

**Sub: Minutes of the 25<sup>th</sup> meeting of the National Council held on 24<sup>th</sup> June, 2011 under the chairmanship of Director (HR), BSNL Board.**

The 25<sup>th</sup> meeting of National Council was held at 11.00 AM on 24<sup>th</sup> June, 2011 in the Conference Hall, Bharat Sanchar Bhavan, New Delhi. The list of participants is available at Annexure-I. As a welcome gesture, the CMD BSNL also attended the meeting.

2. At the outset, GM (SR) welcomed the CMD, BSNL, Chairman National Council, Leader Staff Side, Secretary Staff Side and all other members of National Council, both from the Official side as well as the Staff Side. He also congratulated the BSNL Employees Union on securing 46.57% votes in the last membership verification and had emerged the majority representative union of non-executives in BSNL.

3. CMD BSNL expressed his thanks for being invited to the National Council meeting. He mentioned that during the last six weeks, he has met a couple of National Council members and learnt various positive steps taken by them. He also mentioned that there might be difference of opinion on any issue between the management and the Staff side, but we have to learn to agree to disagree. It is possible that at times either the issue may get resolved with the passage of time or different alternatives may appear. This should not stop the work. The CMD also mentioned that the union side is already aware of the financial position of the company, but there might be various reasons for that. He also mentioned that he has received very valuable suggestions from the unions / associations and the management is acting on them. Therefore, we are moving towards same objective to improve the financial health of the company. The CMD BSNL also indicated that the company may have to consider certain cuts which may seem difficult at present, but in future these will give us happiness. While concluding, once again he welcomed the members of National Council and expressed hope that in this meeting the issues to be discussed will be useful for the organisation.

4. Director (HR) in his opening address welcomed all the participants of National Council and mentioned that CMD BSNL has already told the truth of the day. He mentioned that we will keep interacting quite often. Through this forum, we can create conducive atmosphere for the organisation. He mentioned that in the past we have lived with respect and glory in the country and emphasized the need to strive hard so as to enable all of us to live with the same respect and glory and feed our families. At present, our main aim is not to make huge profit but to ensure that the company becomes financially viable. He also mentioned that in this meeting we will be discussing certain issues which will be very crucial.

5. Executive Director (Finance) mentioned that as pointed out by the CMD BSNL,, presently we are in a critical juncture where we have to seriously think how to increase our revenue and decrease the expenditure. Any suggestion to increase the revenue and reduce expenditure from the Staff Side will be welcome. Also she emphasized the need to have harmonious relations now and in the future for the sake of BSNL.

6. Leader, Staff Side welcomed the CMD BSNL, Chairman, Leader Staff side and all other members of the National Council from the Official Side as well as Staff side. On behalf of Staff Side, after welcoming the members, he expressed hope that this National Council will be able to fulfill the requirements of the staff as well as the management in sorting out the issues and settling them. He mentioned that this is almost a new Council with new Chairman, ED (Finance), some members from the official side and some from staff side. He pointed out that we are meeting in a new situation and the main requirement is to see that the company grows so that we can regain the past glory. He

thanked the CMD BSNL for his presence in the meeting. On the front of development and expansion of the company, he mentioned that the Staff side is always with the management. He also mentioned that there is no difference between the Staff side and the management, but there are certain issues which we can discuss with the management and hope that the new management will be able to sort out the issues and ensure that sufficient equipment is made available so as to meet the requirement of our customers. The staff side has already expressed its opinion on the issue of merger with ITI and expressed hope that the same is in line with the management. On BSNL-MTNL, the Staff side is supporting the management but there are certain issues which need to be comprehensively settled, viz. salary different, pension and dis-investment. The revival of BSNL is to be ensured and the available resources utilized to the maximum extent. In this regard, he referred to business plans and mentioned that the Postal department has floated a tender for 1.36 m broad-band connections. We have to make efforts to bid for this tender. Further, he mentioned that DOT has issued certain orders, viz. reduction of BSNL assets which are not beneficial to BSNL. We request the management to pressurise DoT and the Government to withdraw this order. The Staff side is completely opposed to it.

7. While concluding, the Leader Staff side raised the following issues for consideration of the management –

- PLI for the last year has not been paid to the employees. It is the right of the workers and they are being paid PLI/bonus since 1975, but last year the same has not been paid. The workers are very frustrated. The Staff side requests the management to sort out this issue.
- Casual and contract labourers – This is not the actual forum to take up this issue, but on behalf of contract workers who are working for 10-15 years for DOT/BSNL, their condition is poor. They should be given minimum wages, social security measures viz. EPF, ESI etc. need to be extended to them. The company is paying the wages, but the precise amount does not reach the workers. The local management has started retrenching them and they are being sent out. This is not fair.
- Orders for pension revision have been issued by the Government, but the benefit has not been given to the employees. There is some problem on the part of CCAs, the issues needs to be sorted out with them.
- The Staff side is aware of the financial position of the company, but the benefit of 78.2% IDA merger has not been given to the workers. The Staff side requests that instructions be issued for merger of 78.2% IDA with immediate effect and the issue of arrears can be discussed later.
- The unions and associations observed Consumer Delight Month, but the progress made is not known to the workers. The Staff side requests representation of workers in the BSNL Board so that it may contribute towards development of the company.

