



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

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No. AIBSNLEA/CHQ/MOC&IT/2012-13

Dated:07.04.2012

To,

**Shri Kapil Sibal
Hon'ble MOC&IT
Govt. Of India
New Delhi-110001**

Subject:- DoT/BSNL should end deputation of ITS Officers in BSNL for its survival-reg.

Hon'ble Sir,

We would like to bring to your kind notice that 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-mass 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 drawl 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 reliving 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.

We would therefore, request you to kindly intervene in the matter and direct to DoT/BSNL to 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, in case ITS Officers further don't exercise option for absorption in BSNL, some SAG/HAG level officers may be recruited from **OPEN MARKET** as per DPE guidelines.

With kind regards,

Yours Sincerely,
-sd-
(Prahlađ Rai)
General Secretary

Copy to:-

Copy to:

1. Sh. Milind Deora, Hon'ble MOSC&IT, Govt. Of India, New Delhi-110001
2. Sh. R. Chandrashekar, Secy/DoT, for kind information and n/a please.
3. Sh. R. K. Upadhyay, CMD BSNL, New Delhi-110001