

1. Introduction of 30% Superannuation benefit to the Direct Recruits of BSNL as per the recommendation of 2nd PCR:

=====

Reference: Recommendation of 2nd PRC, Department of Public Enterprises, Ministry of Heavy Industry & Public Enterprises, Government of India issued order vide following reference Letter No.: -

- 1) 2(70)/08-DPE(WC)-GL-XVI/08 dated 26/11/2008
- 2) 2(70)/08-DPE(WC)-GL-VII/09 dated 02/04/2009

Please refer the Point No. v) of Annexure IV to the letter cited under reference 1) and subsequent modification *vide* Clause ii) of Para 2 of the letter cited under reference 2), which are in respect of superannuation benefits of the executives, on implementation of the recommendations of Second Pay Revision Committee.

The notifications cited under reference suggest that for the purpose of Superannuation Benefits: -

- 30% of Basic *plus* IDA would be allowed as Superannuation Benefits, which may include Contributory Provide Fund, Gratuity, Pension and Post-superannuation Medical Benefits. No other superannuation benefit shall be granted outside the said 30% ceiling.
- To manage said fund CPSE should, with the approval of Administrative Ministry: -
 - Either make their own schemes,
 - Or operate through Insurance companies.
- The Superannuation Benefits shall be under Defined Contribution Scheme.
- The Pension and Post-superannuation Medical Benefits can be extended to those executives, who superannuate from the CPSE on putting 15 years of service.

Justification:

- BSNL is having two sets of executives one absorbed from DOT and another recruited by BSNL. While both sets of executives are provided with same pay, perks allowance and career progression but in terms of superannuation benefit, the BSNL recruits are being discriminated. Absorbed executives are entitled to superannuation benefits under various Central Civil Services Rules but The BSNL recruited executives are alone sufferers because of non-implementation of superannuation benefits as required under said notifications.
- As per the 2nd PRC BSNL is schedule A + category CPSE and hence 30% fitment given to all as per the recommendation. Even BSNL has paid pension contribution for absorbed executives on maximum of the basic followed by sixth pay commission recommendation. BSNL can not deny 30% superannuation benefit as recommended by 2nd PRC to direct recruits executives.

- One good thing about government organization or public sector is secured superannuation benefit over private sectors but direct recruits are being denied of the same. Implementation of 30% Superannuation benefit in BSNL may help in attracting talent and loyalty.

History of Persuasion: this association has been pursuing this issue since year 2009 just after issuance of presidential order of 2nd PRC. In the agenda meeting held on 25th Feb 2010 in chairmanship of CMD, management has justified that BSNL is already paying about 39% as including the leave encashment as a part of superannuation benefit but after putting the objection from this association it was agreed that Sr. GM (Legal) will examine the issue within one month and then appropriate decision will be taken. Sr. GM (Legal) examined the issue in consultation with Sr. GM (CA) and observed that leave encashment is treated as part of superannuation benefit under AS-15 though it is not listed in DPE OM and thereafter it was decided to seek clarification from DPE in our agenda meeting again held under chairmanship of CMD on 3rd Sep 2010 and gave positive recommendation. DPE, after that has already clarified that leave encashment on superannuation is not the part of 30% superannuation benefit vide its letter F.No. 2(41)/2010-DPE (WC) GL-XVII/2010 dated 24 Sep 2010.

Again in our agenda meeting held on 15th July 2011 management side conveyed that one committee has already been constituted to examine the issue and recommend further action to be taken. Even CMD desired to expedite the issue and give its recommendation in stipulated time.

Unfortunately we had not been updated regarding action of committee even though it's almost one year and nothing has happened despite consistent persuasion by this association. The issue was taken up by JAC also and a strike notice was also served by the JAC with this agenda. In the negotiation meeting held with representatives of JAC it has again been agreed to constitute another committee and issue will be re-examined.

In between all the major events of persuasion mentioned above this association has also raised this issue at several occasions. Every time we were given assurance but issue remains pending. **It appears that the concerned cell dealing with the case is more concerned about dilly dallying on the issue than to come up with a firm proposal even for a issue which is going to play a vital role in shaping up the future of Direct recruits of BSNL and ensuring that motivation level of employees doesn't goes down.**

2. Finalization of pay scale of JTO equivalent (E2) and SDE equivalent (E3) with additional increments to New Recruited executives.

