

**SNEA/CHQ/CMD/2015-18/11**  
**To**

**Dated 11<sup>th</sup> February, 2016.**

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

**Sub: Unanimous resolutions adopted by Central Working Committee held at Kolkata on 08<sup>th</sup> and 09<sup>th</sup> February, in one voice urging upon BSNL Management to immediately address in totality, the crucial HR issues which continue to linger. CWC decides to take recourse to effective trade unions actions under most compelling and unfortunate circumstances unless the issues are resolved by the end of March, 2016. CWC further take a very serious exception to continuing and deliberate move of the management to undermine legitimate functioning of the Association by withdrawing the facilities that existed on completely frivolous grounds. Urgent action solicited to avoid industrial unrest at this crucial hour when the Company is showing positive upward trajectory.**

**Respected Sir,**

Commendable initiatives taken by yourself and the Management were widely applauded in our recently concluded CWC at Kolkata on 8<sup>th</sup> and 9<sup>th</sup> February, 2016. In one voice CWC reaffirmed its unwavering determination and commitment to get fully involved in the process of implementation of decisions of revival and take these decisions to their logical conclusion. The enthusiasm and confidence generated by signs of revival, even though feeble, were extraordinary and overwhelming.

Even on resolution of critical HR issues, which were gathering dust for years, the efforts of DIR(HR) and your good self were widely acclaimed and appreciated. CWC felt for the first time resolution of HR issues has caught serious, objective and meaningful engagement of the Management. This perception was felt throughout the deliberations of CWC.

However, continuing delay in addressing the issues is for obvious reasons causing enormous frustration and demoralization. Last few months, things are started moving in the reverse direction on HR front. 2015 year passed without any DPC or promotion orders in the Engg side, such a situation was visible for the first time after 2006. Of course, Accounts wing is and has always been an exception. No serious monitoring of the court cases or intervention at the appropriate level is being felt. Even where there is no stay on promotions, orders are not being issued. Only silver line was the efforts of your good self in reconstituting the Joint Committee on crucial issues of standard pay scales and CPSU and ensuring the committee submits its recommendations were great, yet the pace at which the recommendations are being processed is disappointing and demoralizing.

**We are afraid that continuing neglect of crucial HR issues may adversely impact the momentum picked up on the growth front and that is precisely our biggest worry and serious concern. Demoralization of HR does naturally have an adverse on growth of the Company. This is a very natural phenomenon and cannot be arrested by any means. The only way to defeat such a threatening situation to arise is very imminent and serious intervention from your good self and DIR(HR). Serious and meaningful discussions are immediately needed at very senior levels to deescalate the situation and arrest rapid demoralization. Resolution of issues cannot be left at lower levels for obvious reasons. We have seen the deadly consequences of leaving resolution of issues at lower levels.**

As we have been consistently urging and repeatedly reminding, the issues which require urgent intervention and serious intervention are submitted below.

## **1. Implementation of Joint Committee recommendations on:**

- a) Standard pay scales of E2, E3 replacing E1A and E2A,**
- b) Time Bound Functional promotion or CPSU cadre hierarchy,**
- c) Uniform TBP between 4 to 5 years instead of 4 to 6 years w.e.f 01.10.2000.**

The very purpose of fast tracking the Jt Committee recommendations are defeated as there is no action on the recommendations of the Committee submitted on 07.10.2015, even after 4 months. The intermediate pay scales of E1A and E2A were repeatedly rejected by DoT and DPE and Govt directed BSNL to replace it by standard pay scales. Naturally all expected that the Joint Committee recommendations of standard pay scale of E2, E3 replacing E1A and E2A, will be resolved by two to three months time. But to our surprise, even after four months, the matter is not even reached the MC for its consideration and getting delayed for unknown reasons. The 3<sup>rd</sup> PRC will be constituted at any time. In such a situation, how the revision of the pay scales of these cadres will be deliberated and decided by the 3<sup>rd</sup> PRC? Is the management is so insensitive to this issue or management is deliberately delaying it till 2017? Again, the other two recommendations are on the basis of E2, E3 pay scales.

