



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
EXECUTIVES' ASSOCIATION  
CHQ, New Delhi**

**Report of the General Secretary**

for

**6<sup>th</sup> All India Conference  
at  
Tummalapalli Kshethrayya Vari  
Kalashetram, Vijayawada, AP  
from  
14<sup>th</sup> to 16<sup>th</sup> of July, 2019**

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**AIBSNLEA CHQ**  
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New Delhi - 110001



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**Report of the General Secretary placed in the 6<sup>th</sup> All India Conference of  
AIBSNLEA held w.e.f 14<sup>th</sup> to 16<sup>th</sup> July, 2019 at Vijayawada, Andhra Pradesh**  
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**Respected President and Dear Comrades,**

We are meeting here at Vijayawada, Andhra Pradesh, the “Business capital of Andhra Pradesh” located at the banks of the Krishna River for the 6<sup>th</sup> All India Conference of All India Bharat Sanchar Nigam Limited Executives' Association, after the Central Working Committee meetings held at Dehradun (Uttarakhand) in August 2018, Trivandrum (Kerala) in August 2017 and Faridabad (Haryana) in January 2017. In this conference, we may like to discuss & decide future plan of actions on Organizational Matters, pending HR issues and viability of BSNL i.e. Implementation of 3<sup>rd</sup> PRC with 15% fitment benefit in BSNL, De-linking of Pension Revision from pay revision, Payment of pension contribution on actual basic pay instead of maximum of the pay scales, Replacement of E1A by E2, E2A by E3 and subsequent up-gradation from E3 to E4, E5 to E6 and E6 to E7 w.e.f 01.01.2007, Rs. 22800/- Pay fixation case of JTOs/JAOs post recruited-2007, 30% Superannuation benefits to BSNL recruited employees, CPCs to fill up all SDE/AO, DE/CAO/EE and DGM equivalent posts, CPSU Cadre Hierarchy, Withdrawal of additional increment in the same scale on functional promotion under EPP, Notational pay scales of JTOs/SDEs(C/E/Arch/TF) and PA cadre, Post scenario of the Membership Verification of Executive Associations and other important HR issues.

The issues related to the Revival of BSNL i.e. Allotment of 4G spectrum to BSNL, BSNL's Land Management Policy, Mutation and the process of transferring of all assets to BSNL, Govt. proposal to impose VRS and roll out of age from 60 years to 58 years, financial viability of BSNL, as per the decision taken by the Group of Ministers, at the time of formation of BSNL, Letter of comfort for BSNL's proposals for taking bank loans, Expeditiously fill up all vacant posts of BSNL Board of Directors and Scrap BSNL's outsourcing for the operation and maintenance of it's mobile towers are to be discussed in this conference to decide further strategies.

All these issues have been discussed in the informal meetings with Hon'ble MOC and Hon'ble MOSC, Secretary DoT, CMD BSNL and other Sr. Officers of DoT as well as of BSNL. Regarding Revival of BSNL, implementation of the recommendations of 3<sup>rd</sup> PRC in BSNL with 15% fitment benefit, Pension Revision, VRS etc., we have discussed the issue in person with Hon'ble Minister of State for Communications (I/C), PS to Hon'ble MOSC (I/C), Secretary DoT / DPE, Addl. Secretary (DPE) and other officers of DPE / DoT. We may discuss and decide the strategies on membership increase and status of Association accounts.

During the ongoing period the performance of BSNL in all fronts is not good. BSNL's very existence as a strong Telecom Operator is one of the important issues which need thorough discussion. The dwindling market share is a matter of serious concern to all of us. BSNL is continuously making losses for the last six consecutive years (i.e. 2009-10 - Rs. 1823 Crs., 2010-11 - Rs. 6386 Crs., 2011-12 - Rs. 8851 Crs., 2012-13 ~ Rs. 7884 Crs. , 2013-14 ~ Rs. 7020 Crs 2014-15 Rs. 7265 crores) . In the FY 2015-16 the performance of BSNL was improved and it was earning operational profit. BSNL loss was reduced to 54% and was Rs. 3880 Crs. The revenue flow was also increased to Rs. 32000 Crs. BSNL's turnaround had started. But, in the FY 2016-17, the loss of BSNL again increased to Rs. 4786 Crs, in the FY 2017-18, it is Rs. 7993 Crs. and in the FY 2018-19 it is Rs.14202 Crs. (Un audited), which needs to be immediately arrested. BSNL's revenue during this FY has reduced to Rs.19,308 Crs and revenue during the current FY up-to June' 19 has reduced to more than 40% including the CM segment.

The BSNL Corporate Office recently has written a letter to DoT regarding its cash flow constraints and non sustainability of operation continuity of BSNL as per following details :-

• Capex liabilities	.....3093 Crores
• Opex liabilities	.....3400 Crores
• Statutory liabilities (GST, GPF, LSPC, License fee, loan repayment and interest	.....1788 Crores
• Govt. Project fund utilized by BSNL	.....2955 Crores
• Total liabilities as on 14.06.2019	.....11236 Crores
• Expected Opex liabilities for balance period of June 2019-06-24 Expected salary liabilities for June 2019-06-24	.....700 Crores
• Expected salary liabilities for June 2019	.....850 Crores
• Expected Liabilities	.....1550 Crores
• Total Liabilities upto June 2019-06-24	.....12786 Crores
• Expected collection from 13.06.2019 to 30.06.2019	..... 1000 Crores
• Fund deficit expected as on date 30.06.2019	.....11786 Crores

As it is clear from the above figures, it would be very difficult for BSNL to meet even its fund requirement for salary for the month of June 2019. Further, the gap between monthly revenues and bare expenses to continue operations as a going concern has reached a level where continuing with the BSNL operations could be nearly impossible without immediate infusion of adequate liquidity. Thus, BSNL has requested DoT to advise to

come out from these financial crises. It is a matter of serious concern to all of us which need thorough discussion and decision in this regard.

Consequent to the immersing of Reliance Jio in the mobile segment and now entering in Broadband also, strong confidence building measures to the customers are to be given priority. The revenue of BSNL has drastically come down along with other telecom operators which have created problems for the O&M and payment of wages to the BSNL employees. Strategies are to be evolved for more revenue generation, its collection and best utilization of expert man power. This AIC may suggest methods to reduce the operational cost, and stoppage of unwanted expenditures. We need to improve our quality of service to not only to retain our customers but also to attract new subscribers.

Arbitrary takeover of ALLTC Campus Ghaziabad and some CTTC's in Circles. DoT arbitrary has taken over the ALLTC Campus Ghaziabad and some CTTC's in Circles from BSNL. It is in contravention of the Govt. OM on issue 30.09.2000 wherein all the assets of erstwhile DTS/DTO were transferred to BSNL along with the liability. Now DoT is unilaterally is taking over the assets of BSNL's and leaving liability with BSNL. This AIC should discuss and decide the future course of actions.

The Government's decision on creation of BSNL Tower subsidiary Company for its tower business is being opposed by all the Unions and Associations of BSNL also the appointment of CMD, Tower Subsidiary an IAS officer by DoT and not by BSNL Board. Against this, AIBSNLEA along with SNEA and AIGETOA has filed a Writ Petition in the Hon'ble High Court of Delhi. The next date of hearing is 20.08.2019. The operation of the Tower Subsidiary will be subject to outcome of court case. Other Unions i.e. BSNLEU and NFTE has actively supported the court case and equally shared the expenditure of court case. It is learnt that Govt. is now planning to form a new subsidiary company having about 8 Lakhs Cores Optical Fiber Network of BSNL and having a worth of Rs. 40000 Crs.

**This All India Conference should also decide the further line of action to get resolved the long pending HR issues and burning items related to Revival of BSNL.**

On the organizational side, we can have critical examination of our strength and weakness regarding actual paid membership of the Association. Efforts are being made to increase the membership in view of the verification of Membership and the efforts made by AIBSNLEA recently getting released 13,000 executives promotions to the next higher grade. The proper corrective measures, wherever necessary, should be planned. Ensure regular and timely election of Circle/ District bodies to provide transparent and democratic organization. CWC members are to take stock of the status of the issues of various executive cadres taken by AIBSNLEA during the period and capitalize it. Circle and District Secretaries are to hold regular GB and CEC meetings to interact with the members to discuss their grievances. Regularly update their websites. CHQ Office Bearers and Advisors in their respective Circles should go on organizational tours

**2.0 In the beginning of this report, we may discuss the organizational status and activities of the association, mainly covering the period since June 2016 after the 5<sup>th</sup> AIC at Mysuru.**

**2.1 Membership:** The paid membership of the Association is now ..... as against ..... recorded at the time of Dehradun CWC in August 2018. Since 01.01.2018, the Management is deducting the subscription @ Rs. 80/- per month per member from the salary of the executives and remitting to AIBSNLEA CHQ. Out of which Rs. 40/- is kept in CHQ fund, Rs. 20/- to Circle Quota fund and Rs. 20 to SSA / District Quota fund. All the Circles are being released their Circle and District Quota from CHQ regularly but it is observed that some circles are not releasing District quota to their respective District Branches which is hampering the functioning of Branches. Thus, Circles should ensure regular release of District Quota.

All the Circle / District Secretaries are requested to ensure regular filling-up of the option forms from the new members. Further, they are also requested to clear the pending CHQ quota prior to 31.12.2016 during the 6<sup>th</sup> AIC meet at Vijayawada itself. The paid membership reflects the strength of the organization and good financial position gives boost to the organizational activities.

This AIC may further discuss on the issue of implementation of enhancement of the monthly subscription to Rs. 100/- per month as per Mysuru AIC decision.

➤ **Membership verification of Executives Associations:** Earlier all the registered Associations of Executives' under the Society act were enjoying the trade union facilities in BSNL. However, after verification of the membership, SNEA has been recognized as majority Executives' Association and the AIBSNLEA has been recognized as the supporting Association.

- After the notification of the 1<sup>st</sup> Membership verification of the Executives Association, AIBSNLEA and AIGETOA signed an MOU in July, 2013 to move together unitedly for resolving the HR issues of BSNL executives and to face the referendum. AIGETOA decided to vote and support AIBSNLEA in the process of referendum. Thereafter, AIBSNLEA and AIGETOA have conducted joint CWC meetings at Hyderabad in August, 2014 and at Kolkata in August, 2015 and joint CHQ office bearers meeting at New Delhi on 13<sup>th</sup> April, 2016 to discuss and finalize the strategies for the settlement of pending HR issues and membership verification of executive Associations. AIGETOA has also hold their AIC along with 5<sup>th</sup> AIC of AIBSNLEA at Mysuru and a common OPEN SESSION for strengthening the unity of AIBSNLEA and AIGETOA. Similarly just before three days to the referendum, AITEEA also signed an MOU with AIBSNLEA and AIGETOA to vote & support AIBSNLEA in the Membership verification. On 7<sup>th</sup> Dec., 2016 with the united efforts of AIBSNLEA, AIGETOA and AITEEA could secure 18438 and SNEA secured 20128. Hence, SNEA is the recognized no. 1 executive association and AIBSNLEA recognized as support association. AIBSNLEA won in 17

Circles and SNEA won in 14 Circles. Ignoring this fact, BSNL Corporate Office has recognized SNEA at BSNL Corporate Office, at all Circles and at SSA Levels. Against this United Forum strongly protested by giving representations to the CMD, BSNL and Hon'ble MOC&IT. AIBSNLEA CHQ filed case in the Hon'ble High court of Allahabad and CHTD Circle also filed a court case in the Hon'ble High Court of Madras. Cases have been listed for hearing but could not be heard due to paucity of time. Now, we are pursuing through our advocate for an early hearing in the matter.

Now BSNL Management has constituted a Committee to decide the election mechanism for membership verification of executives association wherein committee has suggested the voting process through electronic system which AIBSNLEA has opposed and demanded to have present manual voting process to ensure transparency.

It has been suggested by all that the existing system of Secret Ballot paper should be continued due to the following reasons.

