





## **Editorial**

### **DoT/BSNL should end deputation of ITS Officers in BSNL for its survival**

DoT vide OM dated 03.11.2011 repatriated all deputationist Group-'A' level Officers from BSNL/MTNL. While implementing DoT order, BSNL Management repatriated about 390 Group-'A' deputationist officers but allowed to continue about 1050 ITS Officers in BSNL till their formal relieving. Five months are over but formal relieving of these deputationist ITS Officers has not been implemented in BSNL on the pretext that immediate repatriation of these ITS Officers will adversely affect the operation & maintenance of BSNL. To overcome the situation and at the instance of DoT, BSNL finalized SLD BSNL RRs-2011 to allow recruitment of ITS Officers through back door entry under Rule-37 of CCS (Pension) Rules-1972. The last date of applications receipt was 24.02.2012 but most of the ITS officers did not apply apprehending that they may not get Pension under Rule-37 in BSNL through these SLD BSNL RRs-2011, pay fixation and DoT seniority. DoT and ITS officers asked clarification from DoP&PW to allow pension under Rule-37 in BSNL to the ITS Officers being recruited through SLD RRs but the clarification issued by DoP&PW on dated 19.03.2012 has clearly mentioned that in the same PSU converted from a Govt. Deptt. and the employees transferred en-masse can't have two pension Rules & service conditions. The following clarification is given:-

- a) The Proposed mobility to Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited of erstwhile ITS etc. Officers shall be under instructions contained in OM dated 1989 and rules **37-A** only. The officers may take the individual route only after they are redeployed after repatriation. In such case the officer would be entitled for pensionary benefits based on emoluments that are admissible in government.
- b) The mobility of ITS etc officers undertaken by the Department of Telecommunications including withdrawal of en-masse transferred posts from Bharat Sanchar Nigam Limited to Department of Telecommunications was not in conformity with the extant policy and decision of the cabinet. The decision to en-masse transfer posts along with its incumbents to Bharat Sanchar Nigam Limited (earlier in case of Mahanagar Telephone Nigam Limited also) was taken by the cabinet through cabinet note. It is not known whether the cabinet was approached before transferring back these officials/posts to Department of Telecommunications.
- c) The Mobility of en-masse transferred ITS etc. officials between Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited needs to be regulated as per guidelines on mobility of Public Sector undertaking personnel issued by Department of Public Enterprises.
- d) The emoluments of the officers repatriated from Mahanagar Telephone Nigam Limited/ Bharat Sanchar Nigam Limited to Department of Telecommunications is required to be regulated as per the extant instructions on draw of pay on repatriation from deputation on foreign services. These officials can not continue to draw the pay they drew during Foreign Service in Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited.

The Department of Telecommunications has given a detailed status of the Bharat Sanchar Nigam Limited/ Mahanagar Telephone Nigam Limited upon repatriation of ITS etc. officers and submitted that to obviate the situation where the (i) services of these organizations are not disrupted and organizational needs do not suffer (ii) highly technically qualified pool of officers awaits redeployment, the Department felt appropriate that the posts fallen vacant due to relieving of these officers needs to be filled up the earliest. Department of Telecommunications has further submitted that it would be in public interest if technically qualified and well experienced officers are employed gainfully.

In view of the above DoP&PW is proposed that the Department of Telecommunication moves suitable proposed in consultation with the Ministry of Finance, Department of Expenditure and Department of Personnel and Training, to regularize the acts/omissions committed so far and overcome the constraints as per extant provisions as detailed above from (a) to (d) by (i) seeking suitable approval of cabinet and (ii) re-issue separately 'the option' to en-masse transferred ITS etc. cadre officials of (A) Mahanagar Telephone Nigam Limited and (B) Bharat Sanchar Limited officers. The option document shall also contain the extant provisions regarding status and pay etc. of employee on return from Foreign Service.

The demand of ITS Officers to get pension under Rule-37 is not exceeded and DoT/BSNL efforts to allow different Pension Rules and service conditions in BSNL is also not accepted. Hence, the recruitment of ITS Officers through SLD BSNL RRs-2011 has become a futile exercise.

Let, DoT/BSNL should take immediate steps to end the ITS Officers deputation in BSNL at the earliest and BSNL Management should entrust responsibility to its own executives for smooth function & growth of BSNL. However, some SAG/HAG level officers may be recruited from OPEN MARKET as per DPE guidelines.

## AIBSNLEA WRITES

### **1. Ambiguity in questions and options w.r.t. provisional answer key provided by BSNL (Paper-I, Advance Technical Paper-General) of LDCE promotion to SDE(T) held on 04.03.2012-reg.**

Our letter no. AIBSNLEA/CHQ/Director(HR)/2011-12 dated 27.03.2012

In continuation to above cited reference and subject matter, we would like to bring to your kind notice that throughout the country our members have reported various ambiguity in questions and options w.r.t. provisional answer key provided by BSNL (Paper-I, Advance Technical Paper-General) of LDCE promotion to SDE(T) held on 04.03.2012. The details / feedback received from various Circles are enclosed at Annexure-I and II.

We would therefore request you to kindly intervene in the matter and direct the BSNL Deptt. Examination (DE) Cell for immediate rectification of the discrepancies/ambiguity, so that the executives appeared in the said LDCE get justice at the earliest. With kind regards,  
Yours Sincerely,

*(No. AIBSNLEA/CHQ/CMD/11-12 Dated: 29th 03'12)  
Addressed to Shri R.K. Upadhyay, CMD, BSNL, New Delhi-110001*

Copy endorsed to Sh. A.N. Rai, Director(HR), BSNL CO, New Delhi-110001 and The GM(Rectt.), BSNL CO, New Delhi-110001.

