



Sanchar Nigam Executives' Association (India)

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All communications addressed
to the General Secretary

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No. SNEA(I)/CHQ/CMD/ 2012-14/71

dated 23.03.2015.

To

**Sri Anupam Shrivastava,
Chairman and Managing Director, BSNL,
New Delhi.**

Subject: Association forced to restart Trade Union Actions under most compelling circumstances due to total indifference and neglect to address legitimate and just HR issues by BSNL management, pending for years together.

Ref: 1) Notice for trade union actions vide No. SNEA(I)/CHQ/CMD/ 2012-14/34 dated 10.02.2014.

2) Minutes of the meeting held on 18th, 19th March, 2014 with this Association on resolution of legitimate issues pending for about six years.

3) DPE letter No. F. No. W-08/0002/2014-DPE-(WC) dated 09.07.2014.

Respected Sir,

For the last six years, this Association has been consistently urging upon BSNL Management to address legitimate and just HR issues of Executives like finalization of pay scales of the basic cadres JTO/JAO, SDE/AO etc w.e.f 01.01.2007 by introducing standard IDA pay scales of E2 and E3 replacing the intermediary pay scales of E1A and E2A which was repeatedly rejected by DoT and DPE, Time Bound Functional promotion on the lines of CPSU cadre hierarchy, 30% superannuation benefits to BSNL recruits as per DPE guidelines, settlement of pay anomalies etc but, unfortunately, to say the least, Management has been ignoring resolution of these issues leading to simmering unrest and inevitable demotivation.

Various committees constituted after negotiations with the Associations in February, 2012 etc have become virtually nonexistent because of total lack of interest on the part of concerned officers to address the issues for which committees were constituted with specific terms of reference. It is extremely pertinent to mention that Trade Union Actions launched by us in Feb, 2012 and March, 2014 were called off in good faith after the assurances and commitments made to us that the issues would be addressed in a time bound manner.

However, for the last one year after the latest written assurances in March, 2014, there are no sincere efforts on the part of the BSNL Management to address any of these basic HR issues.

Against this sad and pathetic background of complete neglect of issues, your good self will also appreciate, that this Association is pushed to the wall and forced to launch the following trade union programs on the charter of demands given below.

Demands:

- 1) Finalization of pay scales of JAO/JAOs, SDE/AOs and equivalent cadres w.e.f 01.01.2007 by replacing the intermediary pay scales of E1A, E2A with standard pay scales of E2, E3 etc up to SGJAG. No demotion of the basic cadres of JTO/JAOs and SDE/AOs. The JTOs/JAOs recruited after 01.01.2007 face huge difference in pay compared to their counterparts recruited prior to 01.01.2007.**
- 2) Implementation of Time Bound Functional promotion between 4 to 6 years up to SG JAG as per the terms and conditions for absorption in BSNL and analogous to CPSU cadre hierarchy.**
- 3) Settlement of long pending pay anomalies i) Pay fixation as per FRSR on officiating promotion consequent upon the implementation of TBP, ii) Senior drawing less pay than Junior after functional promotions and iii) Antedating of increment.**
- 4) First TBP uniformly after four years w.e.f 01.10.2000.**
- 5) Implementation of upgraded pay scales of E1A and E2A notionally w.e.f 01.10.2000 for Civil/Electrical/Arch wings at par with finance wing and amendments of RRs for these streams to being them at par with Telecom/Finance wing in respect of functional promotions.**

Trade Union Programmes:

07.04.2015: Sending fax to CMD and DIR(HR) by Circle/SSA/Branch Secretaries.

15.04.2015: Demand Day, wearing badges and holding Lunch Hour Demonstration at CHQ, CIRCLE/SSA HQs.

07.05.2015: Massive one day Dharna at CHQ, Circle/SSA HQs.

19th to 21st May, 2015: Relay hunger strike at BSNLCO and Circle/SSA HQs.

Further course of Trade Union actions, if required, will be intimated in due course. We reiterate our keen and firm resolve to maintain industrial peace provided Management is keen, serious and honest to address the issues amicably through painstaking discussions. Persistent breach of commitments to resolve issues is forcing us to take recourse to this highly unfortunate step at this stage when the entire focus of this Association is on revival of the Company. Management is squarely responsible for creating this turbulence at most the inappropriate and unwarranted time.

