



**ALL INDIA BHARAT SANCHAR NIGAM LIMITED OFFICERS' ASSOCIATION**  
Central Head Quarters, New Delhi.

**Report of the General Secretary placed in the Third All India Conference of AIBSNLOA held at Chennai on 5<sup>th</sup> and 6<sup>th</sup> February 2019.**

Respected President and dear Comrades,

We are meeting in the Third All India Conference of All India Bharat Sanchar Nigam Limited Officers' Association at Chennai, capital of Tamilnadu and popularly known as "the Gateway of South India". The Quality of Living Survey has rated Chennai as the safest city in India. This is a cosmopolitan city, the culture of the city reflecting its diverse population. One can find a unique blend of culture from traditional foods to fast foods, from ancient temple architecture to modern high-rises and from classical music and dance to the growing nightlife in the city.

**1.1** We are meeting at a crucial juncture with BSNL continuing to reel under financial crisis, with sharp decline in revenue. A long list of major HR issues remains unsettled even after years of discussions and persuasion. Promotions based on seniority cum fitness have been again stalled resulting in frustration among senior executives, though there was some belated relief in some cadres a few months back. Revision of pay w.e.f. 1.1.2017 with 15% fitment still remains a question mark with any pay hike being linked to profitability of the company. This report seeks to draw your attention to important developments affecting BSNL and its Executives witnessed during the intervening period, providing all available inputs on 3<sup>rd</sup> pay revision and related issues.

**2.0 RECOMMENDATIONS OF 3<sup>RD</sup> PAY REVISION COMMITTEE FOR CPSE EXECUTIVES AND IMPLEMENTATION OF PAY REVISION IN BSNL:**

**2.1** On 28.2.2017, DPE officially published in its website the report of the 3rd Pay Revision Committee submitted to the Government of India on 21.11.2016. The key recommendations were: Affordability clause – Maximum 15% Fitment benefit on BP + DA - No change in no. of Pay scales - Perks and allowances - ceiling of 35% of BP Additional allowances introduced- Location based CA, Project Allowance, Hardship Duty Allowance PRP calculation method modified - Superannuation benefits - 30% of BP + DA. - Ceiling of gratuity enhanced –Rs. 20 lakh - Corpus fund from 3% of each year's PBT for post-retirement medical benefits. On Affordability, the recommendations said "the additional financial impact in the year of implementing the revised pay-package for Board level executives, Below Board level executives and Non-Unionized Supervisors should not be more than 20% of the average Profit Before Tax (PBT) of the last three financial years preceding the year of implementation. It has suggested 15% fitment benefit for such CPSEs. For CPSEs having additional financial impact on implementation of revised pay-package more than 20% but less than 30%, it has suggested fitment benefit of 10%; for CPSEs having additional financial impact on implementation of revised pay-package more than 30% but less than 40% it has suggested fitment benefit of 5% and for CPSEs having additional financial impact on implementation of revised pay-package more than 40%, it has suggested 'Nil' fitment benefit." **BSNL does not fall in any of these categories.**

**2.2** Earlier in its response on 11.7.2016 to the questionnaire from Pay Revision Committee, AIBSNLOA had insisted that "DoT, the administrative Ministry for BSNL should keep the commitments made by the Government of India at the time of formation of BSNL that "Government will consider and provide a package of measures so that the viability of BSNL is not impaired because of implementation of any socially desirable uneconomic activity, such as rural telephony, undertaken by BSNL at the behest of Government." The affordability clause in adopting revised pay packages should not be there for PSUs which implements socially desirable uneconomic activity undertaken by it at the behest of Government, since it will drive away the talent. Instead the 3rd PRC should recommend introduction of 'Necessity' clause on the basis of strategic national importance." "In case of non-affordability, enhanced package should not be deferred."

**2.3** Immediately after the details of the recommendations were known, on 17.3.2017 AIBSNLOA wrote to DPE regarding Non-applicability of affordability clause recommended by 3<sup>rd</sup> PRC to BSNL:

**“BSNL is discharging the social obligations of the Government of India by providing services in remote and rural areas in spite of incurring loss because of these services and its presence in the Telecom industry as a fully Government owned PSU, aiming at providing world class services at affordable tariff, has been accepted by every stake holder as a ‘moderating factor’ in controlling the tariff in favour of the customers. But for the presence of BSNL in the arena, the private telecom operators would have raised the tariff to alarming proportions. Despite the complexities of problems faced by BSNL, which was converted as a Government PSU from a Government Department, BSNL has been slowly but steadily evolving itself as a Model PSU, keeping itself in the race by updating to the everchanging technology, expanding and diversifying its activities amid stiff and cut-throat competition from the Private Telecom companies. The strategic importance of BSNL has to be given due consideration.**

**“The Government of India had committed at the time of formation of BSNL that “Government will consider and provide a package of measures so that the viability of BSNL is not impaired because of implementation of any socially desirable uneconomic activity, such as rural telephony, undertaken by BSNL at the behest of Government.” But the Government of India/DoT did not keep the commitments and even failed to refund BSNL’s dues in time and in full. BSNL has no autonomy in decision making and has to follow the diktats of the Government. Recurrent loss to BSNL in the past few years is due to "inadequate investment in infrastructure expansion in recent years leading to delay in expansion of mobile network" and the company was also made to pay "market rate (of Rs 18,500.38 crore) for both 3G and broadband wireless access (BWA) spectrum", according to Shri Ravi Shankar Prasad, former Minister of Communications.**

**“BSNL revenue over the past three years is increasing. The year 2013-14 saw an increase in revenue of 3.2%. The year 2014-15 saw an increase of 2.32 %. In the year 2015-16, the increase in income is 14.92 % whereas in the same year the expenses decreased marginally by 1.47 %. The loss is declining and BSNL is likely to make profit in 2018. This positive trend is due to joint efforts of BSNL Executives and employees who are toiling hard to increase revenue. At this point of time, any move to deny them revised pay-package in the name of affordability will have a negative impact on their morale which in turn will affect the revival plans of BSNL. Considering the National and Strategic importance of BSNL which is implementing the social obligations of the Government, it is necessary that the affordability condition is not made applicable to BSNL.”**

**2.4** On 12.04.2017, DPE forwarded our letter to DoT and asked DoT to examine the views of AIBSNLOA and furnish its comments to DPE.

**2.5** On 25.05.2017 we wrote to the Prime Minister regarding Exempting BSNL from the ‘affordability’ clause recommended by 3<sup>rd</sup> Pay Revision Committee for CPSE employees, with copies to MOSC, Cabinet Secretary, Secretaries, DPE & DoT and CMD BSNL:

**“BSNL employees are in no way responsible for the recurrent loss to BSNL. In the words of Shri Ravi Shankar Prasad, former Minister of Communications, the loss was due to "inadequate investment in infrastructure expansion in recent years leading to delay in expansion of mobile network" and the company was also made to pay "market rate (of Rs 18,500.38 crore) for both 3G and broadband wireless access (BWA) spectrum".**

**“The New Telecom Policy 1994 defined certain important objectives, including availability of telephone on demand, provision of world class services at reasonable prices, ensuring India’s**

emergence as major manufacturing / export base of telecom equipment and **universal availability of basic telecom services to all villages**. Under NTP-1994, the licensing, policy-making and the service provision functions were under a single authority. The Government in 1999 decided to separate the policy and licensing functions of DoT from the service provision functions as a precursor to corporatisation. The corporatisation of DoT was proposed to be done keeping in mind the interests of all stakeholders by the year 2001.

When finally, BSNL, a 100% Government PSU, was formed on 1.10.2000, the **Cabinet decided that the Government will consider and provide a package of measures so that the viability of BSNL is not impaired because of implementation of any socially desirable uneconomic activity, such as rural telephony, undertaken by BSNL at the behest of Government. Since then, BSNL has been discharging the social obligations of the Government of India by providing services in remote and rural areas in spite of incurring loss because of these services and its presence in the Telecom industry as a fully Government owned PSU, aiming at providing world class services at affordable tariff, has been accepted by every stake holder as a 'moderating factor' in controlling the tariff in favour of the customers.** But for the presence of BSNL in the arena, the private telecom operators would have raised the tariff to alarming proportions.

When all private networks failed to provide dependable service during natural calamities, whether it was Hudhud cyclone in Andhra Pradesh, Vardha cyclone in Tamilnadu, Floods in Tamilnadu and Uttarakhand, Earthquake in Jammu & Kashmir, BSNL was the only operator which proved its robustness.

In your prestigious Digital India programme too, BSNL is contributing in two three areas, like National Optic Fibre Network (NOFN), providing Wi-Fi hotspots at commercial places, Mobile Wallet service under the Prime Minister Jan Dhan yojana and delivering m-governance services like digital mandi, kisan seva among others.

It will be therefore unfair if BSNL employees are denied their due pay revision in the name of non-affordability, since such a proposition will have a negative impact on their morale which in turn will affect the revival plans of BSNL. **Considering the National and Strategic importance of BSNL which is implementing the social obligations of the Government, it is necessary that the affordability condition is not made applicable to BSNL."**

**2.6 This letter was promptly forwarded by PMO on 26.5.2017 to DoT for action as appropriate.**

**2.7** On 1.6.2017, CMD BSNL wrote a DO letter to Secretary DoT. The letter covered all the points raised by AIBSNLOA in its letter to the Prime Minister, indicating that the Management has given due consideration to our letter. Strategic importance of BSNL as a Government PSU, BSNL implementing social obligations of the Government by providing services in rural and remote areas despite losses, BSNL acting as a 'moderating factor' in controlling tariff in favour of the customers, providing world class services at affordable tariff, BSNL alone provides dependable service during natural calamities, BSNL contributes to PM's prestigious Digital India programme and finally, denial of benefit of pay revision will have negative impact on the morale of BSNL employees are some of the common points found in both the letters.

**2.8** On 05.06.2017, Office bearers of Unions and Associations in BSNL met CMD BSNL and expressed their concern over implementation of 3rd PRC recommendations for BSNL Executives. CMD initially explained the progress being made by BSNL in various business efforts and made specific mention about progress in the new initiative wherein MVNOs (Mobile based Virtual Network Operators) will provide services to users via leased network of BSNL, which they get at wholesale rates from BSNL. They will also work as resellers for BSNL. Regarding the 3rd Pay Revision, he said that **BSNL has already conveyed BSNL's capability to bear the expenditure**, which will be around Rupees 2000 crores in case of 15% fitment and around 1200 crores in case of 10% fitment. **He said DoT has also endorsed BSNL's submission to DPE.** He explained that CPSEs have

been categorised into Top Priority, Priority, Less Priority and No Priority CPSEs. BSNL falls in the second category and therefore, he assured, that BSNL Executives are certain to get fitment in the revised pay. **If at all BSNL is denied the benefit of the revised pay, he will be the first to react.** He commended the unions and associations for ensuring increase in revenue through various efforts like SWAS and said that all should now stay focussed on improving the revenue so as to ensure that we get our due in the 3rd Pay Revision. After internal discussions, AIBSNLOA decided that it is premature to go for any organisational action on this matter, at this point of time and in view of the positive approach of BSNL.

**2.9** On 3.8.2017, DPE issued orders on Government decisions on the recommendations of the 3<sup>rd</sup> PRC. All the important recommendations including the affordability condition had been accepted by the Government. On 24.10.2017 BSNL Board cleared the proposal for implementation of pay revision with 15% fitment benefit for BSNL Executives.

**2.10** On 15.11.2017, AIBSNLOA wrote to MOSC requesting Implementation of revised pay scales with 15% fitment benefit for BSNL executives. In addition to the points mentioned in the letter to PM, the following was also emphasized:

'All the senior officers of Department of Telecommunication who are on 'deployment' in BSNL, holding major managerial positions in BSNL & its field units and responsible for the Ups & Downs of BSNL, have already got their pay fixed in revised scales as per the recommendations of VII Central Pay Commission with 14.2% fitment benefit w.e.f. 1.1.2016. All of them draw their higher pay and perks from BSNL and BSNL's affordability to pay was not at all an issue for them. If BSNL employees are denied the revised pay with 15% fitment benefit, it will result in an unprecedented discrimination against its own employees vis-à-vis those who are under 'deployment'. The fall out of such a situation will be unparalleled in the history of Indian Public Sector.'

**2.11** In the meeting of all BSNL unions and associations held on 14.11.2017, it was decided to postpone the Human Chain Programme to 23rd November 2017, in order to give more time for mobilisation. In the meeting, GS AIBSNLOA, while endorsing the agitational programme, expressed his views over the desirability of Strike Action at this point of time, when BSNL Management has been supportive by approving in the Board a proposal for pay revision with 15% fitment. Members of AIBSNLOA participated in the demonstration and Human Chain programme.

**2.12** The other constituents of the ABUA went ahead and issued the strike notice. WE EXPLAINED TO OUR MEMBERS WHY AIBSNLOA IS NOT A SIGNATORY TO THE STRIKE NOTICE:

"AIBSNLOA has already made it clear that any strike on the issue of Pay revision with 15% fitment for BSNL employees at this point of time is pre-mature, since BSNL Board has sent its favourable proposals to DoT, which has to take a decision on BSNL proposals. Except for a stock reply to one association by lower level officers of DoT that BSNL does not meet the affordability condition laid down by the 3rd PRC, the general perception is that Secretary DoT and the MOSC are favourably inclined towards pay revision for BSNL employees despite the affordability clause. At least one of the signatory associations for the strike notice, has reported similar view after meeting the Minister. Putting pressure on DoT through other forms of struggles like the Human chain, meeting Members of Parliaments is understandable and required too. But a strike now will have a negative impact on the services and also on the demand itself. GS AIBSNLOA had conveyed these views in clear terms in the meeting of all unions and associations held on 14.11.2017. May be his was a lone voice. **No Effort was made to jointly meet the Minister and at least the Secretary DoT before deciding on the strike.** Strike cannot be for strike sake.

As far as the demand regarding Subsidiary Tower company, there has been no follow up by the unions and associations after the one-day strike on 15.12.2016 in which AIBSNLOA was a signatory and took active participation. Keeping silent for months together afterwards and raising the issue now after cabinet has taken a decision will be only seen as an eye-wash.

Another demand, which was not at all discussed in the meeting held on 14.11.2017, has now been added - settlement of left out issues of Second Pay Revision - as if to make a mockery of the employees. As far we know, arrears of 78.2% fitment for the period from 1.1.2007 to 9.6.2013 and replacement of E1A and E2A pay scales are the two pending issues. 78.2% could have been easily clinched when the then recognised union signed wage agreement with the Management in the year 2010, when BSNL was still earning profit. But the recognised union chose to agree that they will get it when it is given to the executives. Later, the unions and associations which signed an agreement in 2012 for 'deferring the arrears' went voiceless when DoT in its order dated 10.6.2013 said "No arrears will be paid". Keeping silent for four years and raising the issue now smacks of deception. Also, it appears that the recognised executive association has silently accepted E1 and E2 scales in place of E1A and E2A, if one goes through its claim of settlement of CPSU Cadre Hierarchy. Then why raise this issue now?

AIBSNLOA has participated in many strikes called by others in the past and will do so in the future too, if it is convinced that the strike, the last weapon in the workers' armory, is absolutely necessary."

**2.13** On 30.1.2018, we had a Meeting with Special Secretary Telecom and presented a strong case for pay revision with 15% fitment, since BSNL is implementing the social obligations of the Government and profit making cannot be a criterion for deciding the pay revision of its employees. We put forth all the points elaborated in our letter dated 15.11.2017 addressed to MOSC, including the assurance given by the Government at the time of formation of BSNL regarding ensuring its financial viability, BSNL acting as a moderator in lowering tariff, BSNL providing better services when others fail during natural calamities and MTNL getting 30% fitment during last pay revision despite the affordability clause and MTNL making loss for years together then. SST said that Government decision on 3rd PRC recommendation on affordability remains a hurdle but added that however BSNL proposal is being examined in detail.