### **2. Implementation of Judgment dated 26/04/2011 of Hon'ble CAT Bangalore in OA No. 181/2009 filed by Shri K S Premkumar and 123 others- Extending the benefit of notional date of promotion and fixation of pay w.e.f. 23.01.2002 and actual benefits from 01.04.2008 to similarly placed other candidates-Reg.**

**Ref: BSNL CO, New Delhi letter no.56-01/2011-Pers (DPC) (bundle.11) / 22 dated 23.01.2012(letter enclosed)**

With reference to the above subject matter under reference, it is further bring to your kind notice that, Review Petition (RP 315 /2011) of BSNL at Hon'ble High Court of Karnataka at Bangalore on notional date of promotion in case of LDCE-2004 passed 124 candidates of Karnataka (OA No.181/2009) was dismissed on 02-03-2012 (Court judgment enclosed) and BSNL Management has implemented the judgment of the Bangalore Bench

of the Hon'ble CAT Bangalore, vide O.A. No.181/2009 to the applicants only, wherein, Hon'ble Tribunal vide its judgment dated 26.04.2010 has directed the respondents DoT/BSNL to assign the notional date of promotion as SDE w.e.f. 23.01.2002, six months from the date on which the competitive examination was announced to be held with entitlement of arrears of pay from 01.04.2008.

However, around 1525 JTOs have been promoted as SDEs under LDCE quota against 2004 vacancies. The benefits of the above judgment have been extended to the 124 applicant SDEs only instead of extending to others also. Now it is heart burn to the remaining 1400 SDEs since their junior will get more pay than him.

We would, therefore, once again requested you to kindly intervene in the matter, so that necessary order may be issued for extending the benefit to similarly placed SDEs to avoid multiple litigations and pay anomaly.

*(No. AIBSNLEA/CHQ/Director(HR)/12 Date:29.03.12)  
Addressed to Shri A N Rai Director (HR), BSNL, NEW DELHI-110001*

Copy endorsed to Shri A K Jain, Sr. GM(Pers), BSNL CO, New Delhi.

### **3. Request for consideration of promotion to the post of SE(E) -Reg.**

**Ref:- No. 2-43/2011-Electrical Dated: 27-03-2012**

In the above cited reference & subject matter, we would like to draw your kind attention for filling up of 20-vacant SEs (E) (JAG) Posts. In the above referred order seven posts of SEs(E) from EEs(E) have been filled up. But the EEs working on adhoc basis for the last 7-8 years and recently regularized after notification of BSNL MSRRs-2009 have not been considered for promotion to SE(E) since they have not completed eligibility criteria i.e. four years regular service as EE. *As per BSNL MSRRs Para 3 of foot note of Schedule (I) B of BSNL Management Service RR-2009, provides the inclusion of adhoc service for consideration to the promotion in next higher grade on one time relaxation basis*, relaxation in the eligibility criteria can be given to fill up the vacant SEs Posts. The fact remains that EEs working on adhoc basis for the last 7-8 years could not be regularized due to non finalization of BSNL MSRRs-

2009. Hence, there is no fault of the adhoc EEs and the delay was on the part of BSNL in finalizing the BSNL MSRRs so they could be regularised.

In view of the above, it is requested to kindly intervene in the matter and direct PGM(E) to process the DPC to fill up all vacant EEs posts by giving one time relaxation to the executives as per BSNL MSRRs to the seniority cum fitness quota. It will provide justice to the electrical wing EEs and motivate them.

(No.AIBSNLEA/CHQ/ED(NB)/11 Dated: 28.03.12)  
Addressed to Shri A.N. Rai, Director(HR), BSNL, New Delhi.

**Copy endorsed to The ED(NB), BSNL CO, New Delhi-110001 and The PGM(E), BSNL CO, New Delhi-110001.**

### 3. Request for cancellation of Out-Circle (Hard Tenure) transfer order of SDEs and DEs, who have already served in tenure stations of Odisha Telecom Circle reg.

We would like to draw your kind attention on the huge transfers of Executives in the cadre of SDE and DE from Odisha Circle to different hard tenure places in NE Circles. The details of executives who have already served tenure stations in Odisha Telecom Circle are as under:-

Sl	Name	Design	Transferred to	Remarks
01	Mr. R. K. Panda (32072)	DE	NE-II	He has already served at Rourkela, a tenure place of circle. His wife & parents are too sick manage their life without him.
02	Mr. K. P. Patnaik (34363)	DE	NE-I	Has already served at Rourkela, a tenure place of Odisha circle.
03	Mr. P. K. Nayak (36508)	SDE	A seam	-do-
04	Mr. R. C. Khandai (34945)	SDE	NETF	-do-
05	Mr. S. D. Barik (35058)	SDE	NETF	He is presently serving in Bhawanipatna, a hard tenure place of Odisha circle.
06	Mr. Mr. B. N. Pradhan (34969)	SDE	NE-I	Already served at Sambalpur, a tenure place of Odisha circle.
07	Mr. B. N. Khatua (102933)	SDE	A&N	Already served in Dhenkanal, a tenure place of Odisha circle.
08	Mr. A. K. Maity (34986)	SDE	Assam	He has served at Balasore, a tenure place of the circle. He is also the ACS of our circle body & so he is immune from transfer.

As per the BSNL Circular No.400-23/1997-Pers-I(Pt.I) dt.12.2.2004 and subsequent orders on above subject, the places mentioned above are tenure stations of Odisha Circle. The CGMT Odisha has also sent DO letter to the Director (HR) vide letter no. ST/101-01/ 2008/ 1(I) dt. 6.8.11 stating the concern over huge transfer of SDEs and DEs and has requested to cancel the order.

It is therefore requested to kindly cancel the transfer order of above mentioned executives in the interest of service or issue retention order at least up to the next DPC.

No.AIBSNLEA/CHQ/Sr. GM(Pers.)/11-12 D.: 27 03'12  
Addressed to Shri A.N. Rai, Director(HR), BSNL, New Delhi.

Copy endorsed to: The Sr. GM(Pers.), BSNL CO, New Delhi-110001

### 4. Discrepancies in the questions of JTO to SDE (T) Promotion Exam (LDCE) held on 4/3/2012-reg.

We would like to draw your kind attention to the discrepancies reported by various executives in TES Group-'B' LDCE held on 04.03.2012 for the promotion from JTO(T) to SDE(T) in both question papers i.e, General Paper, Advance Technical Paper & Transmission.

