

# BSNL EMPLOYEES UNION

**Recognised Union in BSNL**

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

CHQ:Dada Ghosh Bhawan, Opp. Shadipur Bus Depot., New Delhi – 110008

Email: chqbsnleu@sify.com, website: bsnleuchq.com

**P. Abhimanyu**  
**General Secretary**

Phone: (O) 011-25705385

Fax: 011- 25894862

BSNLEU/204 (NC)

29-12-2011

To

Shri N.K. Narang,  
The PGM (SR), BSNL CO,  
Bharat Sanchar Bhawan,  
Janpath, New Delhi – 110 001

*Sub: 26<sup>th</sup> Meeting of National Council – Additional item for discussion.*

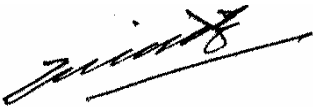
Ref: BSNLEU letter of even No. dated 09.11.2011

Sir,

It is requested that the item enclosed herewith may be included for discussion in the 26<sup>th</sup> meeting of National Council.

Thanking you,

*Yours sincerely*



**(P. Abhimanyu)**  
**General Secretary**

Encl: AA

**Additional Items to be included in the agenda of the  
26<sup>th</sup> National Council Meeting**

**(1) Pay Fixation on Promotion-Maximum of the scale not sufficient to grant full benefit of the increment**

It is observed that in some cases the maximum of the revised pay scales are not sufficient to allow full benefit of the notional increment to be granted while fixing the pay on promotion. The case of Sri Mohammad Sarvar RM Hyderabad Telecom District, AP Circle (HRMS No. 199303274) is given here under as an example to illustrate the problem.

He was at the pay Rs 5200 in the NE-1 pay scale(4000-120-5800) on 30-9-2004. His DNI was 1-1-2005. He was given NEPP promotion on 1-10-2004 and fixed in NE-2 pay scale (4060-125-5935) on the date of his next increment 1-1-2005 at Rs 5560. On 31-12-2006 he was at Rs 5685 in NE-2 and on 1-1-2007, he was fixed in the revised NE-2 pay scale(7840-14700) at Rs 12860/-. His basic pay was fixed at Rs 13250/- on 1-1-2008, Rs 13650/- on 1-1-2009, Rs 14060/- on 1-1-2010 and Rs 14490/- on 1-1-2011 on drawal of annual increments. On 1-10-2011 he is due for 2nd NEPP and on 1-1-2012 (DNI) he has to be fixed in NE-3 pay scale. 3% on the basic pay 14490 is Rs 440/- and on adding this 3% increment as annual increment on 1-1-2012 his basic pay would be Rs 14930 whereas the maximum of the NE-2 pay scale is Rs 14700/- only. Therefore on promotion to NE-3 pay scale, he has to be given 3% increment on this Rs 14700 instead of on 14930 and it will be Rs 450/- and hence he has to be placed at Rs 14700+450=15150. But the maximum of NE-3 scale is Rs 14880/- only. This is creating a contradictory situation. It is not possible to reduce his 3% increment on promotion since it has to be given as per the wage revision agreement and wage revision order. But the maximum of the NE-3 scale is acting as a barrier and preventing the full benefit of the increment. In some cases the official is crossing the maximum of the promoted pay scale also, on adding the notional increment on promotion.

It is therefore requested to solve this problem so that full benefit of the increment is given to such officials while fixing the pay on promotion.

**(2) *One more chance for Draughtsmen(Civil/Electrical/Telecom) to appear in JTO (Civil)/JTO(Elect) Exam***

Vide BSNL CO No.15-2/2005-TE-II dated 21-2-2007, the Draughtsmen (Civil/ Electrical/ Telecom) possessing the requisite qualification were allowed to appear in the JTO (Civil)/(Electrical) Exam against 50% quota as a one time relaxation. But some of the Draughtsmen, although were having the prescribed qualifications, could not appear in the examination held in 2008 since they have not completed 10 years service by then. Since the Draughtsmen cadre was declared as a wasting cadre and since they have no other avenue for promotion to a higher post and since these officials were deprived of the opportunity to appear in the examination held in 2008 on account of not completing 10 years service, it is request to grant one more opportunity for them to appear in the JTO(Civil)/Electrical) examination against 50% quota.

**(3) *Regularisation of Casual labour-implementation of the assurance given in the National Council Meeting held on 11-2-2008***

Responding to the demand of the staff side that the casual labour and TSM leftout from appointment as RM due to administrative lapses be given appointment as RM and pending that, the eligible among them be given TSM status, the Official side replied as below, as per the item No. 12.10 of the of the National Council meeting held on 11th February 2008:

“Responding to the demand of the Staff Side, it was informed by the management that in view of the recent judgment of the Constitution Bench of Hon’ble Supreme Court, the legal sanctity of the DoT order on Grant of Temporary Status and other related DoT orders in respect of regularization of the casual labourers has become contentious. Since divergent views were expressed on whether the left out casual labour can be termed “irregular” appointees or “illegal” appointees in terms of the orders of the Constitution Bench of the Hon’ble Supreme Court, it was decided to obtain the legal opinion of the Addl. Solicitor General of India. The learned Addl. S.G has opined that the grant of Temporary Status Scheme of 1989 and other orders of DoT issued in this connection including order dated 29.9.2000 are legally untenable. The Addl. S.G has also held that the casual labourers engaged in BSNL cannot be regularized on the basis of DoT’s order dated 29-9-2000. Therefore whatever action is to be taken, it has to be in accordance with the Constitution Bench judgment and the opinion given by the learned Addl. S.G. Sr. DDG(Estt) informed that a consultant has already been appointed by the BSNL to suggest further course of action. Staff Side suggestions, in consonance with Constitution Bench judgment, are also welcome. In any case, new scheme shall be worked out with due consultation with representative union keeping in view ASG’s opinion”.

