

**REPORT PRESENTED BY THE GENERAL SECRETARY,  
SANCHAR NIGAM EXECUTIVES' ASSOCIATION (INDIA)  
IN THE REPRESENTATIVE COUNCIL, XXVIII AIC,  
BEING HELD AT NANDED, MAHARASHTRA  
FROM 30<sup>TH</sup> MARCH 2012 TO 1<sup>ST</sup> APRIL 2012.**

Comrade President and Dear Comrades,

The road from the vibrant Vadodara to the unperturbed Nanded was indeed long. Yes, long and filled with rough patches and bumpy roads. The three years from the AIC Vadodara to AIC Nanded was, therefore, filled with challenges - and tough ones too, with the fortunes of the Company swinging drastically southwards and the career progression and the cadre issues becoming murkier and murkier in the midst of litigations. Yes, we believe that we have negotiated all the roughs with courage and composure. The ITS absorption, a real challenge for the last 10 years or more, was negotiated with patience and calm until, we could force repatriation of the ITS, for the first time. Well, the outcome may be arguable, with the ITS lobby using the worst tricks of the trade to blackmail and defeat the entire process, yet it is a beginning in the right direction to be taken to its logical conclusion through calculated strategy and sustained organizational pressure.

BSNL MS RR, a huge breakthrough in the functional career progression that we have had been striving to accomplish for decades together, is a blueprint which reasonably meets our aspirations and goes beyond the dreams of many, particularly the elders, who had the taste of the past with their predecessors departing, never being able to cross the JTS hurdle. But today, through the Formulation of the these RRs, we have been able to create the opportunity for most to reach at least the JAG and the younger and the better performers among us to move to SAG and even HAG. If roadblocks have been thrown in this path of smooth progression, so carefully designed and worked out, then we may have to blame ourselves rather than the system. Yet in the midst of mounting litigations we have been able to work out a sizable number of TES Gr B and STS promotions and a fair number of JAG, with more to come in the near future.

E2, E3 ... pay scales have once again been pushed to the forefront with a very strong possibility and opportunity of accomplishing these scales. CPSU cadre hierarchy does not remain a distinct possibility. Nerves have to be strained to achieve quick resolution of these important issues.

And what is most remarkable is that we have been able to work out all these, while we have been extremely careful to keep a close eye on the Finances of the Company, so much so that, we conscientiously took decisions not to press for or forsake even what is due to us. In sharp contrast we had the unfortunate

mortification of witnessing the men in the Management and their kin the ITS utilizing every opportunity to loot and plunder the ailing Company, not leaving single opportunity go astray. In the meanwhile, we from our side solidly took sides with the BSNL and its Finances and were instrumental in bringing out and focusing the Nation's conscience on the 2 G scam. Also we singlehandedly were instrumental in focussing issues of serious policy discrimination meted out to BSNL by telecom policy makers and vested interests. We sought the intervention of highest authority in the government, judiciary, media, parliamentarians and eminent public persons in exposing the government for being hostile towards BSNL. The corrupt management of BSNL was also sufficiently exposed by us on number of issues. These corrupt directors of board including ex-CMD of BSNL stand today fully exposed on the streets and have been literally handcuffed for their naked corruption.

Well, Comrades, we do not propose to go in with tall claims but just apprise you of having done our duty to the best possible extent in the given circumstances. Yes, we have been committed to our duty, our conscience, your trust and the decisions you have taken from time to time. Yes, Comrades, indeed it is your voices that we would like to hear and listen than all the shouts that come from elsewhere. That is precisely why we are assembled here to listen to the voices of the masters of this Association to lead and guide us in our future course of actions, as well.

We, here at the CHQ and all assembled in this august audience shall think together, work together and fight together to carve out a better future for the Company and also our Comrades. We hope that these sessions shall objectively discuss, think out loud and propose actions and solutions for the several problems that the comrades of this Association and our own BSNL face. Comrades, let us put our heads together and with the clarity of vision that every visionary should have, think more about the future and formulate strategies and programs of action, creative and positive enough to lead and guide us through the troubled waters.

Now, I have the honour to submit a brief Report on the major activities of the Sanchar Nigam Executives Association (India) for the period from Dec 2008 till date before this informed audience for intense and creative discussions and for your approval. Before proceeding, however, I would like to extend my full-hearted congratulations and heartfelt thanks to the organisers of this event for having provided us with excellent arrangements and the most favourable ambience for conducting this monumental exercise. Comrade President, with your permission, I present the Report of the General Secretary.

## **II. XXVII AIC AT VADODARA:**

The last AIC was held at Vadodara Gujarat from 14th to 17th December 2008. The following were elected as Central Office Bearers:

President: Com S L Reddy, DE/QA, Hyderabad, AP.

Vice President: Com Madhusudan Mahato, SDE, Patna, Bihar.

General Secretary: Com G L Jogi, AD, TEC, New Delhi.

Treasurer: Com H. Muthu, JTO, Chennai.

Assistant General Secretaries :

1. Com A A Khan: AGM, BSNL CO.
2. Com K. Sebastin: SDE (P), Kannur, Kerala.
3. Com M S Adsul: SDE, Kalyan, Maharashtra.
4. Com D D Bansal: Deputy Manager, BSNLCO.
5. Com M H Gombi: SDE, Bangalore, Karnataka.
6. Com A Chandrasekar: JTO (C), Vijayawada, AP.

