



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)

SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

F. No. BSNI/7-5/SR/2014

Dated, the 18th November, 2014

To

**General Secretary,
SNEA (I), New Delhi.**

Sub: Notice for organizational actions commencing in the first week of December, 2014 - regarding

Ref: SNEA(I) letter no.SNEA(I)/CHQ/CMD/2012-14/57 dated 5.11.2014

Sir,

This has reference to SNEA (I) letter referred to above on the subject matter.

2. You are well aware that all the issues raised in the above-said notice were discussed in the meeting held on 18th and 19th March, 2014, followed by Issue of Record of Discussions of the said meeting. Subsequently, some progress has been made on the issues discussed in the meeting and a copy of the current status on each item is enclosed for your kind information.

3. You are well aware that membership verification of the Executives' Associations has already been notified and all the Associations are at par in terms of this office letter dated 16th June, 2014. Holding formal discussions with any Association is not warranted at this stage. In such a situation, on behalf of the management, you are requested to kindly withdraw your notice for the proposed organizational programme. It is assumed that the Association will be apprised periodically of the progress made on the issues.

Yours faithfully,

(Manohar Lal)
ACM (SR-1), BSNI, C.O.

Encl: As above.

Current status on issues raised by SNEA (I)

S.No.	Issue	Current status
1.	Implementation of standard pay scales of E2, E3 etc, upto SG JAG since inter-mediate pay scales of E1A, E2A are rejected by DPE and DOT and JTOs and SDEs cannot be allowed to be demoted. The JTOs of 2007 and 2008 recruited after 1.1.2007 are facing incredibly huge difference in pay compared to their counter-parts recruited prior to 01.01.2007.	DOT/DPE have rejected the proposal of BSNL for revision of E1A and E2A IDA pay scales. Therefore, the issue has been referred back recently to the Committee which had examined the case for reconsideration. Further, in order to compensate the loss of pay due to fixation of the pay in the revised E1 pay scale of Rs.16400-40500/-, with the approval of BSNL Board, the pay of the DR JTOs of 2007 and 2008 batches have been fixed by granting five advance increments on the minimum of the revised E1 pay scale on the date of their appointment.
2.	30% superannuation benefits to BSNL recruited employees as per DPE guidelines and the agreement between the Forum of BSNL Unions/ Associations and the BSNL Mgt on 12.06.2012.	Based on the recommendations of the Higher level committee, the proposal for implementation of Pension scheme by initial Company's contribution @ 2% of Basic + DA per month, was submitted for consideration of the Management Committee of BSNL Board. The Management Committee discussed and referred the issue back to the Higher level Committee headed by HD(Fin.) as by then the new incumbent had already taken over.
3.	Promotion from JIO(T) to SDE(T) under 67% quota for the vacancy years 2005-10 onwards, IAO to AO promotions, holding of LDCE from JTO(T) to SDE(T) against 33% quota for the vacancy years 2010-11 onwards year-wise.	<p><u>Promotion from JIO(T) to SDE(T) under 67% quota</u></p> <p>The exercise of promotion upto vacancy year 2008s-09 along with backlog vacancy upto 2005-06 has been completed. The DPC for the said vacancy year was done in 2011 and the promotion order issued on 30.3.2011 in respect of 1861 JTOs. However, promotion order issued could not be executed completely due to stay granted by Hon'ble High Court, Chennai in OA no. 16102/2011 and 26246/2011. After conclusion of the said court case, order for joining of let out JTOs was issued on 18.4.2013. A DPC was constituted to promote the un-assessed cases (160) left during the DPC 2011 and accordingly a promotion list of 39 JTOs was issued on 29.11.2013. The delay was happened due to court case. Efforts are being made to regularize the DPC process, but every time due to court cases it gets interrupted.</p> <p>Regarding progress of DPC process for the vacancy year 2009-2010 onwards, it is informed that the preparatory work of the DPC has almost been completed and internally the assessment of the grading of eligible JTOs has been started. A court case in CAT Enakulam on the All India eligibility list is going on which prevents to start the DPC work formally. However, efforts are on vacate the stay and the next date of hearing is 17.11.2014.</p> <p><u>Promotion from IAO to AO</u></p> <p>Two OAs, No. 647/HR/2012 and No. 1367/HR/2012 were filed before CAT Chandigarh by Narendar Singh & Anr. Vs. BSNL and Shri Prakash Vir & Anr. Respectively challenging the reservation policy on promotion which is being followed by BSNL and to convene DPC without</p>