All the promotions are under litigations, be it JTO/JAO to SDE/AO, SDE/AO to DE/CAO or DE to DGM. CPSU cadre Hierarchy is thus a viable alternative to this deadlocked situation. Joint Committee came out with very specific and pertinent recommendations of introduction of CPSU Cadre Hierarchy and uniform first TBP in place of two tier promotion system. However the pace of further progress to get the recommendations processed and finally implemented during the last four months has been quite disappointing.

## **2. Officiating pay fixation, pay protection – withdrawal of wrong clarifications issued on 30.05.2007 and 19.02.2010.**

The Clause II.(v) of the EPP order dated 18.01.2007 provides that "*where executives pay scale is the same as that of promoted post, benefit of one increment in the current scale of the executive shall be granted on promotion*". The EPP order has been issued with the approval of BSNL Board and DoT. Simply by a clarification dated 30.05.2007 (at sl no 10), this benefit extended by EPP order was withdrawn. This is having far reaching

consequences, questioning the pay fixation done during DoT and BSNL period. No provision of the EPP issued with the approval of BSNL Board and DoT can be changed or withdrawn by a simple clarification, that also with retrospective effect.

Pay fixation and pay protection on Local officiating promotion and applicability of various provisions under FRSR has been examined by the Hon Supreme Court in the case of Union of India & Anr V/s R. Swaminathan [1997] INSC 728 (12<sup>th</sup> Sept 1997) alongwith another 122 cases and held that "*Pay fixation and pay protection is eligible on Local officiating promotion in DoT under the various provisions of FRSR*". Recently in another case CA 5579 of 2007, on 19<sup>th</sup> March 2015, in the case of T. Issac and others, Hon SC held the same once again. Surprisingly in all these cases, either DoT or BSNL didn't disputed the Pay fixation and pay protection on Local officiating promotion under FRSR as done now, rather they had taken the stand that Pay fixation and pay protection on Local officiating promotion is available and even defended it. Being this the fact, the clarification dated 19.02.2010 (sl no 4 & 9) denying pay protection on Local officiating promotion is against the various provisions of FRSR and the stand taken by DoT and BSNL in various courts including Hon SC and is illegal. A Committee has been constituted by the management to examine the clarifications. The findings of the Committee regarding pay fixation and pay protection on officiating promotion during DoT/BSNL period has been disgusting to say the least and reflects extremely poor understanding on this issue. Deplorable as it is, they even do not know the basics of officiating promotions and the background of pay protection in the context of provisions of FRSR in local officiating promotions. The committee has gone to the extent of declaring "**Local Officiating Promotion**" is not a "**post based promotion**". The committee tried to cover up the illegitimate and arbitrary orders issued by BSNLCO on 30.05.2007 and 19.02.2010, without the approval of the competent authority by de-defining Local officiating promotion, going beyond its scope and the terms of reference. Huge recovery and reduction of pay is the net result when the Executives are retiring.

These two clarifications are to be withdrawn forthwith.

### **3. 30% Superannuation benefit to BSNL recruited Employees.**

This is related with the social security of the BSNL rectx, still unaddressed and getting inordinately delayed, reflecting insensitivity of the top management. We are told it has reached BSNL Board but how long to wait. Where is sense of urgency to resolve it? It has to be implemented w.e.f 01.01.2007.

### **4. Promotions in different wings from JTO to SDE, JAO to AO, SDE to DE/EE, AAO to CAO and DE to DGM.**

Court cases are mounting due to frustration and indifferent attitude of the management in addressing the issues and giving timely promotions. Sincere and proactive approach is required to resolve the court cases. Last JTO to SDE promotion order was issued in March, 2011. In the JTO to SDE promotion case at Hon Ernakulam High Court, 5 months have been passed, BSNL didn't filed the reply till date.

In the case of DE to DGM promotions, no legal hurdle was there since January, 2015. The DPC has been conducted months back, but no promotion orders. Other promotions like JAO to AO, SDE to DE/EE, AAO to CAO etc are held up due to litigations but there is no urgency on the part of the management to get rid of it by fast tracking the implementation of CPSU cadre Hierarchy.

