

# **STAFF SIDE OF THE NATIONAL COUNCIL, BSNL**

Dada Ghosh Bhawan, 2151/1, New Patel Nagar, New Delhi – 110008

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Letter No: National Council/204

Date: 08.12.2014

To

Shri Satish Wadhwa,  
DGM (SR), BSNL C.O.,  
Bharat Sanchar Bhawan,  
Janpath, New Delhi – 110 001

Sir,

**Sub: Items for discussion in the 32<sup>nd</sup> Meeting of National Council submitted**

I am submitting herewith items for discussion in the 32<sup>nd</sup> meeting of the National Council. I request you to kindly arrange to hold the meeting of the National Council at the earliest. I wish to bring to your kind notice that it was decided in the last meeting of the National Council, that the next meeting would be held in December. I request you to kindly implement this decision.

Thanking you,

*Yours sincerely,*



**(P.Abhimanyu)**  
**Secretary, Staff Side,**  
**National Council**

Encl: AA

## **Items for discussion in the 32<sup>nd</sup> National Council meeting**

- 1) Restoration of the facility of relaxed standards in departmental competitive examinations - the case of Scheduled Caste/Tribe candidates, for the exams conducted / results declared between 22.07.1997 and 08.09.2000.**

The facility of relaxed standards in departmental competitive examinations had been extended to the employees belonging to Scheduled castes/Tribes, vide Department of Personnel O.M. No. 8/12/69-Estt. (SCT) dated 23.12.1970 (1970 O.M). This facility was withdrawn vide O.M. No.36012/23/96-Estt.(res.) dated 22.7.1997. However, this facility was again restored after the Eighty Second Amendment to the Constitution. Nevertheless, the Scheduled castes/Tribes candidates who appeared in the examinations, or whose result, were declared between 22.07.1997 and 8.9.2000, were deprived of this facility. Some of the candidates belonging to these categories filed an appeal in the Hon'ble Supreme Court of India, against the O.M of 1997 in question, vide appeal No's 6046- 6047 Of 2004. A Constitutional Bench of five judges, headed by Shri R.M Lodha Chief Justice, has ordered on 15-07-2014, that the O.M. No.36012/23/96-Estt.(res) dated 22.7.1997 as illegal. The respondents have been directed to modify the results. In respect of the BSNL employees also, who had appeared in Departmental Promotional exams/results declared, in the DoT, between 22.07.1997 and 08.09.2000, the benefit of the judgement of the Hon'ble Supreme Court, in the aforementioned case may be implemented.

- 2) Pension to DOT absorbed employees vis-à-vis withdrawal of DOT orders contained in letter No.-1-45/2003-B, dt-15th June, 2006.**

At the time of corporatarisation of Telecom services the Govt. of India took Cabinet decision for payment of Govt. pension to the DOT absorbed employees. It guaranteed pension distribution form the consolidated fund of India. Accordingly, Rule 37A of pension was framed will be from the CFI. The DOT in letter No.-16-27/200/dt-29-06-2001 also clarified and asserted that the payment of pension to the absorbed employees will be from the consolidated fund of India. The pension contribution to DOT/Govt. was to be paid by BSNL as per provisions of FR116 and FR117 as per instructions of DOT letter No.-7-1/2000/TA-1/7, 31-07-2002. The then Secretary DOT, Shri Nripendra Mishra, Vide Do letter No.-1-45/2003-B, dt-15-03-2005 again issued instructions and guidelines reguaranteeing the Govt. pension to absorbed employees and payment of contribution by BSNL as per FR116 and FR117. The above provision was changed vide DOT vide letter dated 15th June, 2006 linking and fixing ceiling of taxes received form BSNL/MTNL for payment of pension. This decision has been against all the past assurances and commitments of Govt. There is serious apprehensions and doubts amongst the employees that the Govt. is evading its responsibility for payment of pension. The representations and appeals to the DOT on the issue have not brought any result it may be stated that the insertion of 60% clause is being invoked every time by DOT to get assurances from BSNL whenever any financial improvement is extended to the employees. Very recently the DOT has communicated to DOE of MOF that the limit of 60% amount of pension expenditures is exceeding from year 2011 in pension expenditures. The clause, 60%, is seriously hampering the guarantee extended by GOI for payment of pension from CFI. The staff side, therefore, demand that the Govt., DOT, should honour its commitments and assurances made in the past and withdraw the No.-1-45/2003-B, dt-15-06-2006 and realize pension contribution also on actual pay akin to MTNL staff.

