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CORPORATE OFFICE
PERSONNEL-II BRANCH
4TH Floor, Bharat Sanchar Bhawan, Janpath, New Delhi- 110001

To,

The General Secretary
SNEA/AIBSNLEA/AIGE&TOA,BSNL

No.:-20-24/2001-Pers.II Dated:- 23rd January , 2013

Subject:- Amendments proposed vis-à-vis to the existing proviso in the SDE(T) RR-2002.

I am directed to forward herewith a copy of the report submitted by the Committee of Sr. Officers constituted for examining incorporation of modifications/changes in SDE (T) RRs, 2002. The report of the Committee has been duly approved by Dir.(HR) BSNL.

The Associations are requested to go through the proposed amendments and furnish their views/comments if any within 15 days before its submission to Management Committee of BSNL Board for their final consideration and approval.

Encls:- As above

23.1.13

(V.K.SINHA)
Asst. General Manager (Pers.II)

BHARAT SANCHAR NIGAM LIMITED
[A Government of India Enterprise]
CORPORATE OFFICE
PERSONNEL-II SECTION
BHARAT SANCHAR BHAWAN, 4th Floor,
Janpath, New Delhi- 110 001

No. 20-24/2001- pers. II **December 18Th, 2012.**

Subject: Minutes of themeeting held on 29.06.2012, 06.09.2012 and on 16.10.2012 on the issue of modification's to be incorporated in the existing SDE(T) RRs.

A Committee comprising the following members was constituted, for the purpose of considering incorporation of some modifications/changes in SDE(T) RRs, vide Order No. 20-24/2001-Pers.II dated 26.06.2012 :

1.	Sh. N.K.Narang	-	PGM(SR)	- Chairman
2.	Sh. A.K Jain	-	Sr. G.M.(Pers.)	- Member
3.	Sh. M C Chaube	-	Sr. G M (NWP-CFA)	- Member
4.	Sh. R.K.Goyal	-	G.M.(Estt.)	- Member
5	Sh. K R Tiwari	-	G.M.(TP&RA)	- Member

The terms of reference given to the Committee were as under :

(i) **INTER SE SENIORITY OF PROMOTEES AND CQ OFFICERS.**

(ii) **DIVERSION OF UNFILLED VACANCIES FROM ONE QUOTA TO ANOTHER**

(iii) **RECKONING OF ELIGIBILITY SERVICE UNDER RELAXED CONDITIONS**

(iv) **RECKONING OF JTO TRAINING PERIOD FOR LDCE**

(v) **ADMISSION OF REGULAR SDEs FOR LDCE**

(vi) **ELIGIBILITY LISTS OF JTOS FOR A RECRUITMENT YEAR**

Accordingly, the Committee Members met on 29.06.2012, 06.09.2012 and on 16.10.2012 and held extensive discussions in the chamber of PGM(SR). The details of discussion held are summarized as under.

(i) INTER SE SENIORITY BETWEEN SENIORITY QUOTA PROMOTEES AND COMPETITIVE PROMOTEES.

The Committee Members observed that normally in RRs, ratio of seniority between two or more streams of recruitment is regulated by the ratio of recruitment prescribed for various streams. In the case of SDEs(T) RRs, ratio of seniority between seniority stream and LDCE stream has not been specified, though ratio of recruitment i.e. 67% for seniority and 33% for LDCE has been clearly defined in RRs and is being followed in practice for seniority fixation as well. In absence of clear provision in RRs, the practice followed and perusal of RRs gives rise to varied interpretation leading to litigation as well. After extensive discussions by the Committee Members on all the issues/points related to the subject, the view expressed was that a clause to the effect that ***"The inter-se-seniority of the officers promoted against seniority quota/stream (67%) and those who are promoted through LDCE quota/stream (33%) against a particular vacancy year shall be fixed in the ratio of 2:1 irrespective of the year of appointment / date of joining."*** be added at S.No. 11 as Note-1 in the schedule of RR.

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(ii) DIVERSION OF UNFILLED VACANCIES FROM ONE QUOTA TO ANOTHER :

In this context, the Committee Members took note of the provision made under the note in Col. 12 of SDEs(T) RRs, which inter-alia stipulates that unfilled vacancies of particular quota "shall" be diverted subject to restoration of diverted vacancies in subsequent years and discussed in detail the various aspects related to it. After extensive discussion, the Committee Members were of the view that as diversion of vacancies from promotion quota to LDCE quota or vice-versa has never been administratively feasible in the past, either in DoT or BSNL, and also as the phrase used in the said provision "shall be diverted" is causing litigations (the word "shall", makes the diversion a compulsory provision, which is administratively not feasible), they expressed unanimous view that the existing Note under Column 12 containing the provision of diversion of unfilled vacancies from one stream to another stream be completely ***removed*** from the RRs and clarity with regard to vacancy calculation be brought in RRs categorily providing that ***the year wise vacancy calculation is to be done as per DoP&T guidelines issued/to be issued from time to time as is being followed presently.***

(iii) RECKONING OF ELIGIBILITY SERVICE UNDER RELAXED CONDITIONS AS CONTAINED IN SENIOR-JUNIOR CLAUSE OF RRs (NOTE-5 OF THE SCHEDULE RRs)

AND

(iv) RECKONING OF JTO TRAINING PERIOD FOR LDCE

In context of reckoning the relaxed length of eligibility service under note 5 of Schedule to SDE RRs, 2002, the Committee discussed the issue at length and took note of the following facts :

(a) Clarification issued by Pers. Branch on 30.07.2010, wherein it was clearly stated that senior/junior clause is not applicable to LDCE stream as seniority is relevant for Seniority based promotion only.

