

# ***BSNL recruited TTAs – What BSNLEU did and doing for them***

## **1. What are the issues settled by BSNLEU for the BSNL recruited TTAs?**

Besides the common achievements on pay and allowances and other service conditions applicable in common along with the DoT employees absorbed in BSNL, the following issues which are of specific concern to BSNL recruited employees are settled by BSNLEU:

- i)** Rent Free Residential Telephone facility for BSNL Recruittees-orders on 15.04.2005
- ii)** Contribution to EPF by BSNL recruited employees – clarificatory order
- iii)** Recovery of EPF past dues in installments
- iv)** Gratuity Rules and Gratuity Trust Rules--Orders issued on 15.05.2008 for payment of death cum retirement gratuity for BSNL recruited employees.
- v)** For the BSNL recruittees, Government pension is not available since they were not recruited by Government. In the Wage Negotiation we raised the issue of their pension. It was clarified by the management that the BSNL recruited are having a pension scheme as a part of the EPF.(BSNL It was also clarified that a new pension scheme can be formulated by BSNL for them if they opt out of the EPF pension scheme. .This issue has to be studied in depth keeping in view the experience in other PSUs and also in view of the fact that a suitable mechanism for the security of the pension fund in case a separate pension scheme for BSNL recruittees has to be available. These issues are being studied.
- vi)** The issue of increasing the ceiling on payment of Gratuity for the BSNL recruittees was discussed in the wage negotiations. It was clarified that the Gratuity Act to be amended by the Government in this regard would be applicable for all PSUs. The Payment of Gratuity Act, 1972 was amended recently and as per this amendment, the Gratuity ceiling was enhanced from Rs 3.5 lakhs to Rs 10 lakhs. This amendment came into effect from 24-5-2010. Thus the BSNL recruittees are eligible for payment of Gratuity subject to a ceiling limit of Rs 10 lakhs.
- vii)** Time bound promotion to next higher scale every 8 years instead of the existing time bound promotion on completion of 16 and 26 years service and 4 such promotions will be given
- viii)** Reduction in qualifying service from 10 years to 7 years for appearing in JTO 35% and 15% quota exams—order dated 12-10-2009  
  
(Exam could not be held due to court cases and the union is pressurizing the management for holding the exam as early as possible by getting the court cases cleared.)
- ix)** Clarification regarding the old HRMS Number of TTAs selected as JTOs in DR quota-the details of their previous career history including old HRMS number will be entered in the additional field in the new HRMS.(Order dated 4-12-2009)
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- xi) Extension of benefits to the internal officials selected against DR JTO quota-No PVR required, Execution of bond for the remaining period of service only(Order dated 6-5-2009)
- xii) Extension of benefits to internal officials selected as JTO against outside quota, after applying through proper channel-no recovery of training charges and stipend paid during training in previous cadre, benefit of past service for fixation of pay in the JTO post under FR27, carrying forward of leave, counting of past service for pension in case of absorbed employees, pay and allowances of previous post during JTO training(Order dt 23-6-2010)
- xiii) Scheme and syllabus of JTO 15% and 35% quota exams announced (Order dt 20-10-2009)
- xiv) Extension of "BSNL Distance Learning Scheme" for non-executives(Order dt 18-10-2010)
- xv) Change of designations--Management agreed to form a committee in with union representatives
- xvi) Orders for considering the intra circle and inter circle transfer requests of TTAs-since a good number of TTAs are recruited in DR quota, the transfer requests can be considered(Order dated 7-4-2010)

## 2. Why 30% fitment benefit was not extended to TTAs appointed on or after 1-1-2007?

Because neither in any PSU nor in Central Government, the fitment benefit is extended to those appointed on or after the date of wage revision. Those appointed on or after the date of wage revision are fixed at the minimum pay of the revised pay scale on the date of their appointment. The following are the examples in this regard:

