



BHARAT SANCHAR NIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)

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No. BSNL/7-4/SR/2013

Dated, the 2nd May, 2013

Record of discussions of the meeting of All India BSNL Executives' Association with the BSNL management held on 29th and 30th April, 2013

In response to the notice for organisational action programme commencing w.e.f. 29th April, 2013 by All India BSNL Executives' Association, meetings were held between the representatives of AIBSNLEA and the BSNL management on 29th and 30th April, 2013. The following issues came up for discussion during the meeting -

(1) **Immediate withdrawal of looking after arrangements and allowing officiating Promotion till the time all vacant DE/DGM level posts are filled up on adhoc/regular basis** - The Association explained that the officers given looking after charge of the higher posts, instead of the earlier arrangement of local officiating, is creating certain operational difficulties and also expressed apprehension that the officers may not be able to exercise statutory powers, in response to which the management side informed that vacant posts of DE/DGM could not be filled up due to litigation in seniority lists. With a view to resolve the issue the Association agreed to give in writing the apprehensions envisaged in the looking after arrangement for further examination by the management.

(2) **CPCs to fill up the vacant HAG/SAG/JAG, STS Group 'A' & Group 'B' grade posts in BSNL on adhoc/regular basis** - The Association side mentioned that a good number of senior level posts are lying vacant which is adversely affecting the viability of BSNL and also causing stagnation in the career prospects of Executives; and also requested for immediate filling up of the same. In response, the management side explained the following position -

Filling up of HAG/SAG posts - All the vacant posts of HAG, SAG level Executives are to be filled up as per provisions of BSNL MS RR-2009. Proposal for HAG/SAG promotion is being submitted.

Filling up of DGM posts - Promotion to the grade of JAG is pending because of the Ernakulam court order. Minutes of the DPC is already done and got it approved. In the meantime VC got expired on 17.4.2013. To be in readiness, fresh VC has already been called for.

Filling up of DE posts:

(a) STS (ad hoc) - Preparatory work is going on. MC approval for 1100 posts has already been received. Nevertheless there is a stay even for preparatory work from Chennai Court and case is being heard. Also 147 CQ officers and reserved category officers from list no. 6 and 7 are to be considered if promotion is effected. List No. 6 and 7 are quashed by lower courts and SLP has been filed. Necessary approval for all the above points are to be obtained for conducting DPC.

(b) STS(Reg.) - VCs have been asked for filling up 2010-11 vacancy year and ACRs are being collected from the circles for vacancy year 2011-12. However, approval with respect to 147 CQ officers and officers coming in list no. 6 and 7, as stated above, is to be obtained.

Filling up of SDE posts :

(a) Under Seniority Quota (67%) - This office has completed the exercise of promotion up to vacancy year 2008-09 along with Backlog vacancy up to 2005-06 under seniority quota. The DPC for the said vacancy year was done in 2011 and the promotion order was issued on 30.3.2011 i.r.o 1861 JTOs. However the promotion order issued could not be executed completely due to stay granted by Hon'ble High Court Chennai in O.A. No. 16102/2011 and 26246/2011. Now the court cases have been concluded in favour of BSNL, accordingly order for joining of left out JTOs has been issued on 18.4.2013. It is further intimated that the preparatory work for the promotion for vacancy years 2009-2010 to 2011-2012 has been started by calling for assessment sheets of the eligible JTOs from respective circles but the left out activities of the previous DPC are to be completed first which includes the un assessed cases of backlog vacancy year and 2008-09 vacancy year as well.

(b) Under Competitive Quota (33%): Under Competitive quota (33%) a LDCE for the vacancy years 2006-07 to 2009-2010 & for backlog vacancy upto 2005-06 was held on 4.3.2012 and the result of same was released by DE Section on 4.7.2012. In this competitive exam, 2729 candidates have been declared successful against the normal vacancies of 3024 & backlog vacancies of 271 respectively. The process to promote these 2729 successful candidates had been started. However, CAT Guwahati bench has restrained BSNL from consideration of the said promotion in a court case filed by some officers. Rectt. Section is dealing with the court cases.

(3) **Regularisation of officiating JTOs and Removal of FR-35 pay fixation** - The management side informed that about 6000 TTAs had qualified for the JTO's examination out of which 3500 were regularized by diverting DR quota vacancies. This diversion was challenged before High Court of Punjab & Haryana and on the direction of High Court; the diverted vacancies were reverted to DR quota. These JTOs have been regularised by way of creating supernumerary posts. The matter is still pending before the High Court and a contempt case is still pending. Thus in the current scenario the services of the remaining officiating JTOs cannot be considered for regularization.