=====

Reference: Recommendation of 2nd PRC, DPE has issued order to all CPSEs vide Letter No. 2(70)/08-DPE(WC)-GL-VII/09 dated 02/04/2009 wherein it is clarified that

"There will be **no change in the ten pay scales** of below board level posts as indicated in OM dated 26/11/2008 and there is **no justification for introducing intermediary pay scales**. If there have been any aberration, they need to be corrected. **Every officer has to be fitted into corresponding new pay scale.**

However, if there is any exceptional case regarding intermediary pay scales, the same may be referred by the administrative Ministry concerned to the DPE. The issue will be decided by DPE with the concurrence of Department of Expenditure, on a case to case basis **without altering the minimum and the maximum of the revised pay scale.**"

Justification:

BSNL has recruited graduate engineers at equivalent CDA Pay Scale of Rs 6500-10500. First two batches of GE-JTOs were recruited on the above CDA Pay Scale without disclosing IDA pay scale. At that time BSNL was top leading PSU and recruitment was done on all India basis with minimum qualification of engineering and syllabus exactly as of engineering services. Competition was in no way inferior then any other PSUs. Many candidates preferred to join BSNL over other PSUs, in fact many have left other PSUs after serving 3-4 years at E2. It is in year 2004 when BSNL has finalized IDA pay scale and given substandard E1A grade which was inferior then equivalent PSUs at that time including our sister concern MTNL.

- BSNL has recruited graduate engineers with 5 years bond which is highest in PSUs and recruited at CDA Pay scale of Rs 6500-10500 saying it is to be revised equivalent IDA pay scale but after recruiting two batch of GE-JTO and serving two year giving substandard pay scale of E1A is not at all justified.
- Now when DPE has denied any intermediate pay scale BSNL has no reason to put executives provisionally at (E1) disadvantageous stage and linger on for final disposal for indefinite time.
- ***In point 4 of DPE OM vide 2(70)/08-DPE(WC)-GL-XVI/08 dated 26/11/2008 clearly stats that the CPSEs which are not able to adopt revised pay scale (2007) may give increase on basic pay plus DA drawn in pre-revised scale as on 01.01.2007 with a uniform lower fitment of 10 or 20% depending upon their affordability with the approval of their ministry/Department.***
- The above point of DPE OM clearly says that even CPSE having no affordability have to give increase in basic plus DA here BSNL has given 30%

fitment to all executives appointed before 1-1-2007 hence there is no question of affordability but if executives appointed after 1-1-2007 will not be given minimum E2 pay scale and fixed at E1 they will be at loss of more than 5000/- per month even with their pre-revised scale. Considering the above facts BSNL has to give minimum E2 scale to JTO equivalent with some additional increments to newly recruited JTOs and equivalent so that they can be benefited by Pay revision 2007 as of other executives and parity between executives appointed before and after 1-1-2007 shall be maintained, after all they are performing similar job and responsibility for the company.

History of Persuasion:

This association has been pursuing this issue since year 2009 just after issuance of presidential order of 2nd PRC. In the agenda meeting held on 25th Feb 2010 in chairmanship of CMD, management was in view that BSNL has strong reason to get approved intermediate pay scale so final decision will be taken after DPE conveys its view on BSNL proposal. In our agenda meeting again held under chairmanship of CMD on 3rd Sep it was again assured that final decision will be taken after receipt of DOT/DPE view on BSNL proposal on intermediate pay scale.

Again in our agenda meeting held on 15th July 2011 this association was informed that committee constituted in this regard suggested pursuing the matter with DOT for approval of E1A and E2A pay scales and proposal has been referred to DOT for seeking their approval. Finally it was concluded by CMD that if DOT does not agree for intermediate pay scale alternative solution will be considered after receiving reply from DOT. On BSNL proposal DOT has clearly denied any intermediate pay scale quoting DPE OM but even after CMD assurance in agenda meeting no alternative solution is given for resolution of meeting. One committee is formed to resolve the issue wherein only pay protection is given as an interim measure by providing 5 additional increment on E1 but yet final resolution is pending due to which executives are not only losing social status but also being debarred for recruitment at higher level and newly recruited executives are not getting any benefits of pay revision 2007 as of other existing executives.

Unfortunately we had not been updated regarding action of committee for long time hence again this issue is being taken up in platform of United Forum of Executives association with indefinite work to rule and no cooperation notice from 15/02/2012. In the negotiation meeting held with representatives of united forum on 13th and 14th Feb 2012 it has again been agreed to constitute another committee with instruction to submit its recommendations within 6 month. But almost a year is passing but the convener of committee constituted for this issue is even lacking the will to convene meetings on this issue.

This is an issue which is affecting the day to day life of the executives specially the executives recruited after 2007 who are at loss of nearly Rs. 5000/- per month when compared to a similarly placed batch who were recruited just one year before. Moreover, the social status of the executives is also being affected by virtue of their scales being down-graded on provisional basis. But yet the committee constituted for the purpose is doing nothing over the issue.

Sir, such type lack of sincerity and sympathy on the part of the committee

and the concerned cell dealing with the matter is a matter of sincere concern and management should introspect what and where it is taking the young lot of the company who are going to play a major role in BSNL's revival and its future.

In between all the major events of persuasion mentioned above this association has raised this issue on several occasions. Every time we received assurance but issue remains pending despite of it being a case of monetary and social loss for the executives.