- i) GAIL Executives: "Executives appointed on or after 1-1-2007 at the minimum of the pre-revised pay scales shall be deemed to have been appointed at the minimum of the revised scales of pay."
- ii) ECIL Non-executives: "All workmen who were appointed in the Company on or after 1-1-2007 will be deemed to have been directly appointed in the revised scales of pay and no fitment benefit will be admissible to them". "Pay of workmen who were appointed at the minimum of the pre-revised pay scales will be fixed at the minimum of the corresponding revised scales of pay with effect from the date of appointment."
- iii) **Employees joining MTNL on or after 1-1-2007 will be placed at the initial stage of the revised Pay Scale in which they are appointed.(MTNL wage revision agreement signed on 11-5-2010)**
- iv) Power Grid executives: "Executives appointed/absorbed in Power Grid pay scales on or after 1-1-2007, who were allowed pay at the minimum in pre-revised scales of pay, their pay shall be fixed at the minimum in pre-revised scales of pay".
- v) **Fixation of pay in the revised pay structure of central government employees appointed as fresh recruits after 1-1-2006(Date of effect of revised pay scales for central government employees): "the entry level pay in the pay band at which the pay of direct recruits to a particular post carrying a specific grade pay will be fixed on or after 1-1-2006."**

## 3. Then why there is a propaganda that the JTOs in BSNL appointed on or after got 30% fitment benefit?

- i) **No such fitment benefit was given for all of them. But where as some of those selected against JTO 2005 DR quota vacancies were appointed before 1-1-2007, some of them were appointed after 1-1-2007 due to administrative reasons. Since all of them are of 2005 batch and should have been appointed before 1-1-2007, and should have got 30% fitment benefit, those appointed among them after 1-1-2007 were fixed at the pay Rs 21620/- (equivalent to 30% fitment on pre-revised JTO pay scale minimum Rs 9850/-) on the date of appointment, on par with their batch mates appointed before 1-1-2007. But all other JTOs appointed after 1-1-2007 and not belonging to this 2005 batch are not given this benefit and they are fixed at the revised pay scale minimum**

Rs 16400/- on the date of their appointment. However, BSNLEU demanded that whatever may be the reason, since some of the officials in JTO cadre are given this benefit even though they are appointed after 1-1-2007, all officials in all cadres appointed after 1-1-2007 should be given this benefit of 30% fitment and it has been utilizing this fact as one of the grounds for supporting its struggle for securing 30% fitment to those recruited on or after 1-1-2007.

**4. Even though 30% fitment benefit cannot be extended for those appointed on or after 1-1-2007, in case the revised pay scale minimum of TTA is decided as Rs 15590/-, it is equal to 30% fitment on pre-revised pay scale minimum Rs 7100/-. Why this is not demanded and settled during wage negotiation by BSNLEU?**

i) BSNLEU demanded this during wage negotiation by proposing that the minimum pay of the revised pay scale be evolved for all non-executives by multiplying the pre-revised pay scale minimum with a multiplication factor 2.195 (equal to 30% fitment). If this proposal was agreed, then the minimum pay in the revised pay scale of TTA would have been Rs 15590/- ( $7100 \times 2.195 = 15590$ ) But management did not agree on the following grounds:

a) For JTO, the revised pay scale minimum was Rs 16400/- and it was evolved by multiplying the pre-revised pay scale minimum Rs 9850/- with a multiplication factor 1.66. Hence the multiplication factor for non-executives cannot be more than the multiplication factor in case of JTO. Our repeated discussion and pressure could not make management agree for a multiplication factor 2.195 which was far higher than the multiplication factor in case of JTO.

**5. Then how the TTA revised pay scale minimum was decided as Rs 13600? what was the multiplication factor utilized for evolving this?**

i) The management was compelled to accept the multiplication factor 1.91 for evolving the minimum pay in the revised pay scale ( $7100 \times 1.91 = 13600$  approximately). This was on the ground that the BSNL management proposed the minimum pay Rs 18850/- in the revised pay scale of JTO by multiplying the pre-revised minimum Rs 9850/- with a multiplication factor 1.91 ( $9850 \times 1.91 = 18850$  approximately) although as per DPE (Department of Public Sector Enterprises) guidelines the minimum was Rs 16400/- only. That is why this proposal is not approved and the minimum pay in JTO revised pay scale remains as Rs 16400/-. But BSNLEU compelled the management to accept this proposed but not approved multiplication factor 1.91 for evolving the minimum pay in the revised pay scales of non-executives.

