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No. AIBSNLEA/CHQ/CMD/2014

DATED: 31.07.2014

To

The CMD
BSNL,
New Delhi - 110001

Subject: **Glaring disparity and irregularities in pay fixation under 2nd PRC for Internal candidates recruited against DR JTO Quota-reg.**

Reference:

1. BSNL C.O order No: 1-07/2012 –PAT (BSNL) dated 28-03-2012
2. BSNL Corporate office order No: 5-31/2001-Pers.IV dated 23.6.2010 in the subject Extension of benefits to the internal officials selected against DRJTO quota, who have applied through proper channel- Clarifications
3. BSNL CO Order No. 400- 164/2012-Pers.I dated: 12-12-2013 Regarding issues of Pension and pay protection to DR-DGMs who are BSNL absorbees under Rule 37-A of CCS pension) Rules, 1972 - Clarification thereof.
4. Corporate office order File No: 1-16/2010-PAT (BSNL) dated 7.5.2010.
5. Corporate office order File No: 1-11/2010-PAT (BSNL) dated 31.3.2010.
6. **BSNL CO SEA order No: 4-85/2003-SEA (Pt. II) Dated: 04-03-2008 in the subject Pay fixation in respect of JAO (External Candidates) appointed in BSNL from other Departments as fresh Candidate against Direct Recruitment quota**
7. OM No. 13/24/92-Estt.(Pay-I)Government of India Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) New Delhi, the 22nd Jan., 1993 in the subject **Condonation of resignation for purpose of pay fixation.**
8. DOPT OM No.28020/1/2010-Estt(C) dated 26-12-2013 in the subject Consolidated Instructions on Technical Resignation and Lien-Reg
9. COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS (**SWAMY's Handbook 14th edition**)

Respected Sir,

We would like to bring the **long pending grievance of departmental outsider JTOs regarding Glaring disparity and irregularities in pay fixation under 2nd PRC** to your kind notice.

A good number of TTAs selected as JTOs in DR JTO examination 2007. These JTOs applied for the DR JTO 2007 examination through Proper channel as per FR 22 GIO (4) rulings and on selection some units asked for technical resignation for administrative reasons as per the prevailing as per FR 22 GIO (4) rulings and some units relived the TTAs to undergo JTO Induction training with pay and allowances of TTA post just like normal departmental promotions.

On successful completion of JTO induction training, they were appointed as JTOs in the pre revised JTO scale E1A Rs9850. As per Para 3.6 of 2nd PRC pay revision order cited under ref 4 dated 07/05/2010, they have opted for pay revision from the date of promotion as JTO. As per the above mentioned option initial pay fixed at Rs 21620 for departmental outsider JTOs by allowing service benefits as per the BSNL office order No: 5-31/2001-Pers.IV dated 23.6.2010 in the subject

Extension of benefits to the internal officials selected against DRJTO quota, who have applied through proper channel- Clarifications.

At this Juncture, BSNL CO clarified vide order No: 1-07/2012 –PAT (BSNL) dated 28-03-2012 that *the appointment given in the direct recruitment outside quota after tendering technical resignation by the employee cannot be treated as promotion and Therefore, such employees are not entitled for exercising the option for fixation of pay in terms of para 3.6 of this office dated 07.05.2010. This is clarifications is highly arbitrary and discriminatory in nature because As per all the GOI FRSRs and BSNL CO clarification cited under reference 1, the internal officials selected against DRJTO quota, who have applied through proper channel is eligible for past service benefits in the matter of pay fixation , pension, leave, LTC and etc.*

The said BSNL CO clarification is not tenable as

1. This is also contrary to Para 4 of the BSNL CO Lr. No.5-3/0001-Pers IV dated 23/06/2010 - "Extension of benefits to the Internal Officials selected DR JTO Quota who have applied through proper channel – Clarification reads as..., "*The officials appointed as DR JTOs are entitled for benefits of past service, if otherwise admissible under rules, for fixation of pay in the post of DR JTO treating the resignation as a technical formality*".
2. In DOPT OM No.28020/1/2010-Estt(C) dated 26-12-2013 cited under ref 7, it is stated that *A permanent Government servant appointed in another Central Government Department/Office has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. Such resignations shall not be deemed to be resignation for the purpose of pension, if admissible. As a consequence, continuity of service benefits should be allowed to such employees in the matter of pension, leave, LTC, etc.as admissible under the rules.*
3. This is also not in consonance with GOI FR-SR in cases where a Government servant applied for post in the same or the other Departments through proper channel and on selection the benefit of past service be given for purposes of fixation of pay in the new posts treating the resignation as a "Technical Formality" (GOI Order Cited under ref 7).
4. This is contrary to the BSNL CO SEA order No: 4-85/2003-SEA (Pt. II) Dated: 04-03-2008 in the subject Pay fixation in respect of JAO (External Candidates) appointed in BSNL from other Departments as fresh Candidate against Direct Recruitment quota, BSNL CO clarified that methodology given in GOI (29) under FR 22 is applicable for fixation of pay of external candidates of other Departments appointed as JAO in BSNL, as fresh candidate against Direct Recruitment quota.

This discriminatory and capricious clarification created utter confusion in the pay fixation of the internal officials selected against DRJTO quota. Each and every unit of BSNL fixed the pay of these departmental outsider JTOs in whimsical manner. It is also inviting much litigation.

Hence, it is highly requested to

1. **Annul BSNL CO clarification No: 1-07/2012 –PAT (BSNL) dated 28-03-2012 cited under ref 1 as it is discriminatory and arbitrary in nature.**
2. **Considering past service rendered in BSNL as TTAs, Uniformly Fix the pay internal officials selected against DRJTO quota as per their option for pay revision from the date of promotion ie 30 % fitment Rs 21620 as per the GOI DOPT instructions cited under the ref 7,8&9.**

Important Foot Note: This pay fixation of internal officials selected against DRJTO quota will not attract any pay anomaly with other purely outsider DR JTOs of same year 2007 & 2008 because Departmental outsider JTO's pay is fixed under FR-27 where as others pay is fixed under FR-22 I (b). Pay anomaly will rise only if pay is fixed under same rule.

In Departmental outsider case pay fixation can be done under FR-22 I (a)i by invoking powers under FR-27 GIO(4)iii along with its C&AG's Decision and GIO(5)iii (SWAMY's Handbook 14th edition extract enclosed)

Thanking you.

Yours Sincerely
-sd-
(Prahlad Rai)
General Secretary

Copy to:
The GM (Estt), BSNL CO, New Delhi 110001

Encl:

1. BSNL C.O order No: 1-07/2012 –PAT (BSNL) dated 28-03-2012
2. BSNL Corporate office order No: 5-31/2001-Pers.IV dated 23.6.2010 in the subject Extension of benefits to the internal officials selected against DRJTO quota, who have applied through proper channel- Clarifications
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9. **COMPROLLER AND AUDITOR-GENERAL'S DECISIONS (SWAMY's Handbook 14th edition)**