

BHARAT SANCHAR NIGAM LTD.

**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-110 001**

No. BSNL/39-2/SR/2018/

Dated: 18.10.2019

To

The Joint Secretary (Admn)
Department of Telecommunications
Sanchar Bhawan
New Delhi-110 001

Subject: Forwarding of representation of National Federation of Telecom Employees (NFTE), BSNL regarding Revival/ Revamping of BSNL

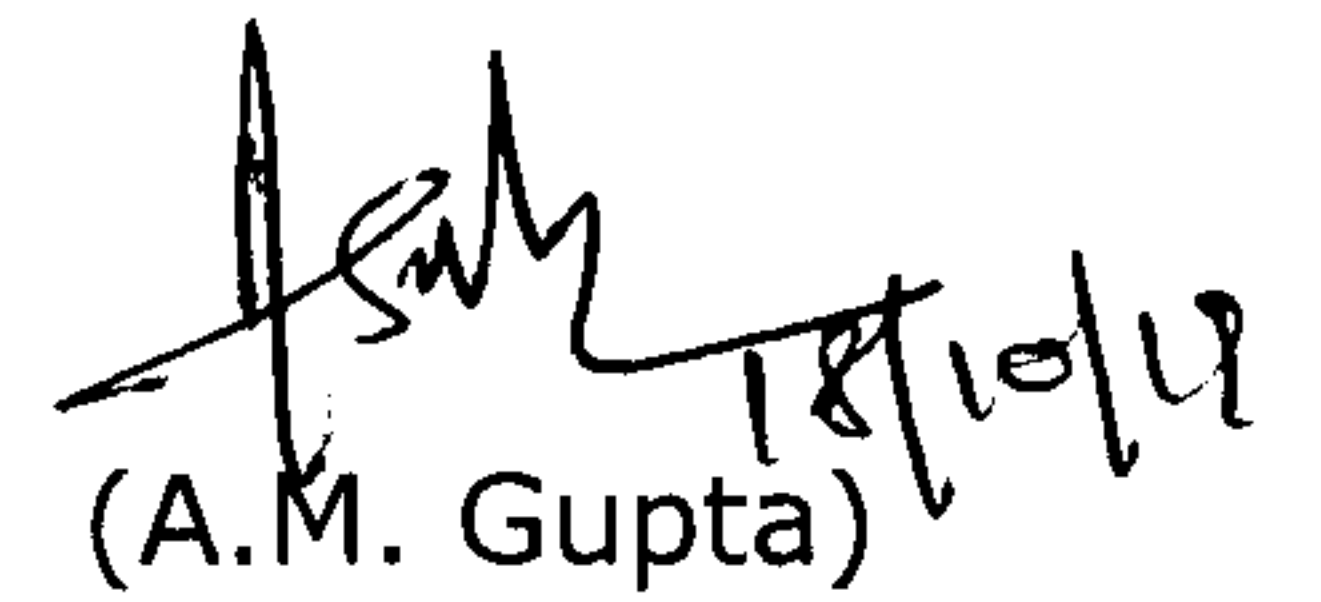
Ref: DoT, letter No.F.62-2/2018-SU(Pt.1) (E83490) dated 07/08/2018

Sir,

Please find enclosed a representation dated 21.09.2019 received from National Federation of Telecom Employees (NFTE), BSNL, a recognised Union of BSNL regarding Revival/ Revamping of BSNL.

Encl: Letter of NFTE as above

Yours faithfully,


(A.M. Gupta)

General Manager (SR)

Copy to:

1. The General Secretary, NFTE BSNL



BSNL

Phone : Off. 23353245, 23316656, 23315677 Resi. : 25706166
Fax : 011-23351877

E-mail : csingh465@gmail.com
Website : www.nftechq.co.in

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

Shri. Pradeep
ACM
21/9/19

TF-11/3-6/7

A.p.u. - nfts comments for
Estt. cell. & forward to DOT. Dated:-21-09-2019

To,

Secretary,
Department of Labour, GOI
Sharmshakti Bhavan
Rafi Marg
New Delhi.

Secretary,
Department of Telecommunication
Sanchar Bhavan, GOI
Ashoka Marg
New Delhi.

Secretary,
Department
of Personnel,
GOI,
New Delhi.