3. Put an end the two tier promotion policy and implement time bound functional promotion at par with other leading CPSEs like NTPC, BHEL, SAIL, etc – Implementation of Contemporary CPSU Cadre Hierarchy

=====

Reference:

HR Policies of various leading and profit making CPSEs like NTPC, BHEL, SAIL etc.

Justification:

- BSNL has recruited thousands of qualified engineers and account officers in the name of top leading PSU without disclosing the career progression. It is in 2004-05 when BSNL came up with two tier executive's promotion policy one time bound financial upgradation and other functional upgradation which is nothing but exact replica of DOT promotion policy.
- Every qualified executive has aspiration of acquire top position functionally not financially by their qualification, performance and talent. But functional promotion policy in BSNL which is completely based on seniority has several loop holes and hence subjected to uncounted litigations which has put career of executives to an end.
- One side BSNL is paying promotional scale in time bound manner but not upgrading the responsibilities of executives functionally and hence paying extra money without giving additional responsibility other side career of executives are completely stagnated and hence highly demotivated which is badly affecting their performance and productivity for the company.
- Not implementing the time bound functional promotion in BSNL is also the violation of absorption condition of executives wherein it was agreed to give time bound promotion without counting the vacancies up to the SG-JAG level. Court of law has also directed BSNL to implement the absorption condition in totality by providing time bound functional promotion.
- Putting end to two tire promotion policies and implementing time bound functional promotion in line with top leading CPSEs will not only give at par, career to it's executives but also save money for BSNL in giving additional increments and expenditure in endless litigations on seniority issue.

History of Persuasion:

This association along with all other executives association has been raising this issue since the formulation of EPP. On demand of this association management has also constituted a committee in year 2009 under the chairmanship of Sh Batra the then GM Recruitment. Unfortunately we are yet to know the outcome of the committee but our then CMD and Director (HR) after recognizing the benefits and need of implementation of time bound promotion policy in line with other leading CPSEs conveyed that this is not possible at that point of time as other executives associations are not agreeing. This association has also been directed to have consensus among other executives association so that this can be implemented smoothly.

Even after having consensus on the issue with other executives associations management has shown no commitment then finally united forum has served notice for indefinite work to rule and no cooperation w.e.f. 15/02/2012. In the negotiation meeting held with representatives of united forum on 13th and 14th Feb 2012 it has again been agreed to constitute another committee with instruction to submit its recommendations within 6 month. Now it is about 9 months of the committee formation but outcome is yet awaited.

4. No outside recruitment at proposed DGM and MT level as sufficient number of required talents available in BSNL.

Reference:

Requirement of talent shown in DGM and MT recruitment rule notified by BSNL.

Ground:

- The talent in all respect (qualification, experience, age etc.) which BSNL require to manage the affair of the company and also evident from recruitment rule of DGM and MT is already available in BSNL. As per the DGM recruitment where candidates having engineering qualification with 12 years of post qualification experience in any field can serve the responsibility then why qualified engineers serving more then 12 years in BSNL itself can not serve the responsibility of DGM? In this situation looking for outside recruitment ignoring in-house talent is not only discrimination but also abuse to talent and disregard to our qualification and experience.
- It is the need of the company to fill up the post of DGMs/MT with person of proven leadership, vision and having domain knowledge amongst BSNL executives owing to the fact that BSNL executives are the only executives having intensive training and vast experience in operations and finance in the field of telecommunications. Neither is there any parallel nor alternative to such a large unified pool of highly qualified telecom engineers and account officers with talent, training and rich & varied experience. There is no dearth of talent amongst these BSNL executives to suit the requirements of the post. If an outsider is recruited as DGM, BSNL, he will take substantial time to acquaint himself with the BSNL network, environment, work culture and ethos, with which BSNL executives are well acquainted.
- Members of every cadre have certain aspirations at the time of joining of the service. BSNL executives are no exception and our members definitely aspire to be at the higher positions in the telecom related organizations. As said above, there is no dearth of talent in the BSNL executives and the BSNL can select the best amongst them. If non-BSNL engineers and account professionals are appointed to these DGM posts, it would result in demoralization and exasperation among the members causing huge unrest, thus leading to adverse impact on the health of the organization.
- Last but not least, all the leading PSU recruits engineering trainee and management trainee at same level with equal scope of career progression. BSNL is engineering oriented company which is also evident that so far all the management and board including CMD belong to engineering cadre only. we the qualified engineers and account officers are recruited by BSNL in executives cadre through toughest all India competition and working in operation and finance since last 10-12 years with high hope to reach at top position in BSNL through our talent and performance, how we will allow outsider in operation and finance on the way of our career. If management is

moving ahead with outside recruitment at MT/DGM there is full chance of demotivation and chaos in BSNL which need to be avoided.

