

No. A-11013/33/2011-Abs. Cell
Government of India
Ministry of Communications & IT
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001

Dated: ^{7th} October, 2011

Subject: Contingency plan in case of repatriation of Group 'A' officers to DoT

Kindly refer to your letter No. MTNL/CO/Dir(HR)/2011 dated 30th September, 2011 on the subject mentioned above.

2. The contingency plans submitted by MTNL have been considered in this Department and the following observations are made thereon.

- i) Contingency plans as submitted are evidently based on the presumption that none of the unabsorbed ITS Officer presently working in BSNL/MTNL would opt for absorption. But the number of officers working in MTNL opting for absorption is not known at present and it has to be assumed that some officers would opt for absorption.
- ii) MTNL has heavily relied on its proposal for deputation/foreign service of ITS officers in the organization after obtaining exemption from the rule of immediate absorption or by fresh recruitment (absorption) on selective basis involving technical resignation under Rule 37 of the CCS (Pension) Rules, 1972 to run their services and operations efficiently before the actual repatriation takes place.
- iii) Ongoing process of absorption of Group 'A' Officers in BSNL/MTNL has been initiated by DoT under the relevant provisions of Rule 37-A of CCS (Pension) Rules, 1972 and this process is required to be completed under the same rule which include repatriation of Group 'A' Officers on deemed deputation to BSNL/MTNL who opt for government service or do not exercise option at all and sending the names of Officers in excess of the requirements of DoT to Surplus Cell for their redeployment keeping in view the guidelines of DoP&T regarding redeployment of surplus staff. As per these provisions, , Group A officers who do not opt for absorption would need to report forthwith to DoT HQs at Delhi for redeployment as per the procedure indicated herein.
- (iv) The proposals submitted by MTNL in the contingency plan for deputation of ITS officers on foreign service terms after seeking exemption from the rule of immediate absorption or their fresh recruitment (absorption) in BSNL/MTNL under rule 37 of CCS (Pension) Rules, 1972 even before completion of the absorption process is not in order as the same would be in contravention of rule 37-A of CCS (Pension) Rules, 1972. Hence, this proposal is not acceptable.

- (v) Further, the proposed deputation/foreign service of ITS officers in BSNL/MTNL, even after completion of the absorption process, cannot be resorted to as the same would be against the spirit of rule 37-A and would also run counter to the Cabinet decision under which Group 'A' officers were sent on deemed deputation to BSNL/MTNL pending completion of the absorption process.
- (vi) As regards fresh recruitment (absorption) of ITS officers under Rule 37 of CCS (Pension) Rules, 1972, this mode can be resorted to only after completion of the absorption process including repatriation of Group 'A' Officers on deemed deputation to BSNL/MTNL who opt for government service and sending the names of Officers in excess of the requirements of DoT to Surplus Cell for their redeployment. Such officers would need to leave Government service and be selected in the open recruitment process before they can be appointed in MTNL through the fresh recruitment route. Only such selected officers can be recruited and no officer would have any entitlement to be recruited through this route once he has been repatriated to DoT.
- (vii) It may also be noted that in the event of fresh recruitment of ITS officers in MTNL under Rules 37 of CCS (Pension) Rules, 1972 after their repatriation in DoT, the service rendered by them in the particular grade of Service in DoT shall not be counted towards seniority in their fresh appointment in MTNL and that they would be placed at the bottom of the seniority in the grade in which they are appointed. This may be brought to the notice of Group A officers so that they can take an informed decision while exercising their option.
3. In view of the above position, MTNL may rework out the contingency plan with a view to ensuring that their services are not disrupted and their organizational needs do not suffer. Besides, the option of direct recruitment of officers as proposed needs to be pursued vigorously to ensure that at least some candidates are in position at the earliest. Necessary preparatory steps in this regard may be initiated immediately.
4. This Department may be apprised of the action taken in the matter at the earliest and in no case later than 13th October, 2011.

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07/10/2011
(Malay Shrivastava)
Joint Secretary (T)

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