



BHARAT SANCHAR NIGAM LIMITED
A GOVERNMENT OF INDIA ENTERPRISE)
SR CELL, Corporate Office
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Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001

No. BSNL/39-3/SR/2018

Dated, the

17.01.2019

Sub: Minutes of the 37th meeting of the National Council held on 20th November 2018 under the chairpersonship of Director (HR), BSNL Board.

The 37th meeting of National Council was held at 11:00 AM on 20th November 2018 in the Conference Hall, Bharat Sanchar Bhavan, New Delhi. The list of participants is available at Annexure-I.

2. GM (SR) welcomed the Chairperson and all the participants of the meeting. He said that the Staff Side members have come from the different parts of the country to discuss the grievances related with our employees, issues related with improvement in BSNL services and better relationships with our customers. The ideas/solutions suggested by them are discussed in this forum and accordingly steps are taken to prioritise and resolve the issues amicably. He requested all the participants to come together and make this forum more useful, more effective so that discussion in the meeting may be meaningful and purposeful. He mentioned that present time is very difficult particularly after the entry of new entrant the competition is all time high and rates for telecom. services are all time low. By the time we are making preparation the 4G, other technologies are knocking the door. All these developments in technologies are very high capital intensive and it is also a hard fact that by the time we make preparation to adapt to it, it become obsolete and at the same time we are uncertain about the return from our investment. In this fast changing scenario the regulations are also becoming more strict.

He stated that under the able leadership of Madam Sujata Ray, Director (HR) HR issues have been mainstreamed and it could be possible because of her accessibility to all and the transparency & openness she has promoted in HR issues has built greater confidence and trust between both side. At the end of his welcome speech he invited Madam Sujata Ray, Chairperson to address the house.

3. Director (HR), Chairperson National Council in her opening address welcomed Shri Chandeshwar Singh, Leader Staff Side, Sri P. Abhimanyu, Secretary, Staff Side, and all the participants in the 37th Meeting in the NCM. She expressed her happiness over the positive role of BSNL Union leaders during the recent past in BSNL. She mentioned that the National Council is an August Body and highest forum for discussing the matters concerning to each and every Member of this vast BSNL Team from Kashmir to Kanyakumari and from Gujarat to Arunachal Pradesh. So, we have tried to honour the

dignity and free spirit of this august body and the intellectual discussions in this August Body. She praised the leaders of the staff side for their spirited presentations on problems/issues in appropriate terms with clarity before all the forums. She assured that we are here to find solutions to HR issues in a transparent manner. She mentioned that BSNL has gone through turbulent time during last few years and every time we collectively made efforts to overcome those challenges and succeeded in our efforts. Service With A Smile (SWAS) was one of such programme and recently our unions launched "BSNL at your Door Step" which helped to strengthen the brand image of BSNL and improve the market share of the Company. She said that staff side in the National Council is represented by very able leaders. She hoped that management side and staff side would continue to work together and find amicable solutions to the emerging difficulties in the present scenario. She said that in this fast changing world anything can be demolished at any point of time so we should take all possible efforts for ensuring the viability of our company. She also said that the whole world love success and nothing attracts attention more than success. Therefore for being successful in this difficult time, we need highly spirited and motivated employees.

4. Leader, Staff side greeted Chairperson and all the participants and mentioned the following issues for consideration by the management.

- I. Delay in issuance of Presidential Order in respect of left out staff of BSNL who have been granted temporary status.
- II. Inclusion/declaration of Limited Competitive exam to TT in the Exam. Calendar.
- III. Revision of Wages of Casual Laborers.
- IV. Up-gradation of Sr. Accountant in Group 'B' cadre.
- V. Delay in Medical Bill Payment for Indoor Treatment.
- VI. Delay in relieving/transfer under Rule 8 & 9 are not being implemented

5. Secretary Staff Side, after welcoming Chairperson & all participants from official & staff sides, expressed Staff Side gratitude and thanked BSNL management for following decisions which gave great relief to the non-executives –

- a. Relaxation of Marks in Internal-exam of JE LICE.
- b. Granting Gratuity for Casual Labourers
- c. Granting one extra increment to compassionate wage loss to left out non-executives
- d. Special Tariff Plan for mobile facility provided to the non-executives