History of Persuasion:

- This association has been pursuing this issue since the notification of MT/DGM recruitment. This association has already sent more than 10000 signatures of the executives of BSNL against the recruitment of DGM/MT in the year 2008 itself. Not only this but more than 5000 executives had gathered at corporate office in Dec-2008 for 4 days where then CMD BSNL has withdrawn the recruitment of MT.
- We have taken up this matter in our agenda meetings in the chairmanship of CMD but no justified reply has been given by the management.
- We have written several letters in this regard to all the authority seeking reply of our various questions but yet we are waiting for justified reply.

5. Resolution of various anomalies in EPF of direct recruits:

=====

Reference: First pay commission recommendations 1997 for CPSES. Some key points of recommendations are:

- As per the first pay revision committee recommendation 1997, It is mandatory for all the central public sectors units (CPSU) that statutory rate of contribution is 12% of emoluments (basic wages, dearness allowance, cash value of food concession and retaining allowances if any,) from employer side and same contribution from the employee's salary in every month irrespective of their emoluments. Employer would pay administrative charges and others if any.
- Out of 12% of the employer contribution 8.33% would be deposited towards the EPS (employee's pension scheme) scheme and rest in the employee provident fund account and all the 12% of employee's contribution will be deposited in EPF account only. Central govt. shall also pay 1.16% of the pay towards the EPS
- Employee must be given option to limit his contribution i.e. 8.33% of 6500/- towards EPS or 8.33% of full amount.
 - EPF Act-1995
 - BSNL Board decision vide letter **no 500-85/TA-I/BSNL/ dated 22.03.2002 followed by letter no 500-85/TA-I/BSNL/ dated 14.05.2002 and 500-85/TA/IV/KW dated 20.06.2003.**

Justification:

Prior to the inception of BSNL, all employees were covered under CCS pension rule for their superannuation benefits which is continued for them even after formation of BSNL on 01-10-200. But as a company BSNL has stopped this facility for the employees recruited thereafter. As recommendation of first pay revision all CPSE has to cover it's employees under EPF act.

Despite of mandatory provision of GOI and BSNL board decision there are number of anomalies in maintaining EPF account and contribution in field. Some of the anomalies are as under:

- Despite of the mandatory provision and clear circular from the corporate office and our continuous persuasion field units have made no contribution till the Feb 2003 and there after contributed arbitrarily till the Aug 2005 as per their own wish and convenience without supplying their account number and annual statement.
- Field units also did not submitted the mandatory forms and returns weekly, monthly or annually to the EPFO due to which no individual account could be opened hence any statement could not been provided for long time thereby executives and their family were forced to live unsecured.
- BSNL has recovered the past contribution from the employee's current salary which was against the para-32 of EPF Act.

- BSNL has made no contribution on food allowance and for the training period despite mandatory provision of EPF.
- BSNL has arbitrarily depositing contribution towards EPF restricting to Rs 6500/- without extending option to employees although BSNL has to pay nothing extra but putting employees at disadvantageous stage.
- Many executives gets multiple transfer from one DDO to another DDO but their EPF account could not have been transferred.
- Many had to take personal loan at high interest from the market for their emergency reasons while it could have been taken from EPF but due to non availability of account number and statement, this was not possible.
- Thousands of executives have quit the BSNL during this period but could not get transfer or withdrawal of their amount.
- Some of the executives died unfortunately during this period but their family could not get any family pension or withdrawal of the final amount due to poor accountability.

History of Persuasion:

Individual members are pursuing this issue since their appointment and association has been pursuing this issue since its formation i.e. year 2005 at different levels. While maintaining proper account of EPF is legal obligation of the employer and as an HR concern BSNL management should have given top most priority to safeguard the future security of its own employee. Sir EPF is a facility which has been provided by Govt. of India as a part of social security initiatives which are being taken by government. Yet this issue remains pending for the lack of initiative and will by the authorities dealing with it. Many individual as well as this association has received various orders from EPF tribunal as well as Honourable court of law but instead of resolving the issue, management has preferred to appeal to higher court of law and lingered on this issue for last 12 years. In our agenda meeting held 25/02/2010, 03/09/2010 and 15th July 2011 under the chairmanship of CMD seriousness of the issue is recognized and commitment has been shown to resolve the issue but it is yet to see the light of the day. On instruction of the then CMD it was decided to form one EPF cell who was to dedicatedly monitor the various anomaly and ensure proper accountability in future. The persons were posted were posted for the EPF cell but the concern which the cell dealing with EPF showed by utilizing these executives for altogether different works and pushing this issue to background baffles us that how we should react. Various committees were formed and this association has given it's all support but management has shown no commitment to resolve this issue with the reason best known to them. **It is learnt that these committees have submitted their recommendations but suddenly the concerned cell who were dealing with EPF issue for last twelve years has realized that EPF is no longer their responsibility and it is for HR wing to take care of these things. HR wing says it is the responsibility of the Finance wing. While this game of Ping-pong is being played by HR wing and Finance wing, everybody including the management has forgotten that the employee is suffering and loosing monetarily as well as mentally and in the process the basic motto of Government of India to provide the social security cover to the employees across the country is also being defeated.**

6. First time bound upgradation in four years in respect of all executives:

=====

Reference:

The basic definition of the time bound upgradation given by BSNL itself in EPP, which is reproduced here *"to motivate executives in BSNL to achieve excellence in performance and higher productivity, resulting into improved quality of service, customer satisfaction and greater revenues for the company"*.