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		<p>following the Rule of reservation on promotion in view of Hon'ble Apex Court's judgement in the case of M. Nagaraj V. UOI. While allowing the OA, the Hon'ble Tribunal vide its judgement dated 21.3.2013 has ordered that BSNL is not entitled to make reservation in promotions in view of non-compliance of the exercise as mandated by Apex Court in M. Nagaraj's case.</p> <p>On the above CAT judgement, the legal opinion from BSNL Standing Counsel was obtained, who has opined that if BSNL wants to hold the DPC, the same should be without applying the Rule of Reservation in promotion. Another court case is pending before CAT Candigarh. Now, vide letter dated 24.2.2014, DOT has been consulted on the issue of holding the DPC in the background of CAT judgement and that the cadre is facing acute shortage of Accounts Officers in BSNL.</p> <p>Meanwhile, preparatory work for CPC has been completed. It has been decided to fill up the vacancies existing as on 1.7.2013 by eligible executives in the grade of JAO/AAO. The case is with CLO (SCT) for his comments.</p> <p><u>Holding of LDCE from JIO(I) to SDE (T) against 33% quota for the vacancy years 2010-11 onwards</u></p> <p>Recruitment Section has been requested to issue notification for the ex for vacancy year 2010-11 to 2013-14. It is also learnt that Rectt. Section has initiated the process for conduction of the said LDCE.</p>
4.	<p>Implementation of Time Bound Functional promotion between 4 to 6 years as per the terms and conditions of absorption in BSNL, analogous to CPSU cadre hierarchy mechanism.</p>	<p>As per the terms and conditions of absorption, time bound financial upgradation upto IDA scale of SG JAG was committed. A committee is set up to give recommendations on implementation of CPSU cadre hierarchy. Official side had proposed a draft report, which was not acceptable to the Associations. M/s. Deloitte Consultants was asked to give their recommendations in this regard. Report of the Consultant has been given to the Associations and they have not given any comments on the Consultants' recommendations. Meeting of the Committee will be convened shortly.</p>
5.	<p>Settlement of long pending pay anomalies & Pay fixation as per FR/SK on officiating promotion consequent upon implementation of TBR, H) Antedating of increment and Hii) Senior drawing less pay than Junior after promotions.</p>	<p>i) Pay fixation as per FR/SK on officiating promotion consequent upon implementation of TBR</p> <p>ii) Senior getting less pay than junior after promotion</p> <p>The matter is taken up in the second meeting of the Committee constituted under the chairmanship of GM(SR), BSNL C.O. The findings of the Committee are awaited.</p> <p>ii) Antedating of increment</p> <p>The Committee constituted to examine the issue of antedating of increment has opined that the order issued on 23.9.2009 is in order and clarification issued on 14.6.2010 is based on existing</p>

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5.	First IBP uniformly after four years w.e.f. 1.10.2000	<p>guidelines available on this subject. Therefore, the committee did not recommend for any alteration in the existing provision. The report of the committee has been duly seen by Dir (HR)/Dir(Fin). Hence the demand of the Association has no merit and cannot be acceded to.</p> <p><u>First upgradation-</u> The first upgradation of IDA Scale of individual Executive will be due for consideration on completion of 4 years of service in the current IDA scale subject to the condition that the executive's basic pay in the current IDA scale has crossed/touched the lowest of the higher IDA scale for which his/her upgradation is to be considered OR he/she has completed 6 (six) years of service in the current IDA scale, whichever is earlier.</p> <p><u>Subsequent Upgradation-</u> The subsequent upgradation of IDA of IDA scale to the next higher IDA scale will be due on completion of 5 (five) years in the current IDA scale.</p> <p>It is seen that the subsequent time bound upgradation (i.e. 2nd or subsequent) follows a flat time period of 5 years in a given scale. Compared to this, the 1st time bound upgradation is formulaic. It is conditioned by touching of the minimum of next higher scale in a span of span of four to six years in a scale.</p> <p>The EPP (in its introduction) very clearly attributes these provisions to outstanding issues on account of absorption of Group B officers of various services/cadres into BSNL. Group B officers were absorbed in BSNL w.e.f. 01-10-2000 and EPP was effected from the same date. These executives were earlier covered in different schemes of Central Government and accordingly serving/stagnating at different stages. Bringing the different streams of executives having different patterns of promotion under the umbrella of EPP was a tough task. The first time bound upgradation under the EPP sought to assimilate the different stages of these executives in four to six years according to their stages. The seniors in a grade/scale having higher pay got the first time bound upgradation in four years and the juniors with lesser pay got it subsequently, but not later than 6 years. Thus for any executive working in BSNL on 01-10-2000, the first incidence of 1st time bound upgradation occurred on 01-10-2004 and the last incidence occurred on 01-10-2006. All executive in a given batch (year wise or lot wise) got their 1st IBP at the same time.</p> <p>For those who joined BSNL, post its formation, through fresh recruitment also got the benefit of time bound promotion under EPP without any negotiation/issue. The executives have been availing this benefit uniformly without any discrimination. The minor variations of pay occurring in the aftermath of 2nd pay revision in 11th and 12th pay scales have also been resolved in favour of these newly recruited executives.</p>

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		<p>With the experience of over a decade in the implementation of EPP, it has been seen that:</p> <ul style="list-style-type: none"> - The incidence of 1st TBP occurs uniformly at the same time for any batch/lot of executives. - The incidence of 1st TBP occurs uniformly at the same time for any set of executives having same years of experience in a grade/scale. <p>Any comparison between executives placed in different batch or lot, or between those having differing number of years of service in a scale or grade is not proper or justified in matters of service rules. The TBP is being invariably granted to eligible executives in accordance with the schedule prescribed under the EPP.</p> <p>Over and above the points noted above, it is to be understood that the thousands of executives have already availed 1st and subsequent TBP under the EPP over the years. Any consideration of change in the ground rules should be weighed against unnecessarily huge administrative work in resettling the past cases, many of which have been settled in pension also.</p>
7.	<p>Amendment in BSNLMS RRs 2009 for bringing complete uniformity in functional promotions for Civil/ Electrical wings at par with Telecom/Finance wings, notional date of pay w.e.f 01.10.2000 for Civil/Electrical at par with finance wing.</p>	<p>The first issue regarding complete uniformity in functional promotions for Civil/Electrical wings at par with Telecom/Finance Wings awaits consideration by the competent authority, i.e. BSNL Board. The second issue regarding notional date of pay w.e.f. 1.10.2000 for Civil/Electrical/Arch wings at par with Finance Wing is being inquired from Finance branch for details.</p>
8.	<p>Accommodate seniors in their respective Circles in DE promotions to the extent DE vacancies are available</p>	<p>Transfers on promotion have been done as per the approved guidelines and to meet out the shortages in various Circles. However, some genuine cases are being considered on compassionate ground.</p>