Thereafter he raised/submitted following issues for consideration of management:-

- a. All LICE exam from non-executives to non-executives posts may be conducted as offline
- b. Voluntary Term Insurance Scheme as introduced for the executives may be considered for direct recruit non-executives also

- c. Superannuation benefit to the direct recruited employees.
- d. Genuine compassionate appointment cases
- e. Up-gradation of Sr. Accountant in Group 'B' cadre
- f. Wage revision committee meetings which has been stalled due to disagreement on freezing of HRA may be restarted

6. In response to the issues raised by Staff Side, the Chairperson desired to complete wage revision proceedings early. The suggestion of staff side for conducting offline exam for LICE exams for promotion from non-executive to non-executive posts will be considered by the management side. In view of the present financial constraints faced by the company the demand for further increase in superannuation benefit will be considered at appropriate time. The Rectt. Branch was asked to issue the date of conducting TT exam. The staff side was requested to provide the details of specific cases of non-implementation of Rule 8 & 9 transfer and case of compassionate appointment mentioned by the Leader Staff Side and Secretary, Staff Side respectively. Regarding medical bills it was informed that appropriate actions are being taken to segregate and prioritise the medical bills for indoor treatment and bills submitted by the retired employees. The points related to delay in issue of Presidential Orders and up-gradation of Sr. Accountant in Group 'B' cadre are included in the agenda items, therefore, will be discussed later in the meeting.

Thereafter, the agenda items were taken up for discussion.

Item no. 1: Implementation of the Supreme Court Judgment 01.08.2018 on regularisation of casual/daily rated/ad hoc labor etc.

Staff side stated that Hon'ble Supreme Court vide its order dated 01.08.2018 in CA No. 7423-29 of 2018 has directed to consider regularisation of the candidates who complete 10 years on the date of the promulgation of recruitment rules. Accordingly, it is requested to regularize the casual majdoors, TSMs and contract workers etc by framing suitable Recruitment Rules and those completed 10 years as on 1.10.2000 or by the date of promulgation of Recruitment Rules.

Management side explained that the judgement being referred by staff side is a unique case based on the procedural aspect of the process of regularisation under a defined scheme of 2015 of the State of Jharkhand. The judgement primarily criticize the type of exclusion practiced by the Jharkhand Govt in denying the benefit of regularisation to some of the Casual labourers(appellants). These facts are not at all similar with the position prevailing in BSNL, as BSNL has never appointed casual labourers. Further Uma Devi judgement still holds good with regard to irregular appointments on the basis of which BSNL had defended several cases in different courts. Also the exercise of regularisation in BSNL has already been completed as per the scheme formulated by DOT.

The staff requested that in view of the judgment referred by them their demand may be considered sympathetically.

After detailed discussion on the issue it was agreed to take legal opinion on whether the demand of the staff side can be considered or not in view of judgment referred by them.

---Action by Estt.

Item No. 2 Presidential Orders in respect of TSMs appointed as TM after 01.10.2000

Staff side requested that those officials who have been conferred with Temporary Status on or before 30.09.2000, and who were directly promoted as Telecom Technician (erstwhile Telecom Mechanic) after 01.10.2000 should be issued Presidential Orders.

Management side replied that this demand primarily involves DOT's dispensation. To this extent, BSNL presented the complete case to DOT on 08.11.2017 favouring the case of such TMs who were TSMs prior to 30.09.2000. DOT has examined the issue and raised some relevant queries on 16.11.2017 as to whether the TM(Gr.C) RRs of the DOT provided for the counting of 50% service in terms of TSM Scheme, 1989, and sought certain related data (with regard to their segregation from other TSMs, compilation of total data of TSMs recruited as TMs, and further, if there was any demand of Unions at the time of issuance of POs to TSMs etc, to include such TMs who were TSMs prior to 30.09.2000.

The information sought by DOT with respect to above points including the data as received from various units are being sent to DOT for taking further necessary action in this matter. Data from few Circles are awaited which shall be submitted to DOT subsequently.

The staff side requested to expedite the matter.

