



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110001

No. BSNL/20-5/SR/2022

Dated: 25.09.2023

Sub: Minutes of the 39th meeting of the National Council held on 07.08.2023

The 39th meeting of National Council was held under the chairmanship of Director(HR) at 11:00 AM on 07.08.2023 in the Conference Hall, Bharat Sanchar Bhavan, New Delhi. The list of participants is available at Annexure – “A”.

1. PGM (SR) welcomed the Chairman and all the members of the Council from the management and Staff side many of whom had traveled from all over the country to attend the meeting. She stated that the National Council is an august body constituted under the ambit of the RNEU rules approved by the BSNL Board. It is the highest forum in which the management side and the staff side can carry out peaceful dialogue on the various issues raised by the staff side and make every possible effort to resolve them. On that note, she requested worthy Director HR to give his opening address to the NCM.

2. Director (HR), Chairman National Council, welcomed all members and noted that this National Council meeting had special significance as the last meeting was held on 29th March 2019. Further, this was the first meeting post VRS and revival packages. It was an opportunity for the management side and staff side to work together in a very positive and constructive manner in the interest of the company and the employees and he urged both sides to discuss all issues amicably.

Thereafter, PGM (SR) invited Leader, Staff Side to address the NCM.

Leader, Staff Side welcomed the Chairman and all the participants of the meeting. Along with the discussion on the agenda items, he submitted the following points for consideration by the Management:

- a) Sudden increase in the license fee of BSNL quarters.
- b) One increment to the retirees, whose increment date is next date of his/her retirement.
- c) Problems of chemists of Telecom factories of Mumbai & Jabalpur.
- d) Uniform to all eligible field staff and provision of staff items towel, soap, pen, glass to them.
- e) Abnormal delay in payment of death relief to the family of deceased employees from welfare fund.
- f) Regarding allotment of IQ to non-executive staff.

Thereafter, PGM (SR) invited Secretary, Staff Side to address the NCM.

1. Secretary, Staff Side welcomed the Chairman and all the participants of the meeting. He said that the agenda items for discussion in National Council meeting have already been submitted. He stressed

that management should give weightage to issues of non-executives at par with that of executives. Many issues are long pending and they should be resolved in this National Council Meeting.

He said that several issues which are not having financial implications are also pending and requested for early action for resolution of these issues. He also requested for consideration of following points by the management:

- a) MOM of Sports Board meeting are yet to be released.
- b) Payment of TA/DA to National Council members.

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

1) Settlement of Wage Revision.

Staff side demanded that the pay scale designed earlier by the Joint Wage Revision Committee constituted before VRS, for recommending wage revision for non-executive employees w.e.f. 01.01.2017, were non-negotiable and management should implement them. The management has no power to reduce the minimum or the maximum of the Executive pay scales, already recommended by the 3rd Pay Revision Committee and therefore, pay scales of the Non-Executives should not be reduced.

The Staff Side strongly demanded that the pay scales of the Non-Executives, already finalized in the Wage Negotiating Committee, through consensus between the Management Side and the Staff Side should not be changed now. They further stated that, the Management have already given their commitment on the floor of the Wage Negotiating Committee, for the revised pay scales of the Non-Executives. The Staff Side questioned why the Management Side is trying to dishonor this commitment. The Staff Side also stated that the BSNL Management has no power to cut down the minimum and the maximum of the pay scales of the Executives, already recommended by the 3rd PRC. Then, why in the name of reducing the expenditure on Pension Contribution, the Management wants to cut down the minimum and the maximum of the already finalized pay scales of the Non-Executives. After listening to the views of the Staff Side, the Director (HR) stated that the views of the Staff Side would be communicated to the Management Side members in the Wage Negotiating Committee.

Management side stated that the Joint Committee for recommending wage revision had been reconstituted at the request of the staff side to revisit the negotiations in the post-VRS scenario. Accordingly, new pay scales had been designed that addressed stagnation to large extent even while minimizing pension contribution. Detailed discussions on the issue lay in the purview of the Joint Committee and a meeting will be convened at the earliest to discuss the standpoints.

--- Action by SR Cell

2) Implementation of a new promotion policy for the Non-Executives of BSNL.