8. After welcoming the CMD BSNL, Chairman, Leader and other members of National Council, on behalf of Staff side the Secretary Staff side expressed his gratitude to the CMD BSNL, who has spared some time to be present on the occasion of first meeting of National Council after the fifth membership verification. He also expressed thanks to the Chairman, National Council, though he has taken over very recently, he has earned very good reputation among the union leaders for hearing their grievances. He hoped that under the chairmanship of the present Director (HR), this National Council will take many crucial decisions for improvement of the company as well as for betterment of the workers. He mentioned that with a view to save the company from its present crisis, the unions have launched a programme, i.e. Customer Delight Month, which was originally for the month of May and subsequently extended to June. In all probability, this is likely to be extended further also. This is a path-breaking step from the traditional convention of trade unionism. The trade unions have walked extra mile not only to save the future of workers but also to save this PSU from any disaster. He also mentioned that they are getting very good response from the management in their effort in implementing the same. He appreciated CMD, BSNL for quick response as and when he sent any SMS to him. To conclude, the Secretary raised the following issues -

- On the issue of NEPP, the Secretary mentioned that while issuing the instructions the management has inserted certain conditions which were not there in the agreement with the Staff side. These conditions have caused certain problems for the workers. In the last National Council meeting held on 31.8.2010, the management agreed to discuss this separately, and a meeting was also held thereafter but not much progress is made on this issue.
- There are certain demands of the employees which can be settled without any financial implications, i.e. change of designation, but we find negative approach of the management. The stature of the employees has improved, but not his designation. A committee was formed, but that committee has not held any meeting, despite letter given to the Convener of the meeting. A new and attractive designation will give mental satisfaction to the employee. It is hoped, the management will pay due attention to this issue too.

9. Thereafter, the agenda items were taken up for discussion.

**9.1 Anomaly due to accrual of increment to junior earlier than the senior after fixation of pay in the revised pay scale on implementation of Non-executives wage revision w.e.f 1-1-2007-senior's increment date be pre-poned to that of the junior** - The Staff side mentioned that as per the BSNL CO's order No. 7-1/2010-PAT(BSNL) dated 31-8-2010 in the cases where the senior starts drawing less pay than junior due to accrual of increment to junior earlier than the senior after fixation of pay as per the orders issued on wage revision for non-executives vide BSNL No. 1-16/2010-PAT(BSNL) dated 7-5-2010, the pay of the senior has to be stepped up at par with the junior, on the date the junior has drawn the increment and his next increment will be one year after that. This proposal is not solving the problem since even after such stepping up, the senior will draw more than what he would have drawn as per his original date of increment for some period, but will draw less than what he would have drawn as per his original date of increment. Therefore, it is requested to cause necessary orders so that in such cases of pay anomaly, the increment of the senior is pre-poned to the date on which the junior has drawn the increment. In response, the management side informed that the basic issue is that senior should not draw less pay than an identified junior. It has been resolved by way of order No 7-1/2010-PAT(BSNL) dated 31.8.2010 bringing pay of senior and next increment date at par with the identified junior. However, pre-ponement of increment is not admissible in this case. During the course of arguments, the Staff side proposed to have one date of increment for all employees, i.e. in the month of January, to which the official side pointed out that it is neither in the DPE orders nor in the Presidential order. **Finally, it was decided that SR Cell will gather information from other PSUs in cooperation with the members of Staff Side.**

**9.2 Presidential Orders in case of the officials whose training started in DoT and appointment given in BSNL** - The Staff side submitted that there are several officials, either directly recruited or appointed on compassionate grounds, who were selected for appointment in DoT and whose training started in DoT, but appointment took place in BSNL. They have to be considered as DoT recruited employees for the purpose of issuing Presidential Orders for absorption in BSNL and for providing pension as per CCS (Pension) Rules. In response to the demand of Staff side, the official side informed that this issue was considered in consultation with DOT and the Finance Wing of BSNL C.O. and it has been decided that all such officials who have been approved for appointment in DOT era and whose training started in DOT/BSNL and have finally been appointed on or after 1.10.2000 by BSNL, will be treated as BSNL employees and as such Presidential Orders for absorption in BSNL are not required to be issued. In this context, Estt. Branch of BSNL has issued order on 10.4.2006, to which the Staff side pointed out that these orders are applicable to TSMs whereas there are cases in other cadres too where the employees started training in DOT and finally

appointed after 1.10.2000 in BSNL. **After detailed discussions, the Chairman ruled that if the Staff side submit a model case, a reference can be made to DOT.**

**9.3 Revision of Family Planning increment** - The Staff side mentioned that the family planning increment has been revised in all PSUs and in Central Government Departments along with wage revision that came into effect from 1-1-2007, whereas in BSNL during wage negotiation, the management told that the Management Committee has not agreed for the proposal to revise the family planning increment of executives in BSNL and hence it would not be possible to revise it in isolation for the non-executives and therefore it was agreed to add the clause in the non-executives wage revision agreement that the family planning increment for the non-executives would be revised as and when such revision takes place for executives. Non-revision of this increment creates an untenable situation since as per the wage revision order; the family planning increment has to be paid as per the existing amount corresponding to the pre-revised scale. But in the case of an official appointed after wage revision and became eligible for family planning increment, it is not possible to grant the "existing amount" corresponding to the pre-revised scale since he has not drawn pay in the pre-revised scale. In such case he has to be given the family planning increment as per the revised scale. But it is not possible as per the wage revision order. This is an unwarranted situation. Accordingly, the Staff side requested for revising the family planning increment of the executives and non-executives together. **The official side responded that the amount of Family Planning increment is equal to the increment in the pre-revised scale and no problem has been reported so far in its implementation. The management side also informed that the Family Planning Increment has not been revised for Executives so far, but agreed to consider revision as and when the financial condition of the company improves.**