1. The transparency in the Secret Ballot System is not available in the electronic system.
2. The electronic system is liable to silent underground attacks of malwares, Trojans and viruses.
3. In the electronic system some Controlling Officers, dominating Office bearers of some Associations may threat/influence their sub-ordinates and colleagues which will affect the transparent/secret Election.
4. Even the most advance Countries has gone back to Ballot System from various electronic systems.
5. Full secrecy can be ensured in Secret Ballot system.
6. There should be parity between Membership Verification procedure Associations and Non- Executive Unions.
7. We are to point out that Ballot papers should be designed as per standard procedure. In the previous referendum, an extra Box was printed over our Association name which created confusion.
8. As per the standard procedure there should be a neutral horizontal space between two contestant's names. This should be followed.
9. As per the DPE guidelines, there is no provisions or Membership Verification in the Executives Associations in the PSUs but BSNL Management has introduced Membership Verification in Executives Associations unilaterally which is not in the interest of BSNL.
10. As per the REA Rules- 2014, the Executive Associations registered under Society Act were made eligible to participate in the Membership Verification but later on without the approval of the BSNL Board some Executive Associations registered under Trade Union Act were allowed in the referendum held in December 2016 which was in violation of REA Rules 2014.
11. Since the Executive Associations registered under Trade Union Act have been allowed to participate in the Membership Verification, then

Executive associations should also be made entitled to avail all the Trade Union facilities as available for the Non Executive Unions of BSNL i.e., there should be two Recognized Associations first and second who secured more than 35% and 15% votes respectively, some percentage of Office bearers in Executive Associations should be allowed from BSNL Retirees or outside candidates etc.

The next membership verification of the executives association is due in Dec', 2019. AIC may further suggests on this issue.

**2.2 Contribution towards legal fund:** To protect the interest of the members, through the legal means, as and when required, we need to spend substantial amount to the legal cases. As per the decision of the 4<sup>th</sup> AIC at Nashik, a separate fund has been created by one time collection of Rs. 200/-, special donation for court cases. But many Circles are yet to deposit the special donation to CHQ. Now, in the present scenario we are to file a number of cases in different courts for which more and more funds are required to engage senior advocate to defend our plea in the court of law. **This AIC may decide the time line for the collection and depositing to CHQ.**

**2.3 Central Office Bearers, Advisors, Consultants and Circle Secretaries meeting of AIBSNLEA CHQ at Jaipur and New Delhi:** AIBSNLEA hold meetings of Central Office Bearers, Advisors, Consultants and Circle Secretaries on 01<sup>st</sup> & 02<sup>nd</sup> Dec., 2017 and 28<sup>th</sup> & 29<sup>th</sup> June, 2018 respectively.

➤ **Meeting at Jaipur:**

The organizational matters, HR issues and issues related to the viability of BSNL were discussed and decisions were taken for further course of actions mainly, increase of membership, CPCs in all disciplines, implementation of 3<sup>rd</sup> PRC with 15% fitment benefit, CPSU CH, Role of AIBSNLEA in the United Forum and All Unions and Associations of BSNL etc. Accordingly, CHQ made the efforts.

➤ **Meeting at New Delhi :**

This meeting was convened to counter the threat given by so called Majority Association for agitation for implementation of CPSU CH by 01.07.2018. CHQ prefer to discuss and decide the strategies in this regard. In two days meeting after detailed discussions on the ongoing situation it was unanimously decided that AIBSNLEA will impress upon the BSNL Management for holding of the CPCs before implementation of CPSU CH. Accordingly, CHQ impressed upon the Management and convinced for holding of the CPCs and achieved 12000 executives' promotions with in a period of one month. AIBSNLEA is continuing its efforts for holding of the CPCs to get promoted all the eligible executives of all disciplines before implementation of the CPSU CH. Holding of CPCs by the Management could not be digested by the so called majority Association and they tried to derail the process of CPCs by demanding parity in promotions among the cadres which is not practically possible due to legacy. However, AIBSNLEA efforts will continue for getting promotions through CPCs in all the disciplines. On 29<sup>th</sup> June 2018 a farewell was arranged on

the eve of retirement of Shri R.K. Mittal, Director (CM) which was attended by Director (HR), CGM (Legal) and all the GMs of HR Vertical. This was appreciated by Director (HR) and in her address she assured to continue to promote executives through CPCs before implementation of CPSU CH as far as possible.

Discussions and decisions were taken and further course of action on the organizational matters, HR issues and issues related to the viability of BSNL mainly, increase of membership, CPCs in all disciplines, implementation of 3<sup>rd</sup> PRC with 15% fitment benefit, CPSU CH, functioning of the United Forum and All Unions and Associations of BSNL etc. Accordingly, CHQ has made its best efforts for the implementation of all the decisions taken in the AIC, CWC meetings and Circle Secretaries meetings

Resolutions passed in the Central Office Bearers, Advisors, Consultants and Circle Secretaries meeting of AIBSNLEA held on 28<sup>th</sup> and 29<sup>th</sup> June 2018 at New Delhi and submitted to BSNL Management vide letter no. AIBSNLEA / CHQ / CMD/2018 dated 03.07.2018 –

- CPCs for the promotions of all eligible executives of various disciplines should be conducted before notification of the CPSU Cadre Hierarchy to avoid the losses to majority of the executives.
- That the retired CHQ Office Bearers in the present body will continue till next AIC as per the constitution of AIBSNLEA. The venue and time for the next AIC will be decided in the CWC meeting being held on 18th and 19th August 2018 at Dehradun.
- Early implementation of 3rd PRC report with 15% fitment benefits in BSNL and revision of pension for BSNL pensioners’.
- Payment of pension contribution on actual basis instead of maximum of the pay scale.
- For the viability of BSNL, AIBSNLEA demand immediate allotment of 4G spectrum to BSNL on pan-India basis.

**2.4 Regular election of Branch/Circle Body of AIBSNLEA:** Most of the Branches/Circles, AIBSNLEA have conducted elections to form regular body by convening Branch / Circle conferences. Some Circles like NE-I and ALTTC Ghaziabad are to ensure immediate notification of Circle Conferences. However, AIBSNLEA CHQ has formed the Adhoc committee in J&K Circle, Delhi Circle and BSNL Corporate Office, New Delhi exercising the powers conferred upon us by the clauses of the AIBSNLEA Constitution in clauses 8. (VI) Power & duties of Office Bearers (a) President (ii), (v) and (e) dissolve the existing AIBSNLEA Circle body. The Ad-hoc body has been formed for three months only and within 3 months period this ad-hoc body has to conduct the Circle Conference to elect the regular Circle Body. Further extension is given to both the Circles for next three months to conduct the regular election on their request. AIBSNLEA Delhi Circle and J&K Circle both conducted the Circle Conference on 12.06.2019 and 07.07.2019 respectively and elected New Office bearers.

**2.5 Journal / Circular / Websites:** Our web site of AIBSNLEA i.e. [www.aibsnleachq.in](http://www.aibsnleachq.in) provides all latest information regarding meetings with DoT administration & BSNL Management for the information of the members and others. All-important communications made and office orders are also promptly displayed on the web sites. The printing of TELEWAVE has been stopped as per the decision taken in the 4<sup>th</sup> AIC at Nashik in view of regular expenditure and its less usefulness in the present scenario. The CHQ Web site is being maintained by Shri Bhagwan Singh, CHQ Auditor. It is observed that the Circles are not up-dating their Circle websites regularly. All the Circles are further advised to update their sites regularly to keep their members informed properly about CHQ as well as Circle activities.

**2.6 Publication of BSNL Executives' Diary - 2019:** AIBSNLEA published BSNL Executives Diary for the year 2019 with improved quality and features. These diaries were dispatched in due time to all the Circles / Districts as per their purchase orders but the reimbursement of payments are pending in most of the Districts / Circles due to financial constraints in BSNL. The Circle and District Secretaries are requested to pursue with their respective Circle / District Management for early payments to CHQ. The decision on publication of BSNL Executives Diary-2020 has to be taken.

**2.7 Welfare Scheme:** As per the decision of 2<sup>nd</sup> AIC Jaipur, all the claims received from various Branches / Circles are being cleared from the General Funds of AIBSNLEA. The welfare funds from TESA / AFSOA have not been transferred to AIBSNLEA. The GSs TESA / AFSOA have been requested to take necessary action for transferring the welfare fund to AIBSNLEA immediately but no response in this regard has been received.

In order to study and recommend various methods to strengthen the Welfare Scheme and raising fund, a committee was formed under the chairmanship of OS (S) with all other three O.Ss that is OS (W), OS (E) and OS (N) as members. The committee submitted its report in the last AIC held at Nashik. After lot of discussions and deliberations, it was decided to accept the recommendation of the committee with the following:

- Totally New scheme is to be launched.
- A sum of minimum of Rs.500/- (Rupees Five hundred only) is to be collected from each members as one time collection.
- A unique Welfare scheme ID is to be provided to each member.
- Relief amount to be enhanced to Rs.50, 000/- (Fifty thousand only).
- In the event of retirement on Superannuation / VR, on the day of retirement one of the office bearer at any level has to attend the function and present a memento from this fund (may be worth Rs.500/-).
- To start with an amount of Rs.1,00,000/- will be transferred from the General Fund of the AIBSNLEA CHQ to the welfare fund.

The scheme was to be implemented with effect from 01.01.2014 but in view of the membership verification, the implementation was postponed after the membership verification of the Executive Association. Now, the MV is completed and as per the CWC Trivandrum decision this scheme has been launched which has to be accelerated by the Circles and Districts. But so far no initiative has been taken in this regard.

Even after the decisions taken in the AIC and CWC meetings the enrollment of the members haven't been enrolled in the welfare scheme by any of the circles. Thus the scheme could not be implemented. To attract the members such welfare schemes are necessarily required as the other sister association is giving Rs. 3,00,000/- as relief amount. In view of this AIBSNLEA should also collect Rs. 2000/- from each member so that relief amount is enhanced to Rs. 2,00,000/- with the above features. This AIC may take decision in this regard to implement it from 1<sup>st</sup> August, 2019.

**2.8 Creation of WhatsApp Groups by some individuals by adding AIBSNLEAs office bearers without CHQ notice:** It is observed that some individuals are creating some WhatsApp groups by adding AIBSNLEA CHQ / Circle / Distt. Level office bearers along with other executives without the knowledge of CHQ wherein the organizational matters of AIBSNLEA are being discussed / criticized openly in social media even by some AIBSNLEA office bearers, which is weakening the association and tarnishing its image. This AIC may take decision to restrict such activities by some individuals without prior permission/ knowledge of CHQ/Circle/Distt. levels in case the AIBSNLEA office bearers are added in the WhatsApp Group.

**2.9 Organizational Tours of General Secretary and other CHQ office bearers of AIBSNLEA are available on CHQ website.**

### **3. STATUS OF HR ISSUES:**

**3.1 CPCs to fill up the vacant JAG, STS Group 'A' & Group 'B' Grade posts in BSNL on Adhoc / Regular basis:** On the pretext of various pending court cases, BSNL Management was not conducting CPCs against that we persuaded to convince that CPCs in BSNL can also be conducted on the similar lines on which the other Departments are conducting the CPCs on the basis of Hon'ble Supreme Court's judgment in the case of Nagaraj on SC/ST roster implementation. BSNL Management considered our request and decides in the BSNL MC to initiate CPCs in all disciplines on the same line of other departments. Mean while Hon'ble Supreme Court also delivered the judgment allowing SC/ST roster implementation in promotions which was also endorsed by DoPT. This further smoothens the way for conducting CPCs in BSNL. Accordingly, CPCs are conducted in all disciplines and about 13,000 executives have been promoted in June- July' 2018 which has given a great relief to our executives who were waiting for their promotions years together. The so called majority Association on the pretext to bring parity in all the cadres impressed upon the Management for the notification of CPSU CH. But BSNL Management prefer to conduct the CPCs on the basis of existing RRs. CPSU CH implementation became difficult in view of SC-ST Roster implementation and some other issues. However, our efforts will continue till the time all the eligible executives are promoted to the next grade. The following are the status of the CPCs :

**(a) JTO (T) to SDE (T) CPC against seniority cum fitness quota (67%):** AIBSNLEA consistent efforts in the various courts by getting impleaded and pursuing with BSNL Management has yielded result in getting through the CPCs in BSNL which resulted immediate issuance of 2090 JTO to SDE(T) LDCE quota promotions and 3047 JTO to SDE (T) SCF quota promotions. Again we are trying to get fill up all existing about 8000 vacant SDEs (T) posts by the eligible JTOs. We requested to issue early promotion order from JTO to SDE (T) to fill-up about 8000 vacant SDE (T) posts. But some BR JTOs filed contempt case in the Hon'ble CAT Ernakulum bench and after the clearance of contempt case only, the promotion orders will be considered.