Staff side stated that the Non-Executive Promotion Policy (NEPP) was implemented in BSNL w.e.f. 23.03.2010. As a matter of fact, the agreement for this promotion policy was signed between BSNLEU and the Management in October, 2008 itself. Hence the Non-Executive Promotion Policy is almost 14 years old now. A new promotional policy has to be put in place for the Non-Executives of BSNL. A lot of disparities and discriminations are existing between



the NEPP and the promotional policy of the Executives (EPP). Such disparities and discriminations in the promotional policies of the Executives and Non-executives, within the same organization, are untenable. Hence, this issue needs to be addressed without delay. Likewise, the discrimination between the employees absorbed from the DoT and the employees directly recruited by BSNL, needs to be removed without further delay. Further, large chunk of the Non-Executives suffer from the chronic problem of stagnation. This problem needs to be resolved immediately and a new promotional policy should be implemented for the Non-Executives.

Management side informed that the NEPP was approved by the BSNL Board after due consultation/ negotiations with the concerned employee unions, and it was notified on 23.03.2010 (the EPP was already notified in 2007). It provides four time bound promotions to the non-executives of the company for services in BSNL, along with the post-based promotions, which are decided as per available vacancies. This policy has also co-opted the erstwhile promotions policies of DOT. This policy has been running good and it is admitted position by Unions that NEPP has benefited lakhs of non-executives so far. The non-executives have several options to enter the executive hierarchy through post promotions of different RRs. The differentiation of 1st TBP and 2nd TBP of 4 years and 7 years respectively was given to absorbed non-executives and has exhausted itself through the initial 11 years. That differentiation is practically non-existent now. The time bound promotions every 8 years under NEPP is a big improvement in any promotion policy available to Group C&D employees in the earlier regime.

Although there appears no need for any new time bound pay up gradation policy, Dir HR assured that management will look into discriminations existing between the Non-Executive Promotion Policy (NEPP) and the Executive Promotion Policy (EPP).

--- Action by Estt. Cell

3) Review the results of the failed SC/ST candidates, in LICEs, by applying lower standard of evaluation, in accordance with the DoP&T order.

Staff side stated that as per this DoP&T order no. 36012/23/96-Estt. (Res)- Vol.II dated 03rd October, 2000, the results of the failed SC/ST candidates, in the promotional examinations, should be reviewed, by applying lower standard of evaluation. However, this order is not being implemented in BSNL. In the internal examinations, viz., TT LICE, JE LICE and JTO LICE, SC/ST posts remain unfilled. As per the DoP&T order, the unfilled SC/ST posts should be filled up by reviewing the results of the failed SC/ ST candidates, by applying Lower Standard of Evaluation. Hence, it was demanded to ensure that, the results of the failed SC/ST candidates, in the LICEs, are reviewed in accordance with the provision contained in the DoP&T letter.

It was informed that Recruitment Cell conducts various LICE as per Recruitment Rules, Scheme & Syllabus, and category wise vacancy position and eligibility criteria including qualifying marks prescribed for each category framed /formulated by the respective cadre controlling authorities (CCA) which includes relaxations as per extant rules and by applying lower standard of evaluation. As a policy, the relaxations and lower standards of evaluation as specified in the examination notification are being applied.

-- Action by Rectt. Cell

4) Review of the Restructuring of Manpower.

Staff side stated that after 80,000 employees retired under VRS-2019, Management re-fixed the strength of various cadres without any relevance to the field level requirements. Hence, a review of the Restructuring Scheme is being strongly demanded. The posts of the lower grade cadres have been drastically cut, while only a cosmetic touch up has been made in the posts of senior officers. Management had carried out Restructuring of Manpower without conducting any scientific study, considering the field level realities and requirements. The huge cut implemented by the Management in the strength of the Non-Executive cadres and in their promotional cadres, viz., JTO and JAO, has not only imposed huge workload on the Non-Executive cadres, but has also virtually denied their promotions to the higher posts. This is a very big injustice and it was demanded to conduct a scientific study regarding the manpower requirements in the Non-Executive cadres, as well as in the cadres of JTO and JAO. It was also demanded to conduct a meaningful dialogue with the Recognized Trade Unions, regarding review of the Restructuring of Manpower.