**9.4 Settlement of Pay Anomalies/Aberrations that have arisen at the time of conversion from CDA to IDA pay scales** - The Staff side submitted that as per the Agreement signed between management and unions for implementing IDA pay scales for the BSNL absorbed employees with effect from 1-10-2000, it was agreed to settle anomalies/aberrations arising out of the implementation of that agreement. Accordingly a committee consisting of management and union representatives was appointed to study and recommend on these anomalies/aberrations. Again, another Committee was appointed consisting management and union representatives, which submitted its recommendations for settling these aberrations by treating the difference between the pay of the senior in higher scale and the junior in lower scale as personal pay to be paid to the senior, for all cadres. But in the order issued by the management on 30-8-2010, this was only partially implemented for senior in line man cadre compared to his junior in Gr D cadre and senior in TM cadre compared to his junior in Gr D cadre, ignoring all other cadres. As such, the Staff side demands that the benefit of personal pay be extended to all officials identically placed, irrespective of their cadre, as per the report of the committee. In response to the demand of Staff side, the official side clarified that the issue of grant of Personal Pay was agreed to in respect of Telecom Mechanic and Lineman Cadres only. Accordingly instructions to this effect were issued on 30.8.2010. After detailed deliberations, **the Chairman ruled that the issue can be re-examined and if there is any misunderstanding or mistake, the same can be rectified and necessary instructions issued.**

**9.5 Granting of option for retaining CDA pay scale till promotion/retirement, to officials absorbed in BSNL** - Referring to DoP&PW's OM No. 4/18/87-P&PW(D) dated 5-7-1989, the Staff side pointed out that at the time of absorption in BSNL the option for retaining CDA pay scale till the date of promotion/retirement after 1.10.2000 option was not given to non-executives whereas the same was given to executives vide BSNL C.O. order No. 1-37/2004-PAT(B) dated 24-9-2004. The Staff side termed this as an unwarranted discrimination and requested to extend the facility of this

option for non-executives also, since the BSNL/DoT cannot treat executives and non-executives differently in such matters. In response to the demand of Staff side, it was clarified that the option was already there as it was part of the Presidential Order issued for non-executives also. Retention of pay scale can be extended, if not already extended, to such non-executives who have exercised their option at the time of absorption and pay fixation, for which matter is under examination. **At the same time, ED (Fin) pointed out that CCA is likely to raise an objection in this regard at the time of pension, thus it was agreed to have the entire proposal re-examined.**

**9.6 Reimbursement of expenditure incurred for out-patient treatment with/without voucher, based on revised pay + DA** - The Staff side mentioned that the reimbursement of expenditure incurred for out-patient treatment, with/without voucher is still continuing on the pre-revised pay for non-executives, even though revised pay scales have come into effect from 1-1-2007, and made a request to revise the limit for reimbursement of expenditure incurred for out-patient treatment to one month revised pay+DA admissible for the month of April for the financial year (with voucher) and to an amount equal to 15 days of the revised pay + DA admissible for the month of April for the financial year (without vouchers). The limits for the retired employees also are to be revised accordingly. In response, **the official side responded that the proposal for revision of outdoor ceiling in respect of non-executive employees subsequent to implementation of revised pay scales is under consideration.**

**9.7 Give officiating promotions to JTO (T) to the non executives who are eligible as per JTO RR 2001 under JTO under 35% & 15% LICE quota** - The Staff side submitted that under 35% and 15% LICE/LDCE quota, no examination has been conducted for JTO (T) for the last 10 years. Thus there are a large number of unfilled vacancies available under this quota. Further, as per JTO RR 2001 the eligibility conditions for JTO LICE under departmental quota is B.Sc. in Physics and Maths, 3 years Diploma in Engineering with 7 years of service in Group-C. Thus those non-executives who fulfil the above eligibility criteria to sit in the JTO LICE as per the JTO RR 2001 may be given officiating promotion to JTO (T) till the conduct of the JTO LICE exam. In response, **the official clarified that the JTO (T) RRs have no provision for giving officiating promotion to JTO (T) to the officials eligible to sit in the LICE for promotion to JTO (T). It was further clarified that the management intends to conduct the exam and all necessary modalities are being expedited.**

**9.8 Amend the JTO RR 2001 to include M.Sc (Electronics) in addition to B.Sc (Physics & Maths) and 3 years Diploma in Engineering** - The Staff side pointed out that M.Sc. (Electronics) is one of the required qualifications in the Direct Recruitment of TTA cadre. On this analogy, the Staff side argued that it becomes imperative to explicitly mention the M.Sc. (Electronics) as one of the required qualification in the JTO LICE under 35% and 15% quota. In response to the demand of staff side, the official side clarified that in a Contempt Case before Hon'ble High Court of Kerala at Ernakulam, BSNL has given an affidavit that the ensuing LICE for promotion to JTO (T) will be conducted as per JTO RRs 2001. Therefore, **any amendment may be considered after holding the JTO (T) LICE.**

**9.9 Amendment in the recruitment rule of JTO (E) and JTO (C) and JAO** - The Staff side demanded for amendment in the RR of JTO (E) / JTO (C) and JAO to reduce the qualifying service condition to 7 years from existing 10 years as is done in JTO (T). In response to the demand of Staff side, **it was decided to get the issue examined by respective Cadre controlling authorities. In principle, there was no objection.**

**9.10 Enhancement of concession to BSNL/DoT employees and pensioners for Broad Band in case of Rs 750/- scheme** - The Staff side submitted that at present 20% concession in tariff is allowed to Government and PSU employees for BSNL broadband connection and requested that this concession be increased to 50% in case of BSNL DoT employees and pensioners, in case of Rs 750/- plan. In response, the official side informed that the issue has already been examined and 60% concession on unlimited broadband plan 499 has been given vide Circular dated 3.6.2011. At the insistence of Staff side, **the Chairman directed that instructions be issued that there will be no security deposit in the case of BSNL employees.**