As far as the matter of fixation of pay of officiating JTOs under FR-22 (I) (a) (i) is concerned, the matter is still sub-judice by way of 14 Nos. of WPs with Hon'ble Apex Court of Kerala, Ernakulum. Since both the matters are sub-judice, no decision on the issue can be taken at present. Thereafter, the Association requested that these officiating JTOs may be exempted from ensuing LICE and their regularisation should be decided before giving posting to successful candidates of the LICE. JTO LICE planned for 2.6.2013 shall be held as per schedule and Officiating JTOs have to appear in the JTO LICE. It was mentioned by GM (Estt.) that BSNL is taking views of Sr. BSNL Counsel /Legal Cell to find if something can be done regarding officiating JTOs and the Association may give in writing anything that they want to be shown to Sr. BSNL Counsel.

(4) **Implementation of assured Executive Promotion Policy in BSNL** - On the Executive Promotion Policy, the Association raised the following issues and the management response is indicated against each -

Issue	Management's response
(a) Implementation of CPSU cadre hierarchy-change of designations on each Time Bound upgradation and functional basis.	Detailed discussions have already taken place in this regard in the two meetings of the Committee. The management side propose to hold an internal meeting and thereafter shall have another meeting with the Associations within a month's time.
(b) Settlement of Pay anomaly cases wherein senior executives are drawing less pay than their juniors.	The issue with regard to the settlement of pay Anomaly has already been settled through the EPP and as also through the deliberations of the High Level Committee which established the finality of the issue [Through order no. 400-11/2011-Pers.l(pt.) dated 23.04.2012]. The purported pay anomaly cases being attributed to the implementation of Executive Promotion Policy after the order of Hon'ble Kerala High Court have been moved by BSNL to the Apex Court.
(c) Amendment in BSNL MSRRs allowing Diploma holders to the promotion of EE.	A proposal is being submitted to the Management Committee on the lines of proposal for Engineering side.
(d) Date of effect of implementation of revised IDA pay scales for the Executives w.e.f. 1.10.2000	The management side agreed to have the issue examined.
(e) One time placement of SDE to Sr. SDE	

(5) **Amendment in Management Trainees Recruitment Rules 2009 and DGM Recruitment** - The management side informed that this matter is under consideration. Modified MT RRs have been submitted to BSNL Board for consideration.

(6) **Implementation of E-2, E-3 standard IDA pay scales to JTO and SDE equivalent executives in BSNL** - The management side mentioned that in the absence of revised E1A pay scale, the JTOs have been granted five advance increments on minimum of E1 pay scale to bring their initial Basic Pay at Rs.19,020/-, which is about Rs.170/- more than the minimum of the revised E1A pay scale. Further, it was informed that the issue relating to revised E1A, E2A and E9A pay scales has again been taken up with DOT for reconsideration vide CMD BSNL DO letter dated 9.11.2012 to Secretary (T) and a reminder is being sent shortly.

(7) **Arbitrary reduction of JAG and STS posts by 30% under the garb of Remuneration Committee even without conducting elementary work study - unwarranted and motivated attack on bare minimum promotional avenues available to 35,000 Executives** - On the issue of arbitrary reduction of JAG and STS posts by 30%, the management side informed that the Remuneration Committee directed the BSNL Board to reduce 30% posts at senior level which does not include STS level posts. Further, extensive discussions have taken place with the members of the Remuneration Committee and explained to them about the non-feasibility of reduction of posts. At present, the proposal is with the BSNL Board and the Board has not taken any view on this issue.

8. **Serious anomalies in the TES Gr. B officers seniority lists** - Considering a number of litigations on TES Group B seniority lists, the management side informed that the issue has been placed before the Hon'ble Supreme Court to decide the issue once for all. In response, the Association requested to have the issue expedited.

9. **Restructuring of AD(O/L) cadre** - On the issue of restructuring of AD OL cadre, the management side informed that the issue has been referred to a Committee, whose report is expected in a month's time.

10. **Regularisation of Postal JAOs** - The Association pointed out that DOT has already issued the orders in 2009 for regularisation of Postal JAOs, but no action has been taken so far and DOPT orders also exist which envisage deemed confirmation after a period of six years. In response, it was informed that pendency of two court cases, BSNL is not able to confirm external candidates. However, BSNL is pursuing for early disposal of the cases.

11. **Withdrawal of 19.02.2010 order treating the promotion of AAO/Sr.AO/Sr.SDE as time bound promotion instead of post based promotion** - In response to the demand of the Association for treating the promotion of AAO/Sr.AO/Sr.SDE as time bound promotion instead of post based promotion, the management side informed that the issue has already been settled through the EPP and its clarifications as also through the deliberations of the High Level Committee which established the finality of the issue through order dated 23.04.2012.

12. **Allowing to exercise option to Deptt. JAOs on their promotion who got promoted on or after 7.5.2010** - The management side informed that the option was made available to Non- executives at the time of 2nd pay scale revision to get fitment benefit from the date of promotion falling upto the date of notification of wage revision order dated 7.5.2010. There is no previous precedent in BSNL as well as in Govt. to exercise such option beyond the date of notification of pay revision order as it will render it open ended for ever.