Yours faithfully,


(K. Sebastin) 23/3/15

Copy to:

1. Sri. Rakesh Garg, Secretary, DoT for information and kind intervention for the implementation of standard pay scales in BSNL as per Govt/DFE orders.
2. Sri. A. N. Rai, DIR(HR), BSNL Board for information and necessary action please.
3. Sri. N. K. Gupta, DIR(CFA), BSNL Board for information and necessary action please.
4. Smt. Sujatha Ray, ED(Fin), BSNL for information and necessary action please.
5. Sri. Shameem Akthar, Sr GM(SR), BSNLCO for information and necessary action please.

Annexure (Brief about the pending issues):

1) Finalization of pay scales of JAO/JAOs, SDE/AOs and equivalent cadres w.e.f 01.01.2007 by replacing intermediary pay scales of E1A, E2A with standard pay scales of E2, E3 etc up to SGJAG. No demotion of the basic cadres JTO/JAOs and SDE/AOs. The JTO/JAOs recruited after 01.01.2007 face huge difference in pay compared to their counterparts recruited prior to 01.01.2007.

On implementation of the 2nd PRC, the DPE has time and again instructed all the CPSUs to switch over to the standard pay scales instead of intermediary pay scales. The latest reminder in this respect was issued by DPE in its OM dated 24.12.2012. The intermediary pay scales of E1A and E2A proposed by BSNL Management for the JTO/JAO, SDE/AO and equivalent cadres were repeatedly rejected by the DoT. All other PSUs like BHEL, NTPC and ONGC, with intermediate pay scales earlier as in BSNL, have since switched over to the next higher standard pay scales w.e.f 01.01.2007 based on the guidelines of DPE/Govt of India.

This, being the case, a Joint Committee was constituted in Feb'12 to consider the implementation of standard pay scales of E2, E3 for JTO/JAOs and SDE/AOs and equivalent cadres replacing the intermediary pay scales of E1A and E2A. **But the joint committee, till this date, not met even once to discuss the genuine grievances of the Executives.** The basic pay of all the Executives working in BSNL as on 01.01.2007 will not be changing as all of them crossed the minimum of the next higher pay scale itself. As such the financial implication of implementation of standard pay scales will be bare minimum, limited to the new recruits after 01.01.2007.

During the prolonged discussions on various issues, Management assured on 19th March, 2014 that in case DPE not accepting the BSNL proposal of intermediary pay scales of E1A and E2A, Management will seriously consider the implementation of standard pay scales of E2, E3 for JTO/JAOs and SDE/AOs and equivalent cadres. Later on, DPE rejected the proposal of E1A and E2A on 09.07.2014 and DoT communicated the same to BSNL on 18.07.2014. But there is no initiative to implement the commitment made in Feb'12 or March, 2014. Non finalization of standard IDA pay scales for JTO/JAO, SDE/AO for the last 8 years has fully demoralized entire 10,000 JTO/JAOs recruited after 01.01.2007 at the very beginning of their career itself and is also adversely affecting time bound promotions from JTO/JAO grade to the higher grades and fixation of the pay of about 12000 Executives. Now provisional pay scales of E1 and E2 implemented for the time being till finalization of the pay scales practically demoting the JTO and SDE equivalent cadres. Since the pay scale is provisional, so the time bound promotions to the provisional pay scale of E2 also for thousands of Executives.

Today the Executives recruited after 01.01.2007 face huge difference in pay compared to their counterparts recruited prior to 01.01.2007 to the tune of Rs. 3800/- in basic pay itself. They are recruited with the offer of "replacement scale of Rs 9850-250-14600 which is likely to be revised upwards". Instead of "upward revision", now all of them are temporarily demoted to a lower scales of E1 and E2.

2) Implementation of Time Bound Functional promotion between 4 to 6 years as per the terms and conditions for absorption in BSNL analogous to CPSU cadre hierarchy.