The details received from various Circles are enclosed at Annexure-'A' for kind consideration and necessary action please.

No.AIBSNLEA/CHQ/Director(HR)/11-12 Dtd: 27.3.12  
Addressed to Shri A.N. Rai, Director(HR), BSNL, New Delhi.

Copy endorsed to The GM(Rectt.), BSNL CO, New Delhi-110001

### 5. Request for cancellation of transfer order of Sh. Karan Singh, DE JPTD, Rajasthan Telecom Circle from Raj. Circle to BSNL Corporate Office.

Ref:- BSNL CO letter no. 412-12/2010-Pers.I dated 20th June'2011

In the above cited reference and subject matter it is mentioned that Sh. Karan Singh, Advisor, AIBSNLEA, CHQ New Delhi, our CHQ Office bearer has been transferred from

Rajasthan Telecom Circle to BSNL Corporate Office on long stay basis. Sh. Karan Singh, DE has already served the difficult stations of Rajasthan Telecom Circle as JTO and SDE e.g Sriganganagar, Jhunjhunu SSA and recently one and half year before he was transferred & posted at Jaipur in JPTD. Shri Karan Singh, DE is also our CHQ Office bearer representative from Rajasthan Circle of AIBSNLEA. His services at Jaipur are very much needed for the smooth functioning of this Association.

Moreover, CGMT Raj. Circle vide letter no. CGMT/Trf/ 2011-12/ 10th August'2011 has also strongly recommended for cancellation of his transfer order in the interest of service.

In view of the above, it is therefore requested to kindly cancel the transfer order of Shri Karan Singh, DE from Rajasthan Circle to BSNL Corporate Office in the interest of service as well as for the smooth functioning of this Association as goodwill & gesture.

No.AIBSNLEA/CHQ/Sr. GM(Pers.)/11-12 Dtd:21.3.12  
Addressed to The Sr. GM(Pers.) BSNL CO, New Delhi-110001

## BSNL /DOT ORDERS

### OFFICE MEMORANDUM

**1. Absorption of Indian Telecom Service (ITS) eie. cadre officers in Bharat Sanchar Nigam Limited/ Mahanagar Telephone Nigam Limited - Issues raised by Department of Telecommunications & ITS officers regarding recruitment in BSNL/MTNL - reg.**

The undersigned is directed to refer [Q the Department of Telecommunications O.M. No.A-IIOI3/3J/2011-Abs. Cell (Part) dated 23/2/2012 on the subject noted above requesting the Department of Pension and Pensioners Welfare comments/opinion on queries raised by ITS officers regarding recruitment in BSNL/MTNL.

2. The detailed comments/opinion of Department of Pension and Pensioners Welfare is enclosed at Annexure -'A'.

3 This issues with the approval of Secretary (Pension and P&PG).

No. 3rd Floor, Lok Nayak Bhawan New Delhi-I 10 003. Dated the 16<sup>th</sup> March, 2012

yc Floor, Lok Nayak Bhawan New Delhi-I 10 003. Dated the 16<sup>th</sup> March, 2012

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3. This issues with the approval of Secretary (Pension and P&PG).

Department of Pension and Pensioners' Welfare

2. Absorption of Indian Telecom Service (ITS) etc cadre officers In Bharat Sanchar Nigam Limited / Mahanagar Telephone Nigam Limited -Issues raised by Department of Telecommunications & ITS officers regarding recruitment in BSNL/MTNL- egarding Deptt. of Telecommunications have sought views of Department of Pension and Pensioners' Welfare on the issues relating to absorption erstwhile

ITS officers who were en-masse transferred to MTNL in 1986 and BSNL in 2000.

2.1 MTNL 'came into being by conversion of a part of Govt department in 1986 and the officers and staff were en-masse transferred 'in 1986 This conversion and their pensioner benefits was thus to be regulated as per the instructions contained in Deptt. of Pension and Pensioners Welfare OM NoA/8/97 - P&PW(D) dated 5/7/1989. The BSNL came into being by conversion of a part of Govt. department in 2000 for which the Govt. had specifically, after detailed discussion in JCM etc., formulated and incorporated a new rule i.e. 'Rule 37- A' in the Central Civil services (Pension) Rules 1972, whereby the conversion and absorption/pensionary issues were to be regulated.

2.2 Attention is drawn to the Para 3 of OM dated 5<sup>th</sup> July 1989 which is reproduced below:

"As soon as a Central Govt. Deptt, Office or segment of Govt. Dep't. is converted into a PSU/Autonomous Body, the concerned Government servants will be transferred to such new organization on foreign service terms in the initial period The Govt. servants will be permanently absorbed in the PSU/ Autonomous Body with effect from a prospective date to be fixed by the concerned administrative Ministry/ Deptt. and from that date they will cease to be Govt. servants. Such of the Government servants who are not wishing to be absorbed will have an option to revert back to government service. In that event, if no suitable vacancies are available in the Office/Deptt./ Ministry for such employees, their names will be transferred to Surplus staff Cell."

2.3 Further, attention is drawn to Rule 37 -A of Central Civil Services (Pension) Rules 1972 which is reproduced below:

"37 A. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking -

(1) On conversion of a department of the Central Government into a public sector undertaking or an autonomous body, all Government servants of that Department shall be transferred en-masse to that public sector undertaking autonomous body, as the case may be, on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking or body as the case may be and such transferred Government servants shall be absorbed in the public sector undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government.

(2) The Central Government shall allow the transferred Government servants an option to revert back to the Government or to seek permanent absorption in the public sector undertaking or autonomous body, as the case may be.

(3) The option referred to in sub-rule (2) shall be exercised by every transferred Government servant in such manner and within such period as may be specified by the Government.

(4) The permanent absorption of the Government servants of the public sector undertaking or autonomous body shall take effect from the date on which their options are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be Government servants and they shall be deemed to have retired from Government service.

(5) Upon absorption of Government servants in the public sector undertaking or autonomous body, the posts which they were holding in the Government before such absorption shall stand abolished.

(6) The employees who opt to revert to Government service shall be re-deployed through the surplus cell of the Government.