(b) An Affidavit in the Court of Law has been filed by BSNL stating that senior/junior clause is not applicable for LDCE stream.

(c) DoP&T O.M. No. AB.14017/12/88-Estt(RR) dated 25.03.1996 as per which senior/junior clause is applicable i.r.of seniority based promotion only.

(d) An All India eligibility list is required to be prepared at Corporate Office level w.r.to number of available vacancies against the seniority quota promotion as per RRs, wherein the senior/junior clause is being taken care of. However, when LDCE is conducted, no such All India seniority-cum-eligibility list is to be prepared.

(e) Reckoning of training period prior to appointment of a Government servant is allowed for eligibility in LDCE only when such training is immediately followed by his appointment [DoP&T OM No. 14034/5/81-Estt(D) dated 8.3.1983].

The committee held extensive deliberation on this issue and finally opined that senior/junior clause applicability be kept confined to seniority quota promotion only as already clarified by BSNL under their order dated 30.07.2010, as a result of which numerous litigations caused on this count has come to an end. As regards the reckoning of JTO training period for LDCE, the existing instructions of DoP&T as referred to above should continue to be followed for considering eligibility for LDCE. Accordingly, eligibility of three years regular service should continue to be taken w.r.to vacancy year and not w.r.to the year of examination in which it is actually held, as has duly been clarified by BSNL in their letter No. 2-29/2005-Pers.II dated 16.4.2007, reiterated subsequently from time to time. In this regard, a suitable clarification clause accordingly be inserted at the end of Note 5 column 12 of Schedule in RRs clearly stating that *this clause will be applicable to seniority quota/stream promotion only.*

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(v) **ELIGIBILITY OF REGULAR SDEs FOR LDCE :**

The Committee discussed in detail the practice followed by DoT as well as BSNL of allowing regular SDEs(T) to appear in LDCE against same or earlier years vacancies for improving their seniority. The Committee Members felt that as the practice is intended for giving opportunity to such SDEs who were regularized in the seniority quota of a particular vacancy year (due to early/timely holding of DPC), the LDCE for which vacancy year or even earlier years could not be held due to administrative delay/litigation etc., the said practice be continued to be followed and suggested that a provision may accordingly be made by incorporating Note 6 under Column 12 of Schedule in RRs to authenticate the practice as under.

"Regular SDEs(T) will be eligible to appear in the LDCE against the same vacancy year [to which they have become regular SDE(T)] as well as against the earlier years vacancies for which they were otherwise eligible but the LDCE could not be held in time due to administrative reason."

(vi) **ELIGIBILITY LISTS OF JTOS FOR A RECRUITMENT YEAR:**

It was explained to the Committee Members that RRs, 2002 of SDE(T) inter-alia provides vide Note 2 of schedule below column 12 that "Promotion of JTOs shall be made on the basis of an All India Eligibility list at Corporate Office only". The spirit of this proviso is to prepare an All India eligibility list for determining the zone of consideration and/or select zone which applies for making promotions under seniority stream only. The said list is not to be prepared in respect of the promotion through LDCE stream as JTO is a circle cadre. This point has not been clarified in the RRs and explanation in this regard needs to be incorporated in the RRs.

The Committee Members discussed it in detail and recommended that in view of amendment suggested in Para (I) on seniority issue, this clause becomes in fructuous and as such there is no need to prepare an all India eligibility list for promotion under LDCE stream. Accordingly, the existing provision at Note 2 Column 12 under schedule in SDE(T) RRs be duly clarified as –"Promotion of JTOs ***under Seniority quota/stream(67%)*** shall be made on the basis of an All India Eligibility List prepared at Corporate office only."

COMPOSITION OF PROMOTION COMMITTEE AS PER RRs :

Attention of the Committee Members was drawn to the following composition of Promotion Committee stipulated in RRs :

1.	DDG(Pers.)	- Chairman
2.	DDG(SR)	- Member
3.	Jt. DDG(Pers.)	- Member

Presently the incumbents holding the posts of DDG(Pers) i.e. GM (Pers), DDG(SR) i.e. GM(SR, Jt. DDG(Pers.) i.e. DGM(Pers.) as defined in RRs are designated as Sr.GM(Pers.), PGM (SR), DGM(Pers.). Accordingly, it becomes difficult to constitute the DPC strictly as per the constitution in RRs. In view of it, the following new composition of promotion committee was considered and recommended to by the Committee Members :

1.	PGM/Sr.G.M level officer working in H.R.	- Chairman
2	Sr.GM/G.M Level officer working in H.R.	- Member
3	Addl.G.M/D.G.M.(Pers.)	- Member

Continued—4

One of the member of the Committee should belong to SC or ST category, else one additional SC/ST member of STS/JAG level may be co-opted. In view of it, the existing provision at Column 13 of Schedule RR be accordingly modified in the SDEs(T) RRs.