**2.14** Organisation of BSNL Unions and Associations, comprising of ten BSNL unions and associations had a scheduled meeting with CMD on 16.2.2018. The meeting lasted nearly an hour, was cordial and facilitated exchange of views on 3rd Pay Revision for BSNL employees and formation of Tower Company. On behalf of OUA two Memoranda were submitted to CMD and discussions revolved mainly around the two issues highlighted in the Memoranda. CMD said he was very much hopeful that pay revision will be implemented for BSNL employees this year itself. **He mentioned that BSNL proposals for pay revision was approved by all the four independent Directors in BSNL Board as well as the DoT representative. He said that Hon'ble MOSC was in favour of pay revision to be implemented for BSNL employees.**

**2.15** The unions and associations who went on two days strike, finally met the MOSC on 24.2.2018 and reported that the MOSC agreed that the issue of 3<sup>rd</sup> pay revision would be processed and taken for approval of DPE and Cabinet. We made the following observation on this:

**"THE DAWN OF WISDOM:** Finally, wisdom appears to have dawned on the recognised unions and associations of BSNL. They have at last jointly met the Minister of State for Communications on 24th February 2018, which ought to have been done earlier to their two days strike. They have reported that in the meeting the Minister had agreed that "the issue of 3rd Pay Revision of BSNL employees would be processed and would be taken for the approval of the DPE and the Cabinet".

The recognised unions and associations further claim that this is a great achievement. Maybe they want their members to believe that this has been possible only because of the strike. But the fact is that Minister has always been in favour of extending benefit of third pay revision to the BSNL employees, as reported not by us alone, but also by the CMD, the Director (HR) and some of the recognised unions and associations themselves. [We had displayed the postings in different websites]

This vindicates our stand that the decision on strike should have been kept in reserve as the ultimate

option and efforts to jointly meet the Minister should have been made before deciding the strike. We have been taught that strike is enforced only when all negotiations fail. But in this case, due to their own compulsions the majority union chose not to meet the Minister. This Union had also been reporting that the Minister has been raising the question 'where from the money will come', perhaps to build up support for their strike. The majority association which met the Minister on an earlier occasion chose not to discuss the 3rd PRC issue.

Anyway, pressure needs to be kept on DoT/Government, which AIBSNLOA and the Organisation of BSNL Unions and associations have been already doing by meeting the MPs and requesting them to impress upon the Minister. **We will continue with our efforts.** Getting Cabinet nod is a long-drawn process and obstacles are likely to erupt in the course."

**2.16 Continuing our efforts,** leaders of Organisation of BSNL Unions and Associations kept meeting Ministers, Members of Parliament and senior officers in DOT and DPE. Many MPs we met personally wrote letters to MOSC. On **22.02.2018** Shri Parvesh Sahib Singh, MP, Delhi West who agreed to take up the pay revision matter with the DoT as well as the MOSC. On **23.02.2018** met Dr.Udit Raj, MP, Delhi North West. On **22.03.2018** we met Shri Pradeep Tamta, Hon'ble MP, Rajya Sabha from Uttarakhand. Later the same day we met Shri Dharmendra Kumar Kashyap, Hon'ble MP, Aonla Constituency.

**2.17** On **26.03.2018**, we met Director (PSU) and enquired about the status of the matter of pay revision of BSNL Executives. Director (PSU) informed us that the proposal of BSNL has been sent to DPE seeking its advice. We informed him that when we met Director (DPE) in the first week of November 2017 he agreed that BSNL Executives deserve the pay revision in spite of the affordability clause and assured us that DPE will favourably consider the case if recommended by DoT. We requested Director (PSU)/DOT that DoT should send specific recommendations on the issue. Director (PSU) said, now that the process has been initiated, appropriate decision will be taken after receiving the advice from DPE.

**2.18** On **27.03.2018**, we met five Members of Parliament, Shri Suresh Angadi, Chairman House committee Loksabha, Shri Sanjay Jaiswal, MP from Pachim Champaran (Bihar), Shri Rajesh Verma, MP from Sitapur (UP), Shri Ajay Tamta, Minister of State for Textiles and Shri L.N.Yadav MP from Sagar (MP) separately and submitted Memorandum. The MPs were requested to take up this issue with the Govt as well as with the MOSC. All the MPs assured us that they will not only strongly recommend our demand of implementation of 3rd pay revision in BSNL but also try to meet MOSC personally and request him to look into the issue seriously and find ways to implement it without further delay.

**2.19** On **11.04.2018**, we met Shri Anant Geete, Hon'ble Minister of Heavy Industries & Public Enterprises and submitted a Memorandum requesting him to direct DoT regarding revision of pay scales of BSNL employees. Hon'ble Minister said that he will forward the Memorandum to DPE for examination and necessary action. **On the same day** we met Shri Krupal Tumane, Hon'ble MP, Ramtek (Maharashtra) and submitted a memorandum requesting him to take up the issue of pay revision of BSNL employees with Hon'ble Minister of Heavy Industries & Public Enterprises. He assured that he will take up the issue with MoHI&PE and request him to do the needful for early implementation of pay revision of BSNL employees.

**2.20** On **31.05.2018**, OBUA wrote to Prime Minister requesting his intervention on removal of aberration in DPE guidelines on affordability for pay revision of BSNL employees, bringing to his notice that 'Affordability cannot be equated to profitability during any specific period. The performance of the CPSE vis-à-vis its stated objectives can only be a yardstick to decide on the pay revision. Employees cannot be asked to bear the cross for no fault of theirs. In this regard, it is pertinent to note that BSNL has good scores and rating in the annual Memoranda of Undertaking with DOT, which is a measure of financial and physical performance of BSNL in achieving the targets set by the administrative department, the DoT. It will also be appropriate to point out that BSNL has been achieving 'Excellent' rating every year in the Corporate Governance Grading Report compiled by DPE.'

**2.21** On **11.06.2018**, we met Director (PSU) DoT and discussed about Pay revision for BSNL employees with 15% fitment. Director (PSU), DoT informed us that the proposal forwarded by BSNL Board was sent to DPE for their comments and advice because the proposal of BSNL Board was not in accordance with the guidelines issued by DPE as per the recommendations of 3rd PRC. DPE had returned the proposal to DoT with the comments that the proposal of BSNL is not as per the already issued DPE guidelines based on the recommendation of 3rd PRC and the approval of Cabinet. It had suggested that DoT should therefore take the approval of the Cabinet. Therefore, cabinet note is being prepared by DoT in consultation with the DoT Finance. The cabinet note will be submitted to Hon'ble MOC & IT for his approval. Once this is approved by the Hon'ble MOC & IT the note will be circulated to all the concerned Ministries governing the departments DoE, DOP&W, DPE, Niti Aayog etc. Afterwards, the Cabinet memo along with the comments of different Ministries will be submitted to Cabinet for its approval. On our enquiry, Director (PSU) informed us that cabinet note is being prepared on the same line as proposed by BSNL. But this whole process will take about two to three months. We requested him to expedite the work as the delay is causing anxiety among BSNL employees. On this, he assured us that BSNL employees will definitely get the pay revision and he will try to complete the work at his end at the earliest.

**2.22** On **08.08.2018**, we met Shri Shiv Pratap Shuklaji, Hon'ble Minister of State of Finance, and requested his help in 3rd Pay Revision of BSNL employees, as and when the Cabinet Note under preparation by DOT is circulated to the concerned Ministries, which includes the Finance Ministry. Hon'ble MOSF assured us that he will discuss this issue with Hon'ble MOSC Shri Manoj Sinhaji and take all necessary steps for implementation of pay revision for BSNL employees. The meeting was held in the Chamber of Hon'ble MOSF, North Block, New Delhi.

**2.23** On **10.08.2018**, we along with Shri Shyam Bihari Mishra, 4 times MP from BILHAUR Constituency, Uttar Pradesh and PRESIDENT of AKHIL BHARTIYA UDYOG VYAPAR MANDAL met Hon'ble MOSC(I/C) Shri Manoj Sinha conveyed the anxiety among BSNL employees over implementation of 3rd pay revision and requested his intervention for early implementation of 3rd PRC recommendations for BSNL employees. Hon'ble MOSC(I/C) said that due to continuous losses incurred by BSNL and as per 3rd PRC recommendations it has become difficult to implement it but he is taking all necessary steps for pay revision of BSNL employees. However, he wanted that all out efforts should be made by the employees of BSNL for increasing the revenue. He also said that he is aware that BSNL does not have 4G spectrum and that instructions will be issued by DOT soon in this regard. The meeting was held at the Residence of Hon'ble MOSC.

**2.24** On **30.08.2018**, OBUA again wrote to MOSC requesting early implementation of 3rd pay revision for BSNL employees expressing the anxiety and uneasiness among BSNL. On the **same day** we met **Director (PSU), DoT and requested early submission of cabinet note so that 3rd pay revision can be implemented in BSNL without further delay. Director (PSU), DoT told us that DoT is taking all efforts to submit cabinet note at the earliest and assured us that cabinet note will hopefully be submitted in September 2018. He further informed us that Hon'ble MOSC(I/C) held a meeting with DOT officials and BSNL management in this regard.**

**2.25** The CWC meeting of AIBSNLOA held at Lucknow on **21<sup>st</sup> and 22<sup>nd</sup> September 2018** fully endorsed the decision of the CHQ to disassociate from the two days strike called by All BSNL Unions and Associations on 12<sup>th</sup> and 13<sup>th</sup> December, as it was premature and hasty since no effort had been made to meet the Minister or at least the Secretary DoT before deciding on strike. It further resolved that Nevertheless, a joint strike may become inevitable if DoT does not submit the long- awaited Cabinet Note for relaxing the affordability clause for BSNL within the next few weeks or if DoT suggests any fitment benefit less than 15%. If such a situation arises AIBSNLOA will be part of the joint strike and authorised the General Secretary to hold discussions with other unions and associations, in this direction.

**2.26** On **22.10.2018** leaders of OBUA again met Shri Pawan Gupta Director (PSU) DoT and enquired about the status of cabinet note for relaxation of affordability clause for implementation of 3rd PRC

recommendation in BSNL. Director (PSU) DoT informed us that DoT Finance had earlier raised some points and DoT had written to BSNL for clarifying the points raised by DoT Finance. The clarification submitted by BSNL is being examined by DoT Finance. After clearance by DoT Finance, the cabinet note will be sent to all the concerned Ministries for their comments. Director (PSU), DoT assured us that all efforts are being taken for implementing 3rd pay revision in the coming months, but the main concern is the 22% fall in revenue in 2017-18 when compared to the revenue of 2016-17. In the present financial year also BSNL revenue has been coming down and this may be a stumbling block in getting cabinet approval.

**2.27** On 29.10.2018, leaders of Organisation of BSNL Unions and Associations (OBUA) met and discussed the developments taking place on 3rd pay revision and related issues. The meeting expressed concern over the undue delay by DoT in submitting the Cabinet Note for relaxing the affordability clause as advised by DPE and the lackadaisical approach by DoT on the other issues. The meeting decided to extend solidarity and support to the agitational programme announced by the other BSNL Unions and Associations in the name of the recognised unions and associations. A letter to DOT & BSNL conveying our solidarity and support was issued. We called upon our members to join the protests, starting with Dharna on 30.10.2018.

**2.28** On 16.11.2018, leaders of Organisation of BSNL Unions and Associations met in the background of developments in respect of implementation of 3rd Pay revision for BSNL employees following DoT's letter rejecting BSNL proposals for pay revision and decided to observe a week-long agitational programme by wearing Black badges and lighting of candle in the evening in front of BSNL Corporate Office from 26.11.2018 to 30.11.2018 and Lunch hour demonstration in Circle and Corporate offices on 1.12.2018. A letter to this effect was issued on 20.11.2018. A similarly worded letter was separately issued by FNTO and two other unions/associations.

**2.29** Meanwhile the recognised unions and associations, along with some other unions and associations, issued Indefinite Strike notice from 3.12.2018 unilaterally, ignoring the need for a united action by all the unions and associations in BSNL. May be the recognised unions and associations wanted to be the sole owners of pay revision if and when it is achieved and did not want to share the success with anyone else. This attitude alienated even the unions and associations which were signatories to the two days strike in 2017. AIBSNLOA believed that the strike was very much necessary and was willing to be part of a joint strike. But the recognised unions and associations' reluctance to take all together and its domineering attitude stood in the way and therefore we could only extend our moral support for the strike.

**2.30** the recognised unions and associations had a meeting with Secretary DoT on 2.12.2018 and deferred the strike for one week in order to have a meeting with MOSC on 3.12.2018. After the meeting with the MOSC on 3.12.2018, reporting progress in the four issues viz. allotment of 4G spectrum, delinking of pension revision from pay revision, pension contribution on actual pay and 30% superannuation benefits for BSNL recruited employees and expressing the feeling that some more time should be given to DoT and BSNL to sort out the issue of 3<sup>rd</sup> pay revision, the recognised unions and associations deferred the indefinite strike indefinitely. However, the Records of discussions with MOSC merely mentioned 'positive action' on the first four issues and that 'BSNL Management should work out a viable proposal regarding pay revision.

**2.31** Later the Niti Aayog has rejected the proposal for Rs.14000 crores equity infusion for BSNL acquiring 4G spectrum observing that the returns on such high investments from BSNL are almost nil and it is not essential. On the issue of pension contribution on actual pay, DoE has sought for some clarifications like effective date for proposed change, annual financial implication on the current and the proposed rates, justification for making DoP&T order meant for CDA pattern pay scale, applicable for IDA pattern, etc. DoT has in turn asked BSNL to clarify the points raised by DoE. Regarding the demand of the recognised unions and associations for delinking pension revision from pay revision of BSNL employees, DoP&PW has replied

that pension revision based on VII CPC is applicable only to Central Government Civil Pensioners who are drawing pension in CDA pay scales and has asked DoT to clarify as to how pension would be revised in case of BSNL pensioners who are drawing pension in IDA scales. With no progress on these issues, according to recent information, DoT has ruled out 15% fitment benefit in the present financial condition of BSNL and has asked BSNL to submit a fresh viable proposal.

**2.32** It is also learnt that based on the interim report of IIM, Ahmedabad, BSNL has already submitted its proposals to DoT in respect of the recommendations viz. reduction in retirement age to 58, VRS to BSNL employees above the age of 50, facilitating 4G spectrum etc. All the issues are likely to be deliberated in the next Digital Commission meeting.

**2.33** After repeated assurance by DoT and the MOSC for a positive action on 3<sup>rd</sup> pay revision by moving a cabinet note for relaxation of affordability clause, the sudden change in their stand has come as a shock to all. The reason attributed for the changed stand is that while BSNL saw increase in revenue in FY 2016 (Rs.32411 crores) and FY 2017 (Rs.31511 crores), there has been deep decline in revenue in FY 2018 (Rs.27818 crores) with losses widening to Rs.7992 crores from Rs.4786 crores the previous year. Due to drop in cash flow, BSNL could not pay medical bills, electricity bills, vendor bills, contractor bills and failed to transfer even recovered GPF, TDS, Insurance premium etc to the concerned authorities. Electricity was disconnected to thousands of tower sites causing interruption in mobile services. **This, at a time when BSNL's market share was improving and BSNL continued to remain MNP Positive, appears to be a ploy by DoT and BSNL to mentally prepare BSNL employees for accepting lesser or no fitment on pay revision, reduction in retirement age and VRS. Also, the silence maintained by the recognized unions and associations during the tumultuous period makes one feel that they were also party to the ploy.**

**2.34** Reports about Niti Aayog letter on 4G, DoE asking DoT to clarify on some issues related to pension contribution on actual pay, DoT ruling out 15% fitment in view of present financial position of BSNL – all these are causes of concern to BSNL employees. We had avoided commenting on the failures of the recognised unions and associations after their deferring the indefinite strike, since we believed that achieving the pay revision requires all unions and associations standing together and fighting together. We believed that at least now, the recognized unions and associations would have realized the need for 100% unity and would pave the way for a united struggle. But the recognized unions and associations have decided for three days strike from 18.2.2019 in a meeting held on 25.1.2019, without making any effort to bring all in the strike. AIGETOA, which was part of the previous strike call, has been conspicuously absent in the meeting. The recognized unions and associations ignoring united action reveals the fact that they were prepared for less than 15% fitment all along. There have been reports that in the wage negotiation committee for non-executives, the unions themselves proposed 11% and that in the meeting with MOSC on 3.12.2018 they had been informed that they have to accept lower fitment. After deferment of strike one majority union leader has been quoted as stating that even zero percent fitment is to be taken as pay revision. All these show that, **in fact, it is not they who gave more time to MOSC when they deferred the strike, but it was the MOSC who had given them more time to decide.**

### **3.0 PENSION CONTRIBUTION ON THE BASIS OF ACTUAL PAY:**

**3.1** Although we had been pursuing this issue for the past few years, pinning our hopes on the commitment by DOT in the subsequent Memoranda of Understanding between it and BSNL that it will ensure that pension contribution is made on the actual pay instead of the present practice of contribution on the maximum of the pay scale, the issue gained more importance, since the expenditure on revision of pay will considerably be less if BSNL is allowed to pay pension contribution on the basis of actual pay. Therefore, we again pursued the issue vigorously, writing to the MOSC and Prime Minister and meeting senior officers in DoT. We added an important point that 'We feel that forcing BSNL to pay pension contribution on the maximum of the pay scales w.e.f 1.10.2000 under completely irrelevant FR 116 itself is wrong and erroneous.