2.4 The minutes of the Committee of Secretaries meeting held on 21.9.2000 on the subject of 'corporatization of Department of Telecom Services' at item (v) observed as under - It was stated that the Department of Telecommunications itself will require services of some Telecom engineers/finance - accounts officers, and therefore, it is possible that a small ITS cadre may continue in Department of Telecommunications. For these services, therefore, there will have to be only three options, viz., either they continue in reduced ITS cadre in the Department of Telecommunications or they get absorbed in the new corporation, or they make the services available to the surplus pool deployed elsewhere in government.

3.1 It is clear from the provisions in the OM dated 5.7.89 as well as Rule 37-A that on creation of a new PSU upon conversion of a Dep't. (completely or partially) the employees transferred to a particular Public Sector Undertaking have option to get absorbed in that particular PSU and in case they are not interested in absorption they are to be brought back to Govt. and re-deployed in the department and if no further vacancies exist transferred to Surplus Cell. This means if a Department is converted into two different Public Sector Undertakings then the two different group of en-masse transferred employees can not be interchanged. They have to decide for absorption in that particular Public Sector Undertaking only to which they are en-masse transferred. These provisions were taken into account by the Committee of Secretaries as is evident from the minutes of the Committee of Secretaries

meeting held on 21.9.2000 quoted in para 2.4 above.

3.2 Such en-masse transferred employees are transferred to PSU on foreign service terms.

3.3 The posts in the Govt. are transferred to the new PSU along with employees which means the erstwhile Department has no posts available. Vinita, in case of complete conversion and has only remaining posts in the remaining part of the Department in case of partial conversion.

3.4 Any vacancy arising in the PSU after its creation (may be because of retirement! promotion of en-masse transferred employee) is a vacancy in PSU as the post has already been transferred to Public Sector Undertaking. Any promotion recruitment to such vacancies is appointment in that Public Sector Undertaking.

3.5 Repatriation to the parent Department by the employees who have opted to remain in Govt would result in the repatriation of the employees to the posts which he would have held, had he not been on deputation on foreign service terms. The post he held at the time of en-masse transfer to the Public Sector Undertaking.

3.6 Such en-masse transferred employees cannot be re-deployed in remaining part of government Department unless the process of absorption is complete and employee opting to remain in government is redeployed against a vacancy in government Department. This means mobility of employees amongst Public Sector Undertakings and government is not permitted.

4.1 The mobility of Govt. employees to PSU/ autonomous body has always been regulated in two distinct categories, viz., mobility on own volition - this is individual mobility and (ii) mobility on conversion of a Department and en-masse transfer. The Govt. has all along regulated these two class of employees by two different set of rules and it has been specifically made clear in this Dept's OM No.4112/85-P&PW(D) dated 31/3/87. Para 4 of this OM is reproduced below:

"These orders will, however, not be applicable in the cases of those Govt. servants whose Dep'ts. have been converted into Cerebral Autonomous Body or a Central Public Sector Undertaking. Their cases are covered by different set of orders on the subject."

4.2 This provision means that en-masse transferred employees are to be regulated as per respective OM or Rule 37 -A till the process of conversion is complete. The process involves (i) en-masse transfer (ii) exercise of option for absorption or coming back to government (iii) Repatriation of employees who opt to come back to Govt. (iv) redeployment of these employees.

4.3 In view of above it is understood that until the

employees who opt to come back to Government, are re-deployed against a post in government, they cannot be treated any differently other than the provisions in OM dated 517/1989 or provisions of Rule 37-A. Once the employee is re-deployed, he attains the status of any other employee and then mobility to any PSU could be covered by instructions on mobility on own volition under Rule 37 of Central Civil Services (Pension) Rules 1972. It is pertinent to mention here that the spirit of the provisions of conversion of a department require the employees to get absorbed in that new PSU in furtherance of the Govt. policy. Any other route for absorption, of such en-masse transferred employees, to the same PSU may not be in the spirit of the policy of the Govt: contained in extant instructions and rules.

4.4 Once such en-masse transferred employee is re-deployed, obviously with reference to the post he would have held had he not been on foreign service, he may apply through proper channel and seek absorption in any Public Sector Undertaking/Central Autonomous Body and would be entitled to pensioner benefits. He would not get pension on the basis of emoluments drawn during foreign service in Public Sector Undertaking as per the Note-7 below rule 33 of Central Civil Services (Pension) Rules 1972. Note -7 is reproduced below-

**NOTE 7:-** Pay drawn by a Government servant while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Government had he not been on foreign service shall alone be treated as emoluments.'

4.5 Mobility of en-masse transferred employees of MTNL to BSNL and vice-versa is not in conformity with the extant provisions of instruction/rules.

5. This Department had while communicating its comments on the draft note for the Cabinet circulated by Deptt. of Telecommunications vide OM NO.12/10/10 raised these issues.

6.1 It is to be appreciated that the Group 'A' officials who were en-masse transferred to MTNL and BSNL on the respective dates of creation of the organizations, are required to be covered by the scheme of things as existed at that point of time.

6.2 Any officer appointed in these organizations after the date of creation of the respective organization, is employee of the respective organization and therefore 'not amongst en-masse transferred employees. Such employees being employee of Public Sector Undertaking, is not eligible for the benefits of the Central Civil Services (Pension) Rules 1972.

6.3 Any officer appointed in MTNL after 1.1.86 (the date on which MTNL was created) is an employee of the MTNL and is not eligible for Central Civil Services (Pension) Rules 1972 benefits even if he is posted in BSNL before 1.10.2000 because he is MTNL employee and not government employee. The mobility of such employees to BSNL would be as per terms and conditions of the MTNL and not central government rules. Swapping of officers of MTNL and BSNL is restricted to the employees of these two organizations and not government employees who were en-masse transferred. The en-masse transferred officer's transfer from/to BSNL/MTNL is to be considered deputation to PSU (foreign service) where the relevant instructions on the Subject viz. rule of immediate absorption etc. comes into operation.