In view of the suggestions/recommendations given by the Committee on all the above issues/points, draft modifications/amendments have been made in the existing SDE(T) RRs, a tabular statement is annexed herewith.

18/12/12

Sh. K.R.Tiwari
G.M(TP&RA)
(Member)

19/12

Sh. R.K.Goyal
G.M(Estt.)
(Member)

Sh. M C Chaube
Sr. G.M(NWP-CFA)
(Member)

19.12.12

Sh. A.K.Jain
Sr.G.M(Pers.)
(Member)

N K Narang

Sh. N.K.Narang
PGM(SR)
(Chairman)

ANNEXURE

DETAILS OF EXISTING PROVISION IN SDE(T) RRs, 2002 VIS-À-VIS AMENDMENTS PROPOSED THERE TO

Column No. of Schedule of RRs alongwith the subject of existing provision to be amended/deleted	Text of Existing Provision	Proposed Provision (addition/deletion/modification shown in bold letters) vis-a-vis the existing provision
(i)	(ii)	(iii)
11 (Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer or by absorption and percentage of vacancies to be filled by various methods)	67% by promotion on the basis of seniority cum fitness 33% by limited departmental competitive examination.	67% by promotion on the basis of seniority cum fitness. 33% by limited departmental competitive examination. ***INTER-SE-SENIORITY:*** ***The inter-se-seniority of the officers promoted against seniority quota/stream (67%) and those who are promoted through LDCE quota/stream (33%) against a particular vacancy year shall be fixed in the ratio of 2:1 irrespective of the year of appointment/date of joining.***
12 (In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer to be made)	Promotion : 67% by Junior Telecom. Officers(Telecom.) with three years service in the grade. 33% by Limited Departmental Competitive Examination from amongst Junior Telecom. Officers(Telecom.) who have rendered not less than three (3) years regular service in the grade on 1st July of the year of Examination. Note: In case of non-availability of sufficient number of officers for filling of these posts by promotion/by selection in a particular recruitment year, the unfilled vacancies shall be diverted and filled up through Limited Departmental Competitive Examination and vice-versa subject to the condition that the quota shall be restored in subsequent recruitment years. 2. Promotion of JTOs shall be made on the basis of an All India eligibility list at Corporate Office only.	Promotion : 67% by Junior Telecom. Officers(Telecom.) with three years service in the grade. 33% by Limited Departmental Competitive Examination from amongst Junior Telecom. Officers(Telecom.) who have rendered not less than three (3) years regular service in the grade on 1st July of the year ***to which the vacancy pertains.*** ***Existing note stands deleted.*** ***A new Note to be added :*** ***The year wise vacancy calculation is to be done as per DoP&T guidelines issued/to be issued from time to time as is being followed presently.*** 2. Promotion of JTOs ***under seniority quota/stream (67%)*** shall be made on the basis of an All India eligibility list at Corporate Office only.

	3. The crucial date for determining the eligibility list shall be 1st of July of year to which the vacancies pertain. 4. The syllabus and rules for conducting LDCE shall be such as the Board may prescribe from time to time. 5. Where juniors who have completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of requisite qualifying/eligibility service by more than one year.	3. The crucial date for determining the eligibility list shall be 1st of July of year to which the vacancies pertain. 4. The syllabus and rules for conducting LDCE shall be such as the Board may prescribe from time to time. 5. Where juniors who have completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of requisite qualifying/eligibility service by more than one year. ***This clause will be applicable to seniority quota/stream promotion only.*** ***6. Regular SDEs(T) will be eligible to appear in the LDCE against the same vacancy year [to which they have become regular SDE(T)] as well as against the earlier year vacancies for which they were otherwise eligible but the LDCE could not be held in time due to administrative reason.***
13 (If a BSNL promotion Committee exists, what is its composition.)	1. DDG(Pers.) – Chairman 2. DDG(SR) – Member 3. Jt. DDG(Pers.) – Member Note: Appointing Authority will be Director(HR), BSNL Board.	***1. GM/Sr.G.M. level officer working in H.R. - Chairman*** ***2. Sr.GM/G.M. Level officer working in H.R. - Member*** ***3. Addl.G.M./D.G.M.(Pers.) - Member*** ***One of the member of the Committee should belong to SC or ST category, else one additional SC/ST member of STS/JAG level may be co-opted.*** Note: Appointing Authority will be Director(HR), BSNL Board.

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