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## **NATIONAL FEDERATION OF TELECOM EMPLOYEES**

**BSNL**

**(Regn. No. 4906 dated 17/9/2001)**

MS-II, Q. No. 21 & 17, Atul Grove Road, New Delhi-110001

**TF-2/3**

**Dated:- 22-01-2018**

To,

Secretary  
Staff Side (NC)  
(GS BSNLEU)

**Sub:-** Items of agenda for 36<sup>th</sup> NC meeting.

Dear Com.,

We are enclosing herewith a list containing items of agenda for inclusion for discussions in 36<sup>th</sup> National Council Meeting.

With greetings,

Comradely yours,

  
(Chandeshwar Singh)  
General Secretary.

# **Items for N.C.**

## 1. **Insertion of Rule 55 (A) in BSNL CDA Rule 2006:-**

Govt. of India vide Communication No. 25013/2013-Estt(A) dated 31.3.2014 has issued orders for periodical review of performance of employees and for the purpose the BSNL has incorporated Rule 55 (A) in BSNL CDA Rules, 2006 containing Rules 56 (j) and Rule 48 of CCS (Pension) Rules. These provisions are not applicable in respect of BSNL absorbed staff.

The BSNL absorbed employees have secured 60 years of age for superannuation as per Cabinet decision which cannot be diluted. There is assurance of adequate safeguards also in Rule 37A of CCS/Pension Rule even when equity share exceeds 50%.

Moreover, there is every likelihood that the Committee formed at local level will not be fair and just.

It is, therefore, urged that the staff should not be penalized and granted compulsory retirement.

## 2. **Regulation of Reserved Trained Pool candidates (RTPs in the cadre of TOs, Telegraphists and Telegraph Office Clerks):-**

The Hon'ble CAT at Kerala in its judgment has ordered that the RTPs be regularized from the date of their actual appointment. The judgment has been upheld by the Hon'ble High Court also. The SLP filed has been withdrawn by the management and dismissed also. The review petition has also been dismissed by the High Court. The CMD, BSNL has been the respondent in the case.

It is, therefore, urged that the RTPs be regularized from the date of their actual appointment in the department as per vacancies.

## 3. **Benefit of FR 22(1)(a)(I) in officiating promotion of JEs (erstwhile TTAs) to the cadre of JTO:-**

The Hon'ble Kerala High Court has ordered on 15.09.2017 for extension of FR 22 (1)(a)(I) benefit to officiating JTOs. The operative portion of the verdict is appended below:-

"..... the finding rendered by the Tribunal that the fixation has to be effected based on FR 22(1)(a)(I) is perfectly within the four walls of law and not assailable. The writ petitions

and original petition fail and they are dismissed accordingly". The final legal stand from the Supreme Court in the SLP has as below:-

"Implement the benefit subject to outcome of pending appeal at High Court, Kerala".

The appeal has been released in favour of the employees and management has lost the case.

It is requested orders be issued for grant of FR 22 (1)(a) (I) benefit to officiating JTOs.

4. **Creation of Assistant Manager Posts in Telecom Circle and PGM Offices:-**

The performance of clerical section at Telecom Circle and PGM offices suffer in absence of proper supervision. It is urged that AM posts be created in above offices in the analogy of Corporate Office.

5. **Benefits / concession and facilities to employees from disability: –**

The DoP in its communication Nos. 25012/2015-Estt (A-IV) dated 19.5.2015 and 36035/3/2013-Est(Res) dated 31.3.2014 has extended certain concessions and facilities to employees who are suffering from disability in the form of identification of jobs, Post recruitment, pre promotion training, assistive devices, performance in transfer / posting, special casual leave etc.

It is submitted that the BSNL is cent-percent Govt. PSU as such the facilities enumerated in both the above communication may be accepted and orders issued accordingly to the units for adherence.

6. **Filling up CR forms and Disciplinary punishments:-**

a) There is column in "CR" form under which the competent authority will incorporate his / her assessment if the official concerned is fit for promotion. This is unwarranted as vide Govt. of India's communication No. OM No. 35014/2/81-Est(A) dated 16.05.1985 has ordered for deletion of the clause. As such it is requested to agree to delete the clause from the CR forms accordingly.

b) **Promotion after punishment:-**

The BSNL employees should get promotion from the due date after expiry of the punishment in the analogy of Central Govt. employees. Seniority and rank / grade should not be affected. In this connection DoP & Training OM No. 22011/3/88-Estt(D) dated 11.05.1990

and clarification may be referred to. The practice followed in BSNL to grant promotion after end of punishment instead of due date is not in consonance with the DoP orders. The procedure in vogue in BSNL be rectified.