Joint Secretary (East): Com P K Sahu, SDE, T&D, Orissa.

Joint Secretary (West): Com Rakesh Mehta, SDE, Ahmedabad, Gujarat

Joint Secretary (North): Com Inderjit Singh, SDE, Ludhiana, Punjab.

Joint Secretary (South): Com R. Rajan, SDE, Nagercoil, Tamilnadu.

Joint Secretary (Central): Com Harsh Kaul, SDE, Indore, MP.

Notification was issued on 6<sup>th</sup> Nov. 2011 to hold the next AIC at Nanded, Maharashtra, from 22nd Jan 2012 to 24th Jan 2012 with the pre AIC CWC on 21st Jan '12. Later the All India conference at Nanded, Maharashtra, was rescheduled to 30th, 31st March & 1st April 2012 with pre-AIC CWC on 29th March '12 due to some important reasons and accordingly notice was issued afresh on 15th Jan '12

### **III. MEMBERSHIP AND QUOTA PAYMENT:**

### **IV. CIRCLE CONFERENCES AND ORGANISATIONS:**

1. The 3<sup>rd</sup> Circle conference of
2. The 3rd Circle Conference of SNEA (India), Haryana Circle was held at Sonapat on 7th March, 2009. Com. Rakesh Kumar, SDE, Com. Arvind Pal Dahiya, SDE and Com. Sanjiv Kumar Mittal, JTO was elected CP, CS and CT respectively.

3. The Punjab Circle Conference was held at SANT LONGOWAL Institute of Engg & Technology, SANGRUR on 22nd and 23rd April, 2009. Com. Gurpreet Singh, Com. Amarjit Singh and Com Satish Kumar were elected CP, CS and CT respectively.
4. The 3rd Circle Conference of Uttaranchal Circle was held at Pant Nagar on 17th and 18th May,09. Com Rajeev Chauhan, Com Jai Vikram and Com P.K.Singh were elected CP, CS and CT respectively.
5. SNEA(I), BSNL Corporate Office Circle held its First biennial Circle Conference on 4th Dec 2009 at Conference Hall of BSNL Bhawan. Com. V. K. Jain, Com. G. K. Das, Com. S. Ilango were unanimously elected CP, CS and CT respectively.
6. The 17th Circle Conference of SNEA(I), ODISHA Circle was held from 12th - 13th Dec 2009. Com. P.K.Sahoo, Com.P.M. Kar and Com. M.K.Naik were elected CP, CS and CT respectively.
7. The Bihar Circle Conference was held on 16th February 2010. Com. Ranjan Kumar, Com Ratish Kumar and Com. Vivekananda were elected CP, CS and CT.
- 7a. Circle conference of Rajasthan Circle held at Udaipur on 16<sup>th</sup> and 17<sup>th</sup> April, 2010. Com S. K. Sharma, Com S. S. Rajput and Com Ramesh Kumar were unanimously elected as C/P, C/S and C/T for the next term.
8. SNEA(I) Chennai held its IV Circle Conference at 'Infosys Hall' from 18th -19th May 2010. Com N Chittibabu, Com A Shunmuga sundararajan, Com Tamilvendhan were unanimously elected CP, CS and CT respectively.
9. The 21st Kerala Circle Conference was held at ALLEPPY from 15th -16th, September, 2010. Com. N. A. Abraham, Com. George Varghese, Com. P. Janardhanan were unanimously elected as CP, CS and CT respectively.
10. The Fourth Circle Conference of UP (E) Circle was held at Chitrakoot on 6th and 7th August, 2010. Com. R.C. Tripathi, Com. Pallab Bose and Com. S.K. Mishra were unanimously elected C P, CS and CT respectively.
11. The Circle Conference of SNEA (I) MP Circle was held at Bhopal on 22.08.2010 and 23.8.2010. Com S P Tripathi, Com S Dutta Majumdar and Com L. K Gujar were elected CP, CS and CT respectively.
12. XXIII rd State Conference of West Bengal State Branch was held from 25th Aug.'2010 to 27th Aug.'2010 at Kolkata & Bongaon. Com. Tapas Ghosh, Com. Dilip Saha, and Com. Bidyut Ghosh were unanimously elected State president, Secretary, and Treasurer respectively.

13. Chattisgarh Circle held its circle conference on 12th November '2010 at Giriraj Hotel, Raipur. In the conference Com. S.S.Rajput, Com. K.P.Naidu and Com. Rajesh Ranjan were unanimously elected CP, CS and CT respectively.

14. North East-I Circle Conference was held at Shillong on 13th November '2010. In the conference Com. A.K.Ghosh, Com. S. N. Roy and Com. Shyamal Ghosh were unanimously elected CP, CS and CT respectively.

15. Circle Conference of Gujarat Circle was held at Rajkot on 29th and 30th December 2010. Com A.N.Bhavsar, Com. B.G.Patel and Com D.G. Shah were unanimously elected CP, CS and CT respectively.