The Review Petition filed by the BSNL for the JTO to SDE Promotion case in the Hon'ble High Court Ernakulum came up for final hearing on 20.6.2019. From BSNL Corporate Office, New Delhi DGM (Pers-S.M) & and AGM (Pers-Legal) were deputed to Ernakulum. Senior Lawyer from New Delhi argued the case on behalf of BSNL. Arguments were completed and the Judgement is reserved. The proceedings on the Contempt Petition are stayed till the Judgement is delivered.

**(b) LDCE from JTO (T) to SDE (T):** 2090 JTO to SDE (T) LDCE quota have been promoted against the vacancy year of 2009-10 and 2010-11. Now further LDCE has to be conducted against the future vacancies.

**(c) CPC from SDE (T) to DE Regular:** We requested to promote SDEs of seniority list no. 8 & 9 to the posts of DE by upgrading about 4000 posts to DE grade. Work in this direction was to be started but the upgradation of posts in all the disciplines is not considered by CMD BSNL in the pretext of parity. AIBSNLEA efforts will be continue in this direction.

**(d) CPC form DE (T) to DGM (Engg.):** We requested to issue early promotion order from DE to DGM (Engg.) to fill-up 891 vacant DGM posts, since the CPC has been completed three months before. But due to objections raised some associations and some groups on the DEs seniority list, BSNL Corporate Office has prefer to upload the DEs seniority list in BSNL Intranet Portal to seek the comments / objections if any from the all concern. After examining the objections, BSNL CO has finalized, SDEs/DEs seniority lists and now DEs seniority list has been submitted to the Hon'ble CAT Chandigarh. Efforts are being made to get release the promotion order from DE to DGM (Engg.) to fill up about 1100 DGM (Engg) posts. BSNL Management with the support of so called recognized association was considering DE to DGM promotion on regular basis which was depriving all the newly promoted DGMs to avail E-6 pay scale. AIBSNLEA pleaded to BSNL Management for issuing DE to DGM promotion on Adhoc basis immediately and regular promotions after Nov.' 2019 to avoid financial loss to the newly promoted DGMs. BSNL Management got convinced with our pleadings and consider Adhoc DGM promotions only.

**On the basis of Hon'ble CAT Chandigarh direction the seniority list of TES Group-'B' officers and DEs have been finalized and circulated. The DEs seniority list**

has been submitted along with MA in the Hon'ble CAT Chandigarh for clearance. The case has been posted for hearing on 30<sup>th</sup> August, 2019. We have requested PGM(Pers.) for filing MA for early hearing.

**(e) CPC from JAO to AO:** The CPC to fill up 2226 AO posts was expedited and promotion orders were issued on 28.06.2018 on up-gradation of 1400 JAO post to AO posts. Some JAOS filed court cases in the Hon'ble High Court Bangalore and Hon'ble CAT Ernakulum and availed stay order on promotions. AIBSNLEA persuaded with the applicants and got vacated the stay order. Thereafter only, 2226 JAOS to AO promotions orders were issued.

**(f) CPC from AO to CAO Regular/Adhoc:** AIBSNLEA consistent efforts yielded result in getting released orders for Promotion of 468 AOs / Sr. AOs to the grade of CAO on regular / Adhoc basis. AIBSNLEA requested to fill up the remaining vacant CAO Posts of 127. But DOP&T Clarification / Law Ministry orders in respect of own merit reservation issue is still awaited and Status quo case of AO to CAO promotion is posted for Final Hearing on 15.7.2019 in the Hon'ble CAT Chandigarh. In the meantime, BSNL has filed an MA in the Hon'ble High Court Chandigarh to vacate the Stay in the Status quo case of AO to CAO promotion in the Hon'ble CAT Chandigarh. The case is posted for next hearing on 30.7.2019. However, review CPC for SC/ST left out candidates has been completed. AIBSNLEA requested BSNL Management to utilize 336 MT quota CAO posts also for promoting remaining eligible AOs waiting for CAO Promotion on Adhoc basis. The file is under process for the approval of the Competent Authority.

**(g) CPC from CAO to DGM (F):** The SEA Cell BSNL Corporate Office has issued promotion orders of 22 vacant DGM (F) posts in September 2017. Due to the consistent efforts of AIBSNLEA, Management Committee of BSNL Board approved the relaxation in the eligibility criteria to get the Promotion from CAO to DGM (F) to fill up 26 vacant DGM (F) posts on 27.6.2019. The CPC will be conducted shortly and promotion orders will be issued.

**(h) Promotions from DGM (Adhoc) to DGM (Regular):** Efforts are being made to get the promotions DGM (Adhoc) to DGM(Regular) in the Engineering Wing who has completed four years of regular service in STS cadre, But, being delayed due to finalization of DEs seniority list on Rule-206 basis.

**(i) Promotions from DGM (Regular) to Jt. GM:** AIBSNLEA is making efforts to get promoted DGM (Regular) completed four years of regular service by taking one year service relaxation in the eligibility condition.

**(j) CSS and PA/PS Cadres:** AIBSNLEA has requested to consider up-gradation to CSS and PA/PS cadres also to reduce the stagnation.

**(k) Status of CPCs process of Civil / Electrical /Architect / Telecom Factory Engineering wings are as under:**

**Civil wing:**

- a) JTO (C) to SDE(C): CPC for the vacant posts of 174 SDE(C) completed and promotion orders issued. Subsequently 86 SDE(C) promotions orders also issued on 09.08.2018.
- b) SDE(C) to EE(C): CPC for the vacant 155 posts of EE(C) completed and promotion orders issued. Subsequently 4 Nos of EE (C) promotions orders also issued.
- c) For further promotions, CGM (BW) has sent the proposal to GM (Pers) for the up-gradation from JTO (C) to SDE (C) 310 posts and SDE (C) to EE (C) 200 posts.
- d) SE (C) to CE (C): CPC for the vacant posts of 49 CE(C) completed and promotion orders issued.

**Electrical wing:**

- a) JTO (E) to SDE (E): CPC for the vacant posts of 79 SDE(E) completed and promotion orders issued. Subsequently 2 Nos. SDE(E) promotions were issued.
- b) SDE (E) to EE (E): CPC for the vacant posts of 125 EE(E) completed and promotion orders issued.
- c) For further promotions, CGM (EW) has sent the proposal to GM (Pers) for the up-gradation from JTO (E) to SDE (E) 145 posts and SDE (E) to EE (E) 228 posts.
- d) SE (E) to CE (E): CPC for the vacant posts of 7 CE(E) completed and promotion orders issued.

**Architect wing:**

- a) JTO to AE (Arch): CPC completed for the one vacant post and promotion orders was issued.
- b) SDE (Arch) to Architect: No vacancy is there for SDE (Arch) to Architect.
- c) For further promotions, CGM (Arch) has sent the proposal to GM (Pers) for the up-gradation from JTO (Arch) to SDE/AE (Arch) 74 posts.

**Telecom Factory wing:**

- a) JTO (TF) to SDE (TF) CPCs completed for 53 SDE(TF) vacant posts and promotion orders issued.
- b) SDE (TF to AGM (TF): The CPC for 12 AGM (TF) vacant posts completed and promotion orders issued.
- c) Further, for promotions GM (TF) has sent the proposal to GM (Pers) for up-gradation from JTO (TF) to SDE (TF) of 29 posts, SDE (TF) to AGM (TF) 13 Posts.

**3.2 Implementation of Executives Promotion Policy in BSNL:** AIBSNLEA untiring & persistent effort's yielded result in getting issued Executive Promotion Policy on 18.01.2007 and got implemented but still some issues remains un-resolved as under:-

- **Implementation of CPSU Cadre Hierarchy - Change of designations on each Time Bound up-gradation on functional basis:** BSNL Management constituted a Joint Committee Headed by Shri M.A. KHAN, (ED/NB) to submit a report on CPSU Cadre Hierarchy, E2-E3 Pay scale to JTO/SDE equivalent executives and First time bound promotions on completion of four years. The KHAN Committee submitted its recommendations on both the issues i.e. CPSU Cadre Hierarchy and E2-E3 Pay scale to JTO/SDE equivalent executives in the month of Sept. 2015 but due to disagreement by the nodal unit i.e. Pers. Cell to implement the KHAN Committee report was not put up to the BSNL Board in true sense for approval which may invite litigations.

On our persuasion, Management Committee of BSNL Board directed PGM Pers. to discuss and take the views of all the stake holder executive associations and thereafter bring to BSNL MC for clearance. Accordingly, PGM (Pers) conducted meetings with all the stake holders wherein AIBSNLEA submitted its views/suggestions emphasizing the implementation of Khan Committee report in true sense i.e. Time Bound Non-Post Based functional promotions should be available up-to AGM level, senior SDE should not be inducted as functional post, all AGMs/ CAOs completed 4 years of regular service should be designated as Jt. DGM and the bench mark for promotions should be on numerical basis to minimize the droppings, the residency period from SDE to DE / AO to CAO should be 5 years instead of 12 years, reference point for implementation of CPSU CH should be date of last CPC conducted or the year of Recruitment and implementation of SC/ST roster as per DOPT instructions etc. Among these suggestions, Management considered some suggestions i.e. Time Bound Non-Post Based functional promotions made available up-to AGM level, AGMs/ CAOs completed 4 years of regular service are to be designated as Jt. DGM and the bench mark for promotions are on numerical basis.

AIBSNLEA efforts are continuing for the consideration of remaining suggestions i.e. senior SDE should not be inducted as functional post, the residency period from SDE to DE / AO to CAO should be 5 years instead of 12 years and implementation of SC/ST roster as per DOPT instructions etc. BSNL Board has approved the CPSU CH w.e.f. 01.07.2018 or date of notification. Since the CPSU CH implementation cut-off date was decided from 01.07.2018 or the date of notification is not going to benefit the existing majority of the executives those otherwise are eligible to be promoted in the next grade on functional basis through CPCs and will have one additional increment benefit. In view of this, AIBSNLEA impressed up on the Management to hold CPCs to promote all the eligible executives of all disciplines before the implementation of CPSU CH. AIBSNLEA consistent efforts yielded results and got released 13,000 promotions of executives in all the disciplines. Still our efforts will continue till the time all the eligible executives are promoted to the next grade. The so called majority Association on the pretext to bring parity in all the cadres has

impressed upon the Management for the notification of CPSU CH. This AIC may further discuss and decide the strategies in this regard.

- **Date of effect of Implementation of revised IDA Pay Scales for the Executives w.e.f. 1.10.2000:** BSNL management has granted benefit of residency period w.e.f. 1.10.2000 to the Executives i.e. JTO/SDE (Civil/Electrical/Arch./TF) Engineering wings, CSSs, PAs/PSs, JAOs etc. for whom the RRs were notified after 1.10.2000 and accordingly the pay scales were upgraded. Whereas, as per Dr. Vinay Shahi's committee recommendations the upgraded scales for the above executives' should have been implemented w.e.f. 1.10.2000 on actual basis or notional basis. BSNL Corporate Office has issued order of notional pay fixation for JAOs w.e.f. 01.10.2000, we are demanding similar benefit to other upgraded cadres also.

The Management Committee of BSNL Board has approved the notional pay fixation w.e.f. 01.01.2000 which is pending for BSNL's Board approval. The Management Committee approval was sent to DOT for clearance to be put up in the BSNL Board meeting but the Addl. Secretary (Telecom) has raised some issues which are yet to be replied by BSNL management. AIBSNLEA is continuing its efforts for the favorable settlement.

- **Amendment in BSNL MSRRs allowing Diploma holders to the promotion of EE:** As per these BSNLMS RRs, the existing JTOs/SDEs (C/E/Arch) Engineering wings having diploma qualification were not eligible to be promoted to the grade of Assistant General Manager (C/EE/Arch). AIBSNLEA strongly protested against this discrimination and finally BSNL Management issued amendment on BSNLMS RRs allowing Diploma holder SDEs (C/E/Arch) to the post of EE as per 1994 DoT RRs. We have again pleaded to remove discrimination on the pretext of degree/diploma qualification to the promotion of EE from SDE (C/E/Arch) and parity with the JTO (T) / SDE (T). On our persuasion a committee comprising of GM (Pers.), PGM (BW)/ (EW)/ (Arch) was constituted to examine the issue. We submitted our views to the committee members. Now the committee has submitted its recommendations to the Management Committee which has cleared the proposal. The BSNL Board approval is still expected. It is understood that 50%-50% EE(C/E) posts will be shared by the Degree and Diploma holder SDEs(C/E). Meanwhile DoT allowed diploma holders with 10 years technical experience to be treated at par with degree holders for EE promotions which was also endorsed by BSNL but it was challenged by some degree holders in the court and stay order was granted and now vacated. We requested management to implement DoT Order in this regard and accordingly, the CPCs from SDE(C/E) to EE(C/E) were expedited and promotions were issued.