**9.11 Implementation of the Judgment dated 27.8.2010 of CAT Principal Bench, in OA No: 282110 by granting of JTO Pay Scale and Fixation under FR 22 (1) (a) (i) for Officiating JTOs** - The Staff side pointed out that the Honourable High Court of Kerala has not granted any stay against the Judgment dated 17.7.2009 of CAT Ernakulum Bench in OA 84/2008, benefits under FR22(1) (a) (i) were granted to Officiating JTOs of Kerala Circle alone. Since the management negated the benefit similarly placed officiating JTOs, which resulted in filing an appeal by the deprived officials in the Principal Bench of CAT. For parity of reasons, the Principal bench allowed OA in terms of the decision of Ernakulum. In spite of a speaking order of Principal Bench of CAT, implementation part is absent from the side of the management. To end disparity, the Staff side demands that the Judgment of CAT Principal Bench may immediately be implemented. In response to the demand of Staff side, the official side informed that as per the legal opinion given by BSNL Counsel and as approved by Legal Cell, BSNL CO, approval for filing Review Application against judgement dated 27- 8-2010 in OA No 1282/10 has been conveyed to Circle and accordingly Review Application has already been filed. **Since the matter is sub-judice, it was agreed to await outcome of the Review application.**

**9.12 Problem arising in implementation of the Orders of Government of India on Officiating Pay under FR 35, in case of Officiating JAO/ Officiating JTO Promotions** - The Staff side pointed out that the existing criteria on Basic Pay regarding imposition of restriction of Pay under FR 35 has been revised by the Government on 8.3.2010. Subsequently, orders were issued by BSNL on 10.9.2010 vide No: 1-14/2010-PAT (BSNL) revising the ceiling of Pay under FR 35 and made the order of DOP&T applicable to BSNL Employees. According to this order, officials drawing revised Basic Pay up to Rs.24,900/- are eligible for 15% of revised Basic Pay subject to a maximum of Rs.2000/-, but the extended benefit had not gone to the benefit of eligible officials on the pretext of expected clarification from Corporate Office. Earlier, in the Pre-revised pay scales, the minimum of the JTO pay scale was Rs.9850/- whereas the pay of the officiating JTO in their substantive cadre TT A was more than Rs.1000/- less than this Rs.9850/- . But after wage revision, the JTO pay scale was downgraded from E1A to E1 and also the revised pay of these officials in TTA cadre was far more than the JTO pay scale minimum. This anomaly between pre-revised pay and revised pay regarding FR35 requires to be settled by allowing a new dispensation while fixing the pay on officiating promotion to JTO/JAO. Finally, the Staff side requested that necessary clarification sought by field units may be issued expeditiously and ensure the benefit extended. **In response, the official side clarified that such officials who were already TTA in 1999 could only have appeared in the exam. They have since got benefit of 7-8 increments in TTA scale of Rs.7100-10100 (NE-9). Their pay got fixed in corresponding revised scale on 1.1.2007 by giving fitment benefit. Due to this, their pay crossed minimum of provisional JTO pay scale of Rs.16400-40500. Both sides agreed that there is no possible solution in such cases.**

**9.13 LDCE for TTA cadre under 40% Quota - Confirmation of selection of successful candidates declared as provisionally selected** - The Staff side mentioned that as per the notification of Corporate Office, Examination was held for selection of TTA under 40%

Departmental quota. While declaring the results, quite a few names were declared as provisionally selected on the plea that they were holders of graduation through various Government approved Institutions, without passing 10+2. In the past, even those who have not held the requisite qualification have been subjected to pre-qualifying examination and then permitted to appear in LDCE against the 40% Departmental Quota, declared successful, selected and appointed. The Staff side demanded that such officials may be deemed as qualified in consideration of their higher qualification and the provisional selection may be ended by declaring them successful. In response, the management side informed that the Circles were directed on 6.2.2002 to consult the respective State Education Boards for seeking equivalence in the educational qualification. Govt. of Tamilnadu Notification dated 21.1.1978 clearly stipulates that those who have passed SSLC examination under 11 year pattern are not equivalent to those who have passed 10+2 course i.e. higher Secondary Course. Further G.O. No. 107 dated 18.8.2009 stipulates that the Degree / Post graduate../ Diploma obtained through Open University are recognized only when obtained after passing SSLC and Higher Secondary Examination. In view of this, the candidates who have possessed Degree/PG Degree without passing 10th Standard and 10+2 standard have not been considered for the examination. Since Tamilnadu Board has not allowed such qualification as equivalent to 10+2, as such, Circle has declined to allow candidates to appear in the LDCE for TTA. The action of the Circle is correct. As regards candidates belonging to the RY- 2004, they qualified the Pre-qualification test of entry level and have become eligible for appearing in the subsequent main LDCE. **Finally, after lot of discussions, it was decided that Chennai TD may be advised to re-examine the issue in consultation with the university/Board.**

**9.14 Arranging Dr B.R. Ambedkar's photo in Conference Hall, 9<sup>th</sup> Floor, BSNL Corporate Office** - The Staff side requested to arrange Dr B.R. Ambedkar's photo in the Conference hall, 9<sup>th</sup> floor, BSNL Corporate Office. This is implemented in several other PSUs. In response, it was mentioned that it is not mandatory to install the photo of Dr. Ambedkar in the Conference Hall, but **it was agreed that in case the photo of Mahatma Gandhi is displayed in the Conference Hall, the photo of Dr. Ambedkar will also be displayed.**

**9.15 Provision of GSM mobile hand set to all non-executives** - The Staff side demanded that the non-executives be provided with GSM mobile handsets as in the case of executives, in addition to BSNL/DoT retirees. In response, the management side informed that at present, there is no such proposal. However, **it was informed that a proposal is under consideration to provide a Rs.200/- SIM to the requisite employees for official duty work in lieu of WLL sets already provided to them.**

**9.16 Vacant Staff quarters be provided for recognized union** - The Staff side pointed out that in several stations the staff quarters are vacant and demanded that wherever the recognized union requests to provide a staff quarter for union office purpose in addition to the accommodation provided free of cost, the staff quarter may please be allotted on rent basis. In response to the demand of Staff side, **the management side agreed to consider allotment of staff quarters, wherever vacant quarters are available, to the recognised union on payment of fair rent. The detailed terms and conditions for which can be worked out. It was also agreed to consider allotment of staff quarters, wherever vacant quarters are available, to the retired BSNL employees.**