Justification:

Executives recruited before year 2000 will get first time bound upgradation in four years despite they have been given point to point fixation for past services rendered in DOT but Executives recruited by BSNL after year 2000 were supposed to get their first time bound upgradation in 6 years irrespective of their extra ordinary performance. As first time bound upgradation is based on touching the next pay scale or completion of six years, Implementation of 2nd pay revision has created ridiculous situation that executives recruited by BSNL itself are discriminated as executives recruited in year 2001 batch are getting their first time bound upgradation in 5 years, executives recruited in year 2002 batch are getting in 4 years and it is still unpredictable about executives recruited in year 2005, 2007 batch and thereafter. In this way, executives recruited in some particular year have full chance to get first upgradation in 4 years but equally qualified executives recruited in some other years performing same responsibilities in company have no chance in 4 years. This is also clear violation of article 14 of Indian constitution i.e. equality.

Time bound upgradation is nothing but part of corporate culture to motivate its executives towards the performance and hence it should be strictly based on performance and time with equal opportunity to all rather to recruitment years. In this way, BSNL time bound upgradation policy especially; first time bound upgradation which is more based on touching the next scale, is not only, far away from the basic motto but highly discriminative to the executives recruited in different batches.

Subsequent pay revision may even create more and more discrimination and anomalies if the policy remains in present form. Even court of law has also given judgement that there is no base to giving time bound upgradation which is based on touching on next scale.

This is not only making financial loss to some executives recruited in some particular years but also affecting their eligibility for future recruitment and promotion.

Considering all the facts and to avoid further complexity in future it is high need to make it even for all executives for being eligible for first time bound upgradation in 4 years.

History of Persuasion:

This association has been pursuing this issue since it's formation in year 2005. In our first agenda meeting held on 25/02/2010 under the chairmanship of CMD it was

assured positively to look into the matter after analysing other facts. In our agenda meeting held on 03/09/2010 under the chairmanship of CMD it has again been assured that issue will be looked after approval of revised pay scale. In various meetings also held in between it was assured to look the issue positively. But in our agenda meeting held on 15/07/2011 it has been conveyed by management that the time bound promotion policy devised in consultation with recognized executives association taking into consideration all aspects of the cadres and with approval of BSNL board as well as DOT. As such any change in attendant conditions of this policy is not feasible. It is regretted to mention that at the time of finalization of EPP there was no representation of direct recruits of BSNL who are at disadvantage and moreover management has not satisfied our basic question of discrimination among BSNL recruited executives itself.

This issue has also been raised by other executives association with home this policy was finalized as it noticed as an anomaly in the policy over the time and there is no any such policy which can not be modified to resolve such anomalies.

7. Implementation of child care leave in BSNL for woman employees:

=====

Reference:

- Recommendation of Sixth Pay commission of central government
- CCS Leave rule and latest Maternity and child care Leave rule vide order no. 13018/2/2008-Estt.(L) dtd 11/09/08 by the Govt of India (Ministry of Personnel Public Grievances and pensions)

Justification:

- BSNL has no leave rules of its own and following CCS leave rule of central government in totality.
- According to the recommendation of Sixth Central Pay commission and Presidential Order issued in respect of maternity leave and child care for woman employees called CCS revised, the Maternity leave has been enhanced to 180 days instead of 135 days and child care leave is also allowed w.e.f. 01/09/08 for the period of maximum 2 years (i.e. 730 Days) during their entire service for taking care of up to two children.
- Once BSNL has decided to follow the CCS leave rule how it can be denied to implement any revision or amendment.
- There is no facility of Crèches (Baby-care-centre) for infants/kids in almost all the BSNL offices unlike any Central Govt Dept/PSU. Today where even BSNL management has forced joint-families towards nuclear families by posting spouses abruptly in different places whereas it could have been easily managed, where is the hope for a pathetic woman employee that her infant/child will be taken care of once she joins duty? (Neither CRECHE facility in the offices, nor in the remote/tenure station of posting) - Whereas at certain places, there is even non-availability of good hospitals.

History of Persuasion:

This association has been pursuing this issue since year 2009. In our agenda meeting held on 25/02/2012 under the chairmanship of CMD it was assured that issue will be examine with respect to other PSUs and asked association to submit any documents if it is mandatory for BSNL. Although it is only BSNL among other CPSEs following the CCS leave rule and others are having their own leave rule hence comparison with other CPSEs on this particular matter is not justified despite this association has already submitted the child care leave implemented in several PSUs.