### 3.3 Left out issues of 2<sup>nd</sup> PRC –

- **Implementation of E-2, E-3 standard IDA Pay scales to JTO and SDE equivalent executives in BSNL:** DoT issued a Presidential order dated 28.03.2017 for E1A and E2A pay scales for JTOs, SDEs and equivalent cadres. Further recruitment in JTO and JAO equivalent would be made in E1 Scale only. We have demanded Standard pay scales E2- for JTO/JAO and Equivalent cadres, E3 - for SDE/AO and Equivalent cadres, E4 for Sr. SDE/Sr AO and Equivalent cadres, E5 for AGM/DE/CAO and Equivalent cadres, E6 for DGM & Equivalent cadres and E7 for SG DGM & Equivalent cadre's w.e.f. 01.01.2007. DoT had raised certain queries on replacement of scales for pre-revised E1A, E2A pay scales for JTOs, SDEs & equivalent cadres.

BSNL Management on 12.06.2017 while replying the queries of DoT mentioned that BSNL is requesting for E2 and E3 scales in replacement of pre-revised E1A and E2A i.e. Part-I of the proposal in BSNL's letter dated 06.06.2016 for replacement of E1A and E2A with E2 & E3 being a residual issue of 2<sup>nd</sup> PRC and may be approved. The Part-II of the BSNL's proposal will be taken up at the time of 3<sup>rd</sup> PRC.

Though the BSNL Management has not withdrawn its proposal sent on 06.06.2016 but this revised proposal is impracticable wherein a section of executives' pay will be revised with effect from 01.01.2007 as per 2<sup>nd</sup> PRC report and other section of executives subsequent pay up-gradation will be taken up at the time of 3<sup>rd</sup> PRC.

AIBSNLEA will continue its efforts to get implemented the BSNL's earlier proposal sent to DoT on 06.06.2016 and 12.06.2017 to provide justice to all the executives in order to remove their pay anomaly and stagnation. DoT referred the case to DoE and DPE for the clarification to introduce parallel pay scales of E1A and E2A in BSNL but DPE and DoE has replied that it is the prerogative of the Administrative Ministry / PSU to decide the pay scales of Executives in the pay band available.

Further, on our persuasion and on the kind intervention of Hon'ble MOSC (I/C) the matter was again sent to DPE by DoT for consideration along with following points:

- 1) E1 and E2 are the pay scales approved for BSNL direct recruit and not E1A and E2A.
- 2) E1A and E2A are the pay scales approved for the BSNL absorbees as a Special dispensation to facilitate absorption.
- 3) BSNL wrongly extended E1A and E2A scales to BSNL direct recruits. It has to be corrected.
- 4) In order to protect the pay already drawn, some intermediary measures taken and a temporary pay scale has been extended.

- 5) Future recruitment is to be made in E1 and E2 scales only. BSNL initially recommended E2 to E7 scales with cascading effect which changed later on to E2 and E3 scales alone.
- 6) Some Executives Associations are demanding cascading also along with E2 and E3. E2 and E3 scales alone not acceptable for them. So BSNL proposal for E2 and E3 alone cannot be considered.
- 7) The proposal for E2 to E7 scales will have huge financial implication on DoT and on pension payments.
- 8) BSNL is an incipient sick PSU, so the demand for E2 and E3 cannot be acceded to.

DPE further advised DoT to decide at their level and DoT is silent on the issue.

- **Rs. 22820/- Pay Fixation case of JTOs / JAOs post recruited 2007:** AIBSNLEA along with AITEEA requested CMD BSNL for the removal of pay anomaly in this regard. Accepting our request CMD, BSNL constituted a committee headed by PGM (PF) Smt. A. Panda to examine the issue and submit the report. We also gave presentation to the committee and now the committee has submitted its report to the competent authority for consideration. We are pursuing with Director (HR) and CMD BSNL for the resolution of the issue. We have explained that already some pay anomaly cases of JTOs 2005 batch, JAO 2010 batch and Asstt. of CSS cadre has been settled by BSNL Management. In the same line this issue also needs settlement but still case remains pending.
- **30% Superannuation benefits to directly recruited employees as per DPE guidelines:** We requested CMD BSNL, Director (HR/EB) and ED (Finance) to resolve superannuation benefits to directly recruited employees as per DPE guidelines and BSNL should contribute 12% as Superannuation Benefits in respect of Direct Recruits to fulfill the limit of 30% contribution. The remuneration committee of BSNL Board recommended to start a superannuation benefit trust to directly recruited BSNL employees with a contribution of 3% initially and further it can be reviewed on the basis of financial health of the company. DoT issued the Presidential Directives in this regard and BSNL Management created a trust and other formalities in this regard.

On our persuasion BSNL Board has increased the contribution from 3% to 5% but we will continue demanding 12% contribution. CMD BSNL assured to increase further 3% in the contributions to the superannuation benefits but remain still pending. AIBSNLEA will continue its efforts in this regard.

**3.4 Serious anomalies in the TES Gr. 'B' officers' seniority lists:** Hon'ble Supreme Court CA No. 4339 of 1995 dated 28.09.2006 and CP Civil No. 248 of 2007 in CA No. 4339 of 1995 dated 25.03.2008 in the judgment directed the respondent that

they shall rearrange the seniority in terms of the principals laid down in P.N. Lal's case restoring their earlier position and shall not put any employee over and above the present petitioners on the basis of the seniority in the service in the entry year. While implementing the above judgment DoT/BSNL has re-casted the seniority of  $45+20+9+4=78$  (about) TES Gr. 'B' officers only whereas, thousands of TES Gr. 'B' officers are to be provided similar benefit. Now TES Gr. 'B' officers promotions to DE is being issued on the basis of two seniority lists i.e. one on rule-1966 and another on para rule-206 basis. It has caused serious anomaly and heart burn to the TES Gr. 'B' officers in BSNL. Regarding implementation of Rule-206 or Rule-1966, BSNL Management has filed SLP in the Hon'ble Supreme Court for clarification. Hon'ble Supreme Court has delivered the judgment on 21.01.2015 on TES Gr. "B" seniority to re-casted on the basis of Rule – 206 and one expert committee headed by Shri Rammurthy, Retd Judge of Hon'ble High Court with one member has been constituted to submit report within a period of six months to examine the repercussions on beneficiaries of RR – 1966. After submission of the report by the Committee, the case was posted for hearing on 18.04.2016 and thereafter being listed on every Tuesday. Unfortunately, it could not be heard even for a single time due to paucity of the time. Finally, Hon'ble Supreme Court heard the case and delivered the judgment on 14.12.2017. But, BSNL Corporate Office has misinterpreted the judgment and revised the seniority list of TES Gr. "B" executives by reverting the executive who have been promoted as per the Rule-1966 (Year of Recruitment basis) since the year 2001 onwards with respect to their DQE (Rule-206). Nowhere, Hon'ble Supreme Court has given the directions to revert them. Against this AIBSNLEA has protested and has taken legal view from the concerned Advocate.

➤ **147 SDEs (LDCE Quota) retrospective seniority case:**

**Matter in Principal Bench of CAT Delhi:**

AIBSNLEA's OA 2126/2009 in Principal Bench CAT, New Delhi reference mentioned in the Operative portion of the judgment on 147 SDEs (LDCE Quota) retrospective seniority case:

"We have to remind ourselves, some more are waiting in the wings, watching the proceedings, to jump on at the appropriate time. We cannot, but, record our deep anguish and displeasure at such conduct. We say this, because, the matter has been raised in various Benches of the Central Administrative Tribunal in Chandigarh, Cuttack, Calcutta and the Principal Bench with varying results. We only notice the proceedings pending before the Principal Bench (Judicial I) Delhi of the Central Administrative Tribunal, in O.A 2126/2009 wherein all the 147 merit based candidates are stated to be parties. We have been taken through the order of the Principal Bench dated 21.9.2011 wherein the proceedings pending before the various Benches were noticed, while considering the application for reference to a larger Bench. The Principal Bench has referred to OA No.86/2009 which challenged the seniority of the 147 persons as also the stay order of this Court dated 18.2.2010. The Principal Bench in paragraph 11 held so:

Contention raised by the counsel for the respondents before us is that since two contradictory views have been expressed by different Benches of the Tribunal, namely, Ernakulum Bench and Chandigarh Bench, the matter should be referred to the Full Bench. We, however, of the opinion that even if the matter is referred to the Full Bench, no purpose would be served because ultimately this very issue is pending before the Hon'ble High Court of Kerala. Once the Hon'ble High Court of Kerala gives its view, it would be binding not only on the parties but also on the Tribunal unless, it is upset by the Hon'ble Supreme Court or by some other High Court in some other proceedings. At that time the matter can be finally resolved.”

**Matter in Hon'ble Kerala High Court:**

The seniority of 147 SDEs (LDCE Quota) was quashed by the CAT Bench, CAT Bench Ernakulum and the judgment of CAT Bench is upheld by the Hon'ble High Court of Kerala vide order dated 01.07.2013. The SLP filed by the 147 SDEs (LDCE Quota) in the Hon'ble Supreme Court of India is still pending.

Operative portion of the judgment by Hon'ble High Court of Kerala on 147 SDEs (LDCE Quota) retrospective seniority case is placed below for ready reference:

**Para-36:** Looking at the entire findings in Ext.P4 we are of the considered opinion that the Tribunal while directing the conduct of one consolidated qualifying and competitive examination for the period between 1992-96; also took judicial notice of the fact that all the vacancies prior to 1994 were filled up by candidates who had qualified in the examination of 1989. Specific O.P (CAT) 3019/2011 and connected judicial notice taken of this fact and the observation that one cannot hope to put the clock back for all intents and purposes, in our considered opinion is a pointer to the fact that the Tribunal did not brook any upsetting of filling up of vacancies prior to 1994. It is also pertinent that the candidates who qualified prior to 1991 were held to be admitted seniors of those qualifying later on. Though as contended by the LDCE candidates, who are the petitioners herein, such seniority was only against the quota of qualifying candidates and did not at all affect the competitive candidates; obviously, there is no pleading that any of the petitioners or any of the 147 persons included in the list of competitive candidates had qualified and were placed high on merit in the combined examinations, held prior to 1991. A candidate qualifying in the examination acquires a right to be promoted to the available vacancy and assignment of seniority only with respect to the year of qualification. Can a person who qualified in the DQE and came out meritorious in the LDCE of a particular year, said to have acquired a right to a position prior to the year of his qualification'. In the absence of any such specific rule, we are unable to answer the question in the affirmative.

**Para-47:** Merely because the LDCE was not held from 1989 that does not create a vested right in the 147 candidates to be assigned seniority in the 1/3rd quota of LDCE from the year 1990 onwards. We have already found that the DQE and LDCE exams held in 2000-2003 were only to the vacancies of 1994-95, 1995-96 and 1996-97 (up to 22.7.1996). The promotion to the DQE quota can only be from the year in which a candidate qualified. The promotion on the basis of the LDCE can also be only to those 1/3rd available vacancies in the year of the LDCE. The distinction is in so far as the DQE is considered to the 2/3rd quota from the year in which he qualifies vis-a-vis the seniority among the DQE candidates; and on the basis of his qualification is considered in all the subsequent years. While the LDCE is considered only to the vacancies available in that year and the rank obtained by a candidate not entitling him to be considered in any subsequent years. Hence the 147 candidates ought to be considered for the 1/3rd vacancies in 1994-95, 1995-96 and 1996-97 (up to 22.7.1996) according to their merit as also their eligibility to appear for the combined examination. The eligibility year has to be considered since, one combined examination was held for three years. A candidate entitled to appear in 1996 (by reason of completing five years of regular service in the feeder category on the 1st of the January of the year) cannot be placed in the vacancy of 1994-1995; however, high his rank may be. If the seniority list requires any re-cast on the above lines; obviously, the official respondent ought to do so. In the circumstances, we do not find any reason to differ from the decision of the Tribunal impugned in the writ petitions or interfere with the dismissal of the review applications impugned in the Original Petitions (CAT). The Writ Petitions and Original Petitions (CAT) are dismissed, however, with no costs.