---Action by Estt.

Item no. 3 Treating TSMs regularised on or after 01.10.2000 as DoT recruitees for conferment of promotions under Non-Executive Promotion Policy (NEPP).

Staff side members demanded that the TSMs regularised on or after 01.10.2000 should be given 1st upgradation under NEPP on 01.10.2004, i.e., on completion of 4 years service in BSNL.

Management side informed that the matter was referred to DoT because of pension angle related to it. DoT has returned the case with certain

queries regarding NEPP scheme.. The matter is under process for consideration of CMD, for further sending to DOT.

The staff side requested to expedite the matter.

---Action by Estt.

Item No.4 Reluctance of the CCA, Himachal Pradesh to take over GPF payment.

Staff side mentioned that the GPF payment of BSNL employees. in Himachal Pradesh circle, has not yet been taken over by the DoT cell. They requested Management to ensure that the GPF payment is immediately taken over by the DoT cell of Himachal Pradesh.

Management side informed the Council that CA branch of Corporate Office has taken up the matter with DDG(Accounts), DoT for issuing necessary instructions to the CCA offices to implement the new process of GPF advance/withdrawal payment to BSNL employees at the earliest.

In order to resolve the issue at the earliest it was agreed to send a letter from Director(HR) to Member(Finance)

---Action by CA

Item No. 5 Implementation of the judgment of the High Court of Hyderabad for promoting the candidates with Degree qualification obtained directly without 10+2 qualification, which appeared in the JE LICE held on 7.6.2015.

Staff side members demanded that the judgment of the High Court of Hyderabad for promoting the candidates with Degree qualification obtained directly without 10+2 qualification, which appeared in the JE LICE held on 7.6.2015, rather than prolonging the litigation further.

Management side replied that the judgment has been implemented and requested to close this item.

Staff side requested that this may implemented for future exam. also.

Since the judgment was with respect to particular exam, the staff side advised to take up this as a fresh case with the Estt. Branch.

---Action by Staff Side

Item No. 6 Seeking permission for acquisition of movable, immovable & valuable property increase in Amount

Staff side members mentioned that as per CDA Rule 2006 Rule 21 Para 03, the permission is required only if the transaction amount exceeds Rs.100000 in case of non executive category and Rs.200000 for executive



category. The said amount was increased during the year 2009. Now as due to increase in inflation rates during the last 09 years and new technology advancements, the price of motor cycle, smart phone, Televisions, old car, gold jewellery etc. are more than Rs.100000 (in some specifications). As the purchasing power of the employees has also increased due to increase in salary. Hence it is demanded to extend the limit.

The demand was examined, inter alia , in view the guidelines issued under the Lokpal Act which provides that intimation is required for amount exceeding two months basic pay or Rupees one lakh. Moreover in some of the PSUs , every employee of the company shall report if value exceeds 2 months basic pay or Rs. 1 Lakh whichever is higher. Therefore it is not be feasible to enhance the financial limits in the BSNL CDA Rules 2006. It was requested to close the item.

---Closed

Item No. 7 Conduct of Internal Examination for Sr. Hindi Translator & Raj Bhasa Adhikari.

Staff side members stated that the Internal Examination for the post of Hindi Translator & Raj Bhasa Adhikari has not been conducted in BSNL for long time. Many vacant posts are available, hence the examination may be conducted as per Ministry of Personnel, PG & Pension Department of Personnel Training New Delhi Letter No. AB-14017/46/2011 – Estt (RR) Dated 19/09/2013.

Management side replied that Internal examination for the post of Hindi Translator and Rajbhasha Adhikari has been delayed owing to the following reasons:-

- a) There has been continuous litigation regarding LICE/Promotion procedure. The same is not concluded.
- b) Based on the grievances raised by the Rajbhasha Adhikari cadre officers/officials a proposal for restructuring of the cadre was sent to DoT. The same was approved by DoT on 26.06.2018. This proposal was for upgradation of pay scale of Rajbhasha Adhikari from E-1 to E-2. The same has since been ratified by BSNL Board and been given effect through a notification. Further in order to avoid a gap at E-1 level, the Board has also approved creation of a post of JTO(OL) at E-1 level. This entire exercise has been completed in the first week of Nov. 2018.