- 3) Reviewing of BSNLMRS.**

The Staff Side continues to get various complaints from field units, with regards to the inadequacies of the BSNLMRS. The most important complaint is that hospitals which offer good quality treatments are not coming forward to have tie-up with BSNL, since the rates of CGHS are very low. BSNL employees are getting reimbursement under BSNLMRS, as per CGHS rates. These rates are very low compared to the rates at which hospitals are offering treatment. The net result is that, our employees are being compelled to bear the remaining amount. In most of the cases, the CGHS rates are only 50% or even below, of the rates at which hospitals are offering treatment. Thus, the employees are getting burdened with the payment of huge amounts for undergoing medical treatment, despite the BSNLMRS being in vogue. It is also a fact that good

quality hospitals are not prepared to have tie-up with BSNL, due to belated payment of bills by the latter. As a result, our employees are being compelled to undergo treatment in sub-standard hospitals. BSNL employees are experiencing extreme hardship in getting treatment under BSNLMRS. Hence, we strongly feel that time has come for reviewing BSNLMRS. Sometime back, the option of implementing mediclaim scheme was also explored by a Committee constituted for reviewing the BSNLMRS. We are of the opinion that such an option can once again be looked into. Hence, we suggest a Committee may be constituted for reviewing the BSNL MRS.

**4) Presidential orders in respect of TSMs appointed as TM after 1st Sept, 2000 and Casual Labourers other than the TSMs regularized straight way as Regular Majdoors.**

Some Temporary status Majdoors after qualifying the requisite examination and completion of training have been appointed to the Cadre of Telecom Mechanic on or after 1<sup>st</sup> September, 2000. Such officials have been denied POS. Similarly, Casual labourers senior than the TSMs who have been regularized w.e.f. 01-10-2000 are denied PO as they were not awarded TSM status. The junior TSMs after regularization have been extended POs. This is neither fair nor justified. It is demanded that the above staff be considered for grant of PO and matter be taken up with the DOT.

**5) Formation of Works Committees at the circle and All India levels.**

As per the demand of the Recognised Union, Works Committees are constituted at the SSA levels. However, the long pending demand of the union that Works Committees should be constituted at the circle and All India levels is yet to be implemented. There is an urgent need to improve the quality of BSNL's services, for which a close coordination between the Management and the employees is very essential at all levels. Works Committee is an ideal concept of involving the workers in providing services of good quality to the customers. It also provides ample opportunity for flow of information from the Management to the employees, which is very essential to create a sense of involvement and belongingness among the latter. In view of the foregoing, it is requested to form Works Committee at the circle and All India levels.

**6) Settle the non-accrual of Stagnation Increment, as well as increment becoming due under NEPP.**

- a) Vide clause No.6.2, the Wage Revision Agreement signed by the BSNL management on 7.5.2010 in case of non-executives, has assured to address the anomalies/aberrations arising out of the wage revision.
- b) As per the clause 2.4.2 of the wage revision agreement, "Stagnation increment will be @3% of the revised basic pay and the non-executive will be allowed to draw maximum 3 stagnation increments, one increment after every two years upon reaching the maximum of the revised pay scales".
- c) As per the clause 2.4.3 of the wage revision agreement, "On promotion, one notional increment equal to 3% of the existing basic pay rounded off to the next multiple of Rs.10/- would be granted and pay fixed in the promoted pay scale".
- d) Thus it is imperative to grant stagnation increment of 3% two years after reaching maximum of the pay scale and to grant 3% notional increment on promotion. But there are cases where the officials are losing both the stagnation increment and the promotion increment, even though they are eligible for both. A live case is given hereunder to illustrate this serious aberration:

Sri Mohammad Sarwar RM (HRMS No. 199303274) Hyderabad Telecom District (AP Circle) was appointed on 1.4.1993 and due for retirement on 31.1.2020. On 1.10.2000 his basic pay in NE-1 pay scale (4000-120-5800) was fixed at Rs 4840. His date of increment was 1st January and on 1.1.2004 he was fixed at Rs 5320. He was given NEPP-1 to NE-2 pay scale 4060-125-5935 and his pay in the NE-2 pay scale was fixed on the date of his next increment 1.1.2005, at Rs 5560. On 1.1.2006, after drawal of annual increment, his basic pay was fixed at Rs 5685/-. Due to wage revision, his basic pay was fixed at Rs 13570/- in the revised NE-2 pay scale 7840-14700 on 1.1.2007(including increment on 1.1.2007). He reached maximum of the NE-2 pay scale Rs 14700/- on 1.1.2010. He was due for one stagnation increment on 1.1.2012. With this stagnation increment his pay on 1.1.2012 should be Rs 15150/- in the pay scale 7840-14700. But he was