In agenda meeting held on 15/07/2011 under the chairmanship of CMD BSNL, it was again conveyed that this is issue under submission of management committee. Despite of very genuine issue and positive assurance received from management, it remains unsettled. In the negotiation meeting held with Joint forum of BSNL executive association and non-executives union this is the first issue which was agreed by management and was decided to be taken up with the board for reconsideration. Even this humanitarian issue also remains unsettled.

8. Resolution of pay anomaly which arose due to preponement of first time bound upgradation on implementation of 2nd PRC

=====

Reference: Clarification under point of doubt (5) and (6) of BSNL CO, ND No. 1-11/2009-PAT (BSNL) dated 31.03.200-9. clearly states that if any executive is eligible for first time bound up gradation on or after 01.01.2007 i.e. the date of pay revision he can opt his pay fixation on promotion in pre-revised scale before applying fitment of pay revision. but in most of the places same is not extended to the Direct Recruited Executives before fixing their pay to the next grade on first time bound promotion. Their pay fixation is done on revised pay without asking any such options. Due to this discrimination direct recruits are in loss of more than Rs 2000/- per month in basic pay.

Justification:

- First time bound upgradation to the SDE pay scale (11875-300-17275) of the first batch of JTOs recruited in 2001 was due in Jan-2008 as per EPP as they have completed six years. In Jan-2008 their pre-revised basic pay was 11350/-
- 2nd pay revision was due from 01-01-2007 but as per the clarification mentioned in reference-1 under point of doubt (5) and (6) of BSNL CO No. 1-11/2009-PAT (BSNL) dated 31.03.2009, an executive can postpone and opt his pay revision on his promotion i.e. Jan-2008 in this case.
- In this case if an executives opts pay revision on his promotion i.e. Jan-2008 his revised basic pay as on 01- Jan-2008 would have been 26060/- (correspond to pre-revised SDE scale-11875/-), 26850/- on 1-Jan-2009, 27660/- on 1-Jan-2010, 28490/- on 1-Jan-2011 and 29350/- on 1-Jan-2012.
- Due to the 2nd pay revision, first time bound promotion of the Direct recruited JTOs preponed to 01.01.2007 because they have crossed the minimum of the next scale hence their pay fixation is also preponed from Jan-2008 to Jan-2007 but done on revised pay scale while pay fixation should have been done on pre-revised scale of SDE as done on Jan-2008 as per the clarification under reference-2 and then pay should have been revised.
- If basic pay on first time bound promotion is fixed on pre-revised scale of SDE i.e. 11875/- as on 1-1-2007 and then pay revision is implemented as per the clarification issued by corporate office mentioned under reference-1 their basic should have been 26060/- as on 1-Jan 2007 and 26850/- on 1-Jan-2008, 27660/- on 1-Jan-2009, 28490/- on 1-Jan-2010, 29350/- on 1-Jan-2011 and 30230 on 1-Jan-2012.
- Due to wrong pay fixation on revised pay, their basic pay comes down to the 28250/- as on 1-Jan-2012 which is about 2000/- less. As their

promotion is preponed by 1 year due to pay revision, in no case they should get less salary then they would have been promoted after 1 year.

History of Persuasion:

This association has taken up this issue just after first upgradation where this anomaly is noticed with all the detail calculation but it is denied to fix the pay on pre-revised pay scale and moreover it is also denied to given fresh option vide clarifications issued vide order NO.1-04/2012-PAT (BSNL) dated 15-05-2012. This association has again represented if pay fixation on first time bound upgradation will not be done on pre-revised scale as per clarification new set of anomaly as given below will arise which need to be resolved.

- ***First batch of direct recruits joined in year 2002 and second batch of direct recruits joined in year 2003 at E1-A hence their first time bound upgradation before pay revision was due in year 2008 and 2009 respectively on completion of six years as per the EPP but after pay revision both the batches have crossed minimum of the next scale E2-A in year 2007 and hence eligible for pay upgradation.***
- ***If executives of first batch opt their pay revision on due date of first time bound upgradation they have to forgo pay revision arrear for almost one year while if same option is given by second batch they have to forgo their arrear for almost 2 years hence executives of second batches may opt their pay revision from 01-01-2007 while executives of first batches may opt their pay revision from date of their first pay upgradation. In this situation executives of second batch will get their first time bound upgradation in year 2007 while executives of first batch will get their first time upgradation in year 2008 and this will be against as per existing EPP i.e. executives who are supposed to get their upgradation one year before to their junior batch are getting one year later to their junior batch in every future promotion which is completely reverse situation and against the natural law of justice and violation of fundamental law of equality.***

But this issue is yet pending with establishment cell of BSNL CO.