Now the restructuring has been completed, vacancies are being identified and Recruitment Branch will be intimated shortly for conducting LICE.

---Action by Estt. & Pers.



Item No. 8 Counting increment in Pension fixation.

Staff side requested that the date of increment is the next day of the superannuation retirement of the employee in many cases. In such cases it is requested to fix the pension of the employee by adding the increment as the employee has already completed the 12 months of service and he may be eligible for addition of increment in the pension.

Management side replied that the Pension in case of BSNL absorbed employees is governed by the provisions under CCS (Pension) Rules, 1972. As per Rule 33 of CCS (Pension) Rules, 1972, emoluments means basic pay which a Government servant was receiving immediately before his retirement or on the date of death.

During further discussions, Staff Side mentioned an order of the Hon'ble Madras High Court in the W.P. No. 15732 of 2017, wherein the Hon'ble Court had stated as following :-

"-.. the petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose-----"

This order of the Hon'ble Madras High Court had been challenged in the Hon'ble Supreme Court of India vide SLP no. 22283/2018. The Hon'ble Supreme Court has dismissed the SLP.

At the end of the discussions on this item, it was agreed that staff side will provide necessary details of the Court Cases for taking up the issue with DoT.

---Action by Staff Side and Estt.

Item no. 9 SSA Heads in A.P be authorised for issuing of LoA for employees in A.P Circle for treatment at Hospitals in Hyderabad, without the necessity for permission from CGM AP Circle.

Staff side requested to issue necessary orders enabling the SSAA heads in AP Circle to issue LoAs for treatment in Hyderabad without the necessity for permission from CGMT.

Management side replied that the subject matter is within the administrative powers of CGMT, AP Circle. Considering the difficulties faced by employees of AP Circle, CGM AP may delegate the powers to SSA Heads to the extent it is required. Intervention from Corporate Office may not be advisable. If CGM, AP Circle so feels, he may seek clarification from Corporate Office on the subject.



During further discussion on this item , staff side pointed out that in past in a similar circumstances between Kolkata Telephones & WB Circle, orders were issued from Corporate Office.

It was agreed to review the issue in view of precedent of WB & Kolkata TD cited by the Staff Side.

---Action by Staff Side & Admn.

Item no. 10 Restoration of connectivity between Guwahati - Itanagar and Northern Side of Assam by OFC line through NETF.

Staff side mentioned that the entire Arunachal Pradesh under NE-2 circle, Dibrugarh SSA and Tezpur SSA in Northern Assam circle is facing media problem for a long time. It is found that this problem has arisen due to non-laying of OFC cable for the last 10 years. The connectivity through OFC between Guwahati – Itanagar - Dhemaji and Northern part of Assam circle has been damaged due to road expansion .they requested to take up necessary steps to restore the connectivity in those areas by laying OFC through NETF.

Management side informed the Council that new 24 F cable has been commissioned by NETF and taken over by ETR between Guwahati to Baihata (35 KM). The 12 F cable in Baihata –Mangldoi- Tezpur(150 KM) is 23 year old, lossy and damaged. ETR is striving hard to maintain this cable through patch works. This section is already approved by RTPC(Regional Transmission Planning Committee) and taken up by .NETF and target/project is to be ready by March 2019. Similarly various other measures are also being taken by ETR for maintaining uninterrupted services in NE region.

Staff side members expressed their satisfaction over the action taken by the management.

---Closed.

Item no. 11 Inordinate delay in issuance of Presidential order of staff for absorption in BSNL.

Staff side stated that there are large numbers of TSMS regularised on 01-10-2000 or thereafter whose POs have not been issued due to fact that the circles are either not sending their cases or submitting incomplete information to BSNL HQr. The cases of Bihar, Eastern UP, MP etc circles are examples in this regard. Further, there are officials who have been absorbed in BSNL w.e.f. 01-10-2000 as per court and DOT orders and their POs also issued. It is strange and shocking as their cases have not been settled and denied fixation of pay on IDA pattern. Therefore, appropriate action is urgently needed for alleviating the suffering of the officials.