ii) In other PSUs also (like Food Corporation, Container Corporation, ECIL etc) where wage revision took place before the wage revision in BSNL, the minimum of the existing pay scale was multiplied with 1.91 to make it the minimum of the revised pay scale.

iii) In Central Government also almost the same multiplication factor was applied in deciding the minimum of the revised pay scale. For example the pre-revised pay scale S-7 (Postal Clerk) was 4000-100-6000 as per 5<sup>th</sup> CPC scales. As per 6<sup>th</sup> CPC report the Government revised it to Pay Band 5200-20200 with Grade Pay 2400. The Postal Clerk recruited newly on or 1-1-2006 (date of effect of new pay scales in Central Government) will be appointed at the minimum of the revised pay scale which will be  $5200 + 2400 = 7600$ . Rs 4000 multiplied with 1.91 will be Rs 7640/-. Thus same multiplication factor of 1.91 was applied for deciding the minimum in the revised pay scale.

**6. What was the multiplication factor utilized in evolving the revised pay scale minimum of TTA in MTNL?**

i) In MTNL the minimums in the pre-revised pay scales were more than the minimums of the pre-revised pay scales in BSNL. When the conversion from CDA pay scales took place in MTNL, it was drawing more profits compared to BSNL, since it was operating in the profitable areas of Delhi and

Mumbai only and not in the unprofitable rural and backward areas as in case of BSNL and hence this was possible. The pre-revised pay scale minimum of TTA in MTNL was Rs 7700/- and it became Rs 14500/- in the revised pay scale, by utilizing the multiplication factor 1.88 (7700X1.88=14500 approximately), which is somewhat less than the multiplication factor 1.91 in BSNL.

**7. Is the problem of salary reduction in some cases among those appointed after 1-1-2007 present in BSNL alone or is it present in other PSUs also?**

- i) This problem is present in other PSUs and also in Central Government. In case this reduction in salary arose on the date of appointment, a provision was made for compensating the loss by payment of equivalent amount as personal pay. The following are the examples in this regard:
  - a) In Central PSUs this arisen on date of appointment was compensated by paying equivalent amount as personal pay to be absorbed in future increments.
  - b) In Central Government also same procedure is followed. As per the notification issued on 29-8-2008 on revised pay rules by the Central Government, the rule 8 is as below:  
“In such cases, where the emoluments in the pre-revised pay scale(s) [i.e., basic pay in the pre-revised pay scale(s) plus Dearness Pay plus Dearness Allowance applicable on the date of joining] exceeds the sum of the pay fixed in the revised pay structure and the applicable dearness allowance thereon, the difference shall be paid as personal pay to be absorbed in future increments in pay.”

**8. But what about the cases where on the date of appointment after 1-1-2007 the pre-revised pay+DP+DA was less than the revised pay+DA and there after the revised pay+DA was less than the pre-revised pay+DP+DA?**

- i) This problem is present not only in BSNL, but also in other PSUs as well as in Central Government and it is due to the DA system. As can be seen in the above said order in case of central government employees, so far no solution is offered for settling this problem. The problem of difference arising on the date of appointment is settled whereas the problem arising after the date of appointment remains unresolved yet.

**9. What the BSNLEU did and doing for settling the problem of salary reduction arising after the date of appointment in case of those appointed after 1-1-2007? What it is doing for extending 30% fitment benefit to those appointed after 1-1-2007?**

- i) These two are the issues common in Central PSUs as well as in Central Government Departments. A new approach in wage revision guidelines is required for settling these problems so that the fitment benefit is available to those appointed after date of effect of wage revision. This requires a prolonged and consistent struggle organized in common in all PSUs and a start has to be made for this purpose in each and every PSU. On its part, BSNLEU already started its work in this regard. It raised these issues in the National Council meeting held on 30-8-2010 where in the management agreed for a special discussion separately. Accordingly the special discussion took place on 26-11-2010 and BSNLEU pointed out the following grounds for settling these two issues:
  - a) The reduction in salary arising after the date of appointment is an aberration and as per the wage revision agreement signed by management and BSNLEU, and clause 10.3 of the wage revision order, “Anomalies/aberrations arising out of this wage revision will be addressed separately” , and hence the management has to settle this aberration.
  - b) There is no other way to settle this aberration except by granting 30% fitment benefit to all the officials appointed after 1-1-2007.
- ii) Management told they would examine these points and will try to settle this problem.