Again, continuing with the same methodology even after DOP&T OM dated 19.11.2009 is totally unjustified.' We have also pointed out that the Union Cabinet on 26.11.2013 approved the proposal of the Group of Ministers that "erstwhile employees of DoT absorbed in MTNL and who have opted for combined service may be given similar treatment in the matter of payment of pensionary benefits as available to the absorbed employees of BSNL. Accordingly, consequential amendments to the CCS (Pension) Rules, adjustments in respect of Government pension liability previously discharged by MTNL and **proposed change in methodology in pension contribution - as per FR-116 upto 31.12.2005 on the maximum of the IDA pay scales and with effect from 01.01.2006 on the actual pay drawn in the IDA pay scales**, will be made", but DoT has not implemented the decision. Department of Expenditure has now sought for some clarifications like effective date for proposed change, annual financial implication on the current and the proposed rates, justification for making DoP&T order meant for CDA pattern pay scale, applicable for IDA pattern, etc. DoT has in turn asked BSNL to clarify the points raised by DoE. **Even after the DoE reportedly giving freedom to DoT to decide on the issue on its own, more than a year back, it is DoT which has been delaying the issue, knowing well that it has to fall in line sooner or later.**

#### **4.0 ALLOTMENT OF 4G SPECTRUM TO BSNL:**

**4.1** On 21<sup>st</sup> December 2017, the BSNL Board cleared the Detailed Project Report (DPR) for Pan India roll out of its 4G services through Long Term Evolution (LTE) route. The DPR entails all aspects of the project, including capital expenditure, other expenses and the spectrum required for an all-India 4G footprint. The total expenditure will be around Rs.9600 crores. BSNL currently has 5MHz spectrum in the 2100 MHz band that would be sufficient to get its 4G project rolling initially. But BSNL will need additional 5MHz spectrum in the same band to expand the 4G services across the country. BSNL expects to pay half of this amount through equity route (by issuing additional shares to the government) if allowed, and the rest through revenue generated from business. The only financial support BSNL is seeking from the Government is for spectrum.

**4.2** There is no second opinion that BSNL has to provide LTE based 4G services to remain competitive in the telecom market. But the recent approach by BSNL and the recognised unions and associations, giving overriding priority to this issue thereby relegating main demands to the background, has become debatable, particularly because of questions being raised about the possibility of immediate returns. Information from some circles about non-completion of even Phase VIII.4 and redeployment of 3G sites is also a cause for concern. While the Digital Commission has to take a final call on allotment of another 5 MHz block of spectrum in 2100 Mhz band, MOSC has very recently stated in Parliament that BSNL is already having spectrum in 2100 MHz band and 2500 MHz band, given at market determined price and therefore they can deploy any technology including 4G services. It is also a fact that the private operators are using 1800 MHz band, 850 MHz band and 2300 MHz bands for their LTE based 4G services. Anyway, the Digital Commission meeting which is likely to be held in first week of February will deliberate on the matter.

#### **5. INTERIM REPORT OF INDIAN INSTITUTE OF MANAGEMENT, AHMEDABAD**

**5.1** Indian Institute of Management, Ahmedabad was given an assignment in April 2018 on studying BSNL and giving its recommendations on 'Revival/restructuring of BSNL.' At the request of DoT as some key decisions were contemplated with regards to BSNL, IIMA was requested to provide an interim report on its assessment at the strategic Level for BSNL. IIM Ahmedabad has submitted its interim report after an interim meeting with DoT on 26<sup>th</sup> December 2018. In its interim report, it has made the following suggestions for revival/restructuring of BSNL:

1. Accelerate assets transfer from DoT.
2. Accelerate the operation of BSNL Tower Corporation Limited.
3. Create a separate Fibre Infrastructure Division.
4. Create a Project Division.
5. Facilitate 4G spectrum allocation for a limited 5 year period.
6. Organisational restructuring by Reduction of retirement age to 58 years, VRS scheme for all employees in the age group of 50 or more years,

7. Including professionals in the Board of Directors, Implementing a performance-driven culture.
8. Provide contingent liquidity support for BSNL.
9. Postpone listing of BSNL for five years and
10. Create an independent Review Mechanism for assessing the efficacy of BSNL Board's decisions.

**5.2** IIMA has further recommended timely review of the state of BSNL's performance after five years to see whether to continue with the existing organizational form. If BSNL performs well and undertakes the suggested measures, it recommends that BSNL be Privatized at that point in time. It goes on to say that in the current form with its legacy human resources and continued loss making, there is likely to be little private interest.

**5.3** The Digital Commission (previously Telecom Commission) which is likely to meet in the first week of February, will reportedly deliberate on the recommendations and take decisions.

**6.0 BSNL EXECUTIVE PROMOTION POLICY AMENDMENT & RECRUITMENT RULES 2017:**

**6.1** BSNL brought out yet another set of proposals on CPSU cadre hierarchy with slight changes to its previous one circulated in August 2016. The proposals now came in the name of BSNL EPP Amendment & RR 2017. According to the proposals,

- The modified policy shall be implemented w.e.f. 01.01.2017.
- On approval of the policy, all existing RR in the grade of SDE/equivalent will be treated as scrapped and MSRR 2009 will be modified to the extent that Promotion of AGM/DE Grade in all the schedule-IA, IB, IC & ID shall be treated to be deleted. Remaining portion of MSRR shall be continued to be followed as Per the existing provision.
- MT recruitment will continue as per the existing Provision of Recruitment Rule of MT
- **Existing Vacancies up to AGM /equivalent Grade:** On the date of implementation of this Rule, all the vacancies in all the cadres/streams upto AGM/equivalent grade will be treated as dead/cease to exist since all promotions upto AGM/equivalent grades are time bound and not vacancy based.
- All the existing Executives upto AGM/DGM(Adhoc) shall continue to be considered for financial upgradation to the next higher scale upto E6 scale on completion of 5 years of service from the date of placement in lower scale through conduct of CPC. The benchmark considered for financial upgradation is further tightened.
- All the executives eligible for promotion for a vacancy year i.e. promotion under SCF, for which the promotion in the LDCE (other channel of promotion) has been issued shall be considered deemed to have been promoted before 1.1.2017 and they shall be treated en-bloc senior to the executives promoted as per this Rule.
- All the executives eligible for promotion for a vacancy year i.e. promotion under SCF, for which the result of the LDCE (other channel of promotion) has been issued and promotion order is pending, the promotion of executives of both the channel shall be considered deemed to have been promoted before 1.1.2017 and they shall be treated en-bloc senior to the executives promoted as per this Rule.
- If the pay scale of the executive is higher than the scale of the grade in which the Executive is presently working, he/she shall be immediately placed in the higher grade, up to AGM equivalent grade as per eligibility condition prescribed in the schedule as on 1.1.2017 without conducting CPC. Subsequent functional promotions to these executives upto AGM or equivalent grade shall be done as per the eligibility and prescribed conditions for the existing Executives mentioned in the schedule without conducting fresh CPC. Subsequent review shall commence from 1.1.2018 onwards in accordance with this rule and thereafter it will be done every six months i.e. 1<sup>st</sup> July/1<sup>st</sup> January of the year and thereon.

- All the Time Bound financial upgradations due to the executive up to the date of approval of the policy shall be done as per existing EPP 2007.
- In case of non availability of sufficient regular and eligible executives, with requisite number of years of qualifying service for promotion to AGM/equivalent grade as per this policy, relaxation in eligibility service (residency period in the lower grade) may be considered for the Executives working in E4 and higher scale in that particular stream/cadre for giving Adhoc promotion to AGM/equivalent grade subject to the approval of Management Committee.
- There will be no reservation in promotions. However relaxation in benchmark for promotion upto AGM level has been provided.

<i>Present Designation</i>	<i>New Designation</i>
<i>JTO/JAO Equivalent</i>	<i>Deputy Manager</i>
<i>SDE/AO Equivalent</i>	<i>Manager</i>
<i>Sr SDE / Sr AO Equivalent</i>	<i>Senior Manager</i>
<i>DE / CAO /EE Equivalent</i>	<i>Asst General Manager</i>

**6.2** The recognized association started bragging that the proposals were finalized after consultations with them only for the past few months in confidence. They claimed that except a few leaders at the top none in their own association was aware of the consultations. They further proclaimed that this was final and no changes will be made.

**6.3** But we knew that our views will be heard before a final decision is taken, since we had been assured several times earlier during our informal meetings with senior officers that our views will also be heard before finalisation of the scheme. As assured, we were given a scheduled meeting on 13.11.2017 to submit our views. GS along with Com.V.K.Sharma, AGS and Com.Sanjay Vishnoi met PGM (Pers), submitted our views/suggestions on the proposed BSNL Executive Promotion Policy Amendment & Recruitment Rules 2017 in writing and held discussions for nearly two and a half hours. PGM (Pers) appreciated our presentation and many of the suggestions given by us as good and implementable. He assured that all the points will be duly considered and decisions taken after consultation with other associations. We requested him for early implementation after necessary modifications so that thousands of executives will get some relief immediately.

**6.4** In the covering letter to our proposals, we had mentioned that “We find that the present proposal is mostly the same one presented last year in August/October, except for a few changes like going for Recruitment/Vacancy Year instead of date of appointment in respect of seniority. Earlier proposal to cap AGM vacancies has been now achieved by raising the qualifying service for promotion to DE/AGM grade from the present 7 years to 12 years with a compulsory residency period in Sr.SDE/Sr.AO grade. This proposal does not also fulfill the assurance given at the time of absorption for time bound promotions upto SG JAG grade and post based promotions afterwards.”

**6.5** “However, in the background of promotions having been stalled due to various court cases on seniority and reservation issue, this proposal may give some immediate relief to thousands of JTOs, including those recruited even before formation of BSNL and also those executives who have been waiting for their promotion to AO/SDE/DE/CAO & equivalent grades. **But this feeling of relief will be short-lived when the initial euphoria is over and the executives in higher pay scales find themselves bundled in the same grade/designation, in spite of their long years of service.**”

**6.6** “We had earlier submitted our proposals to Director (HR), which were prepared before the Management’s proposal was made known. However, now we submit our suggestions for some changes in Management’s proposal, seeking to remove bitterness among the executives in same grade but in different pay scales and to provide time bound promotions upto SG JAG level as assured at the time of absorption.

We have also suggested continuation of the present Reporting Structure with the request that recruitment at JTO/JAO level should be expedited.”

**BSNL Promotion Policy Amendment & Recruitment rules 2017 – Proposals by Management**

	JTO / JAO in E1	JTO / JAO in E2		JTO/ JAO in E3	JTO/ JAO in E4 & above	Recent LDCE passed JTOs / JAOs of the same recruit year
	< 5 years in JTO / JAO	< 5 years in JTO / JAO	5 years in JTO / JAO	( executives recruited as JTO / JAO in same vacancy/ recruitment year provided they are not short of more than one year)		
On 01.01.2017 will become	Dy. Manager	Dy. Manager	Dy. Manager	Manager	Manager	Manager
Subsequent review : 01.01.2018 & 01.07.2018 Twice a year	↓ 5 years	↓ 5 years	↓ 5 years	↓ 4 years	↓ 3 years	↓ 5 years
	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years
	Sr. Manager	Sr. Manager	AGM	AGM	AGM	AGM
	↓ 5 years	↓ 5 years				
	AGM	AGM				

	SDE/AO in E3	SDE/AO in E3	SDE/AO in E4	SDE/AO in E5
	< than 3 years	3 years in SDE/AO	12 years in SDE/AO	12 years in SDE/AO
On 01.01.2017 will become	Manager	Sr.Manager	AGM	AGM
Subsequent review : 01.01.2018 & 01.07.2018 Twice a year	3 years ↓	5 years as Sr. Manager or 12years in SDE/AO+ Sr. Manager ↓		
	Sr. Manager	AGM		
	5 Years	( the executive promoted in SDE / equivalent grade for same vacancy year shall also be considered for placement to AGM / Equivalent grade at par with above categories of executives provided the executive is drawing E4 and above scale)		
	AGM			

Promotion above AGM grade will be post based.

**BSNL Promotion Policy Amendment & Recruitment rules 2017 – Proposals by AIBSNLOA**

- Promotion upto DGM grade in all streams have been stalled due court cases on seniority and reservation. Vacancies exist in all grades.
- Huge numbers of executives were ordered to `look on `the duties of higher grades in these vacancies without any status / power.
- Executives are retiring every month without getting their due promotion.
- Our proposals are an attempt to end this stalemate in the least possible non- complex procedure.
- There will be no need to change either the EPP or the RRs of different cadres. Time bound upgradations will continue. Minimum qualifying service for consideration for promotion to higher grade will remain the same.
- The proposals can be implemented from the current date or any prospective date in the near future.
- The proposal will not disturb the relativity between Executives in different grades and different pay scales before and after implementation of the proposals.
- There can be no attendant conditions for promotion to higher grades now, since attendant conditions cannot be imposed retrospectively.
- Change in attendant conditions can be thought of for future promotions.

- As a very large number of absorbed executives will be retiring in the next few years, recruitment in the entry grades to be expedited.
- The entire scheme can be reviewed after a few years.
- E1 to E7 scales mentioned here refer to the present status of pay scales and will change if the scales are replaced / upgraded.

#### **First Round of Promotion**

- (1) **JTO/JAO/AM to SDE/AO/DM Promotion:** All the JTOs/JAOs/AMs who are in E2 scales (with minimum 5 years of experience as JTO) may be promoted as SDE/AO/DM grade with following designation.
  - (i) JTOs /AMs in E2 scale may be designated as Dy. Managers.
  - (ii) JTOs/AMs in E3 scales may be designated as Addl. Manager.
  - (iii) JTOs / AMs in E4 scales may be designated as Managers.
  - (iv) JTOs /AMs in E5 scales may be designated as Sr. Manager.
  - (v) All the existing SDEs/DMs, who have completed less than 7 years of service as SDEs / DMs may be designated as Principle Managers.
  - (vi) All the existing SDEs / DMs who have completed more than 7 years but less than 10 years of service may be designated as Chief Manager.
- (2) **SDE/AO/DM to DE/CAO/AGM Promotion:** All SDEs /DMs, who have completed more than 10 years of service as SDE/AO/DM may be promoted as AGM.
- (3) **AGM/CAO to DGM Promotion:** All AGMs in E5 scale (with three years of service as AGM) or AGM in E6 scale, may be designated as Jt.DGM and AGMs in E5/E6 scales (with four years of service as AGM) may be promoted as DGM.
- (4) **DGM to Jt.DGM Promotion:** All the DGMs who are in E5/E6 scales (with four of service as DGM) may be promoted as Jt. DGM in E7 scale.

#### **Second Round of Promotions (First Part)**

- (1) **Promotion of SDE/DM in next stage:** After first round of promotion second round of promotion will be s follows.
  - (i) All DMs may be designated as Addl Managers in E3 scale, as per EPP, after five years of regular service in E2 grade.
  - (ii) All Addl. Managers may be designated as Manager in E4 scale, as per EPP, after 4 years of regular service in E3 grade.
  - (iii) All the Manager may be designated as Sr. Manager in E5 scale, as per EPP, after 3 years of regular service in E4 grade.
  - (iv) All the Sr. Manager may be designated as Principle Manager in E6 scale, as per EPP, after completing two years of regular service in E5grade.
  - (v) All the Principle Manager may be designated as Chief Manager in E7 scale, as per EPP, after completing 7 years of regular service as SDE/ DM
- (2) **SDE to AGM Promotion:** All Dy. Manager/ Manager/ Sr. Manager/ Principle Manager/ Chief Manager who have completed more than 10 years of service as SDE/ DM may be promoted as AGM.
- (3) **AGM to DGM Promotion:** All the AGMs in E5 scale (with three years of service as AGM) or AGM in E6 scale may be designated as Jt. DGM and AGMs in E5/E6 scale (with four of service as AGM) may be promoted as DGM.
- (4) **DGM to Jt. GM Promotion:** All DGMs who are in E5/E6 scale (with four years of service as DGM) may be promoted as Jt. GM.