Subject:- Revival/Revamping of Bharat Sanchar Nigam Limited, BSNL – Regarding.

Respected Sir,

We very respectfully state that the National Federation of Telecom Employees (BSNL), NFTE (BSNL), is the recognized and representative union in the PSU after the completion of recent 8th membership verification. The union represents more than 35% of staff belonging to Non-Executive category. The present condition of the company and the news pouring in the media have forced us to approach to your goodself with the high hope that you will be magnanimous enough to intervene to end the present situation prevailing in the PSU.

The BSNL is today facing severe financial crunch and its maintenance and expansion of Telecom services are worst affected. We have come to know through the media that the administrative ministry, DOT, has proposed VRS, lowering of retirement age from 60 to 58 years etc to revamp and restructure the incipient PSU. We painfully submit that at no stage or level either the BSNL management or the DOT has discussed the proposals with the accredited unions for a negotiated settlement and to lift the company from the morass. The present approach is not only arbitrary but also against the industrial culture. We are afraid such approach may prove counter productive and invite serious labour unrest as well. It is pertinent to mention that at the time of corporatarisation of Telecom Services in September, 2000 negotiations took place at the level of "GOM" due to which negotiated settlement was arrived at and peaceful transition took place.

Sir, the erstwhile the DOT employees having the Govt status have taken absorption in the entity with Govt pension and Job security guarantees. The terms and conditions for the absorption of employees were also drawn and for this and tripartite agreement between unions, BSNL management and DOT was signed on dt-02-01-2001. The then Secretary DOT, Shri Shyamal Ghosh, has approved the terms and conditions (Annexure - I). The DOT absorbee who were already covered under FR56(a) joined the PSU, BSNL, retaining the said provision with the incorporation of the

same in Pension Rule 37A (Annexure II) and also in terms and conditions for absorption (Annex III). The absorbees are entitled for payment of pension through consolidated fund of India akin to Central Govt staff. In the situation proposal for lowering of superannuation age from 60 to 58 years in respect of absorbees will not only be against the solemn agreements of 08-09-2000 (Annex IV) and 02-01-2001 (Annex II) but also against the fundamental rule and pension rules 37A framed under article 309 of the constitution of India. The VRS proposal should be discussed with the unions in a transparent way to avoid sufferings to them at a later date. However, the prime objective should be to ensure that the company grows and move forward keeping in view of the present condition of MTNL.

It is added that in course of corporatization the Govt also firmly committed that at no time the entity, BSNL, will be allowed to become financially unviable (Annex -V) but it is now not being honoured. The company is in need of short term and long term financial packages but same is not getting due consideration. The quality of services of the company are getting setback due to non-provision of Modern Technologies, 4G etc. Contrary to this private Telecoms are enjoying these for last three years. The Govt Telco is thus handicapped and not able to compete with the Private COs resulting fall in revenue.

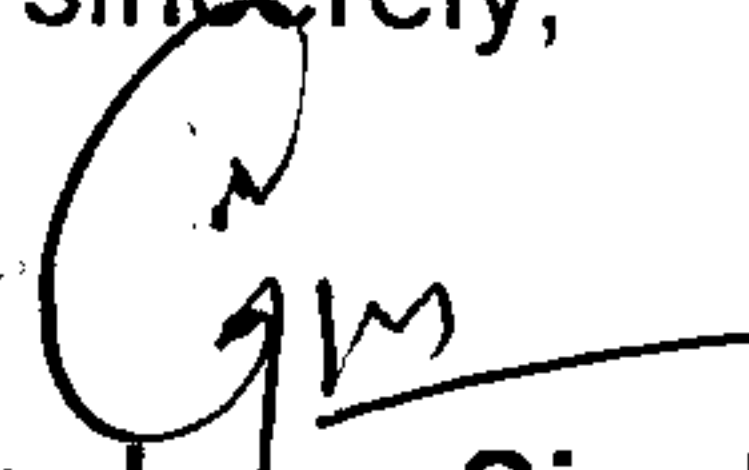
Apart from above the DOT had burdened the newly born, PSU in Sept, 2000 by transferring the entire staff including contingent employees and liabilities to it without any norm and standard. The liabilities of Taxes on properties were also transferred but assets not transferred in consonance with the Cabinet decision. Even in the payment of Pension contribution of absorbees discrimination is continuing and BSNL is financially burdened. While it is on maximum of the Pay scales for absorbees it is on actual pay in respect of central Govt workforce.