In this connection, it is submitted that even under pendency of the SLP in the Hon'ble Supreme Court if the Pers. Cell of BSNL Corporate Office wants to include the name of 147 candidates as per the above orders, it must have checked the eligibility of the said officer to appear for the combined examination. A candidate entitled to appear in 1996 (by reason of completing five years of regular service in the feeder category on the 1st of the January of the year) cannot be placed in the vacancy of 1994-1995; however, high his rank may be which unfortunately has not been done.

These 147 SDEs of LDCE quota does not belong to 1 to 17 TES Group 'B' seniority lists and their inter-se-seniority is yet to be finalized by the Hon'ble Supreme Court of India. But ignoring the judgment of Hon'ble CAT Bench, Ernakulum upheld by the Hon'ble High Court of Kerala and pending the SLP in Hon'ble Supreme Court BSNL Management has illegally promoted about 41 DGMs of 147 LDCE quota SDEs.

However, on 12.12.2017 Hon'ble Supreme Court dismissed all the five SLPs filed by the 147 aggrieved SDEs against the judgment of Hon'ble High Court of Kerala. BSNL Corporate Office finally issued the revised seniority lists of 147 LDCE Quota SDEs as per the judgment of Hon'ble CAT Ernakulam and

Hon'ble High Court of Kerala wherein all these 147 LDCE quota SDEs got reverted. Again some SDEs have filed the court cases in various tribunals challenging the revised seniority list on their eligibility criterion wherein Hon'ble CAT Guwahati and Hon'ble CAT Jabalpur has granted stay order to some of the candidates. But two OAs filed by these SDEs in the PBCAT New Delhi have been dismissed.

AIBSNLEA has taken up the case to consider the TES Group-'B' qualified benefit to the candidates of 147 SDEs group at par to their other colleagues.

**3.5 Management Trainees Recruitment Rule-2009:** AIBSNLEA consistent effort yielded results in getting deferred MT Exam – 2015 but some executives associations and non – executives Unions are continuously making efforts for MT recruitment. Our considered opinion is that since young and talented executives having B Tech/M Tech, CA/ICWA, MBA qualifications at the level of JTO / SDE are available in BSNL, hence there should not be any lateral induction above JTO cadre. The lateral induction above the JTO cadre will block the career progression of these young talented executives available in BSNL. But the BSNL Management has further notified MT Recruitment from Internal Quota by conducted the exams on 17<sup>th</sup> March, 2019. Against this AIBSNLEA has protested. Management has to scrap the MTRRs to provide smooth career progression to the existing executives of BSNL.

**3.6 DGM Recruitment:** The qualified and experienced Executives in BSNL having 10 to 20 years of service should also get an opportunity to compete with others for the DGM posts by making appropriate, justified and rational changes in the eligibility conditions. This would mark the beginning of allowing BSNL to have a management structure of its own at DGM level which by virtue of age profile will be groomed into senior management in due course of time. This strategic move will not only meet the career growth of aspiring talented executives in BSNL but will immensely contribute towards growth and viability of BSNL. However, in the DGM Recruitment, it does not happen and the internal candidates are not allowed writing the examination. BSNL management declared the results and they have joined. But AIBSNLEA protest will continue.

**3.7 Modification in BSNL MSRR regarding Pay fixation from E5 to E6 to DGM (Adhoc):** AIBSNLEA succeeded in getting approved from BSNL Board the modification in BSNL MSRR regarding Pay fixation from E5 to E6 to DGM (Adhoc). Many stagnating executives are benefitted from this.

**3.8 Grievances of PA/ Stenographers' cadre :**

**I. One time up-gradation of the post of PA to PS & PS to PPS in the field units prior to implementation of CPSU CH :**

PAs/PSs in the field units, are waiting for their promotion for more than 15-20 years against the eligibility of 5 years from PA to PS and 7 years from PS to PPS for want of vacancies and also due to non-conducting of CPCs in time by

the respective circles and many are retiring even without getting a single promotion in the entire service.

After implementation of the CPSU CH, the sanctioned posts of PS and PPS will also get abolished and the only mere chance of their promotion will be badly affected. Therefore, all the P.As those who have completed 5 years of service required to be upgraded as PS and all the PSs those who have completed 5 years of service (with relaxation of 2 years from the existing 7 years criteria) is to be upgraded as PPS so as to promote them by holding the CPCs by the respective circles and promote them as a onetime measure as being done in the case of all other executives before implementation of CPSU CH.

All the above executives are already drawing the scale of PS / PPS (E3/E4 and above) based on EPP and no financial implication is involved. The matter is under persuasion

## **II. CPSU Cadre Hierarchy – Implementation thereof to the stenographers placed in the Executive Pay scale:**

After implementation of order dated 25/8/2011 of Hon'ble High Court of Kerala in OP (CAT) No. 984/2010 consequent upon dismissal of SLP (C) No. 13030/2012 by the Hon'ble Supreme Court of India vide Order dated 12/7/2016, most of the stenographers have become PAs. At present, there are about 55 (Fifty Five) stenographers only working throughout the country in the field units of BSNL. Almost all these Stenographers have completed more than 12 & 24 years service and is placed in the executive pay scale of 16400-40500 & 20600-46500 (E1A&E2A) at par with PA/PS. The Stenographers who have been granted ACP in the executive pay scale ceased to be non-executives as per BSNL HQ order No. 1-22/2009-PAT (BSNL) dated 30.04.2009, yet the status attached to the pay scale has not been accorded to them. The only cadre which has been kept outside the purview of both the promotion policies is the Stenographers.

As per BSNL Corporate office order vide No. 20-19/2016-Pers.II dated 2<sup>nd</sup> May, 2016 issued by AGM (Pers.II) it was made mandatory that "stenos (Non-executive) who were granted pay scale up-gradation in the scale of 20600-46500 (i.e. executive pay scale) have to clear mandatory online up-gradation examination". Though the online examination is meant only for Executives, many of the stenos drawing Executive pay scale by virtue of ACP, cleared this examination.

As per the CPSU Cadre hierarchy, the vacant posts are to be abolished. Since, the new posts in the cadre of PA is not being created, the stenographers who have been placed in the Executive pay scale without executive status shall remain in the same grade without any further promotion, as they are not covered under any promotion policy. Therefore this small group of

stenographers also be brought under CPSU cadre hierarchy in the interest of natural justice. The matter is under persuasion

### **III. Introduction of Promotion Policy for Stenos (Dying cadre):**

After the implementation proposal for including the Stenographers drawing executive's pay scales under ACP scheme under the proposed CPSU CH, there will be only less than 50 stenographs left out throughout the country those who have been declared as dying cadre. There is no promotion available to these stenographers who were the feeder cadre of PA/PS prior to the implementation of the restructuring of the cadre of Stenographers, except through LICE. However, all the other cadres in the executive & non-executive cadre are having either EPP or NEPP. All these stenographers have already passed the required qualification during the time of recruitment. Therefore, again holding an examination (LICE) to promote these stenographers to the post of P.A. is not reasonably justified. Since all the stenographers are spread throughout the country, examinations of these stenographers are to be held regularly by all the circles. The manpower and the expenditure in holding the examinations from time to time shall be much higher as compare to the financial implication involved in promoting these stenographers. Therefore, these stenographers who has been declared as dying cadre, which is less than 50 throughout the country is to be promoted through a screening test, as being done in other cases and make them P.A. as a onetime relaxation. Otherwise, these stenographers has to retire in the same grade after serving the department for years together without getting a single promotion in their entire career, which is against the natural justice.

### **IV. Common Recruitment Rules & Nomenclature:**

Different Recruitment Rules for PAs, PSs & PPSs have been issued by Corporate Office for field units and Corporate Office. This method does not exist in any of the PSUs and also does not exist for any other cadres in BSNL. Common RRs for field units PAs, PSs & PPSs and corporate office PAs, PSs & PPSs should be there.

**3.9 Restructuring of AD (OL) Cadre:** The committee constituted under the Chairmanship of Addl. GM (Estt.) submitted the report to the competent authority recommending to revise the pay scale of AD (OL). The Pers. Cell after the clearance / comments of EF Cell submitted the revised proposal with matching saving concept to the competent authority for approval wherein the pay scales of AD (OL) will be at par with SDE/AO and 25% Sr. Hindi Translator posts to be upgraded equivalent to JTO cadre. After the approval of the competent authority in BSNL the case was referred to DoT for ratification. DoT has now sent the approval on the BSNL's proposal which is pending for its approval from BSNL Board.

**3.10 Regularization of offg. JTOs:** Hon'ble High Court of Punjab & Haryana at Chandigarh was pleased enough to close the Contempt of Court case COCP 1431/2008 against CMD BSNL & others filed by some petitioners in WPC 5608/2007

in the matter of diversion of DR quota JTO vacancies. The counsel for contempt petitioners have chosen to withdraw the contempt petition and the high court has been pleased to dispose of the contempt petition on his statement. No adverse observation with account to supernumerary posting of Officiating JTOs have been made by the court virtually accepting the stand of BSNL to adjust earlier test qualifying offg. JTOs. This order paved the way for adjustment/regular promotion of all other offg. JTOs as a onetime measure all over India. The BSNL Management finally decided to amend the JTO RR-2001 with new JTO RR-2015 which has been cleared by the BSNL MC and pending for BSNL Board's approval. As soon as the Board approved, the regularization of offg. JTOs took place by deputing them to JTO training. As per new JTO RR 2014 the eligibility from JE to JTO LICE will be 5 years service instead of 7 years of service. The seniority will be determined on the basis of marks obtained in the training centers. JTO will continue to be a Circle cadre. After the promulgation of JTO-RR 2014 about 5000 JEs have been promoted as regular JTO. AIBSNLEA efforts will continue for conduction of LICE.

**3.11 E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs:** The BSNL Management Committee cleared the proposal of E1+5 Increments benefit to JTO (SRD), JAOs 2013 batch and PAs which is still pending for BSNL Board approval.

**3.12 Special drive for recruitment of JTO's/ JAO's for tenure circles:** As a onetime measure a special drive for recruitment of JTO's / JAO's for the tenure Circles should take place with relaxed conditions. BSNL Management is yet to consider the proposal in new JTO RR 2014.

**3.13 Withdrawal of Additional Increment in the same scale on functional promotion under EPP:** DoT vide its letter dated 05.07.2017 withdraw additional Increment in the same scale on functional promotion under EPP. Against this, AIBSNLEA immediately file an OA in the Hon'ble PB CAT New Delhi for quashing the order. Accordingly, Hon'ble PB CAT after some hearings quashed the said order dated 05.07.2017. Even after that DoT continued to reduce the pension of the BSNL retiree executives, against this AIBSNLEA file a Contempt Petition in the Hon'ble PB CAT New Delhi. Thereafter DoT stopped reducing the pension / revising the Pay fixation by obtaining an under taking from the retiring executives, DoT has filed Writ Petition in the Hon'ble High Court of Delhi wherein AIBSNLEA has filed a caveat. The case was heard and posted for next hearing on 12.9.2019.

**3.14 Pay FR-22(1)a(i) Pay Fixation Case of Offg. JTOs:** Hon'ble Supreme Court dismissed the SLP filed by BSNL Corporate Office against the Hon'ble High Court Kerala judgment regarding FR-22(1)a(i) Pay fixation case of Offg. JTOs of Kerala Circle. AIBSNLEA had already requested BSNL Management for implementation of Hon'ble Kerala High Court judgment but on the basis of legal opinion BSNL filed the SLP in the Hon'ble Supreme Court, which was dismissed but BSNL CO has not implemented in true spirit by incorporating BSNL CO letter dated 22.12.2015 wherein Offg. JTOs are to be reverted as TTA on 01.01.2007 in the old pay scale and further placed in the revised JTO scale on 01.01.2007 which has put the JTOs in the

financial loss amounting about Rs.3000 – Rs. 4000 per month. AIBSNELA has taken up to protect the pay loss with Director (HR), BSNL Board and to generalize the BSNL CO order dated 15.11.2018 regarding the fixation of Pay under FR-22 (1) (a) (i) with effect from 1.1.2007 to the officials, who were screening test passed & were officiating in the grade of JTO, to all the Circles instead of limiting to some circles alone and we also requested to withdraw the wrong Fixation order dated 22.12.2015. We also produced the Govt.of India Gazette Notification for the fixation of pay under FR- 22(1) (a)(i) w.e.from 1.1.2006.