**9.17 Implement wage revision for TSM/Casual Labour in BSNL on the basis of the minimum IDA pay of Group D** - Referring to BSNL C.O. order No. 269-11/2009-Pers-V/LE dated 1-1-2010 revising the wages of TSM/Casual mazdoor working in BSNL, the Staff side stated that this revision was in accordance with the DoT No. 269-10/1989-STN dated 7.11.1989 and 269-11/98-STN-II dated 15.9.98 which envisage that wages of TSM/Casual Labour have to be fixed based on the minimum pay of the pay scale of a regular Group D employee. While this is so, the pay scale of the Group D of DoT i.e. Central Government, was taken into consideration, ignoring the IDA pay scale of the Group D

absorbed in BSNL. This is not correct on the basis of equal pay for equal work. The same PSU BSNL cannot adopt 2 different yard sticks for revising the wages i.e. on the basis of IDA for regular employees and on the basis of CDA for its TSM and Casual Labour. Therefore, the Staff side requested to modify these orders allowing their wage revision on IDA pattern. In response to the demand, **the official side clarified that based on the recommendations of a committee constituted for this purpose, the wages of Casual labour including TSMs were revised on the basis of the CDA Pay Scales. It was also clarified that unabsorbed deputationists and absorbed officials of same level draw different pay in CDA and IDA pay scale and therefore equal pay for equal work cannot be justified.**

9.18 **Special Allowances to the staff working in Jammu & Kashmir Circle** - With a view to help the BSNL staff in J&K, the Staff side raised the following issues -

- a) **Payment of Srinagar valley special allowance to the BSNL staff posted in Srinagar valley** - this allowance has to be extended for one more year from 1-1-2011 to 31-12-2011.
- b) **Special Concessions/facilities to staff working in Srinagar Valley** - As per DoP&T No.18016/3/2010-Estt(L) dated 15-3-2010, special concessions extended for one year from 1-1-2010 to 31-12-2010 for the central government/Central PSU employees posted in Kashmir valley may be extended to BSNL employees.
- c) **Extension of Special Duty Allowance to all Non-Executives in J&K** - It is necessary to extend the special duty allowance @ 12.5% to all staff (executives and non-executives) in entire J&K without any discrimination.

In response to the demand of Staff side, item-wise information given by the official side is as follows -

- a) **Payment of Srinagar Valley Special allowances to the BSNL Staff posted in Srinagar Valley** - J&K Circle has been requested to furnish some information based on which a decision will be taken.
- b) **Special Concessions/facilities to staff working in Kashmir Valley** - The orders in this regard has been issued vide this office letter dated 15/6/2011.
- c) **Extn. of Special Duty Allowance to all Non-Executives in J&K** - The J&K Circle has extended the facility of the SDA to the Executives erroneously on mis-interpretation of the instructions contained in this office letter No 412-10-2009-Pers.I dated 23.3.2010. Hence further payment of SDA granted to the Executives of J&K Circle has been ordered to be stopped vide this office letter dated 19.4.2011. Hence the question of extension of the SDA to the Non- Executives does not arise.

9.19 **Special provisions for settling the anomaly/aberration in the wage revision of non-executives appointed on or after 1-1-2007** - The Staff side pointed out that executives appointed in the E1A pay scale prior to 1-1-2007 got 30% fitment benefit, whereas those appointed after 1-1-2007 were placed at the minimum of the revised pay scale E1 i.e. at Rs 16400/- and it resulted in wage reduction. The Committee constituted by the management, it is understood, proposed grant of 5 increments to those appointed on or after 1-1-2007 for solving this problem. Similarly, the Non-Executives appointed on or after 1-1-2007 also are facing some anomalies/ aberrations after wage revision. While the official appointed on 1-12-2006 and the official appointed on 1-2-2007 in the same cadre are having equal basic pay before wage revision as on, say, in May 2007 in the pre-revised pay scales before implementation of the revised pay scales, after implementation of the revised pay scales, the basic pay of the official appointed after 1-1-2007, as on 1-5-2007, became far less than the basic pay of the official appointed before 1-1-2007. Although it was agreed in the previous National Council meeting to discuss and settle the issues arising out of the wage revision in case of post 1-1-

2007 appointees, and although these issues were discussed in a separate meeting on 26-11-2010, the management did not offer any solution. Hence the Staff side requested to settle this issue without any further delay by granting additional increments to those recruited after 1-1-2007 to compensate for the denial of 30% fitment benefit on par with those appointed before 1-1-2007. **In response to the demand of Staff side for issue of grant of 5 increments to executives appointed in pre-revised E1A pay scale after 1.1.2007, management side clarified that such a proposal, if any, under consideration of the Committee, is not known to the management. Rather, based on interim recommendation of the Committee, case has been referred back to DOT. On the other hand, pay of the Non-executives, who joined after 1.1.2007, has been fixed in the revised IDA pay scale and in their case fitment benefit @ 30%, on basic pay plus DA @ 68.8% is not admissible as their pay has to be fixed at the minimum of the revised pay scale. As such, there is no pay anomaly in fixation of pay of TTAs who joined BSNL prior to 1.1.2007 and those who joined after 1.1.2007.**

9. 20 **Review of Compassionate appointments modalities** - Referring to the guidelines issued by BSNL C.O. on 27.6.2007 relating to compassionate ground appointments, the Staff side submitted that these instructions need to be reviewed on the ground (i) wage revision has taken place with effect from 1-1-2007 (ii) some Courts have given judgments stating that these guidelines dated 27-6-2007 cannot be applied for the cases pending from dates earlier to 27-6-2007, (iii) system of reducing weightage points for the delay in application after date of death of the employee is not correct since compassion is to be measured on the basis of financial condition and not on the basis of delay in application, and (iv) When the applicant got the points 55 or more, he/she becomes eligible for consideration for compassionate appointment. But the Corporate Office is insisting that the job can be offered only to the wife of the deceased employee and not to the son/daughter of the deceased employee. This is not fair. In addition, the Staff side demanded that appointment be granted to those who become eligible and have post for compassionate appointment. The Staff side also demanded