But so far nothing happened thereafter. The Staff Side brought to the notice of the management through several letters that in other central government departments, regularization of casual labour took place even after the above said judgment of the Supreme Court. The Staff Side also brought it to the notice of the management that due to judgment of the Orissa High Court the casual labourers of Orissa were given TSM status even after the Supreme Court judgment. It is therefore requested to cause necessary action immediately for the regularization of the left out casual labourers.

**(4) Relaxation in qualifying standards for SC/ST employees-Wrong implementation thereby depriving the benefit –Review required for all departmental promotion exams held in BSNL, in terms of DoP&T orders, to cause justice to the SC/ST candidates**

As per the DoP&T No. 36012/23/96-Estt.(Res) Vol.II dated 3/10/2000, the relaxations/concessions in the matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks , lesser standards of evaluation standards of evaluation that existed prior to 22/7/1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including the OM No. 8/12/69-Estt(SCT) dated 23-12-1970, No. 36021/10/76-Estt(SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training’s OM No. 22011/5/86-Estt(D) dated 10-4-1989, are restored.

The above said DoP&T order dated 23-12-1970 decided that in promotions/confirmations made through departmental competitive exams , the SC/ST candidates who have not acquired the general qualifying standards in such exams could also be considered for promotions/confirmations. In other words the qualifying standards in these examinations could be relaxed in favour of the SC/ST candidates in keeping with the criteria mentioned in the O.M No. 1/1/70-Estt(SCT) dated 25th July 1970.

In the said 25th July 1970 order it was stated that as per the OM No. 8/10/66-Estt(C) dated 15th May 1967 read with OM No. 16/17/67-Estt(C) dated 8-2-1968, when the vacancies of SC/ST category remain unfilled was, the selecting authorities were given discretion to select the SC/ST candidates who appeared in the direct recruitment examination even if they did not get the qualifying marks, provided that such authorities are satisfied that the minimum standard necessary for maintenance of the administration has been reached in their cases.

Thereafter it was stated in the said order dated 25-7-1970, that it was decided that if sufficient number of SC/ST candidates were not available on the basis of the general standard to fill up all the vacancies reserved for them, in such case the SC/ST candidates be taken by relaxed standard to make up the deficiency in the reserved posts, subject to the fitness of these candidates for appointment to the posts in question. Thus the condition that such relaxation in standards should be subject to the satisfaction of the selecting authority regarding the reaching of the minimum standard by the candidates was removed. In its place it was decided that such relaxation in standards was to be given to any extent, subject to the fitness of these candidates for appointment to the posts in question.

Subsequently another clarification was issued vide OM No.36021/10/76-Estt(SCT) dated 21st January 1977 as per which the relaxed standards for SC/ST candidates are applicable in case of qualifying exams also held for promotion. The extent of such relaxation should however be decided on each occasion whenever such examination was held taking into account all relevant factors including (i) the number of vacancies reserved (ii) the performance of SC/ST candidates as well as general candidates in that examination (iii) the overall strength of the cadre and that of the SC/ST candidates in that cadre.

The DoT, based on the above orders of DoP&T issued orders vide No. 26-2/81-SPB-I dated 4/5/81 as per which the failed SC/ST candidates could be awarded grace marks in both the competitive and qualifying exams without any limit for filling up the unfilled vacancies. Subsequently it issued another order vide No. 22-5/91-NCG dated 30-11-92 that the results of the SC candidates who got 20% marks and ST candidates who got 15% marks could be reviewed. But even these standards were tightened in BSNL for the examinations for promotion to executive posts like JTO and JAO, for unknown reasons.

In the case of competitive exams, as per the DoP&T order No1/1/70-Estt (SCT) dated 25th July 1970, the condition that such relaxation in standards should be subject to the satisfaction of the selecting authority regarding the reaching of the minimum standard by the candidates was removed and such relaxation in standards was to be given to any extent, subject to the fitness of these candidates for appointment to the posts in question. Hence the DoT orders limiting such relaxation to the candidates who got minimum 20 marks/15 marks it self was against the DoP&T order. In such case, further tightening of the relaxation in standards for the SC/ST candidates by fixing still higher minimum marks is all the more wrong. Therefore it is requested to review the results of the failed SC/ST candidates for all the competitive exams held in BSNL, based on the DoP&T Order dated 25/7/1970.

Similarly the relaxations granted for SC/ST candidates in case of qualifying exams also were tightened in BSNL beyond a fair application of the conditions prescribed vide the DoP&T No. 36021/10/76-Estt(SCT) dated 21st January 1977. Hence the results of the failed SC/ST candidates in all the qualifying exams held in BSNL requires review.

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