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No. GS-AITEEA/DoT/2018

Dated: 01.11.2018

To,
Smt. Aruna Sundararajan ji
Secretary (T)
Department of Telecommunication,
Government of India.

Sub: Left out issues of the 2nd PRC implementation in BSNL-Reg.

Ref: 1. BSNL/7-1/SR/2018 (pt) dated 28.10.2018
2. GS/AITEEA/DoT/2016 dated 03.08.2016
3. GS/AITEEA/DoT/2016 dated 06.09.2016

Respected Madam,

Your kind attention is invited towards letter issued by the SR Cell, BSNL (vide Ref: 1) while conveying the message of your good self to the Associations & Unions of BSNL, that all the issues mentioned in the notice (from Sr No.1 to Sr No.4) is being considered with a positive mindset but it is difficult to assure on the issue mentioned at no. 5 (the left out issues of the 2nd PRC) because of being not clear and needs input from BSNL.

On this left out issue of the 2nd PRC, We would like to apprise your kind self that these issues are pending since last 10 years. It is basically associated with the BSNL recruited employees/Executives and may be summarized as follows:

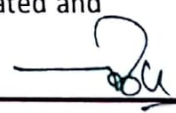
- a. Non-Settlement of the Standard Pay Scale,
- b. Superannuation Benefit (SAB) to BSNL recruits [30%]
- c. Pay fixation anomaly of the Executives recruited post 01.01.2007 in E1A grade.

These three left out issues of the 2nd PRC are in detail as below:

1. Non Finalization of Intermediary Pay Scales E1A & E2A after 2nd PRC in BSNL:

The 2nd PRC in BSNL was implemented vide the Presidential order No-61-01/2009-SU dated 27th February 2009 issued by Department of Telecommunications. All the old Pay Scales were replaced with the revised pay Scales, but the Pay Scales E1A and E2A remained pending for finalization with remark that E1A and E2A will be dealt separately.

Before 2nd PRC, Intermediary Pay Scales were working in many CPSEs but after the implementation of 2nd PRC, to maintain the uniformity among the CPSEs, DPE permitted only ten Standard Pay Scales starting from E0 to E9. Department of Public Enterprise reiterated and



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issued an Office Memorandum on 24th December, 2012 vide letter No 2(12)/2009-DPE (WC) to get fitted all the Intermediary Pay Scales into Standard Pay Scales.

BSNL continued to send its proposal to Department of Telecommunications to get the intermediate Pay Scales E1A and E2A approved, but it could not be approved and BSNL was asked to abide by the guidelines of DPE. Department of Telecommunications with the approval of Secretary(T) vide File No 61-02/2010—SU dated 24th January 2011 has rejected the proposal of BSNL which was sent to DOT vide DO No 1-50/2008-PAT (BSNL) dated 22nd December 2010.

Department of Telecommunications on 18th July 2014 Vide Letter No 61-01/2014-SU once again rejected the BSNL proposal referring DPE OM dated 02.04.2009 and clarified that there is no justification for introducing the intermediary Pay Scales and if there have been any aberrations, they need to be corrected. The DPE has rejected BSNL proposal of intermediary Pay Scales in consultation with DPE.

An internal committee of BSNL too examined the issue in detail and on 29th July, 2015 recommended to replace the intermediary Pay Scale E1A and E2A by E2 and E3 respectively. BSNL has recommended the same to DOT, but it is still pending for finalization.

DOT has issued a Presidential order on 28th March 2017 and **replaced the intermediary Pay Scales E1A & E2A with revised Intermediary Pay Scales E1A and E2A for the existing incumbent which is not as per the guidelines of DPE.** The Department of Telecommunication has not only accepted the BSNL proposal of intermediary Pay Scale which was rejected earlier, not only once but twice by Department of Telecommunications itself and that too with consultation with DPE.

The Presidential order issued by DOT vide No 61-2/2016-SU dated 28th March, 2017 which was supposed to be issued and implemented in the year 2009 itself, yet the same could not be implemented in BSNL as it is not as per the guidelines of DPE as per the affidavit of BSNL in Hon'ble CAT Chandigarh. BSNL in its speaking order after instruction from Hon'ble CAT Kolkata has said that issue is under consideration of Government of India which is the competent authority.