**10. When the Tamilnadu Government extended fitment benefit to all the officials appointed after date of effect of wage revision(1-1-2006) and before the date of issue of wage revision orders (1-6-2009) why it can not be implemented in BSNL?**

- i) In the meeting held on 26-11-2010 with BSNL management, BSNLEU demanded that this procedure followed by Tamilnadu Government be followed by BSNL management. BSNL management told since they have to follow the DPE guidelines, they cannot follow the Tamilnadu Government.
- ii) Though this will not be immediately accepted by the Department of Public Enterprises(DPE) for implementing in the Central PSUs, this will be useful as a precedence based on which we can continue our struggle along with those in other PSUs for achieving fitment benefit for post 1-1-2007 appointees.

**11. Why there is 8 years service condition for BSNL recruitees to get each promotion under NEPP and why it is 4/7/8/8 years in case of DoT recruited employees**

- a) The NFTE made agreement with the management in the National Council meeting held on 25-8-2003 when it was the recognized union, as per which the OTBP/BCR promotion policy(16/26 year promotions) has to be continued until next wage revision on 1-1-2007.
- b) When BSNLEU demanded that the promotions under the new policy be given on completion of every five years service, the management told that it would not be possible in case of non-executives since as per the agreement with the previous recognized union NFTE, the OTBP/BCR has to be continued until 1-1-2007 and hence no promotion under the new scheme would be possible before 1-1-2007.
- c) The management also told that since OTBP/BCR has to be continued until 1-1-2007, the first promotion under new scheme could be given five years after 1-1-2007 i.e in 2012. This means the periodicity for promotion under new policy would be 12 years, starting from 1-10-2000. BSNLEU/United Forum strongly opposed this and finally the management agreed to grant promotion on completion of 8 years service.
- d) BSNLEU asked for reducing this further to 5 years, but management did not agree because in view of the NFTE's agreement for continuing OTBP/BCR until 1-1-2007, the first promotion has to be given five years after that, in 2012. Hence 8 year promotion is a big advance compared to this.
- e) The management further told that in DoT the JTO used to get time bound promotion on completion of 12 years, and they are now given promotion on completion of 5 years service. This means for the JTOs when compared to previous policy, the reduction in periodicity for promotion is 7 years only (12-5=7). On the other hand the non-executives are getting OTBP in DoT on completion of 16 years service. In the new promotion policy, this was reduced to 8 years. Therefore the reduction in service period was 8 years (16-8=8) for non-executives compared to 7 years for executives. Management argued that non-executives got more reduction in service period for promotion in the new policy compared to executives.
- f) Under these unavoidable circumstance that arose due to the agreement of NFTE, we were compelled to agree for 8 year periodicity for promotion.
- g) With this 8 years periodicity for promotion, the BSNL recruitees will be able to get four promotions in service since they will be having enough service remaining.
- h) But a large number of DoT recruited employees are retiring soon and keeping this fact in view, the management agreed to grant first promotion on completion of 4 years service and second promotion on completion of seven years service after such first promotion. Even with this 4/7 years condition, most of the DoT recruited employees will get 3 promotions only including the OTBP/BCR they got in DoT/BSNL.

- i) If 8 years service condition is imposed, most of the DoT employees will not get any benefit from the new policy. In fact, the BSNL recruited employees are getting more benefit (4 promotions) as per the new policy whereas most of the DoT employees will be getting 3 promotions only in their entire service even after this reduction in eligible service for promotion to 4/7 years. Thus in fact there is no discrimination against BSNL recruits in the promotion policy.