#### **Third round of Promotion:**

- (1) **SDE to DE Promotion:** After second round of promotion third round of promotion may be as follows.
  - (i) After second round of promotion all the Dy .Manager/Addl. Manager/ Manager/ Sr. Manager/ Principle Manager and Chief Manager may be promoted as AGM after completing 5 years of service in second round of promotion.
- (2) **AGM to Jt. DGM Promotion:** (i) All the AGM after completing five/four years of service as AGM in E5/E6 grade may be designated as Jt.DGM in E5/E6 grade.

(3) **Jt.DGM to DGM Promotion:** All the Jt.DGM after completing four years of service as AGM in E5/E6 grade may be promoted as DGM.

(4) **DGM to Jt. GM Promotion:** All the DGMs after four years in E5/E6 scale may be promoted as Jt, GM in E7 scale.

Present SDE / AO equivalent

	SDE/AO		SDE/AO in E4
	<7years in SDE/AO ↓	>7 years but < 10 years in SDE/AO ↓	> 10 years in SDE/AO ↓
On 01.01.2017 will become	Principle Manager	Chief Manager	AGM
Subsequent review on 01.01.2018 & 01.07.2018 – twice a year	7 years as SDE/AO ↓	10 years in SDE/AO ↓	
	Chief Manager	AGM	
	10 years as SDE/AO ↓	(The executives promoted in SDE/ equivalent grade for same vacancy year shall also be considered for placement to AGM/ equivalent grade at par with above categories of executives provided the executive is drawing E-4 and above scale )	
	AGM		

↓

AGM
3 years as AGM & in E4/E5 ↓
Jt.DGM
4 years as AGM & in E5/E6 ↓
DGM
4 years in DGM in E5/E6 ↓
Jt.GM

Present AGM / CAO Equivalent

	3 years in AGM & in E5 scale ↓	4 years in AGM and in E5/E6 scale ↓
On 01.01.2017 will be	Jt.DGM	DGM
Subsequent review: 01.01.2018 & 01.07.2018 – twice a year	4 years as AGM & in E5/E6 scale ↓	4 years as DGM & in E5/E6 scale ↓
	DGM	Jt.GM
	4 years as DGM & in E5/E6 scale ↓	
	Jt.DGM	

BSNL Executive Promotion Policy Amendment & Recruitment Rules 2017 – Proposal by AIBSNLOA

Present JTO/JAO Equivalent

	JTO/JAO in E1	JTO/JAO in E2		JTO/JAO in E3	JTO/JAO in E4	JTO/JAO in E5	Recent LDCE passed JTOs of the same recruitment year
	< 5 years in JTO/JAO	< 5 years in JTO/JAO	5 years in JTO/JAO	(Executives recruited in same vacancy / recruitment year also be promoted provided they are they are not short of more than one year)			
On 01.01.2017 will become	Asst. Manager	Asst. Manager	Dy. Manager	Addl. Manager	Manager	Sr. Manager	Dy. Manager
Subsequent review : 01.01.2018 & 01.07.2018 – twice a year	↓ 5 years	↓ 5 years	↓ 5 years	↓ 4 Years	↓ 3 years	↓ 2 years	↓ 5 years
	Dy. Manager	Dy. Manager	Addl. Manager	Manager	Sr. Manager	Principle Manager	Sr. Manager
	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years	↓ 5 years
	Manager	Manager	AGM	AGM	AGM	AGM	AGM
	↓ 5 years	↓ 5 years					
	AGM	AGM					



AGM
↓ 3 years as AGM & in E4/E5
Jt. DGM
↓ 4 years as AGM & in E5/E6
DGM
↓ 4 years as DGM & in E5/E6
Jt.GM

Present DGM equivalent.

	4 years as DGM & in E5/E6 scale
On 01.01.2017 will become	Jt.GM

## Reporting Structure

CGM  
GM  
DGM/ Jt.GM  
AGM / Jt.DGM (Presently DE/CAO/AGM)  
Dy. Manager/ Addl.Manager/Manager/ Sr. Manager/ Principle Manager (Presently SDE/AO)  
Asst.Manager (Presently JTO/JAO)

Note : 1.Change in benchmark should be applicable only in respect of APARs of year 2018-19 onwards.  
2. Review can be twice a year on 1<sup>st</sup> April and 1<sup>st</sup> October as majority of executives get their time bound upgradation in October, since EPP was first implemented form 01.10.2004.

**6.8** Other BSNL Executive Associations were also allowed to submit their views and make presentations. We were later informed by General Manager (Pers) that CMD was not in favour of 'so many designations' but our other proposals are being considered. We were also told that as a first step time bound promotions upto AGM level can be implemented and later it can be extended upto SG DGM level. We kept pursuing the issue with the Management as we felt that atleast it could provide the much needed relief for the executives waiting for their promotions for more than 15 to 18 years due to court cases stalling promotions.

**6.9** On 7.3.2018, when we met GM (Pers) we were told that some details sought by the Government Director in the BSNL Board are being furnished and efforts will be made for early decision by the Board. We requested that if Board approval is likely to be delayed, serious efforts should be taken to hold DPCs for promotion to various grades since large number of executives are retiring every month without getting their due promotion. GM (Pers) said alternate plans for holding DPC keeping in mind the court judgments are in place but he hoped that EPP A&RR will be approved by the Board at the earliest and will be implemented.

**6.10** On 8.4.2018 We met GM (Pers) on this issue and enquired him about the present. GM (Pers) said that necessary details, as requested have already been forwarded to DoT and BSNL is waiting for their reply so that further action may be taken. We requested GM (Pers) that as finalisation of EPP A&RR is delayed necessary action for issue of promotion orders from JTO to SDE and SDE to DE may be taken as per our earlier discussion, since there is lot of frustration among all the executives because of delay in issue of promotion orders. We requested him that the alternate plan may be implemented immediately for holding DPCs. GM (Pers) assured that action will be taken for getting early approval from BSNL Management for the alternate plan

**6.11** Finally on 28.5.2018 in the meeting of BSNL Board, held at Hyderabad, BSNL Board gave in-principle approval for amendment in present EPP and implementation of amendments from a prospective date i.e. 01.07.2018. No major changes were reported to have been made in the earlier proposals. Immediately after the news spread, GS AIBSNLOA met GM (Pers) and requested him to fill up the existing vacancies in all cadres before implementation of the BSNL EPP A&RR 2017. GM (Pers) understood the importance of our demand and immediately ordered holding of DPC for promotion for various grades. Final orders in the JTO seniority case pending in Ernakulam High Court and interim orders of Supreme Court allowing promotions with reservation came as big relief and promotion orders started raining. However fresh court cases arose again blocking promotions to some cadres. We urged again that BSNL EPP A&RR 2017 can be implemented only after filling up all the existing vacancies and fortunately BSNL Management agreed to it. **A committee was formed to examine compliance of the reservation policy requirements of Government and court orders. This process is yet to be completed.**

## **7.0 INTRODUCTION OF E2 AND E3 SCALES FOR JTOS, SDES AND EQUIVALENT CADRES:**

**7.1** It may be recollected that from the moment the BSNL orders on pay revision were issued on 5.3.2009, which did not mention any pay scale for the pre-revised scales of Rs 9850-250-14600 (E1 A) and Rs 11875-300-17275 (E2A) for JTOS and SDEs and equivalent cadres respectively, but left a foot note that revised IDA

scales for E1 A and E2 A will be notified later, AIBSNLOA has been consistently pursuing its studied stand **that the issue can be resolved only by granting E2 scale for JTOs & equivalent, E3 scale for SDEs & equivalent, E4 for Sr.SDEs & equivalent, E5 for DEs & equivalent, E6 scale for JAG grade and E7 for SG JAG grades, with effect from the date of pay revision viz. 1.1.2007.**

**7.2** On the other hand the two associations then enjoying facilities were asking for equivalent scales for E1A and E2A. After seven years, they along with another association of BSNL recruited executives became party to the Khan Committee recommendation that “The standard pay scales for JTO and equivalent grades in replacement of the pre-revised E 1A pays scales may be fixed at E2 level in revised scale. Similarly, those of SDE and equivalent grades may be replaced from pre-revised E2A pay scale to E3 in the revised scale. Necessary changes in the EPP may be made, if required, and also the approval of DoT for issues of related pension outgo, gratuity etc., may be sought by concerned wings of BSNL.”

**7.3** Till February 2016, the three associations together pursued implementation of their own recommendations through Khan Committee. But differences cropped up among them. One association wanted settlement of E2 and E3 scales alone immediately by keeping both SDE and Sr.SDE in E3 scale and amending Executive Promotion Policy to this effect. The other two associations which were also part of the committee started pressing for implementation of Khan Committee report in its spirit and totality by replacing E1A with E2 and E2A with E3 without the need to touch EPP. There was a war of words among them. Both sides gave call for agitations separately to press their own stands. **None of them demanded replacement of E1 to E6 scales with E2 to E7 scales.**

**7.4** Rejecting the demand by these associations, BSNL Management, with all the inputs available, including the fact that the Khan Committee recommendations were non-implementable and will create numerous anomalies and the fact that there will be no financial implication, as repeatedly pointed out by us, in replacing E1 to E6 scales with E2 to E7 scales, other than for new entrants after 1.1.2007, except for increase in Pension contribution to the Government, took the prudent decision to recommend replacement of all scales from E1 to E6 with E2 to E7, which has been the demand of AIBSNLOA alone from the beginning. BSNL sent the proposal for approval by DoT.

**7.5** On 9.8.2016, DoT rejected BSNL proposal stating that “considering the present financial position of the company and the huge financial burden on the Government Exchequer in the shape of revised pensionary benefits and recurring burden on pension if implemented, the proposal cannot be acceded to.”

**7.6** We reacted immediately and wrote to the Minister of Communications, pointing out that, “The observations are outrageous and contemptuous in the background of the declaration by Hon’ble Prime Minister of India during his Independence Day speech from the Red Fort that “We have succeeded in bringing BSNL to operational profit for the first time.” Moreover, DoT’s concern about ‘huge financial burden on Government Exchequer is far from any truth as there will be no additional financial implication either for BSNL or for the Government in upgrading the E3 to E6 scales as all would have crossed the minimum of the next higher scales and there will be no impact on pension too. The financial implication in replacing the E1A and E2A pay scales with E2 and E3 pay scales for JTOs & their equivalent cadres and SDEs & their equivalent cadres respectively is minimal and major portion of the additional cost estimated by BSNL will be Pension Contribution to be paid to the Government only. But this small gesture will benefit BSNL by providing an atmosphere to retain the services of young new entrants and ensure that they are not forced to migrate to other organisations in search of higher emoluments. In fact, because of the delay by BSNL in taking a decision on the issue, during the past seven years, many JTOs/JAOs have already left BSNL opting for even other PSUs having one level higher pay scales.”

**7.7** We therefore requested the intervention of MoC and direction to DoT to review its decision and to approve the proposal by BSNL as such so as to ensure that the morale of the Executives does not suffer any downfall at this crucial juncture when BSNL is showing signs of a turnaround. Any false and unjustified move by DOT is bound to have adverse impact on the sincere attempt being made by the Government to make BSNL financially stronger.

**7.8** A few months after the verification process was completed, DoT again reviewed and rejected BSNL proposals and on 29.3.2017 issued Presidential Order approving E1 scale of 16400-40500 for JTOs & equivalents and E2 scale of 20600-46500 for SDEs & equivalents in respect of new entrants. However, the pay of absorbed appointees in the cadre of JTOs & equivalents drawing pay in the scale of 9850-14600 and those employees appointed as JTO & equivalent either by Direct Recruitment or on promotion and placed in the pay scale of 9850-14600, will be revised in the scale of 18850-40500 as personal to the incumbent. Similarly, the pay of absorbed appointees in the cadre of SDEs & equivalents drawing pay in the scale of 11875-17275 and those employees appointed as JTO & equivalent either by Direct Recruitment or on promotion and placed in the pay scale of 11875-17275, will be revised in the scale of 22800-46500 as personal to the incumbent.

**7.9** This Presidential order approving E1 scale as equivalent to the pre-revised E1A scale and E2 scale as equivalent to the pre-revised E2A scale came as a shocking development, although it was known that AST, DoT had spelt out this stand even before the Membership Verification was held.

**7.10** Three Associations who were part of the Khan Committee, constituted by BSNL, announced protest demonstrations separately, with one association changing camp after the verification. General Secretary AIBSNLOA took part in both the demonstrations and extended moral support of AIBSNLOA. Later in a meeting with all the three associations together, he made it clear that any future course of agitation should be decided jointly after meeting the BSNL Management together, which is reported to be still standing by its proposal and is seeking review of DoT's Presidential order.

**7.11** BSNL had informed DoT that "Under 2nd PRC w.e.f. 01.01.2007, the revised pay (78.2% fixation) corresponding to minimum of the pre-revised E1A scale (Rs.9850-14600) is Rs.22820/- which is higher than the minimum of the revised E2 pay scale. Thus, all executives in pre-revised E1A scale as on 1.1.2007 would be drawing higher than the minimum of revised E2 scale. Similarly, in all scales except E-6 the revised pay is higher than the minimum of the next higher scale as per 78.2% IDA pay fixation."

**7.12** While reminding DoT that "BSNL is paying pension contribution to Government in respect of absorbed employees calculated on the maximum of the pay scales, BSNL states that the estimated additional pension contribution of approximately Rs.315 Crores for the period from 1.1.2007 to 31.3.2016 will be paid to DoT once the proposal is approved. Thus, it is claimed that there would not be any burden on Government exchequer by way of recurring pensionary benefits."

**7.13** The above was exactly the consistent stand of AIBSNLOA on the issue during the past several years, even the expression in words remaining more or less the same. But the present recognised Association then advocated that only replacement of E1A and E2A with E2 and E3 scales was possible since upgradation of other pay scales will not be agreeable to DoT because of additional financial burden. This was based on AST DoT observation that "Theoretically the process is neutral to financial benefits as it is only re-fixation in another pay scale and practically the process of rounding off during fixation may have marginally higher financial outlays and is not neutral." Instead of explaining to AST DoT that rounding off with 78.2% has already been done and there will not be even a single rupee additional financial outlay, the said association took AST's observation as a support to its stand for seeking only replacement of E1A and E2A scales.

**7.14** AIBSNLOA believes that rationale and justification behind an issue, uncompromised belief in its settlement and taking everyone together are the stepping stones for success of any issue. AIBSNLOA therefore said that it will be part of any struggle decided on this basis. Even otherwise, it will still extend its moral support.

**7.15** On 2.5.2017 CHQ wrote to MOSC requesting him to advise DoT and BSNL to sit together and resolve this issue once for all, in order to remove aberrations as per DPE's guidelines and also in order to remove the disparity in pay scales of BSNL and MTNL Executives.' Again on 9.6.2017 we wrote to Secretary DoT pointing out that "Now that the implementation of 3<sup>rd</sup> Pay Revision Committee's recommendations is expected within a month, allowing upgradation of E3 - E6 scales to hang fire, will create unnecessary chaos and disharmony. In that case, SDEs and Sr.SDEs will continue to be placed in the E3 scale in the revised pay scales too, carrying over the disparity and anomaly into the future" and requested to cause Replacement of E1A and E2A pay scales with E2 and E3 pay scales and upgradation of E3 - E6 pay scales to E4-E7 pay scales in BSNL through a single Presidential Order, which will not increase the pension burden on the Government and BSNL's additional expenditure will be marginal. That too will be paid only to the DoT in the form of additional pension contribution.

**7.16** In November 2017, the recognised association issued a circular about its so-called achievement in settling Cadre Hierarchy, mentioning the details of BSNL proposal in this regard where JTO and SDE grades were shown carrying E1 and E2 scales respectively. This showed their silent acceptance of DoT's order. However, facing criticism over this, they again went to DPE.