Under the circumstances we approach to your goodself to intervene to ensure that the negotiations take place with the stake holders to prevent industrial unrest and sufferings to workforce.

We are confident that your intervention will lead to negotiated settlement in the larger interest of PSU and employees both.

With esteemed regards,

Yours sincerely,


(Chandeshwar Singh)
General Secretary

Copy to:- (i) CMD, BSNL, New Delhi.
(ii) Chief Labour Commissioner, New Delhi.
✓(iii) GM(SR), BSNL, New Delhi.

Rule 37-A of Pension Rules 1972
Amendments Approved
Vide Ministry of Personnel, Public
Grievances and Pensions
Notification No. 4/61/99-P&PW (D) Dec. 28, 2002

Annex - II

Rule No. 8 :

A permanent government servant who has been absorbed as an employee of a public sector undertaking or autonomous body shall be eligible for pensionary benefits on the basis of combined service rendered by him in the government and in public sector undertaking or autonomous body in accordance with the formula for calculation of pension/family pension under these rules as may be in force at the time of his retirement from the public sector undertaking or autonomous body, as the case may be.

Modification

Explanation : The amount of pension/family pension of the absorbed employee on superannuation from public sector undertaking/autonomous body shall be calculated in the same way as would be the case with a Central government servant, retiring on superannuation, on the same day".

Sub Rule 11

The benefits of pension and family pension shall be available to quasi-permanent and temporary transferred Government servants after they have been confirmed in the public sector undertaking or autonomous body.

Insertion under Sub Rules 11 :

(11A) A Permanent Government servant absorbed in a public sector undertaking/autonomous body or a temporary/quasi permanent Government servant who has been confirmed in the public sector undertaking/autonomous body subsequent to his absorption therein, shall be eligible to seek voluntary retirement after completing 10 years of qualifying service with the Government and the autonomous body/public sector undertaking taken together, and he/she shall be eligible for pro-rata pensionary benefits on the basis of combined qualifying service".

Sub Rule 24C

Job Security

The dismissal or removal from service of the Public Sector undertaking or autonomous body of any employee after his absorption in such undertaking or body for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment the decision of the undertaking or body shall be subject to review by the Ministry administratively concerned with the undertaking or body.

Amendment

For the word "review" the word "confirmation" shall be substituted.

Bharat Sanchar Nigam Limited,
(A Government of India Enterprise)

No.BSNL/4/SR/2000
Dated the 2nd January, 2001

Sub:- Record of discussions held on 2.1.2001 in the meeting with the three Federations presided by CMD, BSNL regarding terms and conditions for absorption of Group C & D staff in BSNL.

In connection with the absorption of Group C & D staff working in BSNL, preliminary meetings were held with the three Federation(s). The decisions taken were discussed in the BSNL Board meeting held on 09.11.2000, which empowered the Management to negotiate with Unions. Accordingly, a meeting was held with the three Federations on 2.1.2001 and the following proposals were approved.

1. IMPLEMENTATION OF STANDING ORDERS OF THE INDUSTRIAL EMPLOYMENT ACT, 1946:

BSNL service rules are to be finalized after discussion with the recognized union formed by the optees of BSNL and the standing orders of Industrial Employment Act, 1946.

2. SERVICE RULES

In the meantime, it was agreed that Government will continue to apply existing rules / regulations. This is in line as per the provision of Rule 13B of Standing Orders of Industrial Employment Act, 1946. However, certain provisional terms and conditions for absorption are enclosed at Annexure I.

3. ABSORPTION OF CASUAL LABOURS

Orders have been issued by DoT for regularizing Ayahs & all casual labourers including part time casual labourers. Left out cases, if any, will be settled by BSNL in accordance with order No.269-94/98-STN-II dated 29.9.2000.

4. OPTION OF STAFF FOR ABSORPTION IN BSNL

The BSNL will absorb the optees on as is where is basis. A list of optees will be made available to the three federations/unions.

5. OPTIONS OF STAFF FACING DISCIPLINARY CASES

It was agreed that the employees with on-going disciplinary cases can also opt for absorption in BSNL but their absorption will be subject to the outcome of the vigilance case. Their pending cases will be expedited on a fast track mode by DOT. The appeal / petition cases for these employees will also be decided by DOT authorities.