## **12. What BSNLEU did for promoting the direct recruited TTAs as JTOs through exam?**

The JTO recruitment rules were issued in 2001 when NFTE was the recognized union. In these recruitment rules the ten year service condition was imposed. NFTE won in the union recognition election held in 2002 and remained as recognized union until the end of 2004. But it did not raise the issue of reducing the service condition from 10 years to 5 years. After getting recognition in 2004 December, BSNLEU demanded for reducing the service condition to 5 years. But management did not agree. Finally after prolonged discussions and struggles, the BSNLEU succeeded to reduce the service condition from 10 years to 7 years and management issued orders accordingly in 2009. But due to the various cases filed by several officials in the courts in all the circles, it was not possible for conducting the examination. BSNLEU demanded management to see that the court cases are cleared early and the JTO exam is held early. It will continue this effort for holding the exam.

## **13. Why a higher pay scale is not demanded by BSNLEU for TTAs whereas in Central Government the pay scale of the engineering cadres with diploma as recruitment qualification was upgraded?**

- a) In Central Government, based on the recommendations of the 6<sup>th</sup> pay commission, certain pay scales s-9 to s-12 were merged, and it resulted in upgradation of the pay scale for those who were in S-9 (this is for all cadres, not for engineering cadres alone). But the existing employees (Those recruited before pay revision date) are not benefitted since they got more than the revised pay scale minimum after adding fitment benefit.
- b) In any case, the sixth pay commission recommendations are not applicable for BSNL since BSNL being a PSU has to follow DPE guidelines. Hence any proposal for revision of pay scale based on sixth pay commission report is irrelevant in PSU.
- c) Moreover the fitment benefit in case of PSU is more beneficial than the fitment benefit in case of Central Government. For example a TTA appointed on 1-2-2002 and drawn pay of 7900/- (after drawing 4 increments) as on 1-1-2007 got the revised pay of Rs 17350/-. But a similarly placed official appointed in Central Government in the identical scale 5000-150-8000 and drawn basic pay Rs 5600/- as on 1-1-2006 (date of pay revision in central government) after drawing 4 increments, was fixed at the basic pay Rs 14620/- only in the upgraded revised pay scale. Thus in the central government, even after the upgradation by merger of pay scale, the pay was far less than BSNL. Therefore demanding central government pay structure means loss for BSNL employees. We can not choose the pay structure from central government and fitment benefit from PSU system. Therefore demanding merger of pay scales on par with central government is demanding less.
- d) It is to be remembered that the official in Central Government appointed after 1-1-2006 (date of pay revision) in this merged scale got Rs 13500/- only as his revised pay on the date of appointment whereas in BSNL it is Rs 13600/-.
- e) Besides this upgradation with loss will result also in another loss. Such upgradation on 1-1-2007 will be treated as one promotion and the official appointed in 2002 will get his next promotion 8 years after 1-1-2007 i.e. in 2015 since the upgradation on 1-1-2007 will be counted as one promotion. Thus it will be double loss.
- f) Therefore BSNLEU did not prefer such loss to the officials and hence not demanded such merger/upgradation of pay scales.

**14. NFTE is promising to get 30% fitment benefit for those recruited after 1-1-2007 and promotion every 5 years under NEPP and to reduce the service condition for JTO exam to 5 years, if they are elected as recognized union and SNATTA central leaders are asking BSNL recruited TTAs to believe this and vote for NFTE. Whether it is possible for NFTE to fulfil these promises?**

- i) Any union can submit the demands to the management and negotiate and struggle for settling those demands. Achievement depends on the capacity to struggle for the demands and on the circumstances. When the DPE guidelines are not allowing 30% fitment benefit to those appointed after 1-1-2007, it requires a serious struggle in common in all PSUs to settle this issue. Therefore to achieve this, a commitment to common struggle is required and NFTE and SNATTA central leaders are lacking such commitment. The alliance agreement signed by NFTE and SNATTA leaders is as below:

“Our members at SSA level should not be forced to Join NFTE and in no case be compelled to join strike without their consent”.