## **5. Membership verification among Executives Associations by addressing the issues raised. Restoration of trade union facilities and deduction of subscription from Salary till membership verification is conducted.**

Management notified membership verification in the month of June, 2014, withdrawing all the trade union facilities. As per schedule it has to be completed by December, 2014. In the name of a court case, management is deliberately not conducting the membership verification. There is no hurdle in conducting the verification if management desires so. In the court case also, management could not give any proper reply to the query made by the court, dismissing the IA for early hearing. Now the case will be heard on regular basis, as per seniority, may take two to three years. In the name of level playing ground, denying the legitimate Trade Union facilities to the Assn extended for the welfare of its thousands of members, adversely impacting the day to day functioning, for years together cannot be accepted. The newly elected CHQ office bearers list itself is not circulated so far. Association is provided Trade Union facilities from DoT period onwards and continued in BSNL.

Till Membership verification is conducted, Trade Union facilities are to be restored and deduction of subscription from salary to be started as in the case of some Associations.

## **6. Time Bound Promotion after 4 years from Lateral JTO and Sr SDE grade as done in the case of AAO and Sr AO grades.**

EPP has implemented with an intention to have uniform promotion policy for all the Executives in different wings without any discrimination. The demand for upgradation to next IDA scale after 4 years for Lateral JTO, AAO, Sr SDE and Sr AO was denied on the plea that they are all upgradations, not post based functional promotions as defined in the EPP. Only for post based promotions following the Hierarchy defined in the EPP, next IDA upgradation is eligible after 4 years. As per EPP, post based promotions are provided as per the hierarchy JTO/JAO to SDE/AO and SDE/AO to DE/CAO and so on. Lateral JTO, AAO, Sr SDE and Sr AO are treated as upgradations. Recently, orders are issued extending TBP after 4 years for AAO and Sr AO grades alone denying the same to Lateral JTO and Sr SDE grades. This is a clear discrimination and to be corrected immediately. Similar benefits are to be extended to the Lateral JTO and Sr SDE grades also.

## **7. Notional pay of E1A and E2A for Civil/Elect wings w.e.f 01.10.2000.**

Association is all along pleading for uniformity in pay scales for all the wings. When JTO cadre was given E1A pay scales w.e.f 01.10.2000, it was not extended to JAO, JE(Civil/Electrical) etc cadres. Subsequently it was extended for all the cadres by amending their RRs, in 2001 and 2002 respectively. The Vinay Sahi Committee recommended for implementation of E1A pay scales notionally from 01.10.2000. However, management didn't accept this recommendation. However recently, the same benefit was extended to JAO cadre, again leaving JE(C/E) and AE(C/E) etc cadres. This issue is to be addressed in its totality bringing uniformity in the pay scales to all the Executives in various streams.

**We are pretty confident that, given the huge vision of the versatile BSNL Board under your towering and visionary stewardship, we shall not be constrained to do something that we honestly and remotely are not inclined to do. Our entire**

**focus is somewhere else and to ensure that our focus is not distracted, management has to act and act swiftly and objectively. This is our humble and earnest request to you good self and DIR(HR) and were are quite sure that the concern we have expressed will be taken in its proper perspective. .**

**Finally, management and especially HR wing has to work for the "SWAS" programmes for their internal customers, ie the employees to make them also "Smile". This will lead to further dedicated and committed involvement of the Executives in the growth of the company. Otherwise it will lead to huge industrial unrest in near future and that would be really sad and unfortunate.**

**Thanking you,**

**(K. Sebastin)**

Copy to:

1. Smt Sujata T Ray, DIR(HR&Fin), BSNL Board for information and n/a please.
2. Sri N. K. Gupta, DIR(CFA), BSNL Board for information and n/a please.
3. Sri N. K. Mehta, DIR(EB), BSNL Board for information and n/a please.
4. Sri R. K. Mittal, DIR(CM), BSNL Board for information and n/a please.
5. Sri Shameem Akthar, PGM(SR), BSNLCO for information and n/a please.
6. Sri Dev Kr Chakrabarty, GM(Pers), BSNLCO for information and n/a please.
7. Smt Madhu Arora, GM(Estt), BSNLCO for information and n/a please.