Management side informed that Organizational Restructuring was approved by BSNL Board based on current business requirements & BSNL Telecom setup in post VRS scenario. Sanctioned strength post VRS in various streams and grades was conveyed to the field units in 2021. Field units were also requested to optimize the manpower in various units. Further, Restructuring Cell has sought data from Circles to review organizational restructuring based on current assets and requirements.

Dir HR assured that for reviewing the restructuring of manpower, inputs will be taken from all stake holders, wherein all genuine issues will be addressed.

--- Action by Restg. Cell

5) Banning of peaceful dharna, hunger strike, etc., in BSNL.

Staff side stated that the BSNL Management is not allowing the even the holding of peaceful dharna, hunger strike, etc., by the employees. It was stated that organising of dharnas and hunger strikes by trade unions, has been taking place in BSNL since the inception of the Company and even before that, i.e., during the days of the DoT. Observing hunger strike is a universally accepted Gandhian form of peaceful agitation. Hunger strike means nothing, but observing fasting by the employees, with the view to seek settlement of their justified demands. Such hunger strikes are being organized without causing any dislocation to the services. Staff side demanded that the BSNL Management withdraw its instructions contained in its letter no.BSNL/7-1/SR/2020 dated 17.02.2021 which stated that, all the activities during working hours (beyond lunch hours), resulting in cessation /retardation of work, like dharna/hunger strike, amount to strike. Nowhere in the Industrial Disputes Act, dharna and hunger strike are termed as strike.

It was informed that BSNL vide letter no. BSNL/7-1/SR/2020 dated 15.02.2021 made an APPEAL to BSNLEU for withdrawing one day Hunger strike on 18.02.2021 proposed by BSNLEU vide Notice dated 08.02.2021.

BSNL is compliant to the ID Act 1947 and is also governed by DoP&T orders on the matter. The instructions issued by the Department of Personnel and Training prohibit the Government servants from participating in any form of strike including mass casual leave, go slow etc. or any

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action that abet any form of strike/protest in violation of Rule 7 of the CCS (Conduct) Rules, 1964. Besides, in accordance with the proviso to Rule 17(1) of the Fundamental Rules, pay and allowances is not admissible to an employee for his absence from duty without any authority.

— Action by SR Cell

6) Difficulties being experienced by the DR JEs in getting transfers under Rule-8 and Rule-9 of BSNL Transfer Policy

- a) Transfers under Rule-8: Staff side stated that the DR JEs are facing a lot of hardships in getting transfer under Rule-8. Even after completing 5 years of service, as required under Rule-8, the DR JEs are not getting transfers. Initially, pending implementation of the Restructuring, the Management did not consider the requests of the DR JEs, for transfer under Rule-8. Even thereafter, circles have been classified as Surplus circles and Deficient circles and transfers under Rule-8 are being considered only from the Surplus circles to Deficient circles. This has created a very big problem for the DR JEs to get transfers to their home circles. Staff side demanded that the problem may be solved.
- b) Transfers under Rule-9: Staff side stated that the employees who are faced with compelling domestic problems, apply for temporary transfer under Rule-9 of BSNL Transfer Policy. A couple of years back, the BSNL Management has imposed stringent conditions for getting a transfer under Rule-9. The conditions are so severe that an official can get temporary transfer only when his/her parents are affected with dreaded ailments like kidney failure and cancer. Such restrictions are inhuman. The CMD BSNL has already assured the All Unions and Associations of BSNL to undertake a review of the stringent conditions imposed in Rule-9 by forming a committee. However, such a review has not been done so far. It was demanded that this assurance of the CMD BSNL should be fulfilled taking the Recognised Unions and Associations also into confidence

It was informed that as per the Transfer Policy (Rule-8 and Rule- 9) of BSNL, the transfers of employees are considered as per the administrative feasibility. Post restructuring, the Circles have been categorized based on the existing manpower vis-s-vis Sanctioned Strength into Surplus, Just sufficient, Deficit circles. Employees from the Surplus circles can only be considered for transfer on completion of their required eligibility criteria as per existing Rule.

Management side agreed to implement the OTP soon in case of non-executives.

— Action by Pers/Estt Cell

It was agreed to constitute a committee to review the conditions in Rule-9.

— Action by Estt Cell

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7) Non-declaration of the JTO LICE results in Punjab circle and the lackadaisical attitude of the Circle Administration.