16. The Circle Conference of AP Circle was held at Vijayawada from 17th to 19th February, 2011. Com A. Vishwanath, Com Padmanabha Rao and Com Vidyasagar Reddy were unanimously elected CP, CS and CT.

17. Karnataka Circle Conference was held at Chickmagalur on 26th and 27th February 2011. Com B S Venkatesh Murthy, Com S B Nagavi and Com C R Sureshkumar were unanimously elected CP, CS and CT respectively.

18. Maharashtra Circle Conference was held at Nanded on 22nd and 23rd April 2011. Com. S. V. Bhad, Com. M.S. Adasul and Com. P.N. Patil were unanimously re-elected CP, CS and CT for the next term.

19. The Fourth Circle conference of TN circle was held on 28th and 29th May '11 at Nagercoil, Tamil Nadu. Com. S.Sunderkrishnan, Com.M.Gopinathan & Com. Jayaraman were elected as CP, CS and CT respectively.

20. The Circle Conference of Uttarakhand Circle was held from 10th\_11th Nov'11 at Rishikesh. Com. Rajeev Chauhan, Com. S.S.Rohthan & Com.P.K.Singh were elected CP, CS and CT respectively.

21. The 3rd conference of SNEA(I) Assam Circle was held from 13th -14th February 2010 at Silchar, Assam. Com. V.Nath, Com. H.P.Dutta & Com. Sushant Saha were elected CP, CS and CT respectively.

J&K circle held its Circle conference at Jammu on 12<sup>th</sup> and 13<sup>th</sup> Jan.,12. Com Satish Mahaldar and Com Jeet Raj were elected as CP and CS respectively. However, emergent CEC meeting of J&K Circle unanimously dissolved the Circle body on 11<sup>th</sup> March, 12 and sought intervention of the GS to constitute an adhoc body proposed by CEC. GS in exercise of the relevant provisions of the constitution approved the adhoc body proposed by CEC directing it to hold the next conference within the time frame envisaged in constitution. Com Jeet Raj, Com S.K.Mahaldar and Com P.K. Bali are the President, Convenor and Treasurer of the adhoc body proposed unanimously by the CEC.

## **V. CWC MEETINGS:**

Three CWC meetings were held in intervening period at Shillong, Manali and Bhopal.

### **CWC meeting at Shillong on 26th & 27th June, 09**

#### **Highlights of the meeting.**

The CWC focused its attention on the issues concerning the growth and financial viability of BSNL. Discussions on growth of BSNL and adoption of new strategies took almost 1½ days where as the cadre issues were virtually pushed to the backburner since a paradigm shift in the focus and emphasis of discussion to building a robust BSNL was felt. CSs elaborately reported the bottlenecks hampering the growth of BSNL in their respective Circles and also suggested a series of initiatives to be taken to improve the quality of service, customer interface and growth of BSNL.

The discussions mainly centred on:

- a) Improving the quality of service
- b) Curbing revenue leakage and corruption at all levels
- c) Strengthening the sales and marketing teams and proper monitoring of sales by Franchisee/DSA/BSNL Shoppee.
- d) Exploring new areas of growth and revenue generation
- e) Recovery of outstanding dues, and
- f) Reduction in the operational and wasteful expenses.

#### **Some important decisions of CWC shillong.**

1. Issue of Additional DA of 9.4% will be taken at appropriate time.
2. Com. Ashokan & Com. Sunder were unanimously nominated as internal auditors.
3. In the next CWC the issue of A & N Circle status will be discussed.
4. MP Circle was directed to operationalize the functioning of JETA Bhavan at Bhopal and address other internal organizational matters as quickly as possible.
5. Assam Circle was directed to hold their Circle conference within a month's time.
6. HP Circle was directed to take appropriate disciplinary action against its Circle President for breach of Organizational discipline.

7. The house unanimously decided to stop recording the minutes of the CWC meetings, and instead record only the important decisions taken and resolutions adopted.

### **CWC meeting at Manali on 8th & 9th April, 2010**

#### **Important decisions of the CWC:**

1. Indefinite strike w.e.f 20.04.10: SNEA(I) to take a leading role in organizing the indefinite strike w.e.f 20.04.10 at Circle / SSA and local level under the banner of JAC to settle the entire charter of demands including the very crucial issue of immediate completion of ITS absorption.

2. Sam Pitroda Committee recommendations: The recommendations of the committee regarding change of leadership and induction of professionals from outside at the board level conform to the views of SNEA( India) and hence were wholeheartedly supported. Recommendations relating to adoption of "Managed capacity" and "Managed Services" models in BSNL require a comprehensive study before expressing our final view. VRS, disinvestment, unbundling of last mile copper and outsourcing are misplaced thoughts which have to be opposed tooth and nail. Recommendation of the committee on completion of ITS absorption in a time bound manner, no doubt, was fully endorsed.

3. Revival of BSNL: SNEA(I) undoubtedly is the forefront leader and agent of change which calls for enforcing and implementing sweeping reforms on each and every front. For successful implementation of reforms and their results, it is absolutely necessary to resolve ITS absorption. Any attempt to introduce innovative reforms on procurement policy, HR front, streamlining the whole organization and giving it an entirely new facelift will be futile if unabsorbed ITS officers are asked to oversee implementation of these reforms. Deciding the basic issue of absorption of ITS in BSNL is going to be the key to successful implementation of any new future road map for revival of BSNL.