6. PROMOTIONAL AVENUES

After absorption there will be negotiations with the newly formed recognized union regarding promotional avenues. Pending adoption of Standing Orders on promotional policy, the present OTBP/BCR/ACP (whichever is applicable) etc. will continue to be followed by BSNL.

7. CHANGE OVER TO IDA PAY SCALES

The pay scales and fitment formula will also be adopted through Standing Orders after negotiations with the recognized union in respect of non-executives. After detailed discussions, it was mutually agreed that pending fitment in the IDA pay scales, the Group C & D optees will continue in the Central Government (CDA) pay scales. In addition to this, they will also be paid an adhoc amount of Rs.1000/- per month w.e.f. 1.10.2000 which will be adjusted from their IDA emoluments, perks and benefits on fixation of the same in revised IDA scales. The revised negotiated IDA pay scales will be applicable from the date of absorption i.e. 1.10.2000.

8. TIME FRAME FOR VARIOUS POST ABSORPTION ACTIVITIES

It was agreed that the options will be called in January, 2001 providing about one month time to the employees to give their options and the entire activity is expected to be completed by the end of 28th Feb. 2001. A list of optees of BSNL will be exhibited to rectify inaccuracies, if any.

The existing system of informal meetings with applicant Unions, as on 30.9.2000 and formal meetings with the three Federations shall continue.

9. The employees who opt for permanent absorption in BSNL would be governed by the provisions of Rule 37-A of CCS Pension Rules, notification for which was issued by the Department of Pension & Pensioners Welfare on 30.9.2000. For the purpose of reckoning emoluments for calculation of pension and pensionary benefits, the emoluments as defined in CCS(Pension)Rules, in PSU in the IDA pay scales shall be treated as emoluments.

10. DoT has already clarified that the word "formula" mentioned in clause 8 of Rule 37-A means payment of pension as per Government Rules in force at that time. It has also been clarified by the DoT that BSNL will not dismiss / remove an absorbed employee without prior review by the Administrative Ministry / Department.

11. The Group C & D employees who appear for any promotional examination whether direct or departmental and qualify in such examinations / outsiders coming through direct recruitment process, would rank junior to all the other employees in the promotional cadre who had already been qualified in earlier examinations even though they get absorbed in BSNL subsequently.

The above modalities have been worked out in consultation with the following three federations for termination of the deemed deputation status in BSNL and the parties have put their signatures in token of their consent and agreement on this date 02.01.2001.

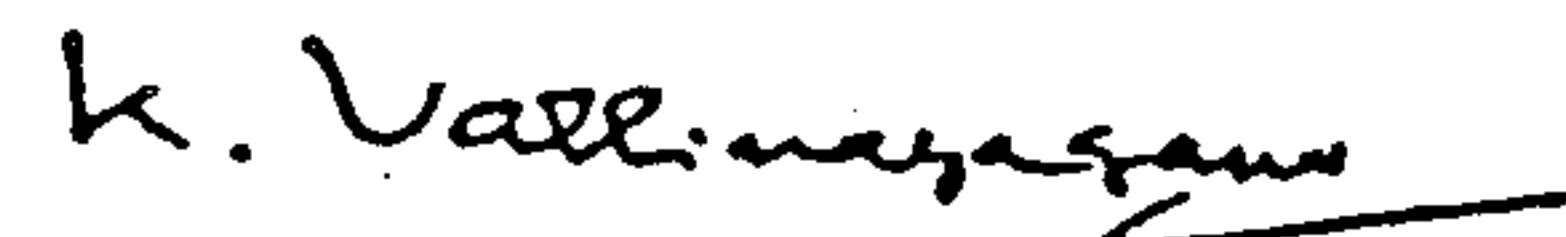
The Proforma for exercising the option is enclosed.


(DRD S SETH)
CMD, BSNL


(KRANTI KUMAR)
DIRECTOR(HRD) BSNL


(S P PURWAR)
DIRECTOR (FIN.) BSNL


(MALLIKARJUN)
SECRETARY GENERAL, BTEF.


(K VALLINAYAGAM)
SECRETARY GENERAL, FNTD.