Staff side stated that the results of the JTO LICE, held in Punjab circle for the Vacancy Year-2014-15, has not been declared so far, due to legal warnings. A direction was given to the Punjab circle administration to file an MA This MA has also been filed long back. However, no breakthrough has come in this issue due to the lackadaisical attitude of the Punjab Circle Administration. The case was listed for hearing on 31.05.2023. On that day, neither the BSNL counsel nor any officer of the Punjab Circle Administration, was present in the court. On 31.05.2023, the cases listed up to serial no.80 were heard. BSNL's case was listed against serial no.99. The Hon'ble judges, after hearing the cases listed up to serial no.80, made an announcement in the open court that they were prepared to hear any urgent case, if at all counsels of both the sides were present in the Court. Utilising this opportunity, BSNL's case could have been brought up for hearing. However, this did not happen since neither BSNL's counsel nor any officer of the Punjab circle administration was present in the court. It was demanded to take meaningful steps for the early disposal of the MA in the court.

Management side informed that MA in the connected case vide OA No/ 060/742/2018 titled as Parminder Kaur (Erstwhile Sarvjit Singh) & others vs BSNL &Ors has been filed in CAT registry on 11.11.2021 by BSNL. Next date of hearing is 01.08.2023. Another OA No.060/1156/2021 titled as Anil Kumar Vs BSNL filed on the matter of carry forwarding the left out vacancies of 2013-14 to the 2014-15. The date of hearing is 08.09.2023. Further, decision on the issue shall be taken depending upon the outcome of the court cases.

Dir HR assured that letter will be written to Punjab Circle for appointment of Senior Counsel in this matter. Moreover, soon meeting will be held with Punjab Circle.

--- Action by Estt Cell

8) Enhancing the ceiling for the outdoor medical claim with voucher.

Staff side stated that the Corporate Office, vide it's letter no. BSNUAdmn.1/15-12118 dated 08.05.2020, has fixed the ceiling of the outdoor medical claim with voucher, as 15 days' basic pay plus DA as of 01.04.2020. The Management is allowing only 15 days' pay plus DA for the reimbursement of outdoor medical claim with voucher. The worst part of this is that 15 days' basic pay plus DA of the current year is not being taken, but is frozen with the basic pay plus DA as of 01.04.2020. During these 3 years, the CGHS rates have been considerably hiked by the government. Further, the costs of medicines have also sky-rocketed due to inflation. Under these circumstances, it is very unfair on the part of the Management, to keep the ceiling as 15 days' pay as of 01.04.2020. Hence, It was demanded to revise the ceiling and make it as 15 days' basic pay plus DA as of 01.04.2023. Further, it is also requested that, the ceiling should be reviewed every year and it should be fixed as 15 days' pay (basic pay + DA) as of the 1st April of that particular year.

Management side informed that at present Outdoor Medical ceiling for the working employees is 15 days Pay (Basic Pay + DA) wherein basic Pay is of the Month of April of the particular Financial Year and DA applicable is as at 01.04.2020 and clarification in this regard has already been issued vide letter dated 20.07.2022.

The Director (HR) stated that, the demand of the Staff Side would be considered.

--- Action by Admn Cell

9) Allowing District Unions to function at the OA level.

Staff side stated that after completion of the consolidation of Business Areas, an impression is being given that Management accepts only the CHQ, Circle and BA level bodies of the Recognized Unions. Earlier, the CHQ, Circle and District bodies of the recognized unions were accepted by the Management. Even after the completion of the Consolidation of Business Areas, the recognized Trade Unions have functional district unions in a sizable number of OAs. These district unions are functioning in accordance with the provisions of the Constitution of the Union, as approved by the Registrar of Trade Unions. In many OAs the paid membership of these OA level district unions is more than 50. It was demanded that the Management should allow:-

- (a) Functioning of the District Union at the OA level, wherever sufficient membership is available.
- (b) Functioning of Local Council at the OA level.
- (c) Allow the Office Accommodation already allotted to those District Unions functioning at the OA level.