4. Regularisation of Adhoc STS: CWC unanimously resolved for immediate regular promotion to 2500 STS posts and the issue of 270 competitive adhoc STS issue should not stand in its way. In the meantime, it was decided to get impleaded in Hon'ble High Court of Ernakulam to oppose fixation of seniority and promotion of 147 SDEs to adhoc STS, besides continuing our efforts to contest seniority fixation of 270 adhoc STS in Hon'ble Supreme Court.

5. Amendments to BSNL MS R/Rs: Even though BSNLMS RRs provide radical breakthrough in the existing functional promotional avenues, following amendments were suggested to be pursued:

a) The basic spirit of R/Rs should be to have uniformity in all disciplines and the R/R provision relating to Civil/Elect wings has to be modified accordingly.

b) The no. of posts to be filled up in JAG cadre should be in the ratio of 50:50 for direct and promotee streams.

c) Since the bench marks and selection methods for Adhoc and Regular promotion to STS is one and the same, adhoc STS Officers should become regular as soon as vacancy arises in regular STS without any further DPC. The adhoc service also should be counted as regular service for all purposes.

d) Future promotions in STS and JAG should be regular and not adhoc.

e) Change of designation to take place along with time bound financial upgradation.

6. Pay scales of JTO, SDE and equivalent cadres: BSNL Board approved the E1A and E2A pay scales for JTO and SDE along with other pay scales and these pay scales are pending at DoT for approval. Association shall pursue the matter with DoT /DPE for early approval, notwithstanding its rightful demand for E2, E3 scales.

7. Membership verification: The CWC resolved that SNEA(I) should independently go in for membership verification and discrepancies mentioned by the UF with reference to the Committee's report be addressed prior to starting membership verification.

8. Merger of Executives' Associations: The issue of merger of Executive Associations was discussed with an open & positive frame of mind. The formation of United Forum and the achievements made by the UF were highly appreciated. Taking into account the future formidable challenges, it was decided to send very strong signals of unity to the base level for further strengthening of United Forum of BSNL Executives. Association shall strive hard to move in the forward direction, not in the reverse direction, in the days to come, with regard to consolidation of unity of the two Associations since the Association has all along been a very strong proponent and protagonist of the 'Unity' school of thought, CWC resolved.

9. Co-option to the Post of Asst. General Secretary: Com. A. R. Manani, CWC from Maharashtra Circle was co-opted to the vacant post of Asst. General Secretary.

10. Civil/Elect wings should be brought under the administrative control of Circles/SSAs as already decided by BSNL/Board.

### **CWC Bhopal:**

#### **Important decisions taken in CWC, Bhopal, on 16<sup>th</sup> and 17<sup>th</sup> Dec 2010.**

1. CWC unanimously resolved to project the demand of standard IDA pay scales of E2 and E3 for JTO/SDE and take all possible steps, including very aggressive

organizational actions, till the final settlement of pay scales. Till such time, as an interim measure, CWC further resolved to get pre-revised IDA scale of 9850-14600 immediately implemented for JTOs of 2007 and 2008 batches.

2. Recognizing absorption of ITS as a core issue for the viability of BSNL, CWC unanimously decided that all Circle JACs must adopt resolutions to go in for strong trade union actions on the single agenda of absorption of ITS.

3. In line with the decision of CWC, Manali, CWC further reiterated to take all possible action to conclude the referendum for executives before AIC.

4. CWC decided to go in for the purchase of a new CHQ building at New Delhi and generate an additional sum of Rs one crore by donations @ Rs 500/ per member to meet the additional expenditure for the purchase of the new building and the mounting legal expenses.

5. AP, MH, UP(E) and Uttaranchal Circles offered to hold the next AIC. It was decided that all the four Circles would submit the approximate expenditure after which a committee comprising CHQ President, Treasurer and two AGSs, Com Khan and Sebastin will take a final call on the venue of next AIC.

6. All further welfare claims should be sent directly to CHQ Treasurer and the scanned copy mailed to the CHQ.

7. Association resolved to take all steps to protect the seniority of those who passed LDCE for 25% quota as per the provisions of TES Gr B RRs 1996 & 2001.

8. CWC ratified the payment of housing loan to Digamber Singh, OA, on terms and conditions applicable to BSNL employees. This decision was taken in CWC Manali.

9. GS purchased a vehicle for Rs 5.85 lakhs. In addition to the donation from TN Circle in the year 2006 for purchase of vehicle (Rs 2.5 lakhs plus about Rs 50,000 as interest during the intervening period), the remaining amount of Rs 2.85 lakhs is paid by GS, Com. G.L.Jogi. CWC approved the retention of the vehicle by Com G.L.Jogi after retirement on depreciation basis.

10. The CWC approved a loan of Rs. 4 lakhs to Karnataka Circle for their Building at Bangalore, to be repaid by it in two years.

11. CWC felt that all Project Circles should be integrated with respective territorial Circles in view of uncontrollably huge expenditure incurred by them.