7. The Deptt of Telecommunications has enclosed a copy of option letter dated 22/9/2011 issued to such en-masse transferred employees of BSNL Maharaja; Telephone Nigam Limited as well as government employees working in the Department of Telecommunications. It is to be pointed out here that only group 'A' officers who are en-masse transferred to MTNL in 1986 i.e. on creation of MTNL may be given option to get absorbed in MTNL in the same manner the officers en-masse transferred to BSNL may be given option to get absorbed in BSNL.

7.2 MTNL officers do not have option to get absorbed in BSNL as well as BSNL officers do not have option to get absorbed in MTNL as they are not en-masse transferred employees of respective organizations. The facility of exercising option in respective PSU is available to the en-masse transferred employees of respective PSU only. By allowing such option the 0/0 Telecommunications has gone against the provisions of extant instructions contained in OM dated 1989 and rule 37 -A. This Deptt. had with the approval of MOS (PP) raised this issue of mobility of officers from MTNL to BSNL and vice versa as well as mobility of officers from MTNL/BSNL to govt. and vice-versa vide OM dated 30.11.2010.

8. Consequent upon conversion of Government Department and transfer of posts along with incumbent to the respective PSU the group 'A' posts in ITS etc. cadre came down to the posts which were retained in Department of Telecommunications. Therefore, to consider such officers who are en-masse transferred to such PSUs are still holding ITS etc. cadre posts is not correct. These posts belong to cadre of BSNL/MTNL and the ITS etc. cadre has been restricted to the post which remained with 'Deptt. of Telecommunications'; The 'Demand for Grant' of Deptt. of Telecommunications truly reflected this fact and the group 'A' officers has been therefore,



reduced to the post actually available in Deptt of Telecommunications etc. On repatriations these officers may be adjusted against available posts in Deptt. of Telecommunications and in case no suitable posts are available are to be placed in Skull's Cell.

a) The proposed mobility to Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited of erstwhile ITS etc. officers shall be under instructions contained in OM dated 1989 and rule 37 -A only. The officers may take the individual route only after they are redeployed after repatriation. In such case the officer would be entitled for pensioner benefits based on emoluments that are admissible in government.

b) The mobility of ITS etc officers undertaken by the Department of Telecommunications including withdrawal of en-masse transferred posts from Bharat Sanchar Nigam Limited to Department of Telecommunications was not in conformity with the extant policy and decision of the cabinet. The decision to en-masse transfer posts along with its incumbents to Bharat Sanchar Nigam Limited (earlier, in case of Mahanagar Telephone Nigam Limited also) was taken by the cabinet through cabinet note. It is not known whether the cabinet was approached before transferring back these officials' posts to Department of Telecommunications.

c) The mobility of en-masse transferred ITS etc officials between Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited needs to be regulated as per guidelines on mobility of Public Sector Undertaking personnel issued by Department of Public Enterprises.

d) The emoluments of the officers repatriated from Mahanagar Telephone Nigam Limited/Bharat Sanchar Nigam Limited to Department of Telecommunications is required to be regulated as per the 'extant instructions on drawl of pay on repatriation from deputation on foreign service'. These officials can not continue to draw the pay they drew during foreign service in Bharat Sanchar Nigam limited/Mahanagar Telephone Nigam Limited.

10. The Department of Telecommunications has given a detailed status of the Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited upon repatriation of ITS etc. officers and submitted that to obviate the situation where the (i) services of these organizations are not disrupted and organizational needs do not suffer (ii) highly technically qualified pool of officers await redeployment, the Department felt appropriate that the posts fallen vacant due to relieving of these officers needs to be filled up at the

earliest. Department of Telecommunications has further submitted that it would be in public interest if technically qualified and well experienced officers are employed gainfully.

11., In view of the above it is proposed that the Department of Telecommunications moves suitable proposal in consultation with the Ministry of Finance, Department of Expenditure and Department of Personnel and Training, to regularize the acts/ omissions committed so far and overcome the constraints as per extant provisions as detailed from (a) to (d) in para 9 above by (i) seeking suitable approval of cabinet and (ii) re-issue separately 'the option' to en-masse transferred ITS etc. cadre officials of (A) Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited officers. The option document shall also contain the extant provisions regarding status and pay etc. of employees on return from foreign service.

### **3. Calculation of monthly contribution towards cost of Pension Payable in repeat of BSNL absorbed employees.**

Reference are being received from various CCA office on the above subject. The case was referred to Ministry of Finance by Estt section of DOT HQ for seeking their concurrence on the applicability of calculation of the amount based on the existing basic pay in the pay scale instead of maximum of the pay scale in case of absorbed BSNL employees also. Ministry of Finance (Deptt of exp) has concurred the above proposal. Hence the Pension contribution in respect of absorbed BSNL employees may be recovered as per the previous methodology as stipulated in this office of even no. dated 25.02.2010.

No. 7-45/2008/TA-1 409-433 Dated 01.03.2012  
Addressed to All Heads of CCA offices.

Copy endorsed to CMD, BSNL C.O. for information and n/a, and Director (IT), DOT HQ for putting the orders into DOT website.

### **4. Rakesh Kumar Upadhyay, Chairman & Managing Director.**

It has been brought to my notice that sometimes inordinate delay is observed in submission of replies/report, sought by vigilance call of Corporate office. Besides it also learnt that replies/ information are collected from the concerned units/circles and forwarded to CVO without examination and comments of the concerned cell. It is expected that

these replies/ information should be examined by the concerned section in the Corporate Office and report should be submitted to CVO after analyzing the issue and with specific conclusion alongwith supporting documents authenticated by at least AGM level officers.

Sr. GM/GM rank officer of the concerned cell be responsible for handling and replying all vigilance correspondence including its submission within time. In case extension in the time limit is required for preparing the reply / report to CVO BSNL, the same may be sought in writing so that CVO/DoT could be intimated accordingly. Approval of concerned Director/ Executive Director should invariably be taken before the reply/ report is submitted to CVO BSNL.

Therefore, Kindly direct all the officers, under your control to adhere to the above instructions while handling the vigilance issues in future.