Management side informed that in post VRS scenario, the scope of allocating additional space has declined as manpower has reduced from 1.5 lakh employees to 0.59 lakh employees and workload and space requirements have also reduced. Before restructuring of BSNL, the organizational structure of the Unions/Associations in BSNL was operating at three tiers – CHQ, circle and district/SSA. Vide Restg. Letter 4-02/2014 – Restg Vol. V (Pt.) dated 27.08.2020, the SSA concept has been replaced by Business Area (BA) and Operational Area (OA) whereby, Business Area is now the primary unit where HR, Finance, Planning and Procurement related processes are being handled. However, management had made no change to the structure of the bodies with facilities such as Special CL being extended to office-bearers at both BA level and OA level.

However, with respect to "Policy for Allotment of Accommodation to Unions and Associations of BSNL 2022" issued vide letters dated 18.10.2022 & 19.04.2023, Office accommodation shall be allotted to "Sole/Main/Second Recognized Representative Unions" at Corporate, Circle and BA level only.

--- Action by SR Cell

10) Regularization of temporary status mazdoor/approved casual mazdoor and revision of their wages based on 7th CPC pay scale.

Staff side stated that the regularization of TSMs have been stopped on the plea of apex court judgment in the case of Uma Devi/Government of Karnataka but the said case is not applicable for the TSMs of BSNL. As it has been committed through several communications from DOT, after the fixed schedule of time the approved casual mazdoors may be granted temporary status and further they will be regularized in the capacity of group- D employees. On the eve of corporatization, clear order was issued by the DOT in respect of regularization of temporary status mazdoor/casual mazdoor. But due to official delay these mazdoors remain unregularized and later on the plea of the Honorable Supreme Court judgment, their regularization is totally stopped. It was demanded for early review on this matter for regularization of mazdoors.

It was also stated that the wages for these mazdoors have not been revised since 2010. It was revised and implemented from 01.01.2010 based on 6th CPC but even after implementation of 7th CPC recommendations with effect from 01.01.2016 the wages of these mazdoors have not been revised. It was demanded to review and revise the wages of TSMs/casual mazdoors.

Management side informed that the scheme of regularization framed by DOT has already been exhausted. The TSM scheme had a defined time period of application. The TSM Scheme had a defined time period of application. Further, DOT Scheme of dated 29.09.2000 for regularizing existing TSM /CLs has also been exercised by BSNL as per prescribed norms. The Supreme Court judgment of 2006 in Uma Devi case actually declared any such scheme of regularization as unconstitutional. A proper legal advice was taken in this matter and DOT was also agreed with this position. Many of the casual labourers/TSMs remaining now are engaged illegally after the ban imposed by DOT. BSNL has been facing severe challenges in terms of its business viabilities and had to undertake VRS scheme and also restructuring. Accordingly, there is no further plan to undertake regularization at Gr. "D" level. Due to its difficult financial condition, the company does not qualify to pay revision of its employees as per DPE norms. Accordingly, pay revision of executives and non-executives under 3rd PRC is still not done. Similarly, casual labourer/TSMs are being paid wages as per 6th CPC minimum Gr. "D" pay scale with appropriate DA revisions regularly. A committee constituted to examine the issue of wages revision for TSMs/Casual Labourers has recommended that considering the present financial position, the proposal for revision of the wages of casual labourers may be taken up for examination once the Company's financial health improves.

--- Action by Estt Cell

11) Issuing of presidential orders to those employees who have been recruited and sent for training by the DoT, but were appointed after formation of BSNL.

Staff side stated that in this regard several orders have been issued by the DoP&T. These orders are applicable in respect of BSNL employees also. Staff side demanded for early consideration on this issue.

Management side informed that the matter is subjudice. CNTx-N Circle is dealing the matter and it has been informed that the SLP has been dismissed by Hon'ble Supreme Court. Legal opinion has been called for by CNTx-N and the case will be forwarded to DoT.

--- Action by SR Cell

12) Lifting of the ban on compassionate ground appointment.

Staff side stated that the ban was imposed on CGA in the year 2019 for 3 years. On completion of 3 years, it was further extended. From March 2022, it has been extended indefinitely. Even dependents of the employees who expired due to Covid pandemic have applied and are waiting for their appointment. There is no clear picture about the future of those candidates. Therefore, it was demanded that the ban must be lifted and decision on appointment in respect of waiting candidates may kindly be taken at earliest.