## **VI. BSNL MS RRs:**

The main reason for the acute stagnation in functional promotions from TES Gr B onwards, needless to say, has been the constricting bottleneck in ITS Gr A RRs,

requiring TES Gr B to get functional promotion to JTS and thereafter get integrated with direct recruit JTS(through UPSC) in the ratio of 1:1. This meant hardly 70-80 TES Gr B every year would be eligible to become JTS, in the most ideal conditions, (since yearly intake at JTS from UPSC would be about the same) provided their DPC was held in time (which never used to happen and was in fact being held after their retirement). Thus, virtually TES Gr B was deprived of any theoretical possibility of becoming regular STS or even JTS and would retire as TES Gr B or at best adhoc STS.

This serious infirmity in ITS Gr A RRs which adversely impeded our functional career growth beyond TES Gr B was addressed by eliminating the JTS gate in BSNLMS RRs, thus allowing our functional promotion to regular STS directly and shifting the seniority fixation between direct recruits (MTs) and regular STS to JAG ( in the place of JTS) in the ratio of 1:1. This is a landmark and crucial breakthrough accomplished through the combined effort of all the constituents of the United Forum of executives.

**In fact, carving out a new functional path in BSNL to meet our reasonable career growth was always one of our basic demands since the formation of SNEA(I). This Association, from the very moment of its inception, was therefore always in the forefront of the various struggles and actions to get the vital and badly needed breakthrough in this most crucial area of career progression. Our role in carving out the BSNLMS RRs addressing our basic concerns, as such, stands as a monumental milestone in ending the decades old deprivation and exploitation.**

The BSNL MS R/Rs were further amended on our continued pressure to bring uniformity in these rules in the case of promotion of SDE Civil/Elec/Arch etc to Executive Engineer by making"existing incumbents holding the post of SDE or equivalent on regular basis on the date of notification of P&T BW (Group A) Services Rules, 1994 ie. 06.08.1994 eligible for promotion to the post of Executive Engineer or equivalent STS posts in BSNL, if they possess a Diploma in Engg in their respective branch" vide order No 400-106/2007-Pers I dated 2nd July, 2010. However, further amendment to bring about complete parity in functional promotion in Civil/Electrical/Arch etc with telecom would be pursued.

Unfortunately, the rapid career breakthroughs that we were striving for and could have been accomplished through BSNLMS RRs have been blocked by the filing of a number of Court cases on seniority issues. The Management's pragmatic actions and decisions in framing these RRs and the untiring and relentless efforts of the Association in realising the fruits of this progressive reform are getting defeated through such legal actions involving inordinate delays in final settlement.

## **VII. MT RECRUITMENT AND RRs :**

The stand of the Association, ever since KPMG gave its recommendations in 2003 to recruit 50% MTs from outside, to oppose outside recruitment of MTs bore some result when we succeeded to reduce outside recruitment from 50% to 25% through MT RRs - that in essence meant that 75% DGMs would be from within the Organization.

However, the Management's intransigence in imposing restrictions on age and qualification for appearing in the internal competitive examination for MT forced the Association to seek legal recourse. Our earnest appeals to the Management on the unjust imposition of restrictions on age and qualifications for appearing in internal competitive examination violating DOP&Trg guidelines on internal competitive examinations, unfortunately fell on deaf ears.

Having obtained a favourable verdict from Ernakulam Tribunal quashing restrictions imposed on age and qualification, and rejection of appeal filed by BSNL in Ernakulam High Court against CAT Ernakulam judgment, the Management has got all cases filed in other Tribunals challenging these restrictions transferred to CAT ND. We along with AIBSNLEA are impleaded in these cases and final arguments are expected shortly in CATND. Because of the Management's unreasonable stand forcing us to seek legal recourse, no headway could be made in MT recruitment.

However, we expect a positive verdict from CAT ND shortly, since our plea of not imposing restrictions on age and qualifications for intl. competitive examination is supported by DOP&Trg guidelines. Thereafter, hopefully, MT recruitment can take place provided no further issues are legally raked up.

#### **VIII. RECRUITMENT RULES (2008) Of DGMs (DIRECT RECRUITMENT):**

BSNL notified Recruitment Rules (2008) for direct recruitment of DGMs w.e.f 25.06.2009. The eligibility condition defined in 3.3(ii) of these RRs was arbitrarily designed to exclude executives in BSNL from becoming eligible for consideration. No one below age of 45 and having three years of experience in E4 scale was available within BSNL since we are one step below the standard IDA pay scales in BSNL.

Unfortunately we did not succeed legally also. Our Comrades of AP went to AP High Court challenging the eligibility. However, the High Court upheld the eligibility condition.

#### **IX. AMENDMENTS TO OTHER RRS:**

1. JTO RR 2001 was amended on 8th May, 2009 on our intervention to incorporate "Information Technology (IT)" as one of the educational qualifications.
2. Qualifying service in Gr C to appear in LICE for promotion from Gr C to JTO against 35% and 15% is reduced from 10 to 7 years. RR is accordingly amended.