- ii) This means both NFTE and SNATTA are against struggles and strikes being organized for saving BSNL and for achieving demands. When they are thus against strikes, they will finally surrender to the policies of the management and Government.
- iii) That is why when NFTE was the recognized union it requested the management and Government to reduce IDA pay scale, limiting the increase in IDA pay to 20% on the CDA pay). According to NFTE, there would be no guarantee for pension payment unless we agree for such a reduction in pay.
- iv) As reported in its journal “Telelabour” August 2003 issue, in the meeting held with it by CMD BSNL on 4-8-2003, the NFTE made the following proposal:

*“If necessary, emoluments be based on profit sharing and pay scales on which pension is to be paid be fixed with 20% increase over CDA pay scales.”*

- v) What is the meaning of this proposal? To understand this, as an example we will take a Sr.TOA in OTBP with a basic pay of Rs 5600/- in the CDA scale of 5000-150-8000 as on 30-9-2000. He was fixed in the IDA scale of 7100-200-10100 on 1-10-2000 at Rs 7900/- basic pay on point to point fixation basis. Thus his pay was increased from Rs Rs 5600/- to 7900, an increase of 41%. But as per the above proposal of NFTE, this has to be reduced to 20% i.e 20% on Rs 5600/-, which will be Rs 6720/- only. Therefore as per this proposal, as on 1-10-2000, the basic pay of this official has to be reduced from Rs 7900/- to Rs 6720/-. Therefore it is to be understood that the NFTE’s way for protecting BSNL is proposing cut in pay and pension.
- vi) Thus NFTE is a union which asked management to reduce salary and pension in the name of saving BSNL. It is the union which asked for continuation of OTBP/BCR scheme until 1-1-2007 and instead of demanding time bound promotions with less periodicity, agreed for holding competitive exam on completion of 10/20 years service to get promotion to OTBP/BCR scales.
- vii) Further it was NFTE when it was the recognized union, which made agreement in 2003 for continuation of OTBP/BCR(16/26 year promotion scheme until 1-1-2007 and further made agreement for holding competitive exam on completion of 10/20 years service to get OTBP/BCR scales.
- viii) NFTE was the recognized union in 2001 when JTO recruitment rules were announced with 10 year service condition for appearing in the exam.
- ix) When it was the recognized union, it never organized any united struggle for protecting BSNL.

- x) SNATTA leaders are saying that the BSNL recruited TTAs should not be asked to participate in strikes unless they are willing for it. What is their meaning? This means these leaders want to keep the BSNL recruited TTAs away from the common struggle for protecting BSNL and for achieving the demands. When they are against the common struggle for protecting BSNL, it is implied that they are also against any struggle for achieving even the demands of BSNL recruited TTAs and thus their stand is suicidal.
- xi) Therefore it is clear that the anti-struggle pro-management alliance of NFTE-SNATTA central leaders can never achieve the demands of BSNL recruited TTAs or DoT employees absorbed in BSNL. This is because NFTE is for reduction in salary and pension in the name of saving BSNL and SNATTA leaders are short sighted and anti-struggle in their orientation.
- xii) In any case NFTE cannot win in this verification and BSNLEU is going to win with a landslide majority compared to 4<sup>th</sup> verification. NFTE camp has become very weak now compared to last verification. FNTTO which voted for NFTE last time is now separated from NFTE and contesting on its own. The call given by the SNATTA to vote for NFTE cannot compensate this loss since the number of BSNL recruited TTAs is around 8,000 and most of them will vote for BSNLEU inspite of this call from SNATTA. Added to this, there is a split in NFTE itself. Com Kohli and Com N.T.Sajwani the two top leaders in NFTE separated from NFTE and formed their Union NFTBE and declared support to BSNLEU. It is to be remembered that BSNLEU got 1,24,000 votes last time, where as NFTE FNTTO alliance got 95000 votes only. Added to this the settlement of a good wage revision and a good promotion policy by BSNLEU will help in garnering votes from a considerable number of members in NFTE and FNTTO. Hence BSNLEU is going to win with a thumping majority.
- xiii) Hence the question of NFTE-SNATTA alliance winning and getting recognition does not arise. BSNLEU will again win with a thumping majority and will continue its efforts for settling the demands of BSNL recruited TTAs including extension of 30% fitment benefit for those appointed after 1-1-2007, holding of JTO examination, change of designation etc. These efforts will get strengthened in case all the BSNL recruited TTAs vote for BSNLEU without any exception so that with the increased bargaining power thus gained will help in settling the issues.
- xiv) Therefore all the BSNL recruited TTAs are requested to vote for BSNLEU without any exception and support the struggle for achieving their demands as well as the struggle for saving BSNL.

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