Dir HR informed that as on date, the matter of lifting of ban on Compassionate Ground Appointment is not under consideration by BSNL.

13) Evolving mechanism for holding LICEs for the cadres of TT, JE, JTO, in every circle on the basis of field reality.

Staff side stated that due to unilateral reduction in posts there is no vacancy in several circles for the cadres mentioned above. This is depriving the non- executive employees of their promotion. It was demanded to evolve some mechanism to hold the LICEs for each cadre in every circle, so that the serving employees get chance for their career progression as more than 60% workers are facing stagnation and they are not getting a single paisa even for the last 10-12 years.

Management side informed that the LICE for TT for the vacancy years 2020 & 2021 are scheduled to be held on 27.08.23. The vacancies for VY 2022 are called for from the circles. Once the vacancies are received, the proposal to hold the LICE shall be issued to Rectt. Branch. The LICE for promotion in the cadre of JE for the VY 2020 was held on 18.12.2022 and the results were declared. The LICE for the VY 2021 is scheduled to be held on 27.08.2023. The vacancies for JE for the VY 2022 has been collected from the circles and the proposal was sent to Rectt. Branch for holding the LICE for VY 2022 Exam. The LICE for JTO (T) cadre for the VY 2022 is scheduled to be held on 27.08.2023.

--- Action by Estt Cell

14) Implementation of BSNL transfer policy in letter and spirit in field unit.

Staff side stated that after VRS due to shortage of staff in particular section in an operational area, non-executive staff are being transferred without maintaining norms and rules notified by the BSNL headquarters in the name of non-executive transfer policy.

Management side informed that as per the Transfer Policy (Rule-8 and Rule- 9) of BSNL, the transfers of employees are considered as per the administrative feasibility. Post restructuring, the Circles have been categorized based on the existing manpower vis-s-vis Sanctioned Strength into Surplus, Just sufficient, Deficit circles. Employees from the Surplus circles can only be considered for transfer on completion of their required eligibility criteria as per existing Rules.

15) Clarification regarding immunity from transfer of office bearers of Non-Executive unions.

Staff side stated that several orders are issued from time to time by the BSNL management in respect of facilities granted to the Non-Executive Recognised Unions, mixing with Executive Associations and creating a lot of confusions in field units. Genuine office bearers are harassed and department works are also affected.

Management side informed that letters dated 13.03.2015 and 07.05.2015 regarding immunity from transfer are applicable to recognized representative Unions of non-executive employees in BSNL and the same is being clarified to field units on a case-to-case basis.

The Management Side stated that, clear orders will be issued for the Non-Executive Unions. Management Side also wanted to know specific cases if any, for issuing guidelines to the field unit.

— Action by SR Cell

The meeting ended with a vote of thanks by PGM Establishment.

This is issued with the approval of the competent authority.

by
25/09/2023
(P. K. Gupta)
AGM(SR)

To,

All members of the National Council (By Name) & participants in the meeting

Copy for information to:

1. PPS to CMD, BSNL
2. PS to All Directors, BSNL Board
3. OL section – For Hindi translation

List of Participants

Participants from Official Side

Sl.No.	Name	Designation
1.	Shri ArvindVadnerkar, Director(HR)	Chairman
2.	Shri Puran Chandra Bhatt, PGM(EF)	Member
3.	Smt Anita Johri, PGM(SR/Restg)	Member
4.	Shri SaurabhTyagi, PGM(Estt.)	Member
5.	Shri Shambhu Prasad Singh, PGM(Admn.)	Member
6.	Shri Satya Narayan Gupta, PGM(Pers.)	Member
7.	Smt SamitaLuthra, GM(Rectt./Trg.)	Member

Participants from Staff Side

Sl.No.	Name	Designation
1.	Shri P. Abhimanyu	Secretary, Staff Side
2.	Shri Chandeshwar Singh	Leader, Staff Side
3.	Shri AnimeshMitra	Member
4.	Shri John Verghese	Member
5.	Shri S. Chellappa	Member
6.	Shri Irfan Pasha	Member
7.	Shri V.P.Prajapathi	Member
8.	Shri Abhineet Kumar	Member
9.	Shri K.Natarajan	Member
10.	Shri K.R.Parmar	Member
11.	Shri Sanjay Dubey	Member