Management side replied that completion of the process for granting of POs to TSMs regularised as RMs on or after 01.10.2000 requires complete documents in the requisite format along with cogent reasons of delay, as desired by DoT. For the left over cases, case has been taken up with DOT through letters and meetings. The detail as on date is 64 cases of Bihar, 17 cases of MP, 33 cases of Assam, 4 cases of UP(East). The data has been furnished by Bihar Circle and UP(East). However, clear discrepancies were found in the data of grant of TSM status/ regularisation in some cases and these have been referred back. Efforts are being made for settlement of these cases at the earliest.

---Action by Estt.

**Item no. 12 Introduction of Term Group Scheme for non executive employees
Introduction of Term Group Scheme for non executive employees**

Staff side members mentioned that there is move by corporate office to introduce the Scheme for Executives for their social security. They requested that the willing non-executive staff may also be included in the said scheme.

Management side replied that the process of Term Group Scheme for executives is under process of completion and once this process is completed by January 2019 then efforts will be made to finalize similar Term Group Scheme for non-executives by March 2019.

---Action by Trg.

Item no. 13 Unwarranted filing of review/petitions by BSNL HQr.

Staff Side members said that the BSNL HQr is filing appeals and SLPs against verdicts of lower courts resulting suffering to staff. They cited following two cases as example

- a) The SLP filed against Kerala high Court's verdict relating to extension of FR 22(1) (a) (1) benefits to JEs for officiating as JTOs have been out rightly rejected by Apex court.
- b) The appeal against CAT,s verdict granting up-gradation of senior Accountants is pending at UP High Court.

With reference the two cases cited by the staff side, Management side replied that :

- a) Decision for filing Appeals & SLPs by BSNL CO against verdicts of lower court are taken as per the prescribed procedure including keeping in view the advice of Legal Branch of BSNL CO. In the case



of SLP filed against Kerala High Court verdict also SLP was filed on the advice of Legal Cell of BSNL

- b) With reference to letter dated 31.10.2017 of DoT ,wherein BSNL had been intimated that “ The Presidential orders issued for absorption of all Sr. Accountant in BSNL may be treated as Sr. Accountant Group B non-gazetted in place of Sr. Accountants Gr. C” , certain issues were brought to the notice of DoT with request to reexamine the matter and advise BSNL. Reply received from DoT vide their letter dated 25.05.2018 wherein it has been advised BSNL to go by the Hon'ble High Court orders in the matter of granting Gr."B" status to Sr. Accountant

Item no. 14 Minimum Pension should be Rs 9000/- as per 7th CPC.

Staff side said that the Minimum pension of central Govt employees is Rs 9000/- as circulated vide DOT letter No F.No.-38/37/2016-DOP&PW, dt- 4th August, 2016.This should be applicable in respect of DOT employees absorbed in BSNL. Necessary steps be taken with the administrative ministry for its applicability in respect of absorbees.

Management side replied that 7th CPC is not applicable in case of BSNL absorbed employees and hence minimum amount of pension couldn't be fixed on the basis of the basic pay as per the 7th CPC. However, in any case, payment of pension/calculation of pension is within the purview of the Administrative Ministry i.e. DOT. However, pension revision of BSNL absorbed employees has already been referred to DOT. On the demand of the staff side it was agreed that a letter from Director(HR) will be sent to DoT on this issue.

---Closed.

Item no. 15 Computer training to non executives for “online LICE.

Staff side mentioned that BSNL is conducting “online LICES” for promotion to Telecom Technicians and Junior Engineer cadres. They requested that steps may be taken to impart computer training to the willing candidates.

Management side replied that Trg. & Rectt. Branches of Corporate Office has issued instructions to all CGMs for making all necessary arrangements for imparting training to the aspiring candidates and progress will be monitored by Rectt & Trg. Cells.

Chairperson asked Trg. & Rectt. branches to expedite the training of non executives & consider the demand of the staff side for offline LICE exam for non-executive to non-executive post.

---Action by Rectt. and Trg.



Item no. 16 Wage revision of Casual Labourers.

