

# Sanchar Nigam Executives Association

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All Communications to  
the General Secretary



**Sebastin. K, General Secretary**

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**SNEA/CHQ/CMD/2018-21/103**

**Dated 03.09.2020.**

**To**

**Shri. P. K. Purwar,  
Chairman and Managing Director,  
BSNL, New Delhi.**

**Subject: Inconsistency in management decisions complicating the HR issues and leading to unending litigations – latest one is the BSNL order regarding deferment of next Time Bound Pay Scale Upgradation under Executive Promotion Policy [EPP] for a period of two years in the case of refusal of post based promotion, in complete disregard of i) the understanding reached between the Associations and the BSNL Management while framing of EPP in 2006, ii) REA Rules 2014 and iii) BSNL Board decision dated 28.05.2018:**

**Ref: BSNLCO-PERS/15(17)/1/2020-PERS1 Dated 31.08.2020.**

**Respected Sir,**

Kindly refer the BSNLCO letter dated 31.08.2020 under reference 1 above regarding deferment of next Time Bound Pay Scale Upgradation under EPP 2007 for a period of 2 years in the case of refusal of post based promotion. **We strongly protest against such illegal orders, anti-employee attitude of BSNL management and its unilateral decisions, ignoring all the settled principles and the provisions of REA Rules 2014.**

The EPP 2007 was framed based on the Terms and Condition for Absorption in BSNL, which provides Time Bound Functional promotions upto E6 scale, after thorough deliberation of the matter by the Committee headed by Shri Y S Bhawe, then Additional Secretary, DoT with the Executive Associations. **Time Bound Financial Upgradation upto E6 scale is provided under EPP 2007 as per the Terms and Condition for absorption in BSNL. In the said Terms and Condition for absorption, there is no provision for post based promotion upto DGM Grade. The promotion upto E6 will be Time Bound Functional promotion and post based promotions are above E6 scale, beyond SG JAG only.**

**Time Bound Financial Upgradation (upto E6 scale) and post based promotions are entirely different, it cannot be linked at all. Further Post based promotion is not at all linked with the pay scales or pay scale upgradations to the Executives.**

This arbitrary order is issued unilaterally, in complete violation of the settled principle of mutual consultation. As explained above, EPP was framed as per the Terms and Condition for Absorption in BSNL, with mutual consultation. Before issue of this order, there was no consultation with the Executives Association, atleast with SNEA. It is in total violation of REA Rules 2014. As per clause 10.(2) of the REA Rules, 2014, management is duty bound to consult the Recognised Executive Association on such important policy matters of the Executives. **Till the notification of the 2<sup>nd</sup> MV, ie. upto 15.06.2020, this issue was never discussed with SNEA, the Recognised Executive Association. After the 2<sup>nd</sup> MV, whether it is discussed with the new Recognised Association, before issuing the order on 31.08.2020 is not known to us.**

Sufficient deterrent provisions are already incorporated by the DoPT in the DPC guidelines for post based promotions. As per DoPT guidelines, in case of refusal of promotion, the Executive will not

be considered for any promotion (Regular/Adhoc) for a period of one year or till the next DPC whichever is earlier. BSNL cannot unilaterally alter this Rules framed by the DoP&T.

**For a newly recruited JTO/JAO, 2 year deferment is having cumulative effect. If the first promotion to SDE/AO is declined, then his/her next 4 Time Bound Pay Scale Upgradations will be deferred by 2 years each. The effect is not so simple.** Even if the Executive accept the post based promotion in the next DPC, say after 1 year, then also the two year deferment on Time Bound Upgradations will continue. In case the Executive again decline the promotion, the 2 year deferment will count from that date, taking the total deferment of Time Bound Upgradations to 3 years and so on.

Adhoc promotion is not treated as a promotion at all. So this order, deferring the Time Bound Pay Scale Upgradations on refusal of Adhoc Promotion, is illegal to that extent.

Today post based promotion is given after 15 to 20 years of service whereas legally, as per the Terms and Condition for Absorption in BSNL, the Executives are eligible to get functional promotion after every 5 years. If the functional promotion is given in every 5 years, automatically everyone will accept it. Declining of post based promotion is happening simply because management is not giving Functional promotion along with the scale as per the policy approved.

**The Pers section once again miserably failed to study the matter and bring the facts to the notice of the BSNL Board. The BSNL Board meeting held on 28.05.2018 already amended the EPP 2007. The amendment made as per the order dated 31.08.2020 is already incorporated in the amended policy as follows as clause 12.**

*12. The executive shall join the place of posting on promotion within 40 days of the issue of the order of promotion by BSNL CO. The period of 40 days may be extended in exceptional and deserving case, in the interest of service, where the Administrative requirement so demands with the approval of appointing authority. In case the Executives who are granted functional promotion but fails to join the promoted grade within the time or decline promotion, then Management reserves the right to forfeit his promotion and executive shall not be considered for functional promotion or financial up-gradation to higher scale for next one Year or next CPC whichever is later, from the date of deemed refusal (after 40 days) or from date of application of refusal.*

**Surprisingly, the Board meeting held on 28.07.2020 amended a non-existing policy provision (which is not available in the amended EPP), making mockery of Board decisions. Such inconsistency in management decisions, especially on HR issues only leading to unending litigations.**

Earlier also, similar order issued by DoT vide No: 40-12/2004-Pen(T)/(pt) dated 05.07.2017 rescinding the additional increment granted to the Executives under Para 1.(II)(v) of the EPP order dated 18.01.2017 struck down by the Hon Court.

**In view of the above submissions, it is requested to withdraw the above order No: BSNLCO-PERS/15(17)/1/2020-PERS1 Dated 31.08.2020 which is not tenable as it is in contradiction to the i) Terms & Condition for absorption, ii) Board decision dated 28.05.2018, iii) DoPT guidelines and iv) REA Rules 2014 provisions. On implementation of the BSNL Board decision dated 28.05.2018, ie. CPSU Cadre Hierarchy or "BSNL Executives Promotion Policy Amendment and Recruitment Rules 2017 (BEPPAR 2017)", automatically deterrent on refusal of promotion will come into force.**

**With kind regards,**

**(Sebastin. K)**

**Copy to:** 1. Shri. Arvind Vadnerkar, Director (HR), BSNL Board for info and n/a pl.  
2-5. DIR(Fin)/DIR(CFA)/DIR(CM)/DIR(EB), BSNL Board for info and n/a pl.  
6. Shri. Arun Kumar, PGM(Pers), BSNL CO for info and n/a pl.  
7. Shri. A. M. Gupta, Sr GM(SR), BSNL CO for info and n/a pl.