due for second NEPP in the next higher pay scale NE-3 ( 7900-14880) w.e.f 1.10.2011. Accordingly he was given the said NEPP-2 promotion. He opted for pay fixation in the promoted NE-3 pay scale from the date of his next increment 1.1.2012. But on 1.1.2012 he was due for stagnation increment in the NE-2 pay scale and should be fixed at Rs 15150/- and one notional increment on it should have been added on it on account of his promotion to NE-3 pay scale. By adding this notional increment on Rs 15150, his basic pay in NE-3 should have been fixed at Rs 15610/-. Since the maximum of the NE-3 pay scale was Rs 14880/- only, he was fixed at Rs 14880/- on 1.1.2012 instead of Rs 15610/-. Thus he lost the benefit of stagnation increment (with which his basic pay should be Rs 15150/-) and the benefit of notional increment of 3% on promotion. This is a serious aberration and as per the wage revision agreement, the management is duty bound to settle such aberrations. The only way to settle this aberration is to promote such officials to a higher pay scale which accommodates both stagnation increment and notional increment on promotion and in this case the official has to be given NEPP-2 promotion to NE-5 scale ((8700-16840)instead of NE-3 pay scale. The NEPP policy has to be modified accordingly with retrospective effect to settle such aberrations.

**7) *Settle the aberration wherein there was reduction in basic pay on NEPP promotion.***

Some RMs got stagnation increment in NE-2 pay scale (7840-14700) and were fixed at Rs.15150/-. Thereafter they were promoted to NE-3 pay scale (7900-14880) under NEPP and were fixed at Rs.14880/- by reducing their pay from 15150/- since the maximum pay in NE-3 was Rs.14880/- only. Thus their pay was reduced in the name of promotion. A live case in this regard is detailed below to illustrate this aberration:

Smt Sk.Khajabee RM Krishna Telecom District, AP Circle (HRMS No. 198901946) was appointed on 7.3.1989 and due for retirement on 31.3.2018. She was given NEPP-1 promotion to NE-2 pay scale 4060-125-5925 on 1.10.2004 with date of option for pay fixation on DNI on 1.3.2005 and accordingly she was fixed at Rs 5685/- on 1.3.2005. She was at Rs 5810/- on 1.3.2006 and was fixed at Rs 13460/- in the revised NE-2 pay scale (7840-14700) on 1.1.2007. She reached maximum of the NE-2 pay scale Rs 14700/- on 1.3.2009 and was given stagnation increment and fixed at Rs 15150/- in the NE-2 pay scale on 1.3.2011. On 1.10.2011 she was granted NEPP-2 promotion to NE-3 pay scale 7900-14880 and was fixed at Rs 14880/- by reducing her pay from Rs 15150/- since the maximum in NE-3 pay scale to which she was promoted was Rs 14880/- only. Even if she has to be given option for pay fixation on DNI 1.3.2012, the same situation prevails since the maximum of NE-3 pay scale would not change. Thus in the name of promotion, her basic pay was reduced and it is a serious aberration and needs settlement as per the wage revision agreement signed by the management. The only solution is to promote such officials to a higher scale that will accommodate both the stagnation increment and notional increment due to them.

**8) *Inclusion of women union representatives in the Complaints Committee for prevention of sexual harassment of women employees in work places.***

BSNL Corporate Office, vide letter No.6-1/2005-SG dated 15<sup>th</sup> July, 2005, had issued guidelines for the formation of Complaints Committee, for prevention of sexual harassment of women employees at work places. As per the guidelines, the Committee shall consist of not less than three members, and that the Committee should be headed by a woman. It is also stipulated that not less than 50% members of the Committee should be women. BSNL is having a huge number of women employees. Further, a sizeable section of the employees getting recruited in the cadres of TTAs and JTOs are women. This is apart from a good number of women employees getting appointed under Compassionate Ground, as well as women being engaged as contract workers. Hence, there is a strong case for strengthening whatever mechanism BSNL is having for prevention of sexual harassment of women employees at work places. Corporate Office letter no.6-01/2010 SCT-SG/415 dated 21.10.2010, had admitted that cases of sexual harassment were increasing in BSNL. It may be noted that this admission had been made 5 years after the formation of the Complaints Committee. It only shows that whatever system that has been put in place has proved to be inadequate. In this regard, we wish to state that the Staff Side continues to receive complaints of sexual harassment in many circles. This also underscores the necessity to strengthen whatever mechanism that BSNL is having at present, to ensure safety to working

women in BSNL. Under these circumstances, it is proposed that women union representatives should be included in the Complaints Committee. This ensures that the grievances of the affected women employees are effectively presented in the Committee, which in turn will make the present mechanism more effective.