## X. PROMOTIONS TO DIFFERENT CADRES:

### a) JTO to SDE cadre:

#### i). Seniority quota:

JTO to SDE promotion orders for **2041** JTOs were issued for the vacancy years 2006-07 & 2007-08 on 15th May, 2009. Another order promoting **1861** JTOs to SDEs against vacancy year 2008-09 was issued on 30.03.2011 despite large number of Court cases challenging JTO to SDE promotion on various grounds. What is however important is that we ensured that this promotion order was issued only after finalization of SC/ST roster in accordance with DOP&Trg guidelines. Seniority cum fitness promotion against vacancy year 2009-10 could not be issued because of stay granted by CAT Chennai on the criterion for preparation of All India Eligibility list. The criterion is under challenge by AIGETOA and we have already impleaded. Final arguments from our side are expected shortly. Despite these several hurdles, in the intervening period about **4000** JTOs have been promoted to TES Gr B.

#### ii). LDCE for JTO(T) to SDE(T):

The Association's strenuous and consistent efforts to streamline the scheme of examination to eliminate subjective evaluation and ensure expeditious declaration of results finally succeeded with BSNL/Board after a lot of discussions and persuasions agreeing to replace the obsolete descriptive mode of examination by objective OMR based mode.

Unfortunately, our struggle and objective for getting OMR based mechanism in place (getting the results declared as quickly as possible without subjective evaluation) was defeated since the examination slated to be held in Sept., 10 had to be cancelled because a few JTOs got provisional admission to appear in the examination without meeting the prescribed eligibility criteria.

The Association strongly opposed the move of the BSNL Management to go ahead with holding of the examination by allowing these ineligible JTOs to appear in the examination on provisional basis on Court directions while leaving aside thousands of our Comrades who did not approach the Courts. We put our foot down firmly to ensure that such grave injustice is not meted out to thousands of our Comrades who have reposed faith in us and did not approach the Courts.

BSNL successfully defended the eligibility condition in CAT ND after getting all similar cases in other tribunals transferred to CAT ND and finally the examination was held on 4<sup>th</sup> March., 12 against 3024 vacancies for the years up to 2009-10. What is extremely remarkable is that the Association ably and fully safeguarded the interests of those who did not approach the Courts but remained and strong and faithful to the commitments of the Association. The **success in introducing sweeping**

reforms in the scheme of examination which was held on OMR based mechanism, thereby, completely eliminating hitherto huge subjective evaluation controversies, at the same time ensuring expeditious declaration of results, is thus enormous. This is truly a great reform and a huge breakthrough. We have received no of representations highlighting discrepancies in various kinds in LDCE held on 4<sup>th</sup> March and they have been forwarded to Management for consideration. Association will make efforts to extend the benefit of notional fixation given to SDEs having passed LDCE held in 2002 to others also.

It is quite satisfying to mention that taking together seniority cum fitness and LDCE vacancies, nearly 7000 JTOs got promotion to TES Gr B (including about 3000 likely to be filled through LDCE held on 24<sup>th</sup> March.,12) despite last minute hurdles to stall LDCE legally and the innumerable court cases on seniority cum fitness promotions.

### **iii) JTO to SDE – OTHER STREAMS**

1. On 03.06.2009, JTO(C) to SDE(C) promotion orders issued for 61 JTOs.
2. LDCE for promotion from JTO (Civil) to SDE (Civil) for the backlog vacancies up to 08-07-2009 reserved SC/ST category candidates issued.
3. Promotion order issued on 30.9.2011 for 51 JTO(E) to SDE(E) on the basis of LDCE 2011 to the grade of SDE(E) in Electrical wing BSNL.
4. LDCE for promotion from JTO (Elect) to SDE (Elect) for the vacancy years 2008-09 and 2009-10 issued
5. LDCE for promotion from JTO(Arch) to AE(Arch for the vacancy years 2009-10 and 2010-11 held and postings issued.
6. Promotion from JTO(TF) to SDE(TF) delayed due to non preparation of roster for SDE(TF). However the roster preparation work completed and the process for promotion to SDE(TF) initiated, both in seniority and competitive quota.

### **b) SDE to STS:**

#### **i) TES Gr B to regular STS.**

Provisions of BSNL MS RRs got translated into action when for the first time nearly 1900 adhoc STS got regular STS promotion, bypassing that infamous JTS ladder which gagged our career growth for decades together and is now altogether eliminated in BSNL MS RRs. This is first time in the history of DOT/BSNL that TES Gr B got promoted to an incredibly high figure of 1900 Regular STS posts. The number could have surged considerably but for the legal issues on the seniority lists 6 & 7.

However, notwithstanding the innumerable Court cases and conflicting judgements, serious efforts are afoot to fill up huge number of vacancies existing in regular STS.

### **ii) Promotion to Adhoc STS**

Our concern to promote as many as possible can be understood from the fact that despite huge court cases on TES Gr B seniority and conflicting judgments thereof, we could succeed in promoting as many as 2800 TES Gr B to adhoc STS. This is truly remarkable considering the severe constraints arising out of the seniority related legal issues. Preparatory work for unfilled STS vacancies on adhoc basis is underway. Orders could have been issued but for a stay granted by CAT/Jabalpur.