- a) Grant of lumpsum amount of Rs.15 lakhs in case of those who become eligible as per the guidelines but do not have post for appointment
- b) Grant of lumpsum amount of Rs.10 lakhs to all applicants whose applications for appointment are rejected

In response to the demand of the Staff side, it was agreed that there appears a need for review of the guidelines issued by BSNL CO vide letter dated 27-6-2007 due to wage revision w.e.f. 1-1-2007. On the issue of court cases, management side informed that there are court judgements favouring the point system and its application. Further, on the issue of reduction in points for late submission of application, the official side opined that this is an indicator that the family is not in dire need of financial help. This is the basic purpose of reducing points in case of late submission. As regards reduced weightage points in case the son/daughter of the deceased employee makes a request for compassionate ground appointment, it was clarified by the management side that the High Power Committee of BSNL CO. is an independent body, which in some cases, in spite of rejecting the cases takes a lenient view and gives one more chance of applying for CGA to widow, as in committee's view widow can look-after the family in a better way as the very basis of giving compassionate appointment is to mitigate the hardship of the family of the deceased employee. In weightage point system also 15 points have been earmarked if widow applies for her own CGA which gets support from the committee's view. Finally, **on the issue of grant of lump sum amount to the family of a deceased employee, the management side opined that only one scheme can be in existence, either CG appointments or payment of lump-sum to the family of the deceased employee. However, the Chairman ruled that Sr. GM (Estt.) from management side and Mr. Namboodiri from Staff side can discuss the issue to find out any alternative scheme.**

**9.21 NEPP in case of Telecom Mechanics who were granted higher pay scale (OTBP/BCR) pursuant to the orders of various Courts** - The Staff side mentioned that in some Circles (for example Andhra Pradesh) due to the orders issued by the High Court/CAT, the telecom mechanics were granted OTBP/BCR pay scales on completion of 16/26 years service, after counting RM and TM service together. Subsequently the Hon'ble Supreme Court issued stay on this and as a result those who already got the benefit are allowed to continue with the benefit and those not yet got the benefit are not given any further favourable orders by the Courts. Some such officials got OTBP pay scale in TM cadre by counting RM and TM service together before 1-10-2000 and some got the same OTBP pay scale after 1-10-2000. Therefore some of them became eligible for NEPP on 1-10-2004 (those who got OTBP before 1-10-2000) and some became eligible for second NEPP seven years after they got OTBP, as per NEPP policy. But these officials were not allowed NEPP on the plea that the issue should be kept pending till the final order of the Supreme Court. But it is not certain when the final order will be issued by the Supreme Court in the Appeal pending before it on this issue. It is not fair to keep these officials waiting for a long time without granting NEPP. Therefore, the Staff side requested to cause necessary orders for granting NEPP to these officials to next higher scale, subject to the final judgment of the Supreme Court. In response to the demand, **the official side responded that this case is pending in Hon'ble Supreme Court & is a sub-judice matter, it may not be possible to take further necessary action at this stage.**

**9.22 Non-availability of materials required for extending better service to the customers** - The Staff side mentioned that in several places difficulties are arising due to absence of materials and equipment like modems, cable, drop wire, data cards etc for extending better service to the customers and for extending services in the developing areas. Even if the materials are available, they are of sub-standard quality. It is therefore requested to take necessary action for timely supply of good quality materials and equipment. It is suggested to decentralize the procurement of materials and instruments and authorize SSAs for procurement. In response, the management side admitted that there is shortage of equipment, viz. Cable, OF cable, GSM and efforts are being made to divert them from Circles where surplus is available. It was also **informed that for procurement of PIJF cable tender was floated early in the last year which could not be finalised due to some on-going court cases. Now, after getting clearance from Hon'ble Court, the evaluation is completed and recently PNC has been constituted in this regard.**

**9.23 Non-availability of telephone instruments** - The Staff side mentioned that the private operators are providing quality CLIP instruments having several facilities to their customers whereas BSNL is not in a position to supply quality CLIP instruments to its subscribers. While the new subscribers are sometimes provided with CLIP instruments, the old customers are being neglected. Even the CLIP instruments provided are sub-standard and with one way loud speaker. It is requested to settle this issue without any further delay and provide quality, multi featured instruments to subscribers. In response, it was informed that CLIP instruments are being given to customers against new connection of phones only, due to present on-going financial position of BSNL. Regarding sub-standard quality, the minor complaints reports earlier have been rectified. In the recent procurement of CLIP telephones, all efforts have been made to rectify the problems and to further provide instruments to subscribers as per technical specification of TEC and quality check up by QA Wing of BSNL. **It was also informed that Andhra Circle has introduced a plan under which if the subscriber procures his own telephone instruction, he is being given a rebate of Rs.250/- on installation and 300 free calls in three months, i.e. 100 free calls each month. In case the plan proves successful, the same can be introduced in other Circles, as well.**

**9.24 Laying and maintenance of cable** - The Staff side mentioned that in several places for the newly developing colonies/areas cable is not extended resulting in inability to provide land line connections and broadband connections. WLL(F) is not a viable solution replacing the necessity for

wire-line connections in such areas. As a result, we are losing the landline/broadband services business in these areas. Besides, even the existing cable is not properly maintained. Cable maintenance works are not being carried out properly and live cable pairs are becoming dead. Instead of repairing the faulty cable pair, the working pair of disconnected phones is being used for new connections. This way of the slow death of the cable system is unwarranted. As such, the Staff side requested to cause necessary instructions for settling these problems. In response to the demand, the official side enumerated the following steps to tide over the situation -

- Almost all the Circles are facing PIJF cable shortage in BSNL. All efforts are being made by this office to divert cables to needy Circles for meeting their urgent requirement. In addition, cable procurement is on advance stage of finalisation.
- Necessary instructions have been given to the field units vide letter dated 17.6.2011 which envisage that the underground cables are not being repaired to rectify telephone faults due to cable fault. Instead available good cable pairs are being used and the faulty cable pairs are abandoned. This is resulting into sinking of underground cable system. As such, the field units have been advised to identify all such cables and Special task force should be created in each SSA for repairing all such cables, and to accomplish 95% of the work within 60 days.
- The field units have been apprised that the management has taken it seriously and it has been decided that all such cables should be identified and extensive list be prepared and Special Task Force should be created in each SSA for repairing all such cables and ensured that 95% of the faulty cables are repaired in the next 60 days.