c) **Treatment of suspended period:-**

The Central Govt. employees get full pay and allowances if they get minor punishment in CCS/CCA Rules, 16 whereas in BSNL it is only when the competent authority so writes for the same as per rule 32 of BSNL CDA, Rule 2006. This provision in BSNL CDA Rule, 2006 is also against the model CDA Rule 22 (2) issued by DPE under letter No. 15(07)/99-DPE-GM-Vol.III-FTS-2344 dated 11.12.2017. Further during suspension official cannot be compelled to attend office as per Govt. of India MHA OM No. 142/2/83-ADV I dated 06.04.1983. It is urged that this be adhered to by BSNL and full pay and allowances be paid in case of minor punishments.

7. **Restoration of LTC facility:-**

The facility of LTC to employees was frozen vide BSNL No. 7-8/2010/EF/Part/1 dated 06.05.2013 with immediate effect. More than 7 years have elapsed since then. Time has come when the restoration of facility be considered and orders be issued. This will help in motivation of the employees to perform better.

8. **PENSION:-**

Updating of Pension of absorbees

a) The orders contained in Para 7 (a) of DoP & PW OM No. 38/37/2016-P&PW (A) (II) dated 04.08.2016 endorsed under DoT's Letter dated 22.08.2016 and BSNL No. 48-11/2016-Pen(B) dated 21.12.2016 be applied in respect of employees who are covered under Rule 37A of CCS/Pension Rules. The matter be taken up with the DoT.

b) **Revision of disability Pension etc.**

BSNL vide No. 40-22/2011-Pen(B) dated 20.11.2017 has endorsed DoP and DoT's letter on the issue of special benefits in cases of death and disability in service.

The issue be also taken up with the DoT so that it is made applicable in respect of absorbed employees in BSNL for revision of pension.

c) **Pension eligibility to divorced daughters:-**

Kind reference is invited to DoP's and Pension No. 1/13/09-P&PW(E) dated 19.07.2017 under which divorced daughters have been made eligible for family pension. The matter be taken up with the appropriate authority so that the same is applicable to BSNL absorbed employees aso.

d) **Handing over PPO before retirement:-**

It is prescribed that retiring employee be handed over the PPO on the retirement date along with other dues in accordance with DoP & Pension Department letter No. 1/27/2011-P and PW(E) dated 01.08.2017. The orders be given effect in BSNL and PPO be handed on the retirement date.

9. **Creation of Multi Tasking staff:-**

The issue was taken up in the 31st National Council meeting held on 25<sup>th</sup> Sept. 2014. The official side stated as under:-

"..... Management is aware of the need of capacity enhancement of non-executives including ATTs (Previously RMs) and creation of Multi Tasking Cadres and this will be under taken."

More than 3 years have passed but no action is visible.

It is reiterated that Govt. departments have upgraded Group 'D' / RMs etc. to group 'C' by creating Multi Tasking Staff posts. BSNL should similarly form a cadre akin to MTS in NE-5 scale which may solve many issues affecting the said category of staff. Suitable training may be given before absorption to such cadre, if necessary.

10. **Dispensing with the Negative Marking System in departmental examinations of Telecom Technicians etc:-**

The results of last departmental examinations for promotion to the cadre of Telecom Technicians have been very poor in Tamil Nadu, East U.P. Circles etc. due to Negative Marking.

It is urged that this system be dispensed with.

11. **LICE for promotion to Sr. TOA(G) Cadre:-**

The LICE for promotion of TOA (G) to the Cadre of Sr. TOA(G) Cadre has not taken place for last 5 years.

Steps be taken to hold the LICE for Sr. TOA (G) Cadre.

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12. **Confirmation examination:-**

There are TOA (G) who could not pass the prescribed examination due to which they do not earn increments.

It is urged that either a special confirmation test be afforded to such officials or they be exempted from the test. Presently confirmation examination has been dispensed with.

13. **Pay parity with MTNL from 1<sup>st</sup> January 2007:-**

The MTNL non-executive employees are now getting pension under Rule 37A similar to the BSNL staff. Disparity in Pension is settled.

But there is disparity in pay between MTNL and BSNL staff.

Therefore, we demand that the BSNL employees be granted pay parity with MTNL staff.

14. **Facility of GSM Mobile Service Connection to the office bearers of the recognized union:-**

The facility of GSM Mobile Service connection be extended to the office bearers of CHQ, circle and SSA of the recognized non-executive union in the analogy of executive union. The BSNL HQR should extend the facility as contained in letter No.-21-01/1-PHA, dt-04-10-2017 for non-executive union office bearers also.

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