Regarding extension of FR 22(1) (a) (i) benefits to the Ex. Officiating JTOs w.e.from 1.1.2007, We requested Sr. GM (Estt) to generalize the BSNL CO order dated 15.11.2018 regarding the fixation of Pay under FR-22 (1) (a) (i) with effect from 1.1.2007 to the officials, who were screening test passed & were officiating in the grade of JTO, to all Circles instead of limiting to some Circles alone and we also requested to withdraw the wrong Fixation order dated 22.12.2015.. After detailed discussion DGM (Estt) assured to relook into the matter based on our discussions.

**3.15 Group Term Insurance (GTI):** AIBSNLEA attended all the meetings with the committee members constituted to discuss the methodology for induction of Group Term Insurance (GTI) for its executives. Implementation of GTI Scheme for BSNL executives has been finalized & MoU between LIC & BSNL is now finalized & signed between LIC & BSNL on 27.12.2019. The Scheme has been implemented from 01.03.2019.

**3.16 Issues related to 3<sup>rd</sup> PRC:**

➤ **Implementation of 3<sup>rd</sup> PRC report with 15% Fitment benefit for BSNL executives:** 3<sup>rd</sup> PRC on 03.08.2017 vide number W-02/0028/2017-DPE (WC)-GL-XIII/17, Department of Public Enterprises issued Office Memorandum for Pay Revision of Board level and below Board level Executives and Non-Unionized Supervisors of Central Public Sector Enterprises (CPSEs) w.e.f. 01.01.2017.

On our continuous efforts the BSNL Board has approved the implementation of 3<sup>rd</sup> PRC Report with 15% fitment benefit in BSNL and the Board approval was sent on 14.11.2017 to DOT for approval and issuance of Presidential directives. We understand that in DoT there is reluctance in approving 3<sup>rd</sup> PRC implementation in BSNL due to the affordability clause of 3<sup>RD</sup> PRC Report. The affordability clause of 3<sup>rd</sup> PRC needs to be relaxed for BSNL by Government in view of BSNLs viability. AIBSNLEA is making its sincere efforts in this regard by meeting with Hon'ble MOSC (I/C), Secretary (Telecom), Member (Finance), Additional Secretary DoT and PS to Hon'ble MOSC (I/C).

AIBSNLEA organized candle march on 4<sup>th</sup> October 2017 at New Delhi from BSNL Corporate Office, Janpath to Jantar Mantar very successfully demanding implementation of 3<sup>rd</sup> PRC report with 15% fitment benefit. The candle march was very successful, most of the BSNL trade union leaders actively participated

in the candle march. All the Circles and Districts of AIBSNLEA submitted memorandum to the His Excellency Governor of States and the Hon'ble MPs Lok Sabha and Rajya Sabha recommending implementation of 3<sup>rd</sup> PRC with 15% fitment benefit in BSNL to the Hon'ble MOSC(I/C). It has created the awareness on the issue to the Hon'ble MPs and Government. AIBSNLEA will continue its efforts in getting resolve this issue.

All Unions and Associations of BSNL (AUAB) organized March to Sanchar Bhawan on 23<sup>rd</sup> Feb-2018 demanding implementation of 3<sup>rd</sup> PRC with 15% fitment benefit, pension revision, and payment of pension contribution on actual basic and pending issues related to 2<sup>nd</sup> PRC, Allocation of 4G spectrum to BSNL and withdrawal of Government decision to create BSNL's tower subsidiary. AIBSNLEA members actively participated in the agitation call.

BSNL Board approval on 3<sup>rd</sup> PRC implementation is under consideration in DoT but the internal finance of DoT raised some queries to BSNL regarding financial health of BSNL and meeting of the expenses on revision of pay scales which were immediately replied by BSNL to DoT and thereafter the matter is under consideration to the Internal Finance of DoT. After the clearance from Internal Finance of DoT and with the approval of Hon'ble MOSC (I/C) the Cabinet Note will be prepared and after the comments of all the Nodal Ministries, it will be sent to Cabinet for relaxation in the affordability Clause of 3<sup>rd</sup> PRC Recommendations for the BSNL as assured by the Hon'ble MOSC (I/C) in meetings held on 24.02.2018 and 01.08.2018

We are pursuing the matter with Hon'ble MOC, MOSC and Secretary (T) for the implementation of 3<sup>rd</sup> PRC with 15% fitment benefit in BSNL but has now become difficult in view of the financial health of BSNL. AIC should discuss and decide the further course of action.

- **Payment of pension contribution on the IDA pay scales:** We requested to BSNL Management to take up the matter with DoP&T / DoT for modification in payment of pension contribution from highest of IDA pay scale to the actual basic pay from BSNL. As the case was referred to DPP&W and DOP&T by DoT and now DoT vide letter no. 7-45/2008/TA-I/409-433 dated 01.03.2012 submitted that Ministry of Finance (Department of Expenditure) has not concurred the above proposal. Hence the Pension contribution in respect of absorbed BSNL employees are to be recovered as per the previous methodology as stipulated vide DoT letter no. 7-45/2008/TA-I/409-433 dated 25.02.2010. At present the BSNL's proposal in this regard has been returned by DoE to DoT for specific recommendations of internal Finance of DoT. The matter has been again sent to DoE for consideration after the clearance from the Internal Finance of DoT. Hon'ble MOSC (I/C) in the meeting held with all Unions and Associations of BSNL on 24.02.2018 has directed the Secretary (T) to take the pension contribution from BSNL on actual basis as per the Govt. Rule (FR.116). Accordingly the matter was sent by DoT to DoE for

consideration after the comments of Internal Finance of DoT. Now the matter has been processed in DoE to the competent authority for approval. However, we are continuously pursuing the matter at various levels in DoT / DoE.

- **Revision of Pension of BSNL Pensioners:** AIBSNLEA has been trying for the revision of the pension of BSNL pensioners along with AIRBSNLEWA and AUAB. In this connection several communications have been made to the PMO, Hon'ble MOSC (I/C), Secretary (T) but DoT always replied that revision of pension of BSNL pensioners will take place after the pay revision of pay of the BSNL's serving employees. Against this, we demanded for de-linking the pension revision from the pay revision as the pensioners in no way play any role in the affordability of BSNL. On the direction of Hon'ble MOSC (I/C) the matter was referred to DoP&W for comments that whether the pension of BSNL pensioners can be revised by DoT without revising the pay scales of serving employees of BSNL. In response to DoT letter DoP&W has written a letter to DoT to clarify that what will be the formula / method for the revision of IDA pension post retired 01.01.2017 to avoid anomaly. Now DoT has sent the reply to DoP&W to clarify the following

- a) At present the pension revision is linked with pay revision as per the Rule.
- b) In case pension is revised to pre-retired 1.1.2017 BSNL Pensioners, then pension will be more than the post retired BSNL Pensioners in case the Pay is not revised, this will create anomaly.
- c) DoP&PW has to suggest mean and manner under which the pension revision is delinked from pay revision by framing the Rule.

AIC may take decision to take the legal steps on this issue in case DoT don't resolve the issue.

### **3.17 Revival of BSNL: AIBSNLEA suggestions submitted to Hon'ble Prime Minister of India as under:**

Hon'ble Sir,

Majority of BSNL employees were recruited by erstwhile DOT as Govt. servants but under the Govt, decision to form BSNL w.e.f 1.10.2000 from Govt. Departments DTS/DTO, more than 3.5 Lakh DOT employees of Group 'B' and 'C' grades exercised their option for absorption in BSNL. After their absorption with their strong commitment and conviction they tried their level best to earn more revenue for BSNL. The Profit of BSNL in the FY- 2004-05 was Rs.10000 Crs which came down slowly- slowly and finally reduced to Rs.674 Crs Profit in the F.Y-2008-09. The ADC was withdrawn on the basis of TRAI recommendations from July 2011 onwards. BSNL's reserves were exhausted by paying Rs.18,500 Crs. for 3G and BWA Spectrum charges on the highest bidding charges to DoT. The Predatory pricing war in the Telecom Sector of our Country has adversely affected the viability of BSNL. 4G Spectrum to BSNL has not yet been allotted for the last 2-years which is a must for BSNL to exist in the Telecom Sector. Excess amount of Payment of Pension

contributions on Maximum of the Pay Scale has been taken by DOT to the tune of Rs.2500 Crs from 1 .1.2017 to 31 .3.2019, contrary to the Govt. Rules of taking Pension Contribution on actual of basic Pay of the employee. In this manner, DOT in terms of various taxes has been taken more than Rs.58000/= Crores from BSNL which is now required to be refunded to BSNL for its revival. Due to continuous decline in revenue flow the salary disbursement of February-2019 was delayed by 15-days. It has caused serious de-motivation among the employees of BSNL. Thus Govt. has to give adequate Financial Support to BSNL to ensure its Operation & Maintenance work and timely disbursement of salary.

**(A) The following actions are required to be taken immediately for the revival of BSNL by Govt.**

- (a) 4-G Spectrum allotment to BSNL.
- (b) Monetization of BSNL's non-Core Lands.
- (c) Payment of Pension Contribution on actual basic Pay instead of maximum of the Pay Scales as per Govt. Rules (FR.116)
- (d) Financial support to BSNL by refunding Rs.58000/- Crores already paid by BSNL in terms of various Taxes to DoT.
- (e) Payment of Salary to BSNL employees from Govt. as majority of them were recruited by DOT and were transferred to BSNL.
- (f) Grant of permission by the Govt. to avail CAPEX Loan from the Banks for Expansion and Developmental activities of BSNL.

**(B) Some HR issues are also required to be settled for the Revival of BSNL and motivation to employees:-**

- (a) Wage revision of BSNL employees with effect from 01.01.2017 as per 3rd Pay Revision Committee Recommendations.
- (b) Delinking of Pension revision of BSNL Pensioners from Pay revision of BSNL pensioners as their Pension contribution was already paid to DOT during their service Period.

**3.18 BSNL MRS Scheme:**

- The CGMs have been empowered to allow the officers/officials to take treatment in any recognized hospital of BSNL at any place of INDIA on justified grounds.
- The BSNL MRS scheme for retired employees has been circulated. BSNL pensioners are permitted to get medical reimbursement with voucher w.e.f. 01.04.2018.
- AIBSNLEA succeeded in getting the facility of CGHS for BSNL retired employees.
- BSNL Management is exploring possibilities to switch over mediclaim insurance policy for BSNL employees. In this regard shortly, PGM (Admn) was to hold a meeting of all the General Secretaries of BSNL Unions and Associations but no meeting could be held so far. This AIC may give its suggestion in this regard.

**3.19 All India BSNL Welfare Board & Sports Control Board meetings:** AIBSNLEA is being invited in the meetings of the All India BSNL Welfare Board & Sports Control

Board which are being attended by Comrade GS, AIBSNLEA and giving his valuable suggestions in all the meetings.

### **3.20 Improvement in the revised policy for service GSM, RSTC & Broadband to Executives:**

- (a) Enhancement of 200 free calls limit per month on RSTC, & enhancement of free call limit on GSM Telephone connection to STS level officer from 500 calls to 800 calls.
- (b) Rent free Broadband service connection to all Executives with BSNL 750 plan. Sr. GM (Admn.) has processed the case to the competent authority for rent free Broadband connection.
- (c) All the BSNL executives should be provided GSM Handsets of the cost of Rs.3000/- Rs. 4000/- &Rs 5000/- to the JTO/SDE/DE level executives instead of Rs, 1500/- , Rs 2500/- Rs 3500/- respectively.
- (d) All Executives' should be allowed CUG facility on RSTC at Circle level.

**3.21 Inordinate delay in settlement of disciplinary cases:** With our continuous efforts many pending disciplinary cases have been settled. We have requested BSNL Management for the settlement of some pending disciplinary cases. As per CVC guidelines all the disciplinary cases needs early settlement. All the Organizing Secretaries are requested to arrange a list of members of this Association facing disciplinary cases with details in brief like date of initiation of disciplinary case, type of charge sheet and the matter in short.

## **4. Other Organizational Activities :**

- **Establishment of Association office and permanent assets:** At present the Association Office is being run from BSNL's accommodation. One Office Assistant on regular basis and one driver on temporary basis have been appointed in the Association office. AIC may discuss and decide to have a permanent Association accommodation in Delhi.
- **Office Accommodation in BSNL Corporate Office:** AIBSNLEA has been allotted an office accommodation in the Room No. 19, IR Hall, Eastern Court, New Delhi. The office was inaugurated by Director (HR), BSNL Board amid presence of General Secretaries of sister Unions and Associations.
- **Winding-up of all constituent Associations:** All the General Secretaries of constituent Associations have been requested again and again to take necessary steps to wind-up the constituent Associations and transferring their movable/ immovable properties/ assets to AIBSNLEA. But no constituent Association has taken necessary steps in this regard. As per the decision of 4<sup>th</sup> AIC Nashik the legal proceedings was initiated against TESA (I) in the Hon'ble Civil Courts of NOIDA (UP).