No. 261-23/2005-O&M/Pt. Dated: 19.03.2012  
Addressed to Shri Rajesh Wadhwa Director (CFA)  
BSNL Corporate Office, New Delhi.

## 5. Notification of Room Rent for indoor treatment under BSNLMRS.

### Office Memorandum

The Management Committee has approved the rent as per the entitlement of the various categories of BSNLMRS beneficiaries as below:

S. No.	Employee Group/Category	Entitlement	Rate of rent per day
1.	Group D	General Ward	Rs. 1,000/-
2.	Group C	Semi-Private Ward	Rs. 2,000/-
3.	Group B & A (Up to STS)	Pvt. Ward	Rs. 3,000/-
4.	Group A JAG & above	Pvt. Ward (AC)	Rs. 4,000/-
5.	CMD & Board of Directors, EDs	Deluxe Room (AC)	Rs. 5,000/-

In big cities, majority of the hospitals have centralized AC. separate rate of Rs. 4,000/- shall be applicable only to those hospitals which have both the categories of room i.e. Pvt. Wards with AC and Pvt. Ward without AC.

No. BSNL/Admn.1/15-20/11 Dated 20.03.2012  
Addressed to PA/PS to CMD and all Directors/  
Executive Directors, BSNL corporate Office, All  
CGMs, BSNL, All PGMs/GMs, BSNL Corporate office,  
DGP&T Audit and All recognized Associations/  
Unions of BSNL

## CIRCLE/BRANCH NEWS

1. The Annual General Body Meeting of AIBSNLEA Kollan SSA Branch held on 16.03.2012. Following new Office Bearers have been elected unanimously :  
President - Shri P.R. Murthy, DE; Branch Secretary - Shri V. Amarthlal, JAO :  
Financial Secretary- Shri S. Ramachandran, JAO.

## Status of various court cases:

- (i) 147 Seniority case at Hon'ble High Court at Ernakulum: The case came up for final argument on 22nd March'2012 but no argument took place. The case will be heard on 20th May'2012 after vacation.
- (ii) RA filed by BSNL at Hon'ble High Court at Bombay against quashing of list no. 6 & 7: The case came up for admission on 21st March'2012; case heard partly and posted for hearing on 22nd June'2012.
- (iii) SDE(T) TO DE PROMOTION: It is learned that CM filed by some applicants regarding seniority list 6 & 7 at Hon'ble High Court at Chandigarh on 20th March'2012 stayed SDE to DE promotion till 18th July'2012.

## CHQ Office Bearers Visits

### **General Body Meeting of AIBSNLEA NANDED, Maharashtra Circle on 31.03.2012:**

GS attended & addressed the General Body Meeting of AIBSNLEA NANDED, Maharashtra Circle on 31.03.2012 along with Com. M.G. Warakar, CWC Member & Com. D.G. Saikh, Org. Secy., MH Circle at NANDED. Com. Chawada, BS & Com. Kandhare FS welcomed Com. GS & Circle Office bearers. Com. Buchade, while welcoming Com. GS discussed the branch/Circle/CHQ level issues. Com. GS in his address explained in detail the status of HR issues & Viability of BSNL. He apprised in detail that with he untiring efforts many HR issues have been resolved and still some issues are pending for settlement. He appreciated the organisational activities of NANDED Branch as well as MH Circle which is the biggest Circle Organisation in our association. Com. Kandhare, FS extended vote of thanks.

### **All India Conference, SNEA(I) at NANDED, Maharashtra Circle :**

Com. GS attended & addressed the Open Session of All India Conference, SNEA(I) at NANDED, Maharashtra Circle on 31.03.2012. Com. GS while discussing the HR issues & issues related to Viability of BSNL called upon to strengthen the Unity of Executives in BSNL to safe guard the interest of BSNL executives as well as BSNL.

### **Fourth Circle Conference of AIBSNLEA Tamilnadu Circle held at Dharmapuri on 22nd and 23rd March, 2012 :**

The fourth Circle conference of AIBSNLEA, Tamilnadu Circle was held on 22nd and 23rd March, 2012 at Dharmapuri in BBC Thirumana Manadapam in a very grand manner. The uniqueness of this conference is that this conference was hosted by Dharmapuri, a very small SSA of our Circle consisting of about 100 Executives out of which more than 50% are our members. Our Association faces a number of challenges and we develop our AIBSNLEA from scratch to a considerable strength which cannot be ignored. The youngsters inspired by the activities of Com. Ravi, Com. Dhandapani, Com. Kuppusamy, Com. Sethu, Com. Venkatesan, Com. Ramasundaram and seniors like Nahitha, Shakira and Kasturi stood in one piece to the success of this conference. The two days conference and the CEC meeting held before the Circle Conference enthused our comrades of Dharmapuri to carry forward the AIBSNLEA banner to the new heights.

As a first item of the programme on 22nd March, 2012, our National flag was hoisted by Sri.J.P. Nagarajan, the Chairman, Reception Committee and our Association flag by our beloved General Secretary, Com. Prahladarai in the Presence of our President Com. Venu. After the welcome address by Com. Dhandapani, GS, Reception Committee, the Chairman felicitated the conference and the importance of BSNL and its role was pointed out. Com. Durairasan, our President while speaking on presidential address, explained the scope of the conference and the agenda was approved.

Com.N. Veerapandian, CS submitted the Annual Report on activities of the Association and the objectives on the issues to be taken by our CHQ and Circle for adoption and approval. Com.R. Ravi, Finance Secretary submitted Audited Accounts. Com.B.S. Reddy, Organising Secretary, South spoke on organizational issues and the action taken by the

CHQ to settle them and felicitated the conference. He was also present in the CEC Meeting held on 21-03-2012 and observed the deliberations. Com. Venu, President, CHQ narrated in detail about the financial condition of BSNL and the reasons for abnormal delay in conducting the DPCs for various cadres particularly the DPC for AOs to CAOs and JAOs to AOs. The interest of the management in protecting the ITS officers was totally exposed. Com. Prahlad Rai, GS in his special address spoke on HR issues and the recent development on all cadre and policy issues.