**7.17** On 11.6.2018, we met Director (PSU) DoT and requested him to use his good offices to settle the issue favourably. **He informed us that proposal was sent to DPE and DoE for their comments, but comments received from both are not positive and both the departments have said that this issue can be decided by the concern administrative ministry.** As pay scale for JTO, SDE & equivalent cadre has already been decided by the DoT and conveyed to BSNL, no further action is required from DoT side. We requested Director (PSU), DoT that DoT, being an administrative ministry, should take an appropriate action in this regard to keep the morale of BSNL executives high, especially newly recruited JTOs/JAOs. Director (PSU) assured us that he will look into it.

**7.18** In its letter to DPE on the issue, DOT has come up with a new argument that E1A and E2A scales were granted at the time of absorption, only to the absorbed executives but BSNL had erroneously implemented the scales for BSNL recruited executives too. "Since BSNL has recruited employees in E1A and E2A since its inception in the year 2000, while issuing Presidential order (dated 29.3.2017) this was kept in mind and therefore the order gave protection to the pay such employees were drawing. If a decision was taken to put all employees of E1A in E2 and E2A in E3, this could have led to actual hardship and lowering of scale. Instead the Presidential order protected the pay of these employees." DPE has also accepted DoT's argument and has stated that **"Also it appears that introducing E1A and E2A scales was only a one-time dispensation to accommodate DoT employees who got absorbed in BSNL on 1st October 2000. Therefore, the same adhoc arrangement cannot continue indefinitely.'** It has also conveyed its disinclination to intervene further by stating that "DoT being the administrative department of BSNL may decide the issue in light of the extant DPE guidelines with the concurrence of their IFA wing."

**7.19** Convincing DOT now has become a remote possibility and seeking legal remedy may be the only option. But it may take several years for the issue to be decided in a court. **Thus, failing to take up the issue strongly in the year 2009 itself when BSNL was earning profit, agreeing for a committee which further delayed the issue, taking an impracticable stand of replacing only E1 and E2 scales and improper handling of the issue with DoT – all by the present recognised association, has killed the case.**

**7.20** The failure to clinch E2, E3 scales will also have its impact on the demand of fixing the pay of JTO 2007 batch executives at Rs.22820/-. **In the melee, the demand for first time bound upgradation in 4 years for all has also been sidelined.**

## **8.0 NOTIFICATION FOR RECRUITMENT OF MANAGEMENT TRAINEES:**

**8.1** BSNL has issued notifications to fill up 300 posts of Management Trainee (MT) (Telecom Operations). Out of these 300 posts, 150 posts will be filled up from eligible working employees of BSNL (Internal candidates]. When a similar notification was issued in the year 2015, we had raised some important issues viz.

- a) It is not known whether this recruitment pertains to a single vacancy year or multiple vacancy years. Hon'ble CAT Guwahati had recently ruled against holding of LDCE for promotion to SDE (T) grade for multiple years together on the ground that the candidates will lose the chance of appearing in the examination each year separately. This ground will be applicable in the case of MT Internal recruitment also.
- b) The MT RR 2013 has specified the inter-se-seniority between departmental promotees, the MT internal candidates and the MT external candidates based on the ratio 50:25:25. According to the MT RR 2013, the first two slots will be filled by Departmental candidate- appointed at STS level on selection-cum-seniority basis- as per gradation list, the third slot will be occupied by Management Trainee (Internal) – as per gradation list and the fourth slot will be occupied by Management Trainee (External) – as per gradation list and so on. After the ratio has been modified as 75:12.5:12.5, the method of fixing inter-se-seniority has not been specified.
- c) As the maximum age limit for appearing in the internal examination is 50 (for the first batch), many candidates will be in higher pay scale than that of MT. The RR as well as the notification has not thrown light about how their pay will be fixed on being selected to MT grade.

This notification was later cancelled in November 2016 due to administrative reasons. The issues raised by us still remain unanswered. Also, the Executive Promotion Policy Amendment & Recruitment Rules, 2017, of which MT Recruitment is an integral part, has been still under consideration by a committee. The last date for submission of applications having been extended, this issue can be deliberated in the Conference for deciding our stand on the issue now.

## **9.0 PROMOTION TO SDE/AO, DE/CAO/AGM AND DGM GRADES IN ALL STREAMS:**

**9.1** Till middle of 2018, promotions to SDE, DE and DGM grades in Telecom wing and to AO and CAO grades in Finance wing had got wrangled in numerous court cases mainly due to seniority related issues resulting in thousands of JTOs, SDEs, and DEs, already retired and retiring every month without getting their due promotion. The Chandigarh court order on reservation in promotion was also holding up the promotion to CAO grade and to SDE (T) grade and guidance of legal cell had not paid any fruitful results. The Supreme court was yet to pronounce its orders on the recommendations of the Expert Committee appointed by it resulting in a situation that promotion to DE (T), DGM (T) and even DGM (T) on regular basis could not be processed.

**9.2** We however kept meeting senior offices in BSNL Corporate office regularly hoping to break the stalemate at some point. We suggested some alternatives too to overcome the legal hurdles. But the Chandigarh court order on reservation in promotion proved to be the main stumbling block. While final orders of Supreme court on seniority issues had come out, the Management kept dilly dallying in revising the seniority lists due to contradicting claims by the two major associations. The leaders of these associations appeared to be interested in protecting their positions rather than settling the issue in the interests of all the Executives. Our repeated requests with the Management for early revision of seniority lists did not get the expected results. Executives were retiring every month hoping till the last day that something positive will happen but realizing that their hopes were dashed. Our efforts to convince the Management in issuing promotion orders to DE grade for those who were in seniority lists 3, 4 and 5 but were left out or declined promotion earlier, also failed.

**9.3** This situation resulted in the Executives looking to CPSU cadre Hierarchy as a 'bonanza' and wanting its early implementation. They were ready to accept whatever the Management offered. We also felt that

if it is going to provide immediate relief to thousands of executives without promotion for more than 15 to 18 years, it is better to get it implemented with all its downsides.

**9.4** Finally BSNL Management approved in principle the 'BSNL Executive Promotion Policy Amendment & Recruitment Rules 2017' in the Board meeting held on 28.5.2018, which was to be implemented from 1.7.2018. General Secretary was out of Headquarters and immediately after coming back on 30.5.2018, he rushed to General Manager (Pers) and extended our thanks for issue of the promotion orders from JTO to SDE under LDCE quota and requested him to take further necessary action for issue of promotion order for SCF quota also in different cadres because a large number of executives are waiting for their promotion for the last 20-25 years. GM (Pers) told that he also wanted to issue the promotion order from JTO to SDE under SCF quota but due to stay granted by Hon'ble High Court of Allahabad on promotion and delay in pronouncing the decision by Hon'ble High Court of Kerala, this may be delayed. In this regard efforts are being made for vacation of stay by convincing the petitioner to take back his application. GM(Pers) also said that hopefully decision of Hon'ble High Court of Kerala may be given in first week of June 2018. We requested GM(Pers) that before implementation of amended EPP all the vacant posts available in different cadres should be filled up. GM (Pers) assured us that before implementing the amended EPP all the available vacant posts in different cadres will be filled up as per present RRs. Later we learnt that necessary direction has been issued by the GM(Pers) to his staff for taking necessary action to fill up the vacant posts of SDE, DE and DGM.

**9.5** On 05.06.2018, we met Jt. GM (Pers) and discussed about Seniority cum Fitness promotion in different cadres and requested him to expedite the work so that promotion orders can be issued timely. Jt.GM (Pers) said that work is in progress and if everything goes in the right direction, promotion orders under SCF quota for JTO to SDE and SDE to DE may be issued in this month. However, for DE to DGM promotion it will take some more time since Supreme Court order on seniority as per Para 206 has to be implemented.

**9.6** The same day, the Supreme Court in an interim order allowed the Government to go ahead with reservation in promotion for employees belonging to the SC and ST category in "accordance with law". "It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter," the bench said.

**9.7** On the same day Ernakulam High court issued final orders in the long pending case. According to it the seniority of the JTOs recruited by DoT for the vacancies existing prior to the formation of BSNL on 1.10.2000 and the promotee JTOs appointed against their own quota upto the year 1999 i.e. prior to the formation of BSNL, remains undisputed. The seniority of Directly Recruited JTOs of BSNL after the year 2000 and Promotee JTOs from DoT in excess of promotion quota from 2001 onwards is to be reassigned on the basis of date of promotion in respect of JTOs promoted on diverted posts and date of appointment in respect of Direct Recruits.

**9.8** In view of these positive developments, preparatory work for promotion to all grades in all streams commenced and progressed intensively. On 15.6.2018 BSNL issued orders implementing the final orders by Kerala High court for reassigning the seniority of JTOs. On the same day DoP&T issued orders to carry out promotions in accordance with law, subject to further orders by the Supreme Court, based on existing seniority/select lists.

**9.9** The same day BSNL issued orders promoting 2855 JTOs (T) against 67% seniority cum fitness quota and another 284 JTOs subject to ascertaining their Vigilance status. This ended the agony of the JTOs who were waiting for their promotion for more than a decade.

**9.10** The same day we met DGM (FP) and discussed about Promotion to AO and CAO consequent to the interim orders of Hon'ble Supreme Court on reservation in promotion. We also referred to our earlier discussions with GM (FP) on this issue. DGM (FP) informed us that SEA section is not in position to issue the promotion orders due to various court cases pendng. He said that JAO to AO promotion is held up due to stay by Hon'ble Karnataka High court by the departmental JAO of 2010 opposing the combined eligibility list

of outsider and departmental JAO. However, efforts are being taken by SEA section to vacate the stay. SEA section also proposed to upgrade some of JAO post to AO post so that maximum number of JAOs can get the promotion. File in this regard is with PERS section. Later in the day we discussed this matter with Jt GM (PERS) requesting early clearing the concerned file. If the proposal of SEA section is agreed to, more than 1000 JAOs may be promoted as AOs. AO to CAO Promotion is also held up due to court cases pending in Haryana CAT and Haryana High court. In this regard a common case is being filed by PERS section and efforts are being taken by PERS section to file MA in all the courts through ASG or senior advocate.

**9.11** Promotion orders to EE (civil) grade were issued on 21.6.2018. On 25.6.2018 CMD BSNL approved the proposal for upgradation of about 2300 SDE posts to DE posts and diverting 1000 Management Trainee posts for DE promotion, so that about 4800 SDEs of list no 5,6 & 7 can be promoted as DE. Hurdles were removed in publishing the final seniority list of JTO (TF). Stay in Karnataka High court was vacated paving way for promotion to AO grade.

**9.12** On 29.6.2018, promotion orders were issued in DE/AGM grade, SDE (TF) grade, AO grade, DGM (F) grade and DE/AGM (TF) grade. On 2.7.2018 promotion orders were issued in SDE (C) grade. On 3.7.2018 promotion orders were issued in SDE (C) grade and more orders in EE (C) grade. On 4.7.2018 promotion orders were issued in DE/AGM grade for left out executives.

**9.13** On the same day we met GM PERS and requested him early issue of promotion orders from DE to DGM along with increase of DGM posts from existing 1350 to 2000, since after issue of all the promotion orders number of DE will reach more than 8000. As per existing HR policy also ratio between DGM to DE post should be 1:4. GM PERS assured us he will definitely consider this in accordance with existing HR plan. On 5.7.2018 promotion orders were issued in SDE (T) for left out executives.

**9.14** **On 10.7.2018, we met GM (Pers) and requested to consider issue of promotion orders from SDE to DE/AGM from the seniority list number 8 onwards. GM (Pers) said that it is under consideration and after getting approval from competent authority promotion orders will be issued.** We also requested GM (Pers) to issue promotion orders from JTO (T) to SDE(T) for all the existing vacancies at the earliest as a huge number of BSNL recruited JTOs are waiting for their first promotion even after 18 year of their service as JTOs. We said that we are aware that due to court case it is being delayed but management can take an appropriate decision, as taken in issue of other promotion orders. We requested early action in this regard. We also wrote to CMD BSNL on the above. **We wrote another letter to CMD BSNL pointing out that the executives who were promoted as SDEs under SCF quota from year 2004 onwards are placed in seniority list number 8. They have completed more than 14 years of service in SDE grade and are awaiting their promotion to DE/AGM. Even according to the proposed BSNL EPP Amendment & RR, they have completed the required period of service as SDE and are thus eligible to be promoted as DE/AGM.' We are determined to further pursue the issue of promotion of those in seniority lists 8 & 9 to DE/AGM grade.**

**9.15** As such, 3100 executives have been promoted from SDE to DE grade from seniority lists 6 and 7. 1400 JAOs have been promoted from JAO to AO grade. Thus all eligible JAOs have been promoted. Similarly, promotion orders in various grades in Civil, Electrical, Architect wings and to SDE (TF) grade have been issued. Promotion from DE (T) to DGM (T), from DGM (T) adhoc to DGM (T) regular, AO to CAO and JTO to SDE in the remaining vacancies for the JTOs (T) recruited by BSNL and waiting for promotion for 18 years are pending.

**9.16** Later the stay for promotion to CAO grade was vacated. We met DGM (FP) on 10.9.2018 and requested early issue of promotion orders to CAO grade consequent to vacation of stay. DGM (FP) said that DPC will be held after the file for upgradation of 1250 posts to CAO grade is cleared. But later the Management changed its mind as it did not intend to approve any upgradation due the stalemate created by the recognized association and members of the direct recruits' association who filed a contempt petition. SEA section then proposed to go ahead with DPC for the existing vacancies for promotion to CAO grade. Finally, promotion to CAO grade was issued on 21.11.2018 and to DGM (F) grade on 26.11.2018. **But many Executive promoted to CAO grade could not join the promoted post due to a 'status quo' order by**

**Chandigarh High Court. Also, it has been pointed out that the promotion orders have done injustice some senior Executives in reserved category, who have not been promoted while their juniors in Other Category have been promoted. We have discussed the issues with concerned authorities. We have also taken up the issue of those who have been posted to other circles. We have been assured that once the status quo orders by the court is lifted, requests for re-allotment will be considered. We hope that justice will be rendered to the senior executives too, by promoting them, when the status quo is lifted.**

**9.17** Just before Lucknow CWC meeting, we met GM (Pers) and requested him to initiate action for upgrading more posts to DGM (T) grade so that by the time the stay in CAT Chandigarh is vacated, all executives promoted to DE grade in the years 2014 and 2015 can be promoted to DGM (T) grade, since after issue of promotion orders to DE grade, the ratio of DGM to DE has become 1:7 while the as per proposed BSNL HR plan it should be 1:4. He said that all upgradation proposals will be kept pending till the court cases are resolved. However, he said that in respect of DGM (T) promotion, one more Miscellaneous Application will be filed to vacate stay. We urged the Management for early issue of regular promotion orders in DGM (T) grade, since now the seniority lists have been revised as per Supreme Court judgments. Personnel section started examining our request.

**9.19** After BSNL submitted the seniority list of DEs, the CAT Chandigarh lifted the stay on 17.12.2018. The same day we again wrote the Management to upgrade sufficient number of posts to DGM (T) grade, so that all Executives promoted as DEs in the year 2013 and 2014 could be promoted. When the DPC work gathered steam, without any upgradation of posts, disputes regarding seniority lists were raised in court as well as outside court. On 5.1.2019, we again met GM (Pers) and reiterated our stand that upgrading more posts to DGM (T) and promoting all in the seniority list submitted by BSNL to CAT will remove any heartburn and consequent legal issues. GM (Pers) informed us that the DPC process was in advanced stage and orders will be issued after resolving the issues raised by some associations. We were parallelly pursuing issue of promotion orders from JTO (T) to SDE (T) since the JTOs recruited by BSNL and some recruited by DOT have been waiting for their first promotion for more than 18 years. GM (Pers) said that some issues are to be sorted out in this case also and assured that the needful will be done and promotion orders will be issued at the earliest possible time.

**9.20** On 17.1.2019 we met GM (SR) in the background of reports about representations questioning non-circulation of the seniority list of DEs before conduct of DPC received by BSNL and one such representation addressed to the National Commission of SC/ST. GM SR said that BSNL is considering publishing of the seniority list. We opined that once seniority list is published there is the possibility of claims and counter claims with filing of fresh court cases. We therefore once again reiterated our request that the issue can be resolved by promoting all in the zone of consideration by upgrading sufficient number of posts to DGM (T) grade.

**9.21** Meanwhile the orders of Kerala High Court on contempt proceedings against BSNL Management is reported to have demoralized the senior officers, who had been whole heartedly instrumental to the large-scale promotions to various grades only a few months back.