The promotions from JTO to SDE for about 10,000 vacancies (from 2008-09 onwards), SDE to DE for about 1000 vacancies and DE to DGM for about 600 vacancies are held up due to litigations in various courts. The JTO to SDE promotion both in seniority and LDCE quota is under litigation for years together. JTOs completed more than 20 years of service are waiting for their first promotion! Such situation we never witnessed even in DoT era. Entire SDE seniority lists, published by DoT/BSNL are quashed by Hon Supreme Court, list no 1 to 5 on Rule 206 case and list 6 and 7 on LDCE case. The seniority list of another 13,500 SDEs, promoted since 2004, couldnot be published by BSNL fearing litigations. Practically, all promotions from SDE to DE and DE to DGM cadres may be delayed for years together. The HR Managers in BSNL is not able to visualize the situation well in advance. They are clueless when they will be able to promote the eligible Executives to these vacant posts. Situation in Civil /Electrical wing is worse. JTOs having 22 to 23 years of service are waiting for their first promotion as there is no vacancy. Situation is same for the EE cadre also. On the other hand promotions in equivalent cadres in some other wings like Accounts in BSNL are in much advanced stage, thanks to the HR managers of Accounts wing who visualized the situation and acted in time. Even the 2010 batch JAOs are under consideration for AO promotion.

In the same company, the disparity in promotions are so much, in one cadre, Executives has to wait for 20 to 25 years for a promotion and in some other equivalent cadres in some other wing, they are getting promotions just within 5 years. In short thousands of JTOs in Sr SDE grade are waiting for their first promotion as SDE and thousands of SDEs in DGM grade are waiting for their promotion as DE/AGM.

To bring uniformity and parity in promotions for all cadres, BSNL decided to switch over to Time Bound Functional promotion from JTO and equivalent cadres upto Selection Grade JAG grade between 4-6 years and made it part of the terms and conditions for absorption in BSNL. All the officers from DoT got absorbed in BSNL as per this terms and conditions. But this was not implemented in BSNL in its true spirit. The same promotional avenue is uniformly applicable for the Executives recruited by BSNL also. The Joint Committee constituted by BSNL Management in Feb'12 met on a few occasions to discuss this issue. But no progress has been made in resolving this issue by implementing Time Bound Functional promotion without any link with the availability of posts.

Recently the Consultant appointed by BSNL proposed promotions upto DE/AGM level (one level below the original decision of BSNL Management), on time bound basis without linking the promotion with availability of posts. This positive recommendation of the consultant rejected by the HR team where as all other negative aspects in the recommendation are accepted or accommodated. This

raises a serious doubt whether concerned sections are really interested to give promotions to the eligible Executives or not as they are not able to provide promotions as per the existing RRs or accept the alternative suggested by all including the consultant.

3) Settlement of long pending pay anomalies i) Pay protection during officiating promotion till the implementation of TBP, ii) Senior drawing less pay than Junior after promotions and iii) Antedating of increment.

a) Pay protection for the increments drawn during officiating promotion:

Fixation benefit under FRSR is guaranteed in the TBP policy order issued on 18.01.2007 either from a lower scale to a higher scale or from the same scale to the same scale irrespective of the fact that the promotion is Regular or Adhoc or officiating. This TBP policy was approved by the BSNL Board and the DoT. However, arbitrarily, this provision has been withdrawn by a clarification dated 30.05.2007 without the approval of the BSNL Board. Can a clarification can be issued by a section without the approval of the Board nullifying a Board decision? Later on, on 19.02.2010 another clarification was issued that even the pay drawn during officiating period (in DoT or BSNL till the implementation of TBP policy) will not be protected! On protest from the Associations, on 19.11.2010, BSNL issued a letter directing the Circles not to recover the payment pending review by BSNLCO. Even after 4 years, no decision has been taken on this. Now the concerned Executives have started retiring and the CCA refuses to accept the BSNL order keeping the recovery under abeyance. CCAs recovering the entire outstanding amount to the tune of lakhs of rupees and settling the pension after reducing the pay by one to two increments. The committee constituted for the same is yet to submit its report.

b) Senior drawing less pay than the Junior on implementation of TBP policy:

Similar anomaly has been addressed in favour of the Non executives. Surprisingly in the case of Executives, Management took a stand that this is not an anomaly. This has been challenged in the Hon Courts and the judgments from the Hon CAT and the High Court are against the stand of the BSNL. The SLP filed by BSNL in the Hon Supreme Court also dismissed recently. This has to be uniformly implemented for all the affected Executives without further delay.

