree in Civil/Elect/Arch engineering or equivalent for the promotes also in respect of promotion to the grade of EE. As there are no such provisions for similarly placed executives in BSNL, AIBSNLEA has been protesting this discrimination and breach of assurance of parity with SDE/AO.

Many communications has been made in this regard, agitations have taken place, the HPC has been formed, the Management Committee has cleared the HPC proposal of 50:50 Diploma/Degree candidates but still the issue remained unresolved due to the un-helping and arrogant attitude of the BSNL Board. Now the issue needs to be re-examined in view of the judicial orders and administrative ministry's implementation and subsequent clarification to BSNL vide reference-3. The Hon'ble High Court, Delhi orders dated 05/08/2014 in WP(C) No.4879/2014 filed by UOI against the order of Hon'ble CAT (PB) dated 26/04/2013 in OA No. 2651/2012 has directed to consider for grant of benefits in terms of Government of India instructions dated 26/05/1977 by which Diploma in Engineering with ten years technical experience has been recognized as equivalent to degree in Engineering. The directions/ observations of Hon'ble courts also invited attention to Recruitment Rules 1994 wherein, one of the conditions prescribed for promotion from the grade of Assistant Engineer (C/E) to the grade of Executive Engineer (C/E) is that the officers holding the post of AE(C/E) on regular basis and should possess a degree in Engineering or equivalent.

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The DOP&T also found correct the decision of Hon'ble High Court that Diploma in Engineering having 10 years of technical experience is equivalent to degree in Engineering. Accordingly, the DOT vide the OMs under reference-1&3 has implemented the order dated 05/08/2014 of Hon'ble High Court, Delhi. It is a pity that BSNL who was ignoring the DOPT's clarification Dated 26/05/1977, Hon'ble Principal Bench CAT, New Delhi order dated 26/04/2013 in OA 2651/2012 and some other High Court orders is still in a slumber state even after implementation of the same in the administrative ministry after defeating in the Hon'ble High Court.

The Schedule I B of the MSRR says **degree in engineering or equivalent** for promotion to the grade of EE and in the light of Hon'ble HC, New Delhi and DOPT & DOT's observations, all SDE(C/E/Arch) having Diploma engineering with 10 years' experience are deemed qualified for promotion to the grade of EE.

In view of the above, it is requested to kindly arrange to issue clarification/ interpretation to the schedule I B of MSRR 2009 in respect of **equivalence of degree in engineering** in the light of Hon'ble HC order, DOPT and DOT's order.

With kind regards.

Yours Sincerely

(PRAHLAD RAI)
General Secretary

Copy to:

1. The Director (HR), BSNL Board, New Delhi.
2. The ED (NB), BSNL, CO, New Delhi
- ✓ 3. The PGM (BW/EW/Arch), BSNL CO, New Delhi.
4. The Sr. GM (SR) BSNL CO, New Delhi.
5. The GM (Pers), BSNL CO, New Delhi.