**9.22** Court cases regarding seniority issues have played havoc in the careers of BSNL Executives during the past 15 years. Thousands of Executives have retired with heavy hearts, without getting their due promotions. Those who went to court have also not been benefitted and now find themselves in the receiving end. While everyone was heaving a sigh of relief that no more court cases and no more stays, new issues on seniority, even after final say by the Supreme Court, are being raised. We hope that all the aggrieved will try to sort out the issues with the Management and avoid approaching courts and atleast avoid seeking stay on promotions.

## **10.0 SUPERANNUATION BENEFITS TO BSNL RECRUITED EMPLOYEES:**

**10.1** In the GS report of our CWC Meeting at Jaipur, we had recorded the information that “the remuneration committee had also given its consent and the issue will have to be considered by BSNL Board.

We had requested an early decision on the matter with higher contribution by BSNL than the reported 3%. After approval by BSNL Board the matter went to DoT for its concurrence. It is learnt that DoT too has given its consent and the matter is lying with MoC.”

**10.2** After further consumption of nearly one year time, BSNL Board finally approved on 28.9.2017 a Superannuation Pension Scheme as per BSNL employees Superannuation Pension Trust Rules w.e.f. 5.5.2016. As per the rules, BSNL will contribute at the rate of 3% of Basic pay plus IDA per month for all BSNL recruited employees. The employees may also contribute to the scheme on a voluntary basis.

**10.3** On 8.1.2018 BSNL CO issued conveying the decision of BSNL Board increasing the contribution from 3% to 5%, in its meeting held on 24.10.2017.

10.4 The recognized unions and associations have claimed that in the meeting with Secretary, DoT on 2<sup>nd</sup> December 2018, CMD BSNL had agreed to increase BSNL contribution by another 3%.

### **11.0 BSNL TOWER CORPORATION**

**11.1** All BSNL Unions and Associations had given a call for One day Strike on 15.12.2016 protesting against the proposal of formation of subsidiary Tower Company. AIBSNLOA was then a part of the ABUA , was a signatory to the strike notice and took active participation in the strike. During the talks held with DoT officials, leader of a majority union declared that we were not against the Tower company but our apprehension was about its later sell off. DoT officials conveyed that the purpose was only to increase the revenue of BSNL with focused tower business and there was no proposal to disinvest BSNL. But afterwards there was no further action by the ABUA on this issue.

**11.2** On 12.9.2017, the Union Cabinet chaired by the Prime Minister Shri Narendra Modi gave its approval for hiving off mobile tower assets of Bharat Sanchar Nigam Limited (BSNL) into a separate company, fully owned by BSNL. This approval authorized BSNL to monetize its telecom tower infrastructure with the formation of a separate subsidiary company.

**11.3** On 4.1.2018, DoT had suddenly registered a company viz. BSNL Tower corporation Limited' appointing shri Amit Yadav, Joint secretary (Admin), DoT as CMD of the new company. The irony of it was that CMD BSNL Shri Anupam Shrivastava was shown as one of the directors of the newly formed BSNL Tower corporation Limited along with Ms. Sujata Ray, Shri N.K.Mehta and Shri R.K.Mittal, who are already Directors of BSNL Board.

**11.4** We immediately sought the intervention by the Prime Minister by writing to him that “According to the Cabinet Decision dated 12.9.2017, the separate company is ‘fully owned by BSNL’, which means BSNL is the holding company and the new Tower company is the ‘subsidiary of BSNL’. According to Companies Act 1956 as well as Companies Act 2013, the ability to control the conduct of the subsidiary company is the hallmark of the holding company. Showing the CMD of the holding company, here, the BSNL, as a Director of the subsidiary company under another CMD is not known in the history of India.

We would like to state the fact that Coal India Limited (CIL) is the largest Maharatna Company which is a holding company with seven wholly owned coal producing subsidiary companies viz. Eastern Coalfields Limited (ECL), Sanctoria, West Bengal, Bharat Coking Coal Limited (BCCL), Dhanbad, Jharkhand, Central Coalfields Limited (CCL), Ranchi, Jharkhand, South Eastern Coalfields Limited (SECL), Bilaspur, Chattisgarh, Western Coalfields Limited (WCL), Nagpur, Maharashtra, Northern Coalfields Limited (NCL), Singrauli, Madhya Pradesh and Mahanadi Coalfields Limited (MCL), Sambalpur, Orissa.  
**None of these seven subsidiary companies is having the CMD, Coal India Ltd. as its Director.**

The action by DoT to reverse the Cabinet decision to hive off mobile tower assets of BSNL into a separate company, **fully owned by BSNL**, creates an impression that BSNL has become a subsidiary

company fully owned by BSNL Tower Corporation Ltd. This has renewed the concern among BSNL employees that DoT ultimately intends to disinvest BSNL. We therefore request you to kindly intervene immediately and to ensure that Cabinet decision is not tampered with by the Department of Telecommunications according to its whims and wishes.”

**11.5** On 11.05.2018, we again sought the intervention by the Prime Minister by writing to him on behalf of the Organisation of BSNL Unions and Associations that “The Articles of Association of BSNL Tower Corporation Limited, under Para 130 provides that “CHAIRMAN (a) **So long as the Company remains a subsidiary of BSNL, Chairman BSNL will also act as its Chairman** or the BSNL may nominate a Director as Chairman of the Director's meetings and determine the period for which he is to hold office. **Contrary to this, DoT, which does not have any power to appoint the CMD of the subsidiary company of BSNL, has overstepped its powers and appointed Shri Amit Yadav as CMD of the newly formed subsidiary company, the BSNL Tower Corporation Limited. Thus, it has usurped the powers assigned to CMD BSNL in nominating a Director as Chairman of the subsidiary company for a specified period.**”

**11.6** Meanwhile the unions and associations led by the union which had declared that they did not oppose subsidiary tower company were organising protests ‘opposing the formation of tower company’ (which has already been formed), sometimes including it as one of the demands in the struggle. They gave a call for walk out from office and rallies on 28.5.2018, the day BSNL Board was to have its meeting in Hyderabad, protesting against the intention of the Management to hold the Board of Directors meeting at Hyderabad on 28.05.2018, may be to implement the directive of the DoT with regards to make the Subsidiary Tower Company operational. Later they withdrew the call on the stated plea of CMD BSNL that the item of Subsidiary Tower Company is not there in the agenda for the BSNL Board meeting to be held at Hyderabad on 28-05-2018.

**11.7** Just before our Lucknow CWC meeting, we learnt that M/S ITI Ltd has received an Advanced Work Order from BSNL for the Operation & Maintenance and Sales & Marketing of the passive infrastructure of 6945 BTS sites of BSNL’s GSM Network in UP (East), UP (West), Uttarakhand and Tamilnadu. The order is for a period of five years. We had information that leaders of the All BSNL Unions and Associations were well aware of this and had gone on record that “BSNL Board meeting held at Hyderabad on 28.5.2018 approved 18000 crore tender for the O&M and comprehensive AMC OF 33000 towers of BSNL for 10 years. The tender was awarded to ITI Mahendra and two other companies. “

**11.8** On 3.10.2018, BSNL circulated the circle-wise number of 2917 non-collocated tower sites for which Advance Work Order had already been issued. Other than ITI, M/s Mahindra & Mahindra Limited, M/s AST Telecom Solar Pvt. Ltd and M/s Pace Power systems Pvt. Ltd were named as successful bidders. It was later known that MOSC had informed the Lok Sabha about this as early as on 7<sup>th</sup> February 2018, adding that “BSNL Employee Unions so far have not opposed the aforesaid outsourcing arrangement of Operations & Maintenance (O&M) activities of passive infra along with Sales & Marketing (S&M) work for BSNL Non-collocated BTS sites.”

**11.9** The recognised unions and associations have been silent on the issue after making it a strike issue in December 2017. Obviously, this issue did not find a place in the demands for the Indefinite strike called from 3<sup>rd</sup> December 2018. But suddenly now this has become a strike issue again, after the recognised unions and associations kept it under wraps for almost a year.

## **12.0 SECOND AIC OF AIBSNLOA AT KOLKATA:**

**12.1** The second AIC of AIBSNLOA was held at Kolkata on 10<sup>th</sup> and 11<sup>th</sup> April 2015, which was a vibrant and exuberant show of confidence. The colorful open session was held on 10.4.2015, in an astounding setting with jubilation in the air and the ambience reflecting the mood of the participants. After a cultural presentation and lighting of lamps, CHQ President delivered his address which was followed by Keynote Address by Com.Rakesh Sethi, General Secretary. Ms.Dola Sen, Member of Parliament & President AI INTTUC delivered Special Address. Shri Pradip Banerjee, Working President, INTTUC, Shri N.K.Singh of TMC,

Com.S.Basu, Chief Patron AIBSNLOA, Com.K.Sebastin, GS SNEA, Com.Deepak Shahu, AGS, AIGETOA, Com.Vishwanath Dutta, TUBSNL, Com.Saibal Singh, CS, BSNLEU and Com.Anup Mukherjee, GS SNATTA addressed the gathering. Com.Praveen Agarwal, JTO did the anchoring and delivered vote of thanks. CMD BSNL had sent a message conveying his wishes to the members of AIBSNLOA. After conclusion of the session, a play 'Who am I?' was staged by the Cultural Team of AIBSNLOA West Bengal. The delegates sessions witnessed the delegates sitting through the entire proceedings without any sign of fatigue and participating in the lively deliberations on all the issues brought out in the General Secretary's Report. Reception Committee of West Bengal, under the able leadership of Com.A.K.Pal, guided by Com.Sukumhar Ghosh and steered by Com.Soumya Basak had made exceptionally wonderful arrangements for the accommodation and the meeting in a recently renovated building. Com.K.Rajasekaran, CPRO, Tamilnadu, Com.Rakesh Sethi, AGM, BSNL CO and Com.Swapan Bhattacharya, CAO, West Bengal were unanimously elected as President, General Secretary and Finance Secretary respectively.

### **13.0 CWC MEETING HELD AT JAIPUR HELD ON 26<sup>TH</sup> AND 27<sup>TH</sup> SEPTEMBER 2016:**

**13.1** The first Central Working Committee meeting of AIBSNLOA after the AIC Kolkata, was held on 26<sup>th</sup> and 27<sup>th</sup> September 2016, under the Presidentship of Com.K.Rajasekaran, CHQ President. Comrades of Rajasthan Circle led by Circle President Com Mahesh Pareek & Circle Secretary Com.R.L.Agarwal, assisted by Com.S.P.Jain, OS (North) & Com. G.H.Ganshyam, DM BSNL CO and guided by Com.O.P.Jat, had made extraordinary arrangements for the meeting, accommodation as well as dining. Important resolutions on major HR issues viz. Replacement of E1 to E6 scales with E2 to E7 scales, CPSU Cadre Hierarchy and Superannuation benefits for BSNL recruited employees, Stalemate in holding DPC for promotion to various grades and Membership Verification of Executive Associations were passed.

### **14.0 CWC MEETING HELD AT LUCKNOW ON 21<sup>ST</sup> SEPTEMBER 2018**

**14.1** The CWC meeting of AIBSNLOA was held in city of Nawab Lucknow at Hotel Galaxy International in a very grand manner. CWC meeting was attended by all the CSs, CPs and CWC members. AIBSNLOA UP (East) Circle has hosted the Central Working Committee Meeting of AIBSNLOA at Lucknow on 21st and 22nd September 2018, marking another milestone in the history of AIBSNLOA. Comrades of UP(East) Circle led by Circle President Com R.P. Singh & Circle Secretary Com. D.C. Gupta, assisted by Com. K.C. Tripathi FS & Com. K. C. Yadav, VP, Com. Gautam and guided by Com. P. C. Rastogi AGS, AIBSNLOA, had made excellent arrangements for the meeting. Important resolutions on the Executive Promotion Policy & Amendment Rules, conveying gratitude to Management, senior officers and their teams in various streams for their hard work in issue of promotion orders to various grades, steps to be taken for increasing BSNL revenue and increasing membership, were passed unanimously. In another important resolution, the CWC meeting fully endorsed the decision of the CHQ to disassociate from the two days strike called by All BSNL Unions and Associations on 12<sup>th</sup> and 13<sup>th</sup> December, as it was premature and hasty since no effort had been made to meet the Minister or at least the Secretary DoT before deciding on strike. It said that nevertheless, a joint strike may become inevitable if DoT does not submit the long- awaited Cabinet Note for relaxing the affordability clause for BSNL within the next few weeks or if DoT suggests any fitment benefit less than 15%. If such a situation arises AIBSNLOA will be part of the joint strike and authorised the General Secretary to hold discussions with other unions and associations, in this direction. It was decided to hold the next AIC in Chennai jointly hosted by Chennai Telephones and Tamilnadu circles.

### **15.0 MEMBERSHIP VERIFICATION AND AFTER:**

**15.1** As per the decision taken in CWC meeting Jaipur, we wrote to CMD on the absence of level playing field and requested to hold election only after ensuring level playing field. But CMD and the BSNL Management continued to display their lenience towards SNEA and AIBSNLEA by continuing representation in various committees and discussing major HR issues with the two associations, even mentioning in a letter that the discussion is being held with the 'recognized' association. We sought the intervention by MOSC and the CLC but in vain.

**15.2** Therefore, as mandated by the Jaipur CWC, a writ petition was filed in Madras High Court by Com.K.Rajasekaran, in his capacity as CHQ President. The following were the grounds for relief in brief:

- A) In no other CPSE (Central Public Sector Enterprise) anywhere in India, there exists a procedure for recognition of any Executive Association and conducting of membership verification. This is because Executives are part of the management and do not have the right to negotiate. Even the pay scales for Executives are recommended by a Pay Revision Committee and order issued by the concerned administrative Ministry. (Ministry of Communications in this case). But non-executives negotiate with the management and sign an agreement for their pay scales.
- B) BSNL has been incurring heavy losses during the past several years and only this year there are signs of revival due to joint efforts by the executives and employees. Membership verification at this point of time will create animosity among the executives which will have negative effect on BSNL revival.
- C) Trade Union Act is meant for employees and not executives. BSNL relaxing Rule 5 (1) of BSNL (REA) Rules, 2014, providing executive associations registered under Trade Union Act to participate is against law.
- D) Removal of the condition of one year after registration as on the date of application has been done without amending BSNL (REA) Rules, 2014. Hence the BSNL letter dated 23.6.2016 is ultra vires.
- E) After giving exclusive facilities for two Associations viz. AIBSNLEA and SNEA, BSNL seeks to silence the voice of other associations, by denying even the right to be heard and right to represent their members.
- F) Even after repeated protests, BSNL continues to treat the two Associations viz. AIBSNLEA and SNEA specially by including them in various official committees on HR issues. This has put them at an advantageous position vis-à-vis the other associations and has resulted in absence of level playing field. Election if held as per the notification dated 25.5.2016 and rescheduled vide letter dated 23.6.2016, without ensuring level playing field will not be a fair election.

**15.3** The amendment to BSNL (REA) Rules, 2014 providing participation of Executive Associations registered under Trade Union Act was challenged. The notification dated 23.6.2016, revising the schedule for the election after removing the condition of one year even without formal amendment to BSNL (REA) Rules, 2014 was also challenged.

**15.4** The prayer was that the Hon'ble Court may be pleased to issue a **Certiorarified Mandamus** or any other appropriate Writ or Order or Direction in the nature of a Writ calling for records relating to the first respondent's proceedings made in No.BSNL/9-1/SR/2014 dated 25.5.2016, No.BSNL/5-1/SR/2016 dated 25.05.2016 and No. BSNL/5-1/SR/2016 dated 23.06.2016, to **quash the same** and to consequently direct the respondents to strictly adhere to the Rules by affording an opportunity of Level Playing Field to the Petitioner Association and thereafter resort to verification of members forthwith thereto and to pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice. A prayer to stay the operations and all further proceedings pending finalisation of the above Writ Petition was also made.

**15.5** When the Writ petition was taken up for admission on 26.10.2016, contrary to our expectation, BSNL advocate of Tamilnadu appeared and received notice in the court itself and pleaded that no interim order be given since he will cooperate to have the final hearing at the earliest. The court accepted this and adjourned the case without staying the election process. In an unprecedented move, BSNL engaged a senior counsel by paying lakhs of rupees to defend the case. While the process of filing counter by respondents and

rejoinder by our association was going on SR section became super active and continued to issue orders every day preparing for the election, including finalization of electoral roll – with all deficiencies, printing of ballot papers, appointing Presiding officers, Polling officers, appointing observers, securing of ballot boxes and paper seals. Polling officers were themselves voters and our protest against it did not yield any result. Although CLC was in agreement with our view that there is no provision for recognition of executive associations in PSUs, it desisted from intervening. However it decided not to send observers and BSNL had to appoint observers from its own officers on deputation, in the last minute.