5. **Organizational Action programs:** The details of the Organizational Action programs / meeting under the banner of United Forum of BSNL Executives' Associations and Forum of BSNL Unions/Associations at CHQ Office are being placed regularly on the website for information.

6. **Functioning of United Forum of BSNL Executives Associations:** The functioning of united forum of BSNL executives associations with SNEA & AIGETOA is no more existing at present. Thus, the relations with SNEA / AIGETOA are not normal. Presently AITEEA and AIBSNLEA are functioning under the banner of united Forum of BSNL Executives Associations.

➤ **Post Membership verification of the Executives Associations scenario in BSNL:**

- United Forum of AIBSNLEA, AIGETOA and AITEEA served upon a notice for organizational action programmes on the following demands just after the membership verification :
  1. Recognition to AIBSNLEA as 2<sup>nd</sup> majority association at all India level with facilities at par with first majority association and as a 1st majority association in all those Circles/SSAs where it has secured majority.
  2. Extension of 22,820 as initial basic to the executive's recruited post 01.01.2007.
  3. Replacement of intermediate Pay Scales E1A, E2A by Standard Pay Scales of E2-E3 for JTO and SDE equivalent executives.
  4. Extension of 30% Superannuation Benefit to the BSNL recruited employees
  5. Implementation of CPSU Hierarchy in line with the recommendations of the Khan Committee.
  6. Issuance of Posting Orders for LDCE-2015 qualified candidates and notification of SDE RRs.
  7. Immediate conduction of various CPCs in all the disciplines to fill up the vacant group-A and Group B equivalent posts in a time bound manner
  8. 1<sup>st</sup> Time bound upgradation in four years
  9. Resolution of pending Rule-8 cases and clearance of waiting list from the JTOs qualified through LICE.
  10. Scrapping of MT RRs/DGM RRs,
  11. Notional Pay fixation of all upgraded pay scales w.e.f. 01.10.2000 of JTO/SDE (C/E/Arch/TF) Engg. Wings and PA cadre.
  12. Extension of one increment to LDCE-2012 passed candidates
  13. Diversion of 50 Percent MT quota CAO Posts to the seniority quota.
  14. Extension of E1+5 increments to JTO SRD, JAO 2010, 2013 and 2015 batches.
  15. Removal of Pay anomaly of JTOs Promoted from TTAs of outside quota.

16. Restructuring of AD (O/L) Cadre.
17. Pay fixation of Offg. JTOs under FR-22(1) (a) (i)

**Protest Action Program:**

1. 20<sup>th</sup> December 2016: Massive Demonstration at SSA/circle/BSNL CO during Lunch / Closing Hrs.
2. 27<sup>th</sup> and 28<sup>th</sup> December 2016: 2 Days Dharna at SSA/Circle and BSNL CO level.
3. Work According to Rules and Complete Non-Cooperation with effect from 27<sup>th</sup> December 2016.
4. "Dilli Chalo" w.e.f. 10<sup>th</sup> January 2017 for Indefinite Dharna at BSNL Corporate Office New Delhi till resolution of the issues

After successful implementation of the Phase-1, Phase-2 and Phase-3 United Forum of BSNL Executives' Associations comprising AIBSNLEA, AIGETOA & AITEEA deferred the ongoing agitational programme in response to the positive attitude and concern shown by BSNL Management for the settlement of the demands in the meeting held on 06.01.2017.

- The so called majority Executive Association also gave a call of agitation & withdraw it without any fruitful outcome which strengthened DoT to ignore the protest of BSNL Executives. The fact remains that efforts were taken by the same executive association to sabotage the ongoing agitation call given by United Forum of BSNL Executives' Associations in the month of Dec., 2016 and Jan., 2017 and they impressed upon the BSNL Management to victimize the CHQ/Circle/Distt. level office bearers of United Forum by issuing the memorandum & deduction of salary for two days i.e. 27th & 28th Dec., 2016 for participating in Dharna programme. Such type of actions strengthened the BSNL/DoT management to conveniently ignore the genuine grievances of executives in BSNL.
- After the CWC Meeting held at Faridabad on 15th Jan., 2017, BSNL Management issued "Show Cause" notices to all the three General Secretaries of AIBSNLEA, AIGETOA and AITEEA to clarify that how they have organized agitation programmes in terms of DHARNA for two days on 27th and 28th Dec., 2016 in violation of the BSNL's CDA Rules and MV Recognition Rules, which was immediately replied but simultaneously the sanction E/L on 27th & 28th Dec., 2016 of GS AIBSNLEA was cancelled and pay was deducted. Similarly the 2 days C/L of GS AITEEA was also cancelled and salary was deducted. CS BSNL Corporate Office, New Delhi two days C/L was cancelled and salary was deducted. In this manner BSNL Management started the vindictive actions, but on persuasions with CMD, BSNL further action was not taken.

- Thereafter, in the month of March 2017, DoT issued a Presidential Order dated 28.03.2017 deciding E1 and E2 IDA pay scales in place of E1A and E2A intermediary IDA pay scales for JTOs, SDEs and equivalent cadres.
- United Forum of BSNL Executives Associations AIBSNLEA, AIGETOA & AITEEA strongly protested against this arbitrary notification of the Presidential Order wherein pay scales of JTO/JAO, SDE/AO & equivalent cadres have been lowered seriously demoralizing & de-motivating the executives in BSNL. We expressed our strong resentment against the DoT decision & failure of BSNL Management in this regard and decided to finalize the protest actions against such demoralizing act of DoT / BSNL.
- AIBSNLEA & AITEEA served a notice for Lunch Hour Demonstration on 06.04.2017 at BSNL Corporate Office / Circle / SSA HQs as a protest against the arbitrary notification of DoT OM dated 28.03.2017 and non-submission of Committee report on Pay anomaly case i.e. Rs. 22820/- as initial basic for JTOs/JAOs recruited post 2007.

AIBSNLEA & AITEEA requested all the Executives Associations of BSNL i.e. AIGETOA, SNEA(I), AIBSNLOA, BBOA, BASE, BSNLOA, BASE, ABLE etc for their whole heartedly support in making the struggle a grand success in larger interest of BSNL executives.

On this call, AIGETOA and SNEA participated in the Lunch Hour Demonstration on 06.04.2017 along with AIBSNLEA and AITEEA. In reciprocation, AIBSNLEA also extended its solidarity support to SNEA agitation program i.e. Dharna on 11.04.2017 and Relay Hunger Strike with effect from 25.4.2017 to 28.4.2017 as AIGETOA was also participating in the agitation call in view of the common HR issues of Executives raised in the charter of demands as the settlement of the important issues is more important rather than the credit who so ever takes it.

Further, AIBSNLEA suggested to have a single Executive Association by merging all the existing Executive Associations in BSNL. Single Executive Association will have a great strength and bargaining power to impress upon the DoT Administration as well as BSNL Management and to provide a safe umbrella to the entire executive fraternity of BSNL. This concept is available in many PSUs.

Com. GS, AIGETOA was requested by GS AIBSNLEA and GS, AITEEA for serving an agitation notice under the banner of United Forum for protest actions, but GS AIGETOA was perhaps committed to Majority Association not to go for agitation on the platform of United Forum and insisted us also to come and join with them rather than starting agitation under the banner of United Forum. And, finally they formed Joint Forum and

served a notice of agitation on 10.04.2017 when the GS AIBSNLEA was on LTC at Port Blair w.e.f. 09.04.2017 to 16.04.2017. I explained to GS AIGETOA and GS SNEA that at present I am away from CHQ and after having the talk with our CHQ Office bearers and Circle Secretaries, I shall be able to take the decision because just three months before referendum has taken place wherein lot of hot exchanges and bitterness have taken place, so immediate joint struggle may not be possible. We have to convince and mentally prepare our members at base level for joint struggle then only it would be possible for us to come together but it was ignored by both the Associations for which the reasons are best known to them and finally they served the notice under the banner of Joint Forum denouncing United Forum on 14.04.2017 itself.

AIBSNLEA extended its support to the agitation of AIGETOA in view of the common demands for which we jointly struggled in the past under the banner of United Forum of BSNL Executives' Associations. The arbitrary notification of E1 and E2 pay scales in place of E1A & E2A intermediary pay scales by DoT has lowered the status of JTO & SDE equivalent executives. Future recruitment of JTO & JAO will take place in E1 pay scale only. This fact was well known that DoT has processed E1A & E2A intermediary pay scales then how the said Majority Executive Association has allowed its notification. In the referendum of Executives' Associations, Majority Association has been given all negotiation powers on policy matters concerning to the executives in BSNL. Hence, the Majority Association just after the notification of these intermediary pay scales should have exhausted all negotiation channels in BSNL & DoT to get withdrawal of this notification instead of jumping into agitation directly. However, it is up-to them to take such decision. AIGETOA preferred to align with the Majority Association for the settlement of HR issues leaving aside the platform of United Forum of BSNL Executives' Associations comprising AIBSNLEA, AIGETOA & AITEEA which is the fall out of referendum.

We felt that AIBSNLEA, even though is committed to support AIGETOA in their efforts for settlement of the genuine HR issues but AIBSNLEA can't be mortgaged to some association. AIBSNLEA struggled for getting limited Trade Union facilities at All India Level/Circle Level & SSA Level with BSNL Management and through court cases.

In view of the above, AIBSNLEA decided to extend its solidarity support to AIGETOA struggle. We extended our best wishes and support for the success of their struggle & settlement of HR issues.

- AIBSNLEA reiterated its stand on the replacement of intermediary pay scales E1A by E2, E2A by E3 and up-gradation of subsequent pay scales E3 by E4, E4 by E5, E5 by E6 and E6 by E7 and accordingly written a letter to

CMD, BSNL and Secretary (Telecom) for reconsideration. BSNL send a proposal to DoT vide letter number 1-13/2015-PAT (BSNL) dated 06.06.2016 for approval wherein-

- (i) Pay scale of JTO & SDE (& equivalent executives) may be revised to E2 and E3 respectively as replacement of pre-revised scale of E1A / E2A w.e.f. 01.01.2007.
- (ii) The pay scales E3, E4, E5 & E6 may be up-graded to E4, E5, E6 & E7 w.e.f. 01.01.2007 in respect of the cadres of Sr. SDE, AGM, DGM and SG-DGM respectively and appropriate changes may accordingly be approved in the BSNL Executive Promotion Policy.

We demanded the same for the benefit of all executives as AIBSNLEA represents all disciplines of the executives of BSNL whether it is BSNL absorbed or BSNL recruited, hence trying for benefit of all the cadres. In case, Executive Associations do not insist upon for the approval of above BSNL's proposal then all the Executive Cadres will never forgive them. Moreover, replacement of E1A by E2, E2A by E3 and subsequent pay scales E3 by E4, E4 by E5, E5 by E6 and E6 by E7 was first item in the Manifesto of AIBSNLEA for the Membership Verification held in December 2016. AIBSNLEA strongly opposed keeping one Executive in E3 Scale for ten years consequent upon revision of E1A by E2 and E2A by E3 scales.

We believe that JTO / JAO promotions will not end at the level of SDE / AO only but they will be promoted to the higher grades also. In view of this, all the pay scales have to be up-graded as already accepted and recommended by the BSNL Management. When AIBSNLEA is demanding up-gradation of scales up-to E-7 grade, how it can be unfortunate? AIBSNLEA has been demanding for the replacement of E1A by E2 and E2A by E3 but it cannot drop the demand of subsequent up-gradation of higher scales up-to E7 grade since it represents all the cadres of BSNL executives.

In this proposal financial burden on BSNL towards perks & allowances of the executives would be bare minimum as the executives from the scales E3, E4, E5 and E6 would be simply placed to the next higher scale i.e. E4, E5, E6 & E7 and most of them will not get any financial benefit even of a single penny except those whose stagnation comes to an end. Hence, there would not be any cascading effect.

We therefore, requested CMD, BSNL to insist upon DoT for approval of this proposal to resolve the problem once for all. We have also requested BSNL Management to persuade for approval of the proposal of deduction of pension contribution payable to DoT on actual pay of an executive instead of the highest of his/her pay scale. This will reduce the additional financial implications on BSNL on account of pension contributions to bare minimum.