In the evening the felicitation session was held. Com. Gopi, CS, SNEA, Com. Narayanasamy, Circle Office bearer of BSNLEU, Com. Pattabiraman, CS, NFTE-BSNL, Com. Chellapandi, CS, TEPU and Com. P.M. Perumal, CS, SEWA addressed the session and their concern over the survival of BSNL reflected in their presentation. Our role both in JAC and United forum was appreciated by all.

In the morning of 23rd March, 2012 the house was resumed and the organizational issues were discussed. In the meantime flag hoisting programme in front of Telephone Exchange was organized by our Dharmapuri Comrades. A foundation stone was laid and it was unveiled by the CS and the flag was hoisted by our GS in the presence of our President Com. Venu. Our leaders attending the ceremony spoke amidst slogans and thundering noise of crackers. Com. Prahlad and Com. Venu appreciated the involvement of Dharmapuri Comrades and appealed to all to strengthen our Association still further in Dharmapuri. At 1130 AM, the open session started. Com. Guruprasad, Chennai welcomed the gathering. In the key note address the CS mentioned many important issues to be settled by our CGM, Tamilnadu. The PCE (Civil) sent a message greeting the conference and wishing for the success was read out and CS conveyed the wishes of our GM (F). Com. Prahlad Rai and Com. Venu also spoke in the open session on the policy matters and cadre issues. The Seminar on New Telecom Policy, 2011 was inaugurated by Com.VKP, our Advisor and our Association in this conference as a pioneer initiated discussion on NTP, 2011 as it opened the debate in Tamilnadu through the special seminar organized by us at Trichy on VRS in various platforms.

Shri Mohamed Asraf Khan, ITS, our CGM was with us until evening and observed keenly the addresses of our GS and the President. The attitude of some Heads of SSAs was pointed out and we conveyed our programme of action we sorted out in our CEC meeting to be conducted after this circle conference if no solution was arrived at. The issues raised were noted by our CGM and he replied while he spoke in the open session. The open session ended with vote of thanks by Com.M.C. Ravi.

After the open session subjective committee meeting continued. Then Election of office bearers for the coming period was conducted by Com. Sankarakumar, as Election Officer. Com. S.Sivakumar, Com. N. Veerapandian and Com. R. Ravi were elected as the President, Circle Secretary and Financial Secretary respectively.

With the vote of thanks by Com. Sivakumar, President and amidst thundering slogans raised by our GS, the conference came to end. Really this fourth circle conference held at Dharmapuri is a historic and will remain in the memory of our comrades and delegates for a long time.

### **Meeting with DoT & BSNL Officers**

GS met Sr. GM (Pers) on **30.03.2012** and discussed

(a) Consideration of tenure/request transfer of SDEs/DEs:- We requested to consider all pending tenure/request transfer cases of SDEs/DEs. Sr. GM(Pers) after discussion assured to examine and consider the transfer cases in the first week in April'2012 and advised that executives transfer applications can be considered on quarterly basis on genuine grounds.

(b) DPC to fill up vacant SDEs/AGMs/DGMs posts of Telecom Factory:- We requested to filling all vacant SDEs/AGMs/DGMs posts of Telecom Factory. Sr. GM (Pers) mentioned that the vacant posts of SDEs(TF) of seniority cum fitness quota and LDCE quota will be filled-up within a period of two months. The finalization of seniority list is under progress. The DPC from SDE(TF) to AGM(TF) is over and the promotion order to fill-up about 8-AGM(TF) posts will be released shortly. But DGM(TF) post can not be filling up immediately due to their eligibility condition. However, he assured to sort-out the problem at the earliest.

(c) Clearance to fill up CAO, Posts on Regular/Adhoc basis:- We requested to give clearance to SEA Section to fill up vacant CAO posts on Regular/Adhoc basis. Sr. GM(Pers) informed that yesterday only he discussed the case of CAO promotion on adhoc basis and got cleared from Director (HR) for sending to MC for approved to utilize MT quota posts. Similarly, regarding CAO regular promotion case he confirmed that case came to Pers. Cell for clearance from SEA Section but the proposal was to regularize only adhoc CAOs not considering Sr. AOs/AOs left out. He mentioned that for CAO regular promotion the substantive cadre is AO/Sr. AO, hence there cannot be separate seniority list of adhoc CAOs. Now SEA Section has been advised to include AOs/ Sr. AOs with adhoc CAO as per AO seniority list for CAO regular promotion. We will again persue with PGM (FP) for early submission of the revised proposal.

(d) Restructuring of AD(O/L) Cadre:- We requested to speed up the Committee work looking on Restructuring of AD(O/L) Cadre. Sr.GM (Pers) assured to talk with Addl. GM(Estt), Chairman Committee on this issue.

GS, President, AGS(HQ) met ED(NB) on **29.03.2012** and discussed regarding

(a) Some tenure/request transfer cases of SDEs/EEs: ED(NB) after some discussions assured to look into the cases.

(b) Filling up of SE(E) vacant posts: We requested to fill up about 13 SE(E) vacant posts from seniority quota of departmental EEs by giving one time relaxation as per BSNL MSRRs-2009 in their eligibility condition. ED(NB) informed that matter has been discussed with Director(HR) but he want some clarification from Pers. Cell. However, he advised to take up the matter with the Competent Authority.

GS, President met PGM(FP) on **29.03.2012** and discussed

(a) DPC from AO to CAO: PGM(FP) informed that he has explained to Director(HR), the proposal to fill up vacant CAO posts. Director(HR) has cleared the proposal and he expected that the proposal will be put-up to MC in the next week.

(b) Time bound financial upgradation of Sr. AOs/CAOs of BSNL CO: PGM(FP) informed that after some discussions, Director(HR) has approved the proposal for DPC (about 20 cases).

**We are thankful to Director (HR), PGM(FP) & Sr. GM(Pers.).**

GS, President met GM(EF) on **29.03.2012** and discussed

(a) Pay anomaly case of Departmental JTOs/JAOs: We requested to clear the pay anomaly case of departmental JTOs/JAOs processed by PAT Cell. GM(EF) informed that the case is being examined in EF Cell & shortly will be written to PAT Cell with concurrence.