(O P GUPTA)
SECRETARY GENERAL, NFTE.

ANNEXURE I

PROVISIONAL TERMS AND CONDITIONS

1. Residential Quarters:

The DoT staff who are allottee of BSNL quarters, will continue to occupy the same on as is where is basis even after permanent absorption in BSNL. Those staff who do not opt for BSNL would not be entitled to BSNL quarters.

2. Age of Superannuation:

Age of superannuation for all the non-Board level employees in BSNL will be regulated in accordance with Government rules.

3. Seniority :

The existing seniority in DoT will be maintained in BSNL after absorption. The service rendered by the staff in the DoT, as on date of permanent absorption in BSNL, will be counted. Their existing inter-se seniority in the concerned gradation list will be maintained.

4. Leave encashment:

The Government leave rules will be applicable in BSNL after absorption.

5. Para 38 transfers:

The para-38 transfers would continue to be applicable to the BSNL staff as in the DoT even after absorption.

6. Bonus:

The existing Productivity Linked Bonus scheme would continue to apply till BSNL decides its own scheme.

Subject: Absorption of Group c & D Staff in BSNL.

A meeting was held with the three staff Federations on 02.01.2001 wherein the Option Form and the Terms and Conditions for Absorption (Flag A) to be issued to the Group C & D staff were finalized. Letters have been addressed to all the Heads of Circles on the 3rd/ 4th January, 2001 (Flag B) enclosing the Option Form and the provisional terms and conditions to be distributed to all the Group C & D staff for exercising their options. The Option Forms are to be issued to the staff latest by 15.01.2001 and the process of exercising options is to be completed by 28.02.2001.

Submitted for kind information.

K. Kumar
(Kranti Kumar)
Director (HRD), BSNL
12.01.2001

~~CMD, BSNL~~
~~Advisor (HRD)~~
~~Member (S)~~
~~Chairman, TC~~

Pr...
14/1
Pr...
19/1
Sen. Membr

~~AICTE~~
~~JSET~~
~~MES~~

S...
30/1

...
31/01/01
...
20/1/01

...
01/02/01

~~Adv. (HRD)~~

...
2/2

~~CMD (BSNL)~~

...
3/2

~~DDG (SR), BSNL~~

K. Kumar
7.2.01

253-Die (HRD)
5/2

130-CMD (BSNL)
12/01

193/HRD (HRD)
01/2/2001

134-M (S)
15/1/2001

187/CR...
09/1/2001

280/...
30/1

257/...
30/1

...
01/2/2001

Historic agreement dated 8.9.2000 between Federations and DoT after 3 days strike on the eve of Corporatisation

RECORD OF DISCUSSIONS

A meeting of the two Federation of the Telecom Employees Union was convened today under the chairmanship of the Union Minister of the Committee and Minister of State for Communications. At this meeting the representatives of the following Federations were also present:

- A) NFTE
- B) FNTO

2. Keeping in view the present situation, the Federations have agreed to call off the strike with immediate effect. However, it was also decided that a list of issues on which agreement has already been reached would be drawn up. In this list, it has been agreed that Government would do the following:

a) Guarantee the payment of pension to the employees going from the Department to the Corporation. However, the Department agreed in principle for payment of pension from the Consolidated Fund of India and the matter will be taken up with the Group of Ministers. Pension payment will not be paid from any union fund.

b) Ensure the financial viability of the Corporation for which purpose it will extend financial support/reimbursement for discharging obligations for any uneconomical services including such rural telephony services as are uneconomical.

c) Ensure security of job. In any case, retrenchment cannot be done by the Corporation without the prior approval of the concerned Ministry.

d) It was also agreed that pay scales of Lineman/ Wireman/ Tele-graph man will be at par with Postman, and the benefit will be made effective from 10-10-97.

e) Government policy on reservation to SC/ST employees will be extended to Corporation.

- f) No victimization on account of current strike.
- g) Earned leave/half pay leave will be carried forward fully to the PSU.

3. Another list which will contain issues, which are under discussion would also be formulated. Every attempt will be made to resolve all these pending issues within the next 15 days. A suitable mechanism will be evolved within 15 days in consultation with the three Federations to deal with all pending issues including the unresolved issues. Other pending issue will be identified and listed separately.