BSNL in its affidavit before Hon CAT Chandigarh on 30.07.2017 stated that the Presidential order issued on 28.03.2017 by DOT does not appear to be in accordance with the DPE guidelines. It means that the Presidential order does not abide by the guidelines of DPE. It is a matter of great sorrow and great disappointment that one Department of Government of India is contradicting the other Department of Government of India.

Other CPSEs wherever such an anomaly existed, they got their problems resolved in the period of 2nd PRC itself by replacing their intermediary Pay Scale to the next higher Standard Pay Scale to abide by the guidelines of DPE as the Pay Scale cannot be downgraded below which one got recruited on. Herein a glaring example of a PSU named Food Corporation of India which resolved same problem. The Ministry of Consumer Affairs, Food and Public Distribution vide its Order No: 16-2/2008-FC-I dated 6th July, 2011 replaced the Intermediary Pay Scale 9700-280-15860 by Std Pay Scale 20600-46500 (E2) w.e.f. 01.01.2007 to abide by the guidelines of Department of Public Enterprise. But Department of Telecommunications has still not complied the guidelines of Department of Public Enterprise for the replacement of the intermediary Pay Scale by Standard Pay Scales in BSNL.

2. 30% Superannuation Benefit (SAB) to the BSNL recruited employees:

The 2nd PRC implementation guidelines notified by the DPE directed the CPSUs to contribute a 30% of the emoluments (Basic Pay + DA) as Superannuation Benefit (SAB) w.e.f. 01.01.2007, as



the employees recruited by the PSUs do not have any Govt. pension after their retirement. BSNL used to contribute a total of 18% only towards SAB prior to 01.01.2007 and it must enhance 12% more contribution towards SAB w.e.f. 01.01.2007 as per the 2nd PRC and the DPE guidelines, but it failed in doing so. After a prolonged persuasion BSNL agreed to enhance it only by 3% w.e.f May-2016 and then 5% w.e.f .2017. The issue related with the Superannuation fund can not be compromised but BSNL management is neither contributing from the due date 01.01.2007 nor contributing the recommended amount towards SAB. Again as the issue belongs to the 2nd PRC, when BSNL was in huge profit and awarded 30% highest ever fitment benefit, any excuse of the financial condition of the Company can not be agreed upon. Therefore full 30% SAB w.e.f 01.01.2007 must be awarded to BSNL recruited employee.

3. Anomaly in Pay Fixation issues of the Executives recruited post 01.01.2007:

Due to non-implementation of the 2nd PRC in totality, a huge disparity resulted in the initial basic pay of the Executives (JTOs), recruited under the same recruitment rule. BSNL management *suo motto* borrowed common knowledge point from DoT Presidential order dated 28-July-2003 to appoint strictly at minimum of revised scale to these directly Executives of BSNL. Irony is that this presidential order was only for Executives appointed in CDA pay scale. Surprisingly it was imposed over Executives appointed directly in E1A grade IDA pay scale. These Executives worked till January 2012 in this pre revised scale. DPE itself categorically denied any such ruling/guidelines of minimum w.r.t 2nd PRC. Due to this adoption there is a sudden rise of increment from 2 (in pre revision) to 8 (after pay revision) between two similarly placed Executives. The same basic Rs. 9850 goes to Rs. 22820 for one section but the same Rs. 9850 goes only to Rs. 19020 for other section. In pre revised, difference in number of increment was in accordance with the difference in number of years rendered by them but after revision, it goes many folds.

In the light of these facts, it is sincerely submitted before your esteemed self to intervene for the resolution of these three pending issues of 2nd PRC in totality in the best interest of BSNL.

With Warm Regards,

Sincerely Yours,

 MANOJ SINGH 01/11/2018
 GENERAL SECRETARY

Copy to: 1. Shri Anupam Srivastava ji, Hon. CMD, BSNL, New Delhi-01.