Staff side members point out that there is prescribed method in BSNL HQr letter No- 11-3/2016-LE, dt-22-08-2017 for wage revision. The formation of committee for the purpose is not needed. It is demanded that the wage revision be done of above category of staff as per referred letter.

After detailed discussions on this issue , the Chairperson directed that this issue may be reconsidered after delinking it with the wage revision of BSNL employees and consider it separately.

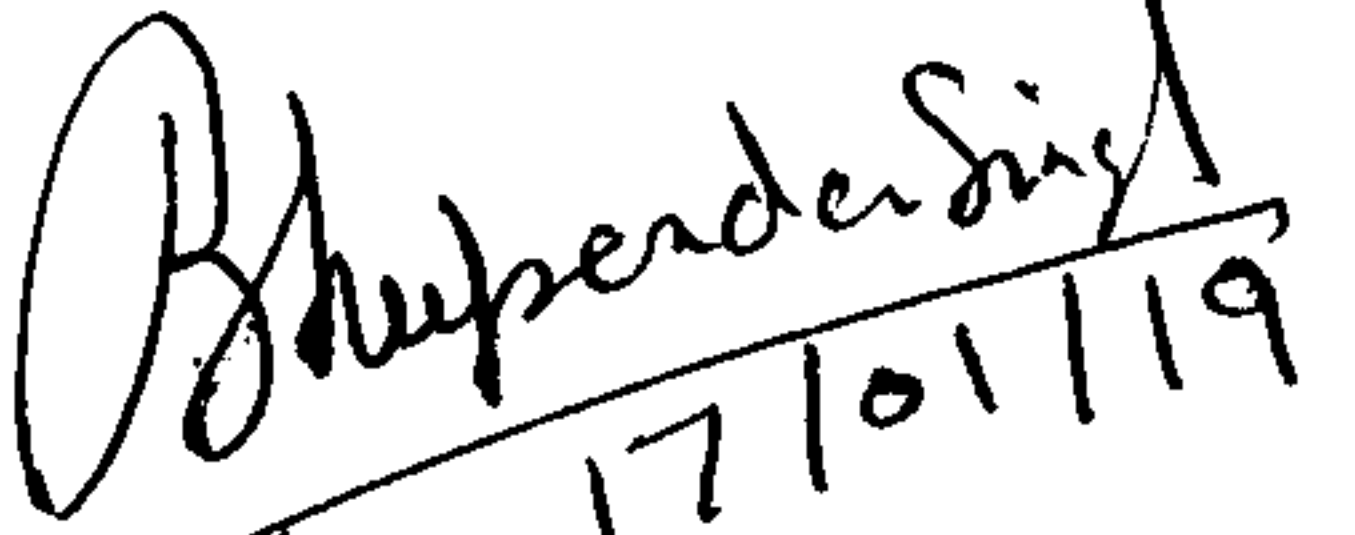
---Action by Estt.

Item no. 17 Promotion of candidates in JE LICE of year 2014 at Telangana Circle.

Already discussed along with agenda item 5 and is closed..

--Closed.

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


17/01/19
(Bhupender Singh)
AGM (SR), BSNL C.O.

To

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

Copy for information to:

1. ES to CMD, BSNL.
2. PPSs to All Directors, BSNL Board.
3. OL Section - For Hindi translation.
4. Guard file.



List of participants in the 37th National Council Meeting

Management Side:

1. Director (HR) - **Chairperson**
2. PGM(Admn.)
3. PGM(CNO)
4. Sr.GM (Estt.)
5. Sr. GM(FP)
6. GM (SR)
7. GM (Pers.)
8. GM(Rectt.)
9. GM(Restg./WS&I)
10. GM(Trg.)
11. DGM(Estt-II)
12. DGM (SR)

Staff Side:

1. Shri Chandeshwar Singh - **Leader, Staff Side**
 2. Shri P. Abhimanyu - **Secretary, Staff Side**
 3. Shri Islam Ahmad
 4. Shri P. Asokababu
 5. Shri Balbir Singh
 6. Shri Animesh Chandra Mitra
 7. Shri Prakash Sharma
 8. Shri D.K. Bakutra
 9. Shri Upendra Singh Teotia
 10. Shri N.J. Bhatia
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