c) Antedating of increment to address the pay anomaly where junior getting higher pay than senior on implementation of 2nd PRC:

This anomaly occurred on implementation of the 2nd PRC when junior started drawing increments in the revised pay scale earlier than the senior as the increment is 3% of the basic pay instead of a fixed amount. The anomaly has been comprehensively addressed by the BSNL order dated 23.09.2009. Surprisingly, after nine months of implementation of this order, another order was issued on 14.06.2010 superseding the earlier order dated 23.09.2009. The second order fails to address the anomaly and violates the FRSR as the opted executives are denied their rightful increment after 12 months. The opted Executive's first increment is drawn

after 13 to 23 months instead of 12 months. In case of Central Govt employees, this has been addressed by antedating the increment of the senior to that of the junior as was done by BSNL in the original order dated 23.09.2009.

4) First TBP uniformly after four years w.e.f 01.10.2000.

The JTOs of 1993 to 1999 is the worst affected lot as far as Time Bound promotion is concerned. They got the first TBP only on 01.10.2006 after 11 to 7 years of service where as **their Juniors got the first TBP after just 4 years of service after 01.01.2007**. Most of the JTOs of 2001 batch also affected as they also got their first TBP after 5 years. Similarly the JTOs recruited prior to 1993 year got first TBP on 01.10.2004, but after 8 to 11 years. This is a serious anomaly to be addressed by extending first TBP uniformly after 4 years for all the Executives irrespective of whether they got the first TBP before 01.01.2007 or after that.

5) Implementation of upgraded pay scales of E1A and E2A notionally w.e.f 01.10.2000 for Civil/Electrical/Arch wings at par with finance wing and amendments of RRs for these streams to bring them at par with Telecom/Finance wing in respect of functional promotions.

It is extremely pertinent to mention that the issues of implementation of revised upgraded pay scales and counting of residency period for first Time Bound promotion w.e.f 01.10.2000 have been examined in detail by Vinay Sahi Committee constituted by the Management. The Committee recommended, a) implementation of revised upgraded pay scales notionally w.e.f 01.10.2000 to overcome the anomaly between different cadres in different wings and b) counting of residency period for the first Time Bound promotion w.e.f 01.10.2000. However, BSNL implemented the recommendations partially by counting the residency period w.e.f 01.10.2000 uniformly for all the cadres for the first Time Bound promotions only. But the first part of the recommendation to implement the upgraded pay scales notionally w.e.f 01.10.2000 was not implemented. Since JAO cadre also having the same pay scale, this decision didn't created such resentment at that time. In order to bring parity among all the cadres, the upgraded pay scale of 6500-200-10500 has to be uniformly implemented for the cadres JE(Civil/Elect/Arch) as has been done in the case of JAOs notionally w.e.f 01.10.2000. Similarly the upgraded pay scale of 7500-250-12000 for AE(Civil/Elect/Arch) has also to be implemented notionally w.e.f 01.10.2000".

The functional promotion beyond SDE level for the Diploma holders in Civil/Electrical/Arch etc wings in BSNL is a dream as the Diploma holders are barred from promotions as EE. Those who are promoted as SDEs upto 1994 are eligible for promotion as EE but the hundreds of SDEs promoted after that was not eligible for the promotion. Parity among all the cadres for the purpose of pay and promotions was assured on formation of BSNL. In order to bring parity, the RR is to be amended and the proposal is already with the BSNL Board. This proposal is to be approved immediately to open the promotional avenues for the Diploma holders also.

Today, the real and dismal scenario in the Company, which management has to acknowledge, is that thousands and thousands of Executives, especially the young

Executives, whose role in turning around the Company undoubtedly is going to be just critical and of paramount significance, are thoroughly demoralized and getting detached from the mainstream of the Company for very obvious reasons. When the Company is struggling to turn around, keeping this young and highly potential flock of Executives and other senior Executives demotivated and demoralized for years together, just for the sake of few Crores of rupees, will surely be disastrous for the Company and spell its doom.

When this Association has had been exercising utmost restraint not to disturb industrial peace and making strenuous efforts and urging our members to put in their very best to revive an ailing Company, indifference and deliberate and painful neglect of the issues by the management leave us with no option but to re-start the trade union programmes.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'K. Sebastin', with a stylized flourish at the end.

(K. Sebastin)