**9.25 Compassionate appointments-issue orders allowing creation of posts after 31-3-2008** - The Staff side mentioned that BSNL C.O. vide No. 2-10/2008-TE-1 dated 2-3-2009 has decided to abandon the process of temporary post retention and permanency of the posts as well as treating the posts created/retained on temporary or permanent basis as on 1-4-2008 as the sanctioned strength of the Company for the present. This order is preventing the creation of posts after 31-3-2008 beyond the sanctioned posts on that date. In some circles there is enough justification for creation of posts for Compassionate Appointments, as per the justification based on the review of assets as on 31-03-2008, in terms of BSNL CO No. 268-101/2002-Pers-IV dated 1-10-2002. Accordingly AP Circle has sought approval for creation of 12 posts of TTA under CGA 5% quota, as per the justification based on the review of assets as on 31-3-2008. Although the Heads of Circles were delegated powers vide BSNL C.O. No. 6-5/2004-EB(Part-I) dated 26-12-2006, the above mentioned circular dated 2-3-2009 is freezing the creation of posts after 31-3-2008, since the posts created/retained as on 1-4-2008 are to be treated as the sanctioned strength of the Company. As such, the Staff side requested to issue necessary order allowing creation of posts for compassionate appointments, even after 31-3-2008. **In response to the demand of staff side, it was informed by the official side that the order dated 2-3-2009 issued by TE-I section is regarding abandoning the process of permanency of posts as well as retention of temporary posts which was a continuous process in Govt. After formation of BSNL (i.e. PSU) this process has been stopped w.e.f. 2-3-2009.**

**9.26 Granting a chance to the concerned officials for changing their option regarding revision of pay from 1-1-2007 or from date of promotion after 1-1-2007** - The Staff side mentioned that Para 3.6 of the Wage Revision Order for Non-Executives issued on 7-5-2010 provided for option for electing revised pay from 1-1-2007 or from date of promotion falling after 1-1-2007. But the option form circulated along with this order had created confusion and several clarifications were sought for by the Circles in this regard. Some Circles allowed this option for

promotions granted until 31-12-2007 whereas it should be allowed for promotions granted until the date of issue of the wage revision order i.e. 7-5-2010. In view of this confusion created by the said option form, many officials as well as Circles/SSAs could not understand the meaning properly and it resulted in errant options. Therefore the staff side requested to give one more chance to the officials for changing their earlier option in this regard. Responding to the demand of Staff side, **it was clarified by the official side that the issue for grant of one more option will be got examined. However, it can be examined only in respect of those officials who got promotion 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, and not in respect of all non-executives, as a special case, not to be quoted in future.**

**9.27 Increase the monthly contribution and assured sum under BSNL GSLIS for non-executives** - The Staff side suggested to increase the BSNL GSLIS monthly contribution for non-executives to Rs 315/- from the present Rs 105/- and increase the assured sum to Rs 3,00,000 in case of normal death and Rs 6,00,000 in case of death due to accident, and to negotiate with LIC for bringing these changes in the scheme. In response, the management side informed that the matter involves changes in GSLI policy and requires to be discussed with the LIC of India. **As such, a reference has already been made to the LIC on 2.6.2011 asking for terms and conditions of the proposed changes and the outcome will be communicated to the Staff side after discussion with the LIC.**

**9.28 Child Care Leave for women employees in BSNL on par with the women employees in Central Government Departments** - The Staff side mentioned that Child care leave has been implemented with serious intent by the Central government, many PSUs (FCI, NTPC, etc) and many other state governments and central bodies such as UGC recently. Therefore, the union urged the management to implement the same in BSNL. In response to the demand of Staff side, the Chairman informed that this issue has already been discussed by the Management Committee and considering the financial condition of BSNL, the Management Committee has decided to extend the benefit of Child Care leave for women employees in BSNL on the basis of without pay to be reviewed after one year. **The Staff side expressed its resentment and demanded that their sentiments be conveyed to the Management Committee. This was agreed to by the Chairman.**

**9.29 Cost Accountant, Telecom Factory declared Executive on absorption in BSNL but Executive Pay scale denied and the pay scale 7830-230-12430 given was withdrawn and asked to be reverted to 7800-225-11175 scale after retirement-Urgent settlement of the executive pay scale issue for this cadre requested** - The Staff side referred to para 5 of BSNL C.O. No. BSNL/11/SR-2001 dated 14-1-2002 which stated that as per the classification of posts, a grade whose maximum was Rs 9000 and above but less than Rs 13500/- was to be considered as Group B, and however, the officials placed in 5500-9000 scale or higher due to OTBP/BCR/Grade-IV/ACP/Ad-hoc promotion/time bound advancement etc were not to be considered as Group B. Accordingly Sri Swapan Kumar Guha, Cost Accountant, Telecom Factory, Kolkata who was borne in the non-executive pay scale of Rs 5500-9000 in DoT was declared as Group B in BSNL by the CGMT Telecom Factory Kolkata, vide letter dated 16-3-2004 nullifying the option of the official for absorption in BSNL as Group C. He was placed in the equivalent IDA pay scale of Rs.7830-230-12430 with effect from 1-10-2000. But in the pay scales of executives revised with effect from 1-1-2007, there was no equivalent of 7830-230-12430 pay scale. Therefore the CGMT Kolkata recommended to Corporate Office for placing the official in the revised scale of JTO i.e. 16400-40500 keeping in view the peculiar situation of the cadre and fair comparison with JTO/JAO cadres. But vide letter No. 1-44/2010-PAT(BSNL) dated 25-11-2010, the BSNL CO issued clarification to CGMT Telecom Factory Kolkata stating that the IDA pay scale of Rs 7830-230-12430 corresponding to CDA scale 5500-9000 was

