



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION
CENTRAL HEADQUARTERS
NEW DELHI**

President
P. VENUGOPAL
Ph. 9868283969 (M)

Financial Secretary
B. RAVINDRANATH
Ph. 9868101880 (M)

General Secretary
PRAHLAD RAI
Ph. 09868278222 (M)

No. AIBSNLEA/CHQ/PM/2012-13

Dated:10.05.2012

To

**Shri (Dr.) Man Mohan Singh
Hon'ble Prime Minister
Govt. of India
New Delhi-110001**

Sub.-: BSNL Management continues efforts to retain non-optee ITS Officers - ignoring BSNL's Viability

Hon'ble Sir,

We would like to bring to your kind notice that state-run Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL) came into existence w.e.f. 01.10.2000 and 01.04.1986 respectively by converting of DoT/DTS/DTO Govt. department to corporate entity (PSUs). After formation of BSNL and MTNL majority of Group-'A', 'B' and 'C' employees exercised their option in BSNL/MTNL and got absorbed. But majority of ITS Group-'A' officers don't exercise their option in BSNL/MTNL, they were allowed to remain only in DoT but permitted to work in BSNL/MTNL on deemed deputation basis. Their aversion not to take absorption in BSNL was that BSNL would be the sinking boat and they can't take decision to sink along with it. But they were eager to work in BSNL on deputation basis without taking the responsibility and having no accountability for the growth and prosperity of BSNL being the PSU, they wanted to enjoy more perks and other financial benefits, which they will never get in DoT. Thus, they wanted to sail in two boats and enjoy the benefits of both. They continued to enjoy the unmatched career progression of DoT against BSNL's posts illegally and rule over the BSNL employees; being the out siders, and decided unquestionable financial benefits for themselves with this intension they continued to oppose their absorption in BSNL and MTNL on one pretext or the other. Thus, they moved in groups and as an Association ITSA to the various courts to stall the process of absorption. Their ultimate goal is to remain on deputation basis to BSNL/MTNL. Whereas, cabinet decided their deemed deputation in BSNL/MTNL upto 30.09.2005 only. Their move to get approval of cabinet for further extension of deemed

deputation period got rejected thrice. Thus, their continuation in BSNL/MTNL after 30.09.2005 was illegal. However, DoT allowed them to continue in BSNL/MTNL and finally based on DOP&T orders and Hon'ble PBCAT New Delhi judgement ended their deemed deputation in BSNL/MTNL w.e.f. 08.11.2011 and DoT repatriated all deputationists officers from BSNL/MTNL. Accordingly, about 400 deputationists of ITS cadre and electrical wing were relieved from BSNL but till now about 1000 deputationist ITS Officers are not repatriated from BSNL.

Recently Hon'ble High Court Delhi has delivered the judgement that these ITS Officers to take a final call by 30th April'2012 to exercise a fresh option and in case they don't exercise option, BSNL/MTNL shall relieve such of the petitioners, who opt to revert to Govt. service within 2 weeks i.e. Upto 14th May'2012.

Hon'ble High Court Delhi has decided deemed date of permanent absorption of such of the petitioners, who seek permanent absorption in BSNL/MTNL shall be 08.12.2005 instead of 01.10.2000. After the Hon'ble High Court Delhi judgement that nearly all ITS Officers have opted to return to DoT and now after getting the informal approval of DoT both Telecoms BSNL/MTNL have decided to seek a review of Court verdict demanding more time from the court on the grounds that relieving so many ITS Officers at a single stroke would rub them of their senior managers and ring in on organizational collapse.

BSNL/MTNL Managements may further drag the repatriation process of deputationist ITS Officers for some time more but finally they have to be withdrawn from BSNL/MTNL and redeployed in Govt. Department through surplus cell. They are thinking who would take over their positions in BSNL/MTNL. **But the fact remains that there are many competent executives in BSNL/MTNL who are already manning the HAG/SAG/JAG level posts on adhoc/regular basis. Given the opportunity, the executives of BSNL/MTNL would be able to discharge these functions more effectively with full commitment and dedication.** Further, there are organizations like ITI, HCL under DoT which have surplus officers and BSNL/MTNL may recruit some officers at the level of SAG/HAG.

Legal recourse may stall the process of absorption or delay the process, but this can't stop absorption. It has already been experienced in BSNL by a group of Group-'B' officers and ITS Association itself who went for legal action in different CATs and Hon'ble High Courts. Hon'ble Courts allowed process of absorption of Group-'A' officers to continue even against provisional terms and conditions of service.

Today we find to our surprise that the BSNL Management accepted all the demands of ITS Officers to provide them DoT Seniority, Pay Protection, Pension under Rule-37 and other benefits while framing the SLD RRs-2011 to bring back these non-opttee ITS Officers in BSNL through back door entry in violation of DOP&PW, DOP&T guidelines and cabinet decision which ultimately become futile exercise after the clarification issued by DoP&PW on two pension rules

under Rule-37 & 37A to BSNL employees. Whereas, the same BSNL Management has denied implementing the DPE OM dated 02.04.2009 for IDA fitment fixation of 78.2% instead of 68.8% and stopped arbitrarily the LTC, Cash payment of Medical allowance, 10 days leave encashment on LTC to BSNL employees etc. It reflects the indifferent attitude of the ITS dominated management towards BSNL employees.

Finally, we strongly feel that the resistance against absorption will not give any positive result. As per the Cabinet decision, the service conditions in BSNL/MTNL for a certain group can't be different from the others- which they are trying vigorously. After becoming the BSNL executives they can't expect to have a different promotion policy and pension rules. More than 3.5 lakhs employees including Group-'A', 'B' and 'C' have already taken absorption in BSNL. These non optee 1000 ITS Officers can't hold the whole system in ransom.

We would therefore earnestly request your honour to kindly intervene in the matter so that DoT immediately direct BSNL/MTNL managements to relieve formally to all deputationists as per repatriation order issued on 03.11.2011 even after a laps of six months. **The continuation of deputationist ITS officers in BSNL/MTNL without any commitment is adversely affecting the viability of BSNL/MTNL. Both Telecoms are continuously making losses for last three years under the control of these non-committed ITS Officers.** On our side, we want to see that the deputation ends in BSNL/MTNL immediately. These PSUs must have their own employees/officers at all levels to show equal responsibility and accountability for the viability of both the PSUs.

With Kind regards,

Yours Sincerely
-sd-
(PRAHLAD RAI)
General Secretary

Copy to:

- (i) Sh. Kapil Sibal, Hon'ble MOC&IT, Govt. of India, New Delhi
- (ii) Sh. Milind Deora, Hon'ble MOSC&IT, Govt. of India, Delhi
- (iii) Sh. R. Chandrashekar, Secy(T), DoT Govt. of India, New Delhi-110001
- (iv) Sh. R.K. Upadhyay, CMD, BSNL, New Delhi-110001