- Under these circumstances AIBSNLEA cleared its stand on Standard Pay Scales issue and clarification thereof by the following message on the AIBSNLEA Web Site:

“AIBSNLEA is sincerely trying for the last so many years for the effective and practical implementation of Standard pay scales (E2- for JTO/JAO and Equivalent cadres and E3 – for SDE/AO and Equivalent cadres). While the discussion came up initially, from several sources it was evident that without cascading effect (E3 by E4, E4 by E5, E5 by E6 and E6 by E7) it cannot be implemented in BSNL. If at all standard pay scale is implemented without cascading effect, it is damn sure that so many litigations will be filed in the courts due to the deadly issues of junior/ senior, heavy pay loss to the executives in the E2A scale, on the wedge of getting E3 compared to the executives at the beginning of E2A Scale and also holding an executive for 10 years in E3 scale is unlike any other PSUs. Thus practically the court cases will stop the implementation of Standard pay scales without cascading effect like so many promotions of JTO/SDE are stopped through court intervention. In addition to these many of senior executives are stagnating for the last couple of years without any annual increment.

By foreseeing these realities, AIBSNLEA took a stand since beginning for the implementation of standard pay scales with cascading effect because we want to get implemented this for the benefits of all the BSNL executives. More over, this implementation of standard pay scales with cascading effect is doubly benefiting to the young talents of BSNL working in the non standard pay scales of E1A and E2A. Those who want to see that standard pay scales are not implemented in BSNL at any cost, can only opt for implementation of standard pay scales without cascading effect. During the agitation of United Forum of AIBSNLEA and AIGETOA , Management Committee of BSNL Board deliberated over the issue at length and decided to recommend up-gradation of pay scales of E3, E4, E5 & E6 for Sr. SDE, AGM, DGM and SG-DGM and equivalent posts to E4, E5, E6 & E7 respectively w.e.f. 01.01.2007. Accordingly the proposal was sent to DoT vide letter number 1-13/2015-PAT (BSNL) dated 06.06.2016 for approval. But after referendum the Majority Association tried to get withdrawn the proposal and demanded to restrict the upgradation up to E2 and E3 Scales only. Thus, they harmed the interest of all the BSNL Executives.

In spite of this, while DOT rejected the proposal of implementation of standard pay scales with cascading effect, AIBSNLEA also took a stand with the demand for implementation of standard pay scales without cascading effect with an expectation and symptoms that DOT will approve. DOT did not consider even implementation of E2 and E3 Pay Scales without cascading effect and approved replacement of E-1A and E-2A intermediator Pay Scales by E1 and E2 IDA standard pay scales.

But, what happened next is the outright rejection of the proposal. Who is responsible for this catastrophe? After referendum, one association, self-proclaimed as saviours of BSNL and BSNL executives, is recognised as Majority association gave trade union notice for the implementation standard pay scales for E2 & E3 alone to DOT and at a later stage withdrawn their demand for the reason known to them. When a recognised association demanding something and at a later stage unconditionally withdrawing the demands does clearly indicating that they are not serious on the demand of getting standard pay scales to BSNL Executives. This only triggered DOT to pronounce Presidential Orders for unwanted E1/E2 scales. How that association can wash off their hands? Do they think they can eye wash others from their calculated move by yelling and shedding crocodile tears in public after things are happened as per their wish ?

DoT raised certain queries on replacement scales for pre-revised E1A, E2A pay scales for JTOs, SDEs & equivalent cadres.

BSNL Management on 12.06.2017 while replying the queries of DoT mentioned that BSNL requested for E2 and E3 scales in replacement of pre-revised E1A and E2A i.e. Part-I of the proposal in BSNL's letter dated 06.06.2016 for replacement of E1A and E2A with E2 & E3 being a residual issue of 2ndPRC and may be approved. It was said that the Part-II of the BSNL's proposal will be taken up at the time of 3rd PRC.

Though the BSNL Management has not withdrawn its proposal sent on 06.06.2016 but this revised proposal is impracticable wherein a section of executives' pay will be revised with effect from 01.01.2007 as per 2<sup>nd</sup> PRC report and other section of executives subsequent pay up-gradation will be taken up at the time of 3<sup>rd</sup> PRC.

AIBSNLEA will continue its efforts to get implemented the BSNL's earlier proposal sent to DoT on 06.06.2016 to provide justice to all the executives in order to remove their pay anomaly and stagnation.

**Status and Decision thereof:** DoT notified the Presidential order on E-1A and E-2A intermediary IDA pay scales in BSNL for JTO and SDE equivalent Executives on 28.03.2017. Against this further SNEA and AIGETOA launched an agitation program consequent upon violation of MV Recognition Rules, BSNL Management issued Major Penalty Charge Sheet to GS, AIGETOA and later on to GS SNEA also against this vindictive action, AIBSNLEA condemned on CHQ website.

- Joint Forum of BSNL Executives' Associations comprising of SNEA and AIGETOA served a notice for 2-days Dharana on 1<sup>st</sup> and 2<sup>nd</sup> June-2017 demanding withdrawal of Rule-14 Major Penalty Charge Sheet of Shri Ravishil

Verma, GS AIGETOA but the same was withdrawn without any written assurance of the BSNL Management and decided to restart the agitation w.e.f. 27<sup>th</sup> June 2017 in case the management don't withdraw the Charge Sheet but their actions were failed. They co-ordinated all the BSNL Unions / Associations for going on strike to impress upon the management to withdraw the Charge Sheet and ban order to organize agitation in BSNL premises based on Hon'ble Patiala House Court judgment. Accordingly, BSNLEU, FNTO, SNEA, AIGETOA, BSNLMS, BSNLOA etc launched series of agitation programs on the pretext of 3<sup>rd</sup> PRC implementation in BSNL demand and having the hidden agenda of putting pressure on BSNL Management to withdraw the Charge Sheet. This effort also they failed to impress upon the management. BSNL management made a soft target to GS AIGETOA and charge sheeted him under major penalty but later-on they issued charge sheet to GS SNEA also and keep it pending both the charge sheets.

On our continuous persuasion in Ministry and DoT and with the kind intervention of Hon'ble MOSC (I/C) the matter was referred to DoE and DPE to clarifying on the standard pay scales E2 and E3 to JTO and SDE equivalent cadres in BSNL. Both the Departments replied to DoT that matter pertains to the Administrative Ministry only. They need not to comment over it. On our persuasion DoT further asked some queries from BSNL and after receiving the approval of Hon'ble MOSC (I/C) was again referred to DPE to suggest E2 and E3 standard pay scales to JTO and SDE equivalent cadres in BSNL. DPE further replied to DoT to take decision at their level. AIC may further discuss and decide the future course of actions.

- **Objection raised by SNEA against the office bearers of AIBSNLEA who have retired:** SNEA has given a letter to the BSNL Management against the functioning of Shri Prahlad Rai GS AIBSNLEA who retired. In response to SNEA letter BSNL Management gave a letter to CHQ President for an early corrective action. CHQ President immediately has replied the BSNL Management that AIBSNLEA is already taking necessary steps in this direction and accordingly the CWC meeting has been notified to be held in August-2018 at Dehradun to decide the venue and time for the next AIC wherein the new CHQ office bearers will be elected. He also mentioned that while raising the issue GS SNEA has forgotten that his Ex-President Shri G.L. Jogi who retired in June-2013 and continued as CHQ President till the time of their next AIC held at Jaipur in Sept-2015. He has requested BSNL Management to give same facility to AIBSNLEA also by allowing retired office bearers to continue till next AIC. It has been communicated to CMD BSNL, Dir (HR) and GM (SR) in person also. Further the decision of CWC meet Dehradun was communicated in writing and in person that the present CHQ Office Bearers retired after the 5<sup>th</sup> AIC Mysuru will continue to work in CHQ body till next All India Conference being held in Vijaywada AP Circle.

CHQ President wrote letter to Director (HR) against the outlived CHQ body of SNEA , regarding violation of constitutional provisions of SNEA and BSNL REA

Rules 2014 by not holding the All India Conference of SNEA and conducting elections even after a lapse of one year. Similarly, Management has not taken any action against the GS SNEA who has been served a major penalty charge sheet in violation of BSNL (REA) Rules – 2014. CHQ President has requested for an immediate action. Since, the GS SNEA is complaining against the other Associations for violating BSNL (REA) Rules 2014. Finally BSNL Management derecognize the CHQ body of SNEA being outlived. However, SNEA hold AIC in September 2018 and formed the new CHQ body.

- 7. Functioning of All Unions and Associations (AUAB):** AIBSNLEA is actively participating in all the agitation calls given by AUAB and regularly attending the meetings to discuss the issues related to the viability of BSNL i.e. allocation of 4G spectrum to BSNL, creation of BSNL Tower Subsidiary, and observing austerity measures top to bottom level, the issues of revision of Pay, Pension and Payment of pension contribution on actual basis instead of maximum of the pay scale, BSNL MRS etc. . To get settled the demands, AUAB launched series of agitation calls including 3 days strike and March to Sanchar Bhawan etc.
- 8. Creation of Tower Subsidiary:** Govt. of India with the Union Cabinet approval dated 12.09.2017 has created a Subsidiary Tower Company fully owned BSNL The company has been registered in the name BSNL Tower Corporation Ltd. on 04.01.2018. But, DoT arbitrarily appointed Shri Amit Yadav, JS (Admn), an IAS officer, as the CMD of the Subsidiary Company which created apprehension that Govt. may any time sell out the Subsidiary Company through strategic business partner. Against this, AUAB protested organizationally and decided to protest legally also. Accordingly, AIBSNLEA, SNEA and AIGETOA filed a case in the Hon'ble High Court of Delhi. The next date of hearing is **20.08.2019**. Hon'ble High Court has directed DoT/BSNL that the operation of Tower Subsidiary Company will be subject to outcome of court case.
- 9. Merger of BSNL & MTNL:** In the UPA Government in the year 2015, the Empowered Group of Ministers (EGoM) recommended to provide Pension to MTNL employees under Rule-37A., after 3<sup>rd</sup> PRC, the pay scales of BSNL & MTNL employees will be made equal which has got approval of Cabinet and orders were issued. It is also proposed that as per synergy and PAN INDIA presence to review both the PSUs, EGoM has also suggested merger of BSNL & MTNL. EGoM's recommendations are yet to be send to Cabinet for approval. Meanwhile some study groups were formed in DoT to examine the issues related to financial matters, technical matters and HR issues. We have given our views on this issue that before the merger of BSNL and MTNL these issues needs settlement to avoid complications. Now Sh. P.K. Purwar CMD MTNL has been given additional charge of CMD BSNL for a period of three months w.e.f 01.07.2019 or till the appointment of a regular incumbent to the post , or until further orders, whichever is the earliest. DoT has now circulated a Cabinet Note to Nodal Ministries for comments wherein BSNL & MTNL merger is also one of the points. Govt. is trying to merge BSNL & MTNL to have one CMD.

- 10. 6<sup>th</sup> AIC at Vijayawada:** AIBSNLEA hold its 3<sup>rd</sup> CWC Meeting at Dehradun in August 2018 after 5<sup>th</sup> AIC held at Mysuru in June, 2016. In this CWC Meet the venue for the 6<sup>th</sup> AIC was decided at Vijaywada AP Circle. All the Circles were requested to give financial support to host Circle AP by collecting maximum advertisements/ donations from their members that has to be fulfilled. The venue of next CWC Meet may also be decided in this AIC.

**Conclusion:**

This is a report having important developments & activities of the Association after the 5<sup>th</sup> AIC held at Mysuru, Karnataka Circle in June 2016 mainly to have quick catch-up of the major developments that took place during the period so that the deliberations on the various items, on the agenda of the All India Conference Meet at Vijayawada may become easier. During this term of CHQ body I extend my sincere gratitude and thanks to all the CHQ Office Bearers, Advisors, Consultants, Circle Secretaries, Circle Presidents and CWC members for their unqualified support in discharging my duties. Sincere thanks to Com.S.Sivakumar CHQ President for his valuable guidance and support. Most of the HR issues related to the executives of BSNL, the important organizational developments of the Association and the issues related to viability of BSNL are available in this report. Let us, therefore march forward to re-write our future in BSNL with confidence and firm determination.

**Thanking you, it is concluded.**

**AIBSNLEA - UNITY - ZINDABAD! AIBSNLEA - ZINDABAD! BSNL - ZINDABAD!**

**Comradely yours,**



**(Prahlad Rai)  
General Secretary**