9. Restoration of SDE (T) backlog vacancies of LDCE for the 2005-2006 which has been diverted to seniority cum fitness against the existing recruitment rule:

=====

Reference: Note 1 of column 12 of the SDE recruitment rule-2002 which states "*in case of non availability of sufficient number of officers for filling of these post by promotion/by selection in a particular recruitment year, the unfilled vacancies shall be diverted and filled up through LDCE and vice-versa subjected to the condition that the quota shall be restored in subsequent recruitment years*"

Justification:

- LDCE was held in year 2007 for the vacancy years up to 2005-2006 against vacancies of about 4000 and total 2202 vacancies remains unfilled after declaration of the result. These unfilled vacancies should have been carried forward to the year 2006-07 as per the prevailing rules but only 1029 vacancies have been shown in the LDCE notification held on 2012 which is much less than even from back log vacancies.
- On discussion with the authorities it was conveyed that all the backlog LDCE vacancies were pooled together with new vacancies arise and redistributed in the ratio of 67:33 quoting some OM of DOP&T which has nothing to do with vacancy distribution and clear violation of recruitment rule.
- it is worth to mention that vacancies of LDCE remain unfilled due to non conduction of LDCE every year as per the recruitment rule despite availability of eligible candidates and hence rotation of the vacancies from one quota to other cannot be done till attempt of LDCE but in no condition unfilled vacancies of LDCE will be permanently transferred to seniority quota rather it should be kept as backlog for the LDCE to maintain the quota intact. Same has been maintained in previous LDCE also i.e. unfilled vacancies of previous LDCE have been added to the current quota of LDCE
- Because of this arbitrary action of management executives aspiring for the next LDCE is in direct loss and giving undue advantage to those who are aspiring through seniority quota.

History of Persuasion:

This association is pursuing this issue since the notification of the vacancies. This issue has been taken up with top authority of BSNL i.e. Director (HR) and CMD. On instruction of CMD, authority of Pers Cell of BSNL CO along with representatives of this association held meeting with the authority of DOP&T where it was categorically clarified to us that DOP&T OMs are not binding on BSNL except statutory and constitutional matters. BSNL can infer the DOP&T guidelines in making the recruitment rules or understanding the things which are not clear in recruitment

rules but not at all override the provision of recruitment rules which is also not denied by the BSNL management. Even if BSNL wants to implement the same, RR is to be suitably modified first to incorporate the O&M in RR as RR is sacrosanct.

All these matter has been well taken up with the Sr. G.M. (Pers) who expressed his inability to take final decision mentioning matter is before CMD and waiting for his kind direction. It is strange to see that this matter has been referred to DOP&T through DOT in such a way that even CMD accepted that reply will never come. Moreover CMD assured that vacancies distribution will be done as per RR. It is regret to mention that so far no decision has been taken for restoration of backlog LDCE vacancies.

10. Reduction of service Bond period of DR-JTOs from 5 years to 2 years.

=====

Reference: No.250-2/2002-Pers-III dated 14.03.2002 (TTA bond reduction order)

Justification:

- Order quoted under reference stats that the bond period of TTAs may be reduced from 5 years to 2 years, so that the career prospects of the young trainees are not hampered.
- In this regard **3rd report of the Committee on Subordinate Legislation** may be referred on basis of which the order quoted in the reference was made. Also refer the 6th report of the committee which is the report mentioning the action taken against the recommendations in the 3rd report.
- With regard to the TTAs, the 3rd report of the committee mentions in para 4.5 that – *"The Committee do not find the reasons furnished by the Ministry of Communications in prescribing such a long bond period to be justified as it is felt that by binding the young trainees for 5 years, the advancement in their career would be blocked. Further, the cost of training viz. Rs. 12550/- per trainee is not so high as to prescribe such a long bond period. The Committee, therefore, recommend that the bond period should be reduced from five years to two years so that the career prospects of the young trainees are not hampered."*
- With reference to the above recommendation in para 4.5 of the 3rd report, the 6th report states the reply of the Ministry of Communication & IT that – *"On formation of Mahanagar Telephone Nigam Limited (MTNL) and Bharat Sanchar Nigam Limited (BSNL), the Group 'C' & 'D' employees have been absorbed in these Public Sector Undertakings and have ceased to be Government employees. As such they are not governed by the Department of Telecommunications. Since the PSUs should be framing their own recruitment rules, the recommendations of the Committee have been forwarded by the Ministry to both MTNL/BSNL for incorporating the same in the relevant rules."*
- After receiving the recommendations of the committee and forwarding of MOC&IT, the bond period of TTAs was reduced by BSNL from 5 years to 2 years vide the order quoted in the reference. However, the bond period for the JTOs were fixed at 5 years even though the same logic of hampering of career prospects of young executives applied in their case as well. Further, vide Corporate Office order No.5-6/2009-Pers.IV dated 30.11.2009 BSNL has increased the bond amount from the earlier Rs.85,000 to Rs.2 lacs with interest @ 18% p.a.