We record our appreciation to Hon MOC, Minister of State, Chairman TC, Secretaries, Members of the TC and other staff in resolving the issues.

Annexure - II

Annexure -

GOM decision on the eve of Corporatisation of Telecom Services

Press Information Bureau, Government of India GOM Decides that Government will guarantee Pensionary benefits to all Telecom Employees after Corporatisation

Job Security of the Employees will be ensured even after their absorption in the Corporate Entity

Financial viability of the Bharat Sanchar Nigam Limited to be fully taken care of

New Delhi, Bhadrapada, 10, 1922

September 1, 2000

The Group of Ministers (GOM), constituted under the chairmanship of the Minister of Communications Shri Ram Vilas Paswan to facilitate corporatization of the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO), has taken certain important decisions with regard to the pensionary benefits and job security of the telecom employees, and the financial viability of the proposed corporatization – Bharat Sanchar Nigam Limited (BSNL)

In a meeting which ended late last evening the GOM has decided that the Government will guarantee pensionary benefits to all

telecom employees after their transfer to and later their absorption in the corporate entity. The benefits of the pension will be the same as had been in the Government service. In the frame work that will be put in place, provisions have been made regarding transfer of the General Provident Fund, earned leave and half pay leave accounts to the corporate entity without causing any loss to the employees.

With regard to the demand of the employees Federations that the framework for determining pensionary and retirement benefits should not be based on the executive order of the Government but should form part of the statutory framework, the GOM has decided that the framework for adding the pensionary benefits would be introduced as an amendment under Article 309 of the Constitution to the CCS pension rules.

Addressing the concerns of the employee unions with regard to their job security the GOM has decided that the job security of the employees will be ensured even after their absorption in the proposed corporation. The employees concern was with regard to the danger of dismissal or removal from the service of the corporation after absorption resulting in possible forfeiture of retirement benefits or the service rendered under the Government service. GOM has agreed to provide protection under rules that in the event of dismissal or removal of any employee the administrative ministry would be consulted before taking a final decision.

The GOM has fully taken into account the concern of the Federation that the viabilities of the BSNL has to be ensured. It has decided that for discharging obligations in regard to rural telephony or any other uneconomic services, in accordance with any Government directive for the implementation of national Telecom Policy-1999 (NTP-99), Bharat Sanchar Nigam would be duly compensated. Realizing that it would be a potent instrument in the hands of the Government for achieving its social objectives with regard to the spread of telecom network in the country, GOM has further decided that under no circumstances Government would allow Bharat Sanchar Nigam to become non-viable as it has to be kept always in strong and healthy condition.

The Federations had been pressing for the resolution of what they have perceived as anomaly in the pay scales of certain cadres

The GOM has decided to refer the cases to the arbitrator and the employees would also be offered the alternative that such anomalies could be considered after the corporatisation by a Committee of the Board of the new corporate entity.

The GOM has also decided to introduce a scheme and relevant modalities for introduction of Electronic Data Processing cadres for the Telecom operating Assistants and Senior Telecom operating Assists in the Department. The Group has also agreed in principle to the darning for introduction of Telecom Attendants with a suitable redesign.. The long pending demand of giving parity to the Linemen/Wireman/Telegraph men on a par with postman has been accepted and the benefit will be made effective from 10.10.1997

GOM has also accepted in principle to carry out cadre reviews of TES Group 'B' officers and Junior Telecom Officers (JTOs). It has also been decided to restructure the Accounts Cadre at the level of Junior Accounts Officer. The paid are being fixed in Grade IV were also discussed in depth and the technical issues will be sorted out shortly.

The Government yesterday announced setting up of BSNL from 1st October, 2000 by converting the DTS and DTO.

DoT's Cabinet Note dt. 28.9.2000 and decisions:-

No. 2-2/99-Restg. (Vol.I) Government of India Ministry of Communications, Department of Telecom Services

New Delhi, the 25th September 2000

NOTE FOR THE CABINET

Subject:- Approval for HRD and financial issues arising out of the corporation of the Department of Telecom Services and of the Department of Telecom Operations.

1. Introduction

Commencement of business with effect from 1st October, 2000 is to take place by the corporate entity Bharat Sanchar Nigam-Ltd. -- BSNL (being set up by corporatization of the Department of Telecom Services and Department of Telecom Operations).