applicable only to Assistants/Personal Assistants of CSS (the non-gazetted Group B officers as on 30-9-2000) and it was also stated that this clarification was as per BSNL CO No.1-5/2004-PAT(BSNL)/pt-III dated 8-8-2004. It further instructed to re-fix the pay scale of the official as Rs.7800-11175 w.e.f. 1-10-2000 and Rs.14900-27850 (NE-10) w.e.f. 1-1-2007. The official retired on 31-7-2008. At this stage, reverting him from Rs.7830-12430 scale to Rs.7800-11175 will result in reduction in pensionary benefits and it is nothing but a punishment to him without any misconduct on his part. As such, the Staff side requested to correct this irregularity in the orders by granting 7830-230-12430 pay scale w.e.f. 1-10-2000 and 9850-14500 pay scale thereafter, along with other officials who were declared executives vide 14-1-2002 order and 16400-40500 pay scale w.e.f. 1.1.2007 to the official. **In response to the demand of Staff Side, it was agreed to re-examine the case.**

**9. 30 Appointment of TTAs officiating as JTOs, as regular JTO** - The Staff side mentioned that the TTAs qualified as JTOs in 35% Departmental quota in the exam held against the vacancies existing as on 31-8-1999 were sent for JTO Phase-I training and given promotion as JTO on officiating basis and thereafter 3500 of them were appointed as JTO on regular basis by diverting outside quota posts. Subsequently after the judgment of Chandigarh High Court against such diversion of outside quota posts, these 3500 already promoted officials were continued as JTOs by creating supernumerary posts for them and in this order for creating supernumerary posts it was clearly stated by BSNL CO that it was also ensured that the promotional aspects of those officials who are eligible for consideration under RRs of JTOs, 2001 are not diminished in any manner and these supernumerary posts would be kept as a separate group and would not be a part of the regular sanctioned strength of JTOs and these supernumerary posts would stand abolished as and when the incumbents vacate the same due to promotion, superannuation etc. (BSNL CO No. 3-9/2007-Pers-IV dt 11-11-2008.). While this was so, another 1800 officials similarly placed are continuing still as officiating JTOs since the procession of diversion of outside quota posts was stopped for them after Chandigarh High Court's judgment. The issue of their promotion as JTO on regular basis requires sympathetic consideration. In response, the management side clarified that subsequent to the orders of Hon'ble Punjab and Haryana High Court in CWP No. 5608/2007, the diversion of DR quota posts to screening test 35% quota has been stopped since the year 2008. In the absence of their quota posts, these officiating JTOs cannot be promoted as regular JTOs. Moreover an SLP in the matter filed on behalf of the waiting qualified TTAs, officiating as JTOs, has been dismissed by the Apex Court. Furthermore, creation of supernumerary posts to adjust the JTOs already promoted against diverted posts is under Contempt before the Hon'ble Punjab & Haryana High Court, Chandigarh. Thus, **when the matter is sub-judice, no decision on the issue can be taken at present.**

**9. 31 Immediate introduction of NE-12 pay scale with effect from 1-1-2007** - The Staff side mentioned that as per the promotion policy agreement signed on 31-10-2008, NE-12 pay scale has to be introduced for time bound up-gradation of the officials in NE-11 pay scale. DoT had conveyed the decision of DPE dated 30-4-2010 as per which the NE-12 pay scale can be introduced prospectively, without coming into conflict with the executive pay scale. Further the BSNL management, based on these instructions of DoT/ DPE proposed NE-12 pay scale as Rs 16380-30640 and asked for Staff side agreement on this proposal. The Staff side submitted its view, vide letter No. BSNLEU/506(NEPP) dated 10-12-2010 requesting for introduction of NE-12 pay scale as Rs 16390-40490 with effect from 1-1-2007, but management did not settle this issue so far. It is requested to cause immediate orders introducing the NE-12 pay scale Rs 16390-40490 with effect from 1-1-2007. The official side referred to the discussions held with the Staff side on 22<sup>nd</sup> June, 2011 in this regard and re-iterated that maximum of NE-12 pay scale as Rs.40490 is not reasonable. Moreover, the company has to pay pension contribution to DOT on the maximum of the pay scale. After detailed deliberations, the Staff side submitted that the number of employees who will be benefited is approx. 2000, hence they agree for Rs.16390-33830 as the revised NE-12 pay scale and requested for immediate finalisation as the issue has already been delayed for more than one year after the DPE

approval. After hearing arguments from both the sides, **the Chairman ruled that the issue be decided on fast track basis.**

9.32 **Pay scales to be evolved under NEPP scheme for Non-Executives in E1A scale** - The Staff side submitted that certain cadres like Stenographers, Librarian etc were given executive pay scale E 1A on their promotion under ACP scheme, but treated as non-executives only even after this up-gradation to E-1A pay scale. They are eligible for up gradation under NEPP since all the non-executives are covered under it. Therefore it is requested to evolve necessary higher pay scales under NEPP so that they will have the higher pay scale for up gradation. In the alternative they may be granted executive status from the date they were upgraded to E1A pay scale. Management side informed that NEPP is only applicable on Non-executives who are in non-executive pay scales and has been made applicable only for NE-1 to NE-10 pay scales. **After elaborate discussions, it was decided to examine the issue.**

10. The meeting ended with a vote of thanks to the Chair.