Given below is a comparative analysis of the major A-grade PSUs like BSNL with respect to entry criteria for Graduate Engineers:-

S.No.	PSU	Pay scale	Training duration	Bond Period	Bond Amount	Reference
1	BSNL	16,400	14 week induction + 6 week Phase-II (Total= 5 months)	5 years	Rs. 2 lakhs + 18% interest p.a. (Rs.3.8 lakhs after 5 years)	Annexure-4
2	SAIL	20,600	1 year	2 years	Rs.1.2 lakhs [Rs.5000 per month is deducted from salary upto 2 years (refundable after 2 yrs)]	Annexure-5
3	NTPC	24,900	1 year	3 years	Rs. 2.5 lakhs	Annexure-6
4	BHEL	20,600 in training, 24,900 after 1 yr	1 year	3 years	Rs. 2 lakhs	Annexure-7
5	PGCIL	24,900	1 years	3 years	Rs. 1 lakh	Annexure-8

- **From the above analysis, it can be clearly seen that though BSNL provides the least duration of training to its GE recruits and places them at the lowest pay scale among all A grade PSUs, yet the Bond Amount for BSNL JTOs and the bond period of 5 years is the highest among the major grade-A PSUs.** Add to this the fact that BSNL does not give any substantial perks under cafeteria approach, no PRP has been implemented and the allowances are substantially less than other PSUs. Further, during phase-1 training, the JTOs are only given pay @ 70% of Rs.9850+D.A. So, the argument of high training cost to justify the 5 year bond period cannot be accepted when we compare BSNL to the other similar PSUs.
- Further, the irrational concept of increase in bond amount with time needs to be done away with as the bond should reduce with the amount of time spent in service. As per the present strange rules, if a JTO leaves BSNL just after induction training, he has to pay Rs. 2 lakhs as bond amount. If he leaves just 1 day before completion of 5 years of service, he has to pay Rs. 3.8 lakhs, which is totally illogical.

History of Persuasion:

This association has discussed this issue many times with the various authorities but so far this issue has not been taken up at right platform. Once BSNL has taken up issue of TTA and reduced the bond period on certain justified logic same should have extended to other section of employees without waiting for any persuasion.

11. At par privilege to AIGETOA as of SNEA/AIBSNLEA:

=====

Reference: CCS rules of GOI for service association

Justification:

BSNL has two different types of stakeholders in its executive fraternity.

- BSNL absorbed Group A & B officers, and
- BSNL Recruited Executives.

The grievances and issues pertaining to these two stake holders differ in many ways like recruitment method, qualifications, job security, and retirement benefits, etc. For example, the BSNL absorbed officers have different terms and conditions in comparison with the BSNL recruited executives like Pension Benefits, EPF/CPF, and Gratuity Funds, etc. The classic example of the genuine problems is EPF, which still exists with BSNL recruited executives due to no concern of associations of absorbed executives. Moreover discrimination in first time bound upgradation is clearly visible that direct recruits are eligible after 6 years despite have more qualification and performance while absorbed executives are eligible in 4 years. In addition there are several conflicts of interests among absorbed and direct recruit executives in transfer and posting, inter-se-seniority issue etc. In the stated scenario, bringing the concept of recognising multiple executives' association in BSNL is very much indispensable in order to maintain equity, justice and entitlement of each member of the executive fraternity. At the very same time, it is pertinent to note that the practice of recognising the association of distinct category officers is prevalent in GOI setup like ITSA for ITS officers. Moreover, GOI has also authorised each of its department to define the distinct category for this purpose. Hence, it is strongly suggested the recognition of two executive associations, one for BSNL absorbed officers and another for BSNL recruited executives. This will enable the BSNL recruited executives to air their voice for redressal of grievances without any prejudice and bias. And also ensures the 360 degree feedback without any compromise on the quality of the organisation.

History of Persuasion:

The basic reason for formation of this association is the unawareness and ignorance of the issues related to direct recruits by the recognized executives association and hence by the BSNL management. This association has given all the justification regarding separate and at par recognition of this association so as to enable the BSNL recruited executives to air their voice for redressal of grievances without any prejudice and bias. BSNL management has also realized this fact. This association is highly thankful for extending limited facility and granting us the meeting at various levels but our representatives are not been given equal privilege as of SNEA/AIBSNLEA like immunity in transfer posting, special CL to attend association conference to fulfil the minimum constitutional provision but instead denial of such privileges is being used as threat in field. Due to such denial we are actually barred

to raise the voice especially on the issues where inter-association conflict is observed. We have been assured in our agenda meetings under chairmanship of CMD that this issue will be resolved shortly but even after 7 years of formation of this association we are waiting for at par privilege.