### **iii) SDE to STS – other streams**

1. Regular promotion to STS (TF) for 17 SDE(TF) issued on 02.8.10.
2. Promotion of 70 SDE(C) to EE (C) on regular basis issued vide order dtd 16.12.10
3. Promotion orders for 44 Adhoc EE(C) on regular basis vide order dtd 08.12.10.
4. Promotion order for 93 SDE/Adhoc EE to Regular EE (Electrical) on 23.02.2011
5. Promotion order issued for 11 SDEs to Adhoc EE (Electrical) on 23.02.11.
6. 420 AOs promoted as adhoc CAO on 27-3-2009,.

### **c) DE to DGM cadre.**

1. Dreams of our beloved Comrades, stalled from going to JAG for decades together by ITS controlled Management, were accomplished, for the first time in the history of DOT/BSNL, when 219 regular STS were promoted to adhoc JAG in April, 2010, and, more recently, another 172 were promoted. This opens the gate for younger generations to realize our long cherished dream of going into the senior levels of management i.e SAG and beyond, provided they recognize the huge importance of allowing functional promotions to continue without creating hurdles and thus give up their persistently negative stand of stalling DPCs. Preparatory work to promote another 431 regular STS to adhoc JAG is under way.

2. Adhoc JAG promotion order was also issued for 269 Executives in Telecom Finance wing.

## **XI. COURT CASES:**

We have already mentioned that astounding career breakthroughs could have been achieved through BSNL MS R/Rs, and other RRs currently in force, had there not been innumerable litigations on seniority issues. Huge money and effort of the Association has gone in for protecting the provisions of RRs with a view to promote as many Comrades as possible from JTO to SDE, SDE to STS and STS to adhoc JAG. We have succeeded to a great extent and are relentlessly continuing our efforts to protect the provisions of RRs so that promotions at any level are not stalled. Just a brief summary of the various Court cases is submitted hereunder.

a) **MT RRs:**

After the appeal of BSNL against interim direction of CAT Ernakulam on an OA filed by us allowing provisional appearance of our Comrades in the examination for recruitment of Intl quota of MT regardless of restrictions on age and qualification was dismissed by CAT Ernakulam, BSNL got all cases on the subject in various tribunals transferred to Principal CAT, New Delhi. The case is in the final stages of its final disposal. **However, we have to continue our struggle also to get yet another important amendment incorporated in the MT RRs i.e 100% recruitment in MT should be from within, without any restrictions on age and qualification. This is our uncompromised basic stand on the issue.**

b) **BSNLMS RR case.**

Legitimate foot note justifiably and legitimately relaxing certain eligibility conditions in RRs particularly relating to promotion from TES Gr B to STS without mandatory requirement of holding an engineering degree for those absorbed from DOT in BSNL was challenged by AIGETOA in Chennai CAT to stall promotions to STS on frivolous grounds. Our TN & CH TD comrades followed up the case so diligently that it was ultimately dismissed by Hon CAT. Subsequently, AIGETOA filed an appeal in Chennai High Court praying for staying the operation of the foot note which has been rejected by High Court. We are following up the appeal.

c) **Roster in the cadre of SDE.**

The case filed by AIGETOA in Feb 2010 in the Chennai CAT has been followed up very closely by the Assn in its entirety. The process in the CAT finally ended in June 2011 with the Court disposing the case in the favour of the BSNL. Hon'ble Chennai CAT while disposing OA no.1358/2010 filed by AIGETOA & Others regarding JTO to SDE promotion (SC/ST roster) observed that "The violations indicated in the written submission by the applicants become dull and blurred when they are telescoped upon the post based roster prepared by the respondents". Hon Court also directed to fill up the vacant posts if any within a period of six months. The litigants have, however, filed a Writ Petition in the Madras HC, which has granted an interim stay on the operation of the CAT judgment. We have impleaded in Chennai High Court

where another petition has also been filed at the behest of AIGETOA which is clubbed with the original petition. BSNL has been directed to file All India Eligibility list on the basis of which the last seniority cum fitness promotion orders are issued.

**d) JTO seniority based on DOP&T OM dated 03.03.2008.**

Hon Chennai CAT stayed the promotion from JTO to SDE on a petition filed by AIGETOA challenging the criterion for preparation of All India Eligibility list for promotion to TES Gr B citing orders of DOP&Trg. We are already impleaded in the matter. Arguments from the applicant side and BSNL are over and final arguments from our side are expected very shortly. In this connection, GS personally visited Chennai specifically to meet the counsels engaged by the Association in Chennai HC and Tribunal to urge upon the counsels to expedite the disposals of these cases so as to enable holding of seniority cum fitness DPC from JTO to TES Gr B. Our counsels are taking appropriate expeditious action in this regard.

**e) 1966 reversion case.**

The case of reversion of 1966 TES Gr B was successfully contested by the Association in Ernakulam and Delhi High Courts, and, based on the positive outcome at both the Courts, seniority was restored by BSNL. However, very recently, CAT Bangalore has reiterated its earlier verdict upholding reversion of 1966. We were party in this case also. BSNL is filing appeal in Hon High Court of Karnataka at Bangalore and we have decided to challenge this order of CAT Bangalore in Karnataka High Court along with AIBSNL EA. In the meantime, recently CAT Jabalpur has stayed adhoc STS promotions on an OA challenging the restoration of seniority of 1966. BSNL is getting the stay vacated. After getting a favourable judgment from CAT, Ernakulam on restoration of seniority of 1966, an appeal has been filed in Ernakulam High Court.