(b) Case of Senior executives are drawing less salary than junior: We enquired about the status of Committee discussion on this issue. GM(EF) informed that Committee has already submitted its report. We further explained the judgment of Hon'ble Ernakulum CAT on this issue. But GM(EF) mentioned that the Committee was of the opinion not to modify EPP conditions. We strongly pleaded that stepping up of pay of seniors drawing less salary than juniors is against FR Rules & natural justice.

GS, President, FS met PGM(FP) on **28.03.2012** and discussed

(i) DPC from AO to CAO (Regular/Adhoc): PGM(FP) mentioned that CAO Regular/Adhoc DPC work is in progress. The approval to fill up all vacant CAO Posts on Regular/Adhoc basis being taken from the competent authority and he assured to discuss the matter with Director (HR) today itself.

(ii) DPC from CAO to DGM(F) : We requested to take approval for initiating DPC from CAO to DGM(F). PGM(FP) assured an early action in this regard.

GS, FS met ED (CA) BSNL on **28.03.2012** and discussed

(a) Transferring back the staff of ERP project to parent Circles: Transferring of executives from ERP cell Ghaziabad to their parent Circles since there is no work available, executives are sitting ideal. Moreover they have completed more than two years in ERP. ED(CA) after some discussions assured to talk Sr. GM (Pers) for transferring of some executives after providing substitutes.

GS, President, AGS(F) met Director(HR) on **28.03.2012** and discussed

(a) Clearance to the SEA Section cases of Accounts Personnel: we requested for giving clearance to fill up vacant CAOs posts on Regular/Adhoc basis and financial upgradation case of 20 CAOs of BSNL, Corporate Office etc. We explained about the provisions of BSNL MSRRs to fill up vacant CAO posts. After detail discussion, Director (HR) assured that he will call PGM(FP) to discuss the matter and will give decision shortly.

(b) DPC from DE to DGM: We requested to expedite the DPC from DE to DGM. Director (HR) mentioned that DPC work is in progress but the ACRs/VCRs are yet to be received from Circles. However, he assured an early action in this regard.

(c) Transferring back the staff of ERP project to parent Circles: We requested Director (HR) for transferring of executives from ERP cell Ghaziabad to their parent Circles since they have completed more than two years and requested at their own cost transfer. Moreover, there is no work available in ERP cell since HCL (Vender) is not responding to sort out the deficiencies. Dir (HR) mentioned that the matter has already been discussed with CMD, BSNL

and he want that first ERP problem should be sorted out, only required executives should be posted in ERP Cell and excess executives may be transferred back to their Circles. He assured an early decision on this issue.

GS, AGS(HQ) met Sr. GM(Pers.) on **27.03.2012** and discussed

(i) DPC from DE to DGM: We requested to expedite DPC from DE to DGM. Sr. GM(Pers.) mentioned that DPC work is in progress but ACRs/VCRs are yet to be received from Circles. In the case of 147 SDEs seniority the next hearing is expected in the first week of June'2012 in Hon'ble Ernakulum High Court. However, he told that the clarification is being asked from Hon'ble Court shortly.

(ii) DPC from SDE to DE: Sr. GM(Pers.) informed that DPC work is in progress but it can be completed only when stay granted by Hon'ble Court are vacated. Sincere efforts are being made to get vacated the stay.

GS, President, Vice President-II, FS, OS(West) and CS, ACS Kerla Circle met Director (HR), BSNL on **21.03.2012** and discussed regarding

(i) Regularization of Officiating JTOs: We conveyed our apprehension that the pending court case at Hon'ble Chandigarh High Court was not handled properly by BSNL. Director (HR) assured to go through the case file and confirmed to do needful in this regard.

(ii) AO to CAO DPC: We requested for giving clearance to fill up all vacant CAOs posts. Director (HR) assured to look into the matter.

(iii) DPC from DE to DGM(Engg.): We requested to expedite DPC from DE to DGM(Engg.). Director (HR) mentioned that DPC has already been initiated and assured to look into the matter.

(iv) relieving of Executives from ERP, GZB: We requested to relieve the executives from ERP, GZB to their parent Circles since they have completed more than two years & sitting ideal. Director (HR) assured to look into the matter.

#### LEGAL FUND

- **LEGAL FUND: APPEAL TO ALL CSs/DSs/BSs :-**As per the decision taken in the Chennai CWC on 02/12/2009, Please collect Rs.100/- per member towards legal fund and remit to CHQ.

Contd on page no. 2

We requested to expedite DPCs from AO to CAO on Adhoc/Regular Basis. PGM(FP) mentioned that DPC from AO to CAO Adhoc/Regular are in progress and the approval for filling up of all vacant CAOs posts on Adhoc/Regular basis is being taken. Management Committee Note on filling up of CAOs Posts is being sent tomorrow to MC for approval and the clarification to fill up CAOs posts on regular basis is being sent to Sr. GM(Pers.) shortly. He assured to take early clearance to fill up all vacant CAOs posts from the competent authority at the earliest. We requested to issue left out CAO to DGM(F) promotion orders and to initiate DPC to fill up all vacant DGM(F) posts. PGM(FP) informed that he has written a letter to SC/ST Commission, Lucknow Bench based on DoT Clarification to issue promotion order. However, he assured that he will issue left out promotion order of DGM(F) before 15.04.2012. Similarly, he informed that the proposal to fill up DGM(F) has been sent to the competent authority for approval.

We requested GM(EF) to clear the pay anomaly case of departmental JTOs/JAOs processed by PAT Cell. GM(EF) informed that the case is being examined in EF Cell & shortly will be written to PAT Cell with concurrence. We also enquired about the status of Committee discussion on issue of Senior executives are drawing less salary than junior. GM(EF) informed that Committee has already submitted its report. We further explained the judgment of Hon'ble Ernakulum CAT on this issue. But GM(EF) mentioned that the Committee was of the opinion not to modify EPP conditions. We strongly pleaded that stepping up of pay of seniors drawing less salary than juniors is against FR Rules & natural justice.

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