**15.6** On 17.11.2016, our advocate moved Miscellaneous Petitions seeking to stay the election process but in vain. On 28.11.2016, the court heard both sides and ordered that “ **The election shall go on and the results shall be published, but it will be subject to the result of the Writ Petition. Post the Writ Petition after four weeks.**” Thus our effort to get justice from the court failed and the membership verification election was held on 7.12.2016 as per schedule. Meanwhile some other associations had also gone to court on various pleas in various courts but BSNL managed that no stay is granted in any case. Our case in Madras High Court is still pending.

**15.7** The results of the membership verification were announced on 9.12.2016. SNEA had secured 20128, AIBSNLEA had secured 18438 and AIBSNLOA got 760 votes. As expected, we were placed in the third position, but our expectations of a higher number of votes had been belied. The final figures were far below our actual strength. It appeared that the executives had been carried away by false promises and high decibel campaigns by the two associations which were enjoying the facilities and patronage by the Management. The only silver lining of the results was that AIBSNLOA came first in Meerut and Bharatpur SSAs. We got a handful of votes even in circles where we did not have a circle body.

**15.8** We then observed in our website that “the election result cannot wipe out the truth that AIBSNLOA’s stand on all the issues are logical, rational and practical, though it may not be attractive. At a time in history when most people believed that earth was flat, the claim of Pythagorus that earth is spherical was rejected. But later scientific evidence proved that Pythagorus was right. BSNL Management’s unprecedented and hectic efforts in holding the membership verification at any cost, are intriguing and the real motive behind the move may unfold in the near future. **BSNL Management and the two associations patronized by it have won. But the unsuspecting Executives are the real losers.** AIBSNLOA has been treading the less trodden path, full of difficulties and hurdles in its task to safeguard the interests of BSNL and its Executives. AIBSNLOA will continue in its path, undeterred and with more determination, to achieve its task.”

**15.9** As per the provisions of BSNL (Recognition of Executives Association) Rules 2014, the facility of deduction of subscription was extended to all participant associations. **Reflecting the trend after every election for recognition of non-executive unions, the membership of recognized association increased and the others decreased, since consent had to be given openly in writing by individual executives.** Instances of Controlling officers in many places forcing their subordinate officers to fall in line, using the threat of APAR have also come to our notice. AIBSNLOA’s membership dropped to around 400 but since then has steadily increased and reached a number around 500 afterwards despite large number of retirements every month.

**15.10** In spite of the setback, AIBSNLOA continued meeting officers in BSNL Corporate Office and discussed various issues. But problems were faced in the Circles and SSAs where the recognized association which had become arrogant by now forced Circle Heads and SSA Heads not to meet representatives of other associations. AIBSNLOA therefore wrote a strong letter to the Management on 17<sup>th</sup> March 2017 and had discussions with Director (HR) and General Manager (SR). We pointed out that denying informal meetings will be against right of the BSNL Executives to form their own association guaranteed under Article 19(1)(c) of the Constitution. We also drew attention to the message dated 19.12.2016 from CMD wherein he had assured that “the relationship of mutual trust and understanding with all the associations will continue and also hope that all the participating associations will continue to contribute constructively towards the growth and development of the organisation with the same enthusiasm as they have displayed in the past.” We requested issue of instructions to all field units so as to remove unwanted confusion at field level.

**15.11** On 14.4.2017, BSNL CO has issued orders that "**management at different levels has to hear all the Unions/Associations of BSNL employees though not recognised and resolve the issues of their members as far as possible subject to administrative exigencies/convenience. As far as redressal of grievances of the members of various Unions/Associations is concerned they shall be dealt even-handedly on the merit of each case and irrespective of Unions/Associations they belong to. It is also advised that the Transfer Policy shall be implemented in a fair and transparent manner.**"

**15.12** This order has put to rest all doubts raised regarding what will happen after verification and whether we will be allowed to meet the Management in Corporate Office and administrations in Circle and SSA. CHQ has been meeting officers more regularly now on various issues and has been able to get favourable orders. Individual cases of our members are being promptly followed up and settled. On common issues too we are able to have our say. On the contrary, the recognized association and the support association have not been able to achieve anything they had promised before elections. The majority association promised settlement of the following issues, stating that a formally recognized status alone can help early settlement:

- **Financial Viability of BSNL and protecting BSNL from vested interests**
- **Immediate replacement of E1A and E2A scales with Standard pay scales of E2 and E3 before 3<sup>rd</sup> PRC**
- **30% Superannuation Benefits, Term Insurance and social security**
- **Opposing Tower Subsidiary formation and protecting BSNL from disinvestment and disintegration**
- **Implementation of CPSU Cadre Hierarchy upto AGM Grade as per the recommendations of Khan Committee**
- **Implementation of 3<sup>rd</sup> PRC recommendations in BSNL and upgradation of remaining pay scales upto E7**
- **1st TB promotion after 4 to 5 years**
- **E1A and E2A pay scales from 01.10.2000 for Civil/Elect/ Arch/TF/PA/PS wings**
- **E1+5 increments for the post 2010 rect JTO/JAOs and equivalent cadres**

More than two years after completion of verification none of the above issues has been resolved.

**15.13** BSNL Management looks to have achieved its goal now that all discussions now are being held with 'a core committee' consisting of only the two recognized unions, one recognized association and supportive association.' Even the other unions and associations in the so called 'All Unions and Associations of BSNL' are effectively kept away so that no one else will know what actually transpired between the management and the recognized unions/associations. **The often-contradicting circulars by the recognized unions and associations reveal that a lot is happening inside but even their members are kept in dark.**

## **16.0 FORMATION OF ORGANISATION OF BSNL UNIONS AND ASSOCIATIONS [OBUA]:**

**16.1** After the membership verification and particularly after the unreasonable and high-handed attitude of major unions and associations, the Federation of BSNL Executive Associations comprising the four Associations, AIBSNLOA, BEA, TSOA and AITEEA was expanded to include non-executive unions also and rechristened as Organisation of BSNL Unions and Associations. Ten unions and associations, AIBSNLOA, BSNLWRU, FNTO BEA, BSNLSU, BTU of BSNL, TEU (BSNL), BSNLEAU, BEA BSNL, TOA BSNL and AIBCTES are the constituents of OBUA. Immediately after its formation, it sought for a meeting with CMD. Meeting was arranged and intimation was given to all constituents in writing by SR section. The meeting took place on 16.2.2018.

**16.2** Com.Rakesh Sethi GS AIBSNLOA, Com. Rana Pratap GS, BEA, Com. D. K. Agarwal, President, TOA, Com. S.P.Sharma GS BSNLWRU, Com.B.D.Sharma GS FNTO BEA, Com. Zile Singh GS, BSNLSU, Com. Biswanath Dutta, GS, TEU (BSNL), Com. Ram Prakash GS BTU of BSNL and Com. V.K.Sharma AGS AIBSNLOA were present on behalf of OBUA. General Secretaries of two constituent unions were out of Delhi and could not participate in the meeting.

**16.3** The meeting lasted nearly an hour, was cordial and facilitated exchange of views on 3rd Pay Revision for BSNL employees and formation of Tower Company. On behalf of OBUA two Memoranda were submitted to CMD and discussions revolved mainly around the two issues highlighted in the Memoranda. CMD said he was very much hopeful that pay revision will be implemented for BSNL employees this year itself.

**16.4** On Tower company, he said that apprehensions about formation of separate tower company are unfounded and affirmed that the BSNL Tower Company Limited is a subsidiary of BSNL formed with the sole aim of increasing revenue. Any deviation from the stated goal in the Cabinet decision will require concurrence of the Cabinet itself. The role of strategic partner, if any in future, will be limited to only monetisation of the tower assets and there is no threat of privatisation, he said. To another query from us, he categorically stated that neither VRS nor reduction in retirement age is under consideration. BSNL, MTNL merger is also not being considered, he said.

**16.5** Since then OBUA has been unitedly pursuing common issues, particularly the third pay revision for BSNL employees.

**17.0 RESTORATION OF LTC, LEAVE ENCASHMENT WHILE AVAILING LTC AND MEDICAL CLAIM WITHOUT VOUCHER FOR OUTDOOR TREATMENT:**

**17.1** BSNL had withdrawn leave encashment while availing All India LTC/Home Town LTC for all categories of BSNL employees including absorbed / directly recruited /on deputation, deemed deputation, vide its letter No. 7-8/2010/EF/Part/1 dated 5.9.2011. Through the same letter, it announced that All India LTC was frozen for two years for all BSNL employees and officers except those who were retiring during the period. The facility of medical claim 'without voucher' for outdoor treatment was also withdrawn through the same letter.

**17.2** **Although the freeze on All India LTC was announced for two years, the freeze continues even after seven years, depriving BSNL employees of the facility of All India LTC.** But during the same period, officers on deputation/deployment in BSNL have been allowed the facility along with leave encashment, for which BSNL has been making payment in accordance with a clarification issued by DoPT. This amounts to clear discrimination. We have again taken up the issue with Hon'ble MOSC. While the facility of medical claim 'without voucher' for outdoor treatment has been restored for retired employees, the facility still eludes the serving employees.

**17.3** Meanwhile BSNL issued orders on 1.1.2018 allowing calculation of annual ceiling on revised pay @ 78.2% fixation for upto 23 days w.e.f. 1.4.2018. We requested restoration of 25 days as ceiling limit but same has been turned down by the Management.

**18.0 GRANTING UPGRADATION TO E6 PAY SCALE FOR EXECUTIVES WORKING AS DGM ON ADHOC BASIS UNDER BSNL EXECUTIVE PROMOTION POLICY 2007:**

**18.1** Executives working as DGM (Adhoc) were being denied time bound upgradation to E6 pay scale citing a clarification issued by BSNL Corporate Office vide letter No.400-66/2011-Pers.I dated 25<sup>th</sup> July 2012 (Copy Enclosed) on applicability of Foot Note-1 under Schedules IA, IB, IC and ID of BSNL MS RR 2009 which states that "Any other level executives viz. DGM and above are not eligible for consideration under the EPP as their time bound upgradation to NF grades is clearly enshrined in the BSNL MS RR-2009."

**18.2** We have been taking up this issue repeatedly since 2016 and finally we put up the argument that 'As there is no provision for DGM (Adhoc) in BSNL MS RR, therefore the term 'DGM' in the above clarification is to be taken as Regular DGM. The substantive grade of Adhoc DGM is to be treated as Regular STS and these executives should be given the benefit of upgradation upto E6 scale as provided in the BSNL EPP 2007.

**18.3** On 08.04.2018 in a meeting with GM (Pers) we told him that this issue is pending from 2016 but till date no action has been taken to issue necessary clarification by pers section. We told GM (Pers) that due to wrong interpretation of an earlier clarification issued by Personnel section on 25.07.20012, not only field units but also BSNL CO is not allowing financial upgradation from E5 to E6 to DGM(Adhoc). GM (Pers) immediately called AGM (Pers-Policy) and asked him about the status of the issue. AGM told him that issue was submitted to MC but till date no decision has taken by the MC. GM (Pers) gave instruction to AGM (Pers-Policy) to submit the issue once again so that clarification can be issued.

**18.4** Finally orders were issued on 11.6.2018 clarifying that the Gr. 'B' absorbees working as DGM on adhoc basis (availing E5 pay scale) shall be eligible for consideration of time bound pay upgradation to E6 pay scale under the EPP if otherwise eligible on the same consideration as being done for other executives.

**19.0 PAY FIXATION MATTERS RELATING TO BSNL EMPLOYEES - ISSUE OF INCREMENT ON REGULAR PROMOTION TO A SCALE:**

**19.1** On 5.7.2017 DoT issued orders rescinding Para 1.II (v) of BSNL OM dated 18th January 2007 regarding grant of an extra increment on post-based promotion under EPP.

**19.2** On 25.7.2017 we wrote to CMD that 'P&T Audit/DoT will also have to be reminded of such double fixation still available in all Central Government departments including DoT for promotion from Sr.Accounts Officer to JTS of Accounts and Finance Service Group A. Similar fixation was also extended in the 90's to the Engineering wing of DoT for promotion from Lateral JTO to SDE. A copy of the letter from Controller of Defence Accounts dated 13.1.2010, conveying the clarification from Ministry of Finance, Department of Expenditure that "since both the feeder and promotional post have the identical pay structure of Grade Pay Rs 5400/- in the pay band 3, pay fixation on promotion of Sr. Accounts Officers of DAD to JTS of IDAS Group 'A' will be done by granting them one increment equal to 3% of the sum of the pay in the pay band and the existing grade pay and rounding it off to the next multiple of 10" is enclosed.'

**19.3** Some individuals and associations approached different CATs and PCAT Delhi issued an order on 21.12.2017 quashing the DoT letter dated 5.7.2017. Subsequently BSNL issued instructions on 11.5.2018 asking circles to settle pay/pension cases of affected executives and intimate CCAs concerned accordingly. But interpreting a DoT letter, CCAs have refused to revise the pension of those who retired between July 2017 and April 2018. Now it is learnt that DoT has filed an appeal in the Delhi High Court.

**20.0 REVISION OF PAY SCALE OF RAJBASHA ADHIKARI:**

**20.1** We have been pursuing the issue since the year 2013. Pay scale of Rajbasha Adhikari working in BSNL was required to be upgraded at par with ADOL working in DOT as both cadres are identical and some ADOL opted for absorption in BSNL from DOT. 6th Central Pay Commission (CPC) had recognized the parity of all the official language positions including ADOL in various Ministries and Departments and had recommended uniform pay scales for the ADOL across the Departments in the 6th CPC which was accepted by the Ministry of Finance vide Department of Expenditure OM No.1/1/2008-IC dated 24.11.2008. Later Dept. of Official Language vide its letter No.15/42 /2073-Ra.Ba.(Services) dated 2.5.2013 had also advised grant of the revised scales to ADOL and equivalent posts existing in their subordinate offices.

**20.2** On 26.6.2018, DoT issued orders approving upgradation of pay scales of Rajbasha Adhikari from E1 to E2 effective from 1.10.2000 notionally and actually from the date of issue of orders by BSNL. BSNL however issued orders only on 29.10.2018, along with an amendment to RR of Rajbasha Adhikari, changing the nomenclature from Rajbasha Adhikari to SDE (OL) and abolishing 37 RA posts as matching savings.

**20.3** On 17.12.2018, we have written to the CMD pointing out that as per the DO letters of Secretary, Department of Official Language and letters issued by Department of Telecom, similarity is required to be maintained in the pay scale and designation of AD (OL) across all offices. We have also drawn attention to the fact that BSNL has issued a RR in 2002 in which there was provision of promoting all officiating JHT/SHT to the post of AD (OL) but this was not implemented in true spirit resulting in several court case. One such case by employees of Kerala Circle was decided in favour of employees by Hon'ble CAT Ernakulum and

confirmed by Hon'ble High Court of Kerala. **BSNL** challenged this in Supreme Court by filing **SLP**. Supreme court **dismissed that SLP** but BSNL filed a **Review petition**. Supreme Court **dismissed the review petition also**. **Now BSNL has filed a Review Petition in Hon'ble High Court of Kerala and the same is pending**. Similarly, a contempt case is pending in CAT Jabalpur on the subject. Therefore, amendment of RR for changing designation is wrong and legally untenable. We have therefore requested holding in abeyance of the BSNL letter dated 29<sup>th</sup> October 2018 till decision of Hon'ble High Court of Kerala **in Review Petition filed by BSNL in the matter is known**.