13. **Antedating of pay - anomaly due to accrual of increment of junior earlier than the senior after fixation of pay in revised pay scale implementation of 2nd PRC** - In response, the management side informed that a committee was constituted to examine the issue and the Committee has opined that the order issued under letter no. 2-8/2009-PAT(BSNL) dated 23.9.2009 is in order and clarifications issued under letter No. 2-8/2009-PAT(BSNL) dated 14.6.2010 are based on existing guidelines available on this subject. The report of the committee has been duly seen by Dir (HR)/ Dir(F) and has been submitted to CMD, BSNL for approval and accordingly the final decision will be conveyed to the Association.
14. **Special drive for recruitment of JTOs/JAOs as Circle cadre to meet the requirement of Tenure Circles** - It was informed that BSNL is planning to recruit JTOs and the requirement of Tenure Circles will be duly addressed.
15. **Implementation of DoT Order No. 17-38/2009-VM.1 dated 21.2.2013 for inter circle transfer of BSNL Executives based on ODI/Agreed Lists** - In response to the demand of the Association for implementation of DOT order dated 21.2.2013, the management side informed that the same has already been issued and uploaded on BSNL intranet. Thereafter, the Association pointed out that the case of those officers who were transferred and intend to come back to their original Circle within a period of three years in the interest of service and secondly those within a period of two years at own cost are to be considered. The management side agreed to examine such cases separately.
16. **Two weeks of training to executives whose pay is upgraded and on every promotion under EPP on the basis of offline examination process in Training Centres** - The Association mentioned that the management has already relaxed the provisions of mandatory training under EPP for those officers who are 55 years of age. It was further mentioned that officers over 55 years of age, who are not computer-savy, may be given option to write their exam off-line. At the repeated insistence of the Association, the management agreed to have the issue examined.
17. **Grievances of PA/Stenographers' cadre - (a) Post based promotions for PA/PS to PPS/Sr PSS; (b) Common Recruitment Rules & Nomenclature in BSNL; and (c) Introduction of promotion policy for Stenos (Dying cadre)** - (a) In response to the demand of the Association, it was informed that action has already been started for creation of PPS posts, to which the Association further mentioned for complete implementation of H.K. Gupta Committee. After elaborate discussion, it was decided that the Association will make available a copy of the H.K. Gupta Committee report for further examination. (b) The Association agreed to submit a proposal in detail and the management side agreed to examine the same.
18. **Stream lining of EPF Statement of BSNL recruited employees** - It was informed that (i) centralization of EPF accounts will be worked out in consultation with EPFO to avoid any problem in EPF account transfer when employees get transferred, (ii) EPF contribution for training period will be considered and examined in terms of decision of Hon'ble Chennai High Court; and (iii) EPF contribution on the pay exceeding Rs.6500/- will be extended as per the option of employees subject to applicable provisions of EPF Rules.

19. **Superannuation benefits to directly recruited employees as per DPE guidelines** - The management side informed that as per the agreement dated 12.6.2012, the matter has again been referred to a committee to re-examine the issue. Presently, the issue is being deliberated by the committee. Further, the Committee will be requested to submit its report within a month's time.

20. **Implementation of DPE order for payment of 78.2% IDA fitment benefit w.e.f. 1.1.2007 in BSNL** - The management side informed that with the approval of BSNL Board, a proposal for implementation of benefit of merger of 50% IDA as on 1.1.2007 effectively amounting to 78.2% for the purpose of fitment and pay fixation in the revised pay scales, has been sent to DOT for approval of the Govt. on 10.9.2012. Subsequently, DOT raised certain queries on the issue which have been duly replied vide this office letters dated 15.11.2012 & 22.2.2013. So far, the approval of the Govt. on the BSNL's proposal for implementation of the above mentioned pay revision for BSNL employees has not been received from DOT. Reminder to DOT is being sent for expediting the case.

21. **Extension of LTC facility to retiring officer after August 2013** - The management side informed that extension of All-India LTC facility to the retiring officers is under active consideration of the management.

22. **Executives are being harassed and terrorized by contract labour in KTD and WB Circles - protest regarding** - The Association pointed out that for the last one month contractual labour is protesting in Kolkata Telephone District for non-receipt of salary in time and they are also harassing and terrorizing the Executives posted in WB Circle, especially KTD. The contractual labour is also demanding the benefit of Gratuity. The management side responded to get the information from the KTD and bring the same to the notice of higher management for resolution of the problem.

File 0187/11
2.5.2013

(Satish Wadhwa)
AGM (SR-II), BSNL C.O.

Copy to :

1. Sr. GM (Pers.), BSNL C.O.
2. GM (Estt.) / GM (Restg.), BSNL C.O.
3. GS, AIBSNLEA

Copy for info to :

Sr. PPS to Director (HR), BSNL Board