**9) Provision of Rs.200 SIM to the BSNL staff posted in MTNL areas.**

As per the decision of the National Council, all the left out Non-Executives are provided with Rs.200 SIM, vide BSNL Ir. no. 06-01/2012-PHA(Pt.) dated 01.07.2014. However, the BSNL staff posted in MTNL areas are not provided with this Rs.200/- SIM, on the plea that BSNL is not operating service in those areas and that BSNL has to pay to MTNL for providing Rs.200/- SIM to the BSNL employees posted in MTNL areas. Further, the Non-Executives cannot make calls to other networks from the Rs.200/- SIM. As a result of this, our staff are unable to contact the customers of other networks, who are having BSNL landline and Broadband connections. This is a case of discrimination that the BSNL Executives posted in MTNL areas are provided with service mobile connections and also they can make calls to other networks. In view of this, it is requested that the

- (1) **The Non-Executives posted in MTNL areas are also immediately be provided with Rs.200/- SIM.**
- (2) **The Non-Executives be permitted to make off net calls from the Rs.200/- SIM.**

**10) Laying of under sea OFC cable, linking the mainland to Andaman & Nicobar Islands.**

It is the long time demand of the Unions and Associations that Andaman and Nicobar Islands should be linked by laying an under water OFC cable. At present, the A&N Islands is connected to the Indian mainland through satellite bandwidth. This is a very costly affair. BSNL is paying a huge amount annually, to get the satellite bandwidth, as a result of which the financial condition of A&N circle is severely strained. Further, the quality of services, being offered through this satellite bandwidth, both voice and data, are not satisfactory. Hence, the permanent solution for this problem is laying an under sea OFC cable. It is requested that BSNL may take up this with the government.

**11) Onetime special recruitment non-executive staff (TTA and Sr. TOA) in respect of Andaman and Nicobar circle.**

The Andaman and Nicobar circle was formed on 01-10-1994 after bifurcation of West Bengal circle. Sequel to bifurcation most of the Group 'C' and 'D' employees sought repatriation to the West Bengal. The new circle functioned with the deputationist drawn from Tamilnadu and West Bengal circles. After some time in year 1997 the circle recruited 8 Sr. TOAs and TTAs and now they all have been promoted to the Cadres of JTO and JAO. This has resulted in manning of vital sections by contract labourers. The performance of A and N circle in year 2013-14 has been excellent and has earned profit. The circle has secured 1st position in Enterprise and also achieved targets in basic and CMTS segments as fixed by corporate office. There are opportunities and prospects to increase the revenue further but the circle is handicapped on account of acute shortage of staff. Most of the officers who come on deputation for 2 years they don't take required interest in the expansion and development arena. Therefore, one time special recruitment to the Cadres of TTA and Sr. TOA be done in the larger interest of the PSU.

**12) Payment of HRA for a rural station on par with the city to which it is within 8 k.m. distance –extension beyond 26.2.2009.**

Based on the certificate issued by the Collector of the concerned district, the staff working in Poranki village with in 8 k.m. of Vijayawada in AP were granted extension of HRA on par with Vijayawada, for the period 1.5.2005 to 31.5.2008 and 1.6.2008 to 31.5.2011 vide DoT No. 5-16(6)/2009-PAT dated 19.9.2013. But vide its order No. 11-20/2004-PAT(BSNL) dated 02.12.2013, the BSNL Corporate Office has restricted the period from 1.5.2005 to 26.2.2009 only. It was done on the plea that the said DoT order mentioned that revised HRA rates are to be implemented from 27.2.2009 as per the DPE guidelines and the Presidential order on wage

revision issued by DoT. This means the Central Government pattern of extending HRA to a village on par with the city with in 8 km is not applicable from 27.2.2009 since from that date the HRA rates were granted based on DPE guidelines. Therefore it is requested that the principle of granting HRA on par with the city, to the staff of a village station with in 8 km of the city be extended beyond 26.2.2009, as is being done in case of central government employees.

**13) *Utilisation of Vacant staff quarters.***

The staff quarter at many important cities are vacant. In absence of proper and appropriate care the belongings of the vacant quarters are being removed and taken away. There are willing personnel other organisation to take the quarters at the places on lease. It is, therefore, urged that such places/cities be indentified on to provide the quarters on lease after their repairs etc. The local administration should contact banks and other organizations for the purpose. This may help in generation of revenue to the PSU.

**14) *Social security and extension of other facilities to BSNL staff deployed in Naxal areas.***

There are states viz Chhattisgarh, Jharkhand, Andhra, Odisha which are affected with the naxal movement. The BSNL employees deployed in such areas are facing sufferings and hardships including risks of their lives. The state Govt. of Chhattisgarh has extended insurance cover of Rs. 20 lakhs to such staff who are working in naxal areas. The BSNL staff be also extended similar social coverage alongwith other facilities.

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