## **21.0 EXTENSION OF BENEFITS TO DEPARTMENTAL OFFICIALS SELECTED AGAINST DIRECT RECRUIT JTO QUOTA WHO HAD APPLIED THROUGH PROPER CHANNEL – OPTION FOR FIXATION OF PAY IN REVISED SCALE ON DATE OF PROMOTION:**

**21.1** We took up the issue of TTAs who applied for JTO DR Recruitment of 2007 through proper channel, as departmental outsider and got selected to the post. After training they were appointed on various dates as JTO in the year 2009. As wage revision of non-executives was not in place at that time, they got their pay fixed in the pre-revised JTO scale of 9850-250-14600 on the date of their promotion to JTO grade. Later, when Pay revision w.e.f. 1.1.2007 for non-executive employees was ordered vide BSNL letter No.1-16/2010-PAT (BSNL) dated 7.5.2010, it was provided under Para 3.6 that **"The non-executives can opt for the revision of pay on 01.01.2007, or from the date of promotion after 01.01.2007, or from the date of next increment in the existing scale. The option under this shall be exercised in writing in the form as per Annexure- II so as to reach the authority within a period of three months from the date of issue of this order."** It was also clarified vide BSNL letter No. 1 -37/2010-PAT(BSNL) dated 18.5.2011 that **"the Non-executives, who got promotion/financial upgradation under ACP Scheme from Non-executive grade to Executive grade between the period 1.1.2007 i.e. the date of revision of IDA pay scales and 7.5.2010 i.e. the date of issuance of Office Order No.1-16/2010-PAT(BSNL) may be allowed to exercise of option for fixation of pay in the revised pay from the date of their promotion/financial up-gradation under ACP Scheme."**

**21.2** But vide BSNL letter No.1-07/2012-PAT (BSNL) dated 28.3.2012, another clarification was issued that **"The matter has been examined and it is hereby clarified that the appointment given under direct recruitment outside quota after tendering technical resignation by the employee cannot be treated as promotion**. Therefore, such employees are not entitled for exercising the option for fixation of pay in terms of the para 3.6 of this office order dated 07.05.2010", thereby denying the benefit of option for pay fixation in the revised scale on the date of promotion from non-executive to executive scale in respect of departmental outsiders."

**21.3** We have taken up this issue pointing out that the clarification is not based on any rules but merely based on an assumption that 'appointment' under DR quota is not 'promotion' and that other CPSEs consider such 'appointment' as 'promotion'. We have also cited a response from the Ministry of Finance, Department of Expenditure in response to a clarification sought for by CSIR, where the DOE has clarified that **"When a serving employee applies for higher post through proper channel in response to an advertisement, his appointment to the post applied for cannot be treated as an initial appointment**. "We are continuously pursuing the issue.

## **22.0 PAY FIXATION OF TTAS OFFICIATING AS JTO UNDER FR 22 (I)(A)(i):**

**22.1** PCAT Delhi had given an order on 26.8.2010 in OA 1282/2010 directing BSNL to fix the pay of officiating JTOs under FR 22 (I)(a)(i). As the benefit was allowed only to the applicants, AIBSNLOA filed OA in Principal CAT Delhi praying extension of the benefits to our members also with members from Tamilnadu and West Bengal Circles as other applicants. Finally, BSNL issued orders on 17.2.2017 allowing the benefit to our members also.

## **23.0 CAREER PROGRESSION OF PA/PS/PPS WHO ERSTWHILE BELONGED TO CSSS CADRE OF DOT:**

**23.1** Before exercising option and getting absorbed in BSNL, a number of meetings took place between the Staff side and the Official side of the Joint Consultative Machinery, in which DoT agreed to issue clear parameters to ensure that the promotional avenues of CSS/CSSS officers / staff would be in no way inferior

to what they were getting in the Government. An agreement to this effect was signed on 14.9.2000 between the Staff side and the then Secretary and Joint Secretary (Admn), DoT. Further, in a meeting held on 7.11.2003 under the Chairmanship of the then Addl. Secretary, DoT, regarding absorption of Group B secretariat staff in BSNL, the then Director (HR) assured that the service conditions of the CSS / CSSS officers / officials would be in no way inferior to that of the other officers.

**23.2** But no action was taken to restructure the cadre of Sr PPS/ PPS in BSNL CO so as to match the number of officers with whom they are posted and to put in place the pay scale to the restructured cadres. Whereas the posts at the level of ED/PGM in BSNL CO had increased considerably no provision for posting matching personal staff to them had been made. After a lot of persuasion BSNL Management approved the proposal for creation of only two posts of Sr. PPS and a few posts of PPS to work with CMD and the functional Directors. Based on the number of senior officers posted in BSNL CO, the actual number of Sr. PPS/ PPS required was more. Since no additional PPS post had been created, it resulted in blockade for promotion of PSs as PPSs/ Sr. PPS even after putting several years of service in the same grade. We had taken up this issue many times with the administration but without success. We continued with our efforts and finally we raised this as an agenda item for scheduled monthly meeting with Director (HR). As a consequence, orders creating additional posts in these grades were issued on 13.4.2016.

#### **24.0 IMPROPER REPORTING PROCEDURE FOR APAR IN FINANCE WING OF TAMILNADU CIRCLE:**

**23.1** We had a peculiar case from Tamilnadu circle, where a regular DGM (TR) of Trichy SSA was asked to submit his APAR to the DGM (F) of the SSA for reporting misquoting Para 4.2 of BSNL CO letter No.4-2/2010-restructure dated 20.9.2010 in this regard by stating that "First line of reporting [DGM (F) in this case indicates the officers who are directly reporting to SSA heads and second line of reporting [DGM (TR), wherever posted or CAOs indicates the officers reporting to the first line [DGM (F)]. We have taken up the issue with General Manager (FP), BSNL CO, pointing out that an Executive cannot be directed to report to another Executive of the same rank and that the action of PGM (F) Tamilnadu Circle is against all norms and procedures and also is legally untenable. We have also drawn attention to a judgment of Hon'ble Supreme Court of India in **State Bank of India Etc vs Kashinath Kher & Ors.** [(1996) 8 SCC 762] that "It would appear that the confidential reports and character rolls are being prepared by the officers of the same rank in the same MMGS II working in the establishment department over the same cadre officers working elsewhere and the reporting officers are the same. Ms. Nisha is right and the High Court is well justified in holding that such a procedure is violative of the principles of natural justice. Such procedure and practice is obviously pernicious and flagrant with prejudices and manipulative violating the principles of natural justice and highly unfair", "**Confidential and character reports should, therefore, be written by superior officers higher above the cadres**" and "**Therefore, they should be written by superior officer of high rank, who are such high rank officers is for the appellant to decide. The appellants have to prescribe the officer competent to write the confidential. There should be another higher officer in rank above the officer who has written confidential report to review such report.**" We met GM (FP) also in this regard and had detailed discussion. We have again reminded her on 24.1.2019 for early decision on this issue.

#### **25.0 FINANCIAL HEALTH OF BSNL:**

**25.1** The third quarter of 2018-19, October 2018 to December 2018, witnessed unprecedented financial crisis in BSNL. A few months earlier to it, the date of disbursement of salary had been refixed to first week of next month, linking it to monthly cash flow. Temporary advance had already become a scarce commodity, with Executives being compelled to spend from their own pockets for executing departmental work. They continue to spend without knowing how long it would take for adjusting the accumulating personal spend. Reimbursement of medical claims was the next victim, with claims remaining unpaid for months together. And then came the hard part, with electricity bill going unpaid, electricity being disconnected to sites, towers stopping radiating and customers left in the lurch. Penalty paid for late payments alone will run to crores of rupees. Non-payment of vendor and contractor bills was spilled to the media lowering BSNL image among public. And the scary part is payment of even recovered GPF, Insurance and instalments of Bank loans taken by employees to the concerned authorities had stopped. Although funds started coming later, they were

nowhere near the requirement. This created large scale fear among the employees of BSNL losing grounds and the young BSNL recruited executives started worrying about their future. While those having a few years of service still wanted to see a last pay revision in their service, the youngsters put survival of BSNL which is linked to their future, before everything else. While chaos, anxiety and distress gripped the employees, the Management remained unperturbed. And shockingly, the major unions and associations did not raise a word, even while they had met Secretary DoT and the MOSC during the period. This is the reason why this financial crisis is perceived as a ploy by DoT and BSNL to mentally prepare BSNL employees for accepting lesser or no fitment on pay revision, reduction in retirement age and VRS. We feel that BSNL could have avoided this episode and made alternate arrangements including taking loan from banks in advance. After all, BSNL has fixed assets in the form of lands and buildings which even other private operators do not have.

**25.2** In fact, “Net percentage subscriber additions of BSNL is the highest at 11.5% in 2017-18, while industry statistics revealed that competitors Bharti Airtel grew at 9.5%, Vodafone at 3.8% and Idea at 3.2% during the same period. The net user additions reflect that over 11.3 million have joined BSNL’s network from rivals in 2017-18. This comes at a time when the industry continues to be in the grip of an intense war for subscribers, triggered by Reliance Jio’s entry in September 2016. The latest Telecom Regulatory Authority of India data for November 2018 puts BSNL’s wireless subscriber base at 113.78 million up from 111.68 million in March and 101 million in March 2017. Smaller operators such as Reliance Communications and Tata Teleservices were forced to exit the sector, and Aircel declared bankruptcy. BSNL too has been affected by competition, posting Rs 7992 crore net loss in 2017-18, compared with Rs 4,793 crore net loss in 2016-17. Revenue for the year ended March 31 2018 fell to Rs 27,818 crore from Rs 31,533 crore a year earlier.

**25.3** In spite of the additions, the revenue drop has been phenomenal. This is mainly due to BSNL aggressively matching tariff by tariff and plan by plan in all segments. But it is to be noted that the other private operators like Airtel and Vodafone have been affected more with drastic reduction in revenue and facing more losses. BSNL has not only withstood the pressure but has consolidated its position in last 3 years. The market share has increased from 7.96 per cent in March 2015 to 9.71 per cent in November 2018 in wireless segment. We have been MNP positive since last 3 financial years with more than 7 lakh net positive each year in 2016-17 and 2017-18. With large volume of additions in mobile connections day by day, BSNL definitely aspires to be amongst top three players.

**25.4** While we are sure that BSNL will survive the competition and turn profitable in the near future, the present-day difficulties are to be seriously discussed and a solution found. IIM, Ahmedabad has suggested some organisational restructuring which includes reduction in retirement age to 58 years and VRS for 50% of employees above 50 years of age. With Employees Benefit expenses already around 50% of revenue, it is likely to go up with implementation of 3<sup>rd</sup> pay revision. Both reduction in retirement age and VRS cannot be implemented without consent from the employees’ unions. While opposing these proposals, all agree in private that something is to be done to bring down employee cost if BSNL is to come out of the financial crisis. It is time that all stake holders take a pragmatic view on this.

## **26.0. FINANCIAL STATUS OF ASSOCIATION:**

**26.1** After the membership verification, the facility of deduction of subscription was extended to all the participating associations and later to even a non-participating association. Since we had members in circles where a circle body does not exist, we requested the Management to deposit the entire subscription amount to CHQ Account so that CHQ will take the role of distributing the amount to the circles and SSAs. CHQ is yet to distribute the amount already received to the circles and SSAs. A decision on the methodology for distributing the shares of circles and districts may be taken in the Conference. Meanwhile the circles should get things ready to enable us to transfer their part of the subscription to the bank accounts in the name of the association. The Lucknow CWC meeting has directed CHQ to move an amendment to the Constitution in the All India Conference, for raising the monthly subscription to Rs.100/-.

## **27.0 CONCLUSION:**

**27.1** We still have the strong view that Membership Verification of Executives in BSNL alone, when no other CPSE has conducted one, is against the rules, norms and established procedures, although we failed to get the court to intervene. Holding the election without ensuring level playing field, when two associations which were enjoying the facilities for more than ten years and were continued to be treated as special even till the election, was just mockery of the democratic process. We continue to believe that BSNL Management is the sole winner and the Executives are the losers. When concerns were expressed about the post-election status of AIBSNLOA, we had been saying in all our meetings that even after Membership Verification, the Right to be Heard cannot be taken away, as this has been guaranteed by the Constitution of India. We had been taking up the issue both before and after the verification. Vindicating our stand, BSNL SR section issued orders giving clear instructions to all the Circles that **“management at different levels has to hear all the Unions/Associations of BSNL employees though not recognised and resolve the issues of their members.”** **This has cleared any doubt about our ability to represent and settle issues.**

**27.2** Two years after the verification, we are here to stay with the same intent and focus as before. We have been meeting senior officers in Corporate office, including the CMD and have been successfully pursuing various issues. Management also considers our submissions on various issues seriously and has been implementing them. We have met senior officers almost on daily basis in June and July 2018 to safeguard the interests of various categories of various grades in getting their due promotion. We have been the first association to raise the issue of affordability clause recommended by 3<sup>rd</sup> PRC and demanding exemption for BSNL from the affordability clause, putting forth reasoned arguments. After refusing to toe the line of unions and associations resorting to strike action, without even making efforts to meet DoT officers or the Minister, we have not remained idle. We have been able to organise like-minded unions and associations under the banner of Organisation of BSNL Unions and Associations and have been relentlessly pursuing the 3<sup>rd</sup> pay revision issue, mobilising the law makers of the country to speak in our favour. We have been able to settle all individual cases of transfer and postings and other grievances of our members. Our Circle and SSA bodies have also been successfully raising and settling the day to day issues faced by our members. Of all, we still carry the image of ‘decent, straight forward, honest and rational association with constructive approach.’ But that will not suffice. Our Circle and District branches have to get themselves better organised and get the activities streamlined to face the situation. Reaching to every Executive is the requirement of the moment and a strong Circle-District structure alone will help realise it. Regular meetings and wherever due Annual GB are to be held.

**27.3** We are very much concerned about the present status of affairs in BSNL, where there is no transparency in the activities of major unions and associations. Series of dramas are being enacted leaving everyone puzzled as to which is true and which is not. Base level employees are confused by contradicting statements issued by their own leaders. Despite having brutal majority these leaders have not been able to settle even a single issue in favour of the employees and executives. AIBSNLOA remains the sole association, continuing with its virtue of finding out the truth, reporting only truth and exposing all falsehood. AIBSNLOA alone puts up logical arguments, that too immediately and first, while taking up issues with concerned authorities and departments. That is why its presence and its strengthening has acquired more importance than ever before.

**27.4** We are also very much worried about the future of the young executives recruited by BSNL and having decades of service remaining. It is not that this worry arises due to the financial position and future of BSNL. We still firmly believe that BSNL survive the present crisis, start reviving in the near future and become one of the leading players in the Telecom industry. This expectation or hope is based on the assessment that a lot of restructuring is on the cards in the next few years. They will be the future of the organisation and can steer BSNL to newer heights. In the past, due to their aspirations, they have been overzealous and misguided towards a wrong assumption that the promotees were obstacles for their career growth. In order to get faster promotions they approached courts, which not only stalled the promotions of the seniors who had put very long years of service, but also has put their own promotions in danger. If only they had been patient and allowed the queue to move, by this time everyone would have got their

promotions in due time. In this process, they ran from pillar to post only to find later that neither the pillar nor the post was honest about their demands but wanted only their votes. We believe that by now they would have learnt their lessons. AIBSNLOA has a good strength of young and honest executives, who are being groomed to be effective leaders with vision. We request all young BSNL recruited executives to make a right choice atleast now and strengthen AIBSNLOA.

**27.5** I would like to reiterate whatever I had stated in the GS Report of Lucknow CWC meeting: It is true that the majority of the executives prefer to be silent although they are aware that their associations care only for the privileged members and every move of those associations is meant to protect the interests of those holding high positions. They feel it is safe to be with the majority whether the majority is right or wrong. We should understand that this is a natural human trait. People tend to follow the pack no matter how ridiculous it may be. It is not so much about good and evil, right and wrong, smart or stupid. It is because human brain gets confused between what it sees and what others tell us. And mostly the brain believes that **what it sees** may not be correct but **what others tell us** is correct. This is what we have to take note of. It is not enough that our activists and members are aware of our efforts and success in important issues. We should tell others what is right and about our actions in the right path. And keep on telling. We should ensure that the **facts reach everyone** – through personal talk, notice board, printed pamphlets, posters and websites. I would request **all the office bearers to put their act together and work hard to gain the confidence of the executives and enroll them as our members. After all, 'numbers' DOES matter for resolving major issues.**

Let me conclude with a quote by Mahatma Gandhi:

*It's the action, not the fruit of action that's important.  
You have to do the right thing.  
It may not be in your power, it may not be in your time, that there'll be any fruit.  
But that doesn't mean that you stop doing the right thing.  
You may never know what results come from your action.  
But if you do nothing, there'll be no result.*

Thank You!

**Rakesh Sethi**  
General Secretary