**f) Seniority of 147 and 270 SDEs in the comp quota:**

**1. 147 seniority case:** Seniority order issued by the BSNL Management to 147 TES Gr B and challenged by some individuals was quashed by CAT Ernakulam. Subsequently, two comrades out of 147 moved Ernakulam High Court and obtained a stay on setting aside of their seniority by CAT Ernakulam. Based on the decision of our CWC Manali to oppose the fixation of seniority given to 147 SDEs, Association got impleaded in Ernakulam High Court. Association also had to implead in CAT Ernakulam when the High Court directed others approaching it for stay to file review application in CAT Ernakulam. Review has been dismissed by CAT Ernakulam. In the meantime, Ernakulam High Court has fixed 22<sup>nd</sup>/23<sup>rd</sup> March., 12 for final arguments.

**2. SLP at Hon. Supreme Court on seniority of 270 officers:**

The IA filed by the Association in Supreme Court challenging the clarification issued by DoT to BSNL in 2010 that 270 officers be considered for regular STS/adhoc JAG promotion on the grounds it disturbed the "status quo" granted by Supreme Court on TES Gr B seniority was dismissed by the Court on the ground that DOT clarification states that promotions would be subject to the final outcome of the SLP.

**g) 206 related seniority.**

A good number of Tribunals/High Courts has given directions to refix TES Gr B seniority on the basis of Rule-206. BSNL recently filed an SLP in the Supreme Court against the direction of Rajasthan High Court refixing TES Gr B seniority on Rule-206. SLP has been admitted. Punjab High Court has also given a verdict to refix the TES Gr B seniority. BSNL has decided to file SLP against this judgment also. We shall have to wait for the outcome of SLP filed by BSNL in Supreme Court.

**XII. IMPLEMENTATION OF PAY REVISION IN BSNL:**

After a very convincing and extensive presentation made by the Association before 2<sup>nd</sup> pay panel on the need of extending standard IDA pay scales to executives in BSNL in view of intense competition in the telecom sector in which BSNL is operating, the 2<sup>nd</sup> pay panel placed BSNL in A+ category, and, therefore, executives were entitled to get standard IDA pay scales recommended by the 2<sup>nd</sup> PRC. BSNL Management, however, took a retrograde decision to extend E1 and E2 pay scales for JTOs/SDEs which was strongly condemned by us. We threatened imminent industrial actions, and, as a result, BSNL Management finally decided to extend mid pay scales of E1A and E2A to JTOs and SDEs subject to approval by DOT.

The BSNL Board in its meeting on 07-1-2009 approved the new IDA pay scales (E1A and E2A for JTO/SDE subject to approval of DOT) with 30 % fixation as approved by DPE for executives. BSNL was the first CPSU to decide on the orders of the Govt. to introduce new IDA pay scales with 30% fixation for executives despite considerable thinning of profit lines. However, we have had to struggle quite a bit to get approval of the decisions of BSNL/Board from DOT on 27<sup>th</sup> March, 2009.

Our prolonged and consistent demands like enhancing the DCRG limits and calculating superannuation benefits on basic + DA instead of the basic, found favourable place in the Recommendations of the 2nd Pay Panel, and were approved the Govt., and thereupon by the DOT, and finally implemented by the BSNL . This definitely is a major breakthrough because it was only through our visionary concepts supported by intense agitations including strike that the subject received the focussed attention of the various authorities involved.

Even though merger of 78.2% of IDA with basic w.e.f 01.01.2007 continues to remain a major unresolved issue, we could not make serious and meaningful headway on this.

Similarly Risk Pay for the CPSUs as recommended by 2nd pay panel based on the categorization could not be pursued for the same reasons. Some recommendations of the 2nd Pay Panel on perks were also got implemented. The delay in payment of the balance 60% pay arrears was also settled, although after some muscle-flexing.

Restriction of transport allowance for employees with official accommodation within 1 km of office was removed through revised orders issued on 01.7.2010.

Payment of Transfer grant on revised pay vide orders issued on 01.7.10

Encashment of Half pay leave against shortfall in Earned Leave of 300 days on retirement in BSNL was settled vide orders issued on 01.7.10.

BSNL "TA/DA Rules, 2002" was amended vide orders dt 08.9.10.

### **XIII. ANOMALIES ON PAY REVISION:**

As in all pay revisions, this one also had its share of anomalies.

#### **a) Training allowance:**

On revision of perks, the training allowance was reduced from 15% to 7.5% which resulted in recovery of huge amount from Executives in Trg. Centres. Association strongly took up the case with DIR (HRD), GM (SR) and GM (E) to ensure that there is no reduction in the existing allowance or recovery. On continuous pursuance, final orders were issued on 01.07.2010 revising the training allowance from 7.5% to 11% on a no loss- no gain basis.

#### **b) Antedating of Increment:**

Anomaly resulting in Junior getting more pay than seniors whose DNI fell on any date other than 1st Jan was an issue settled by the Assn by antedating the increment of the seniors vide order dated 23.09.2009, which is well in conformity with the provisions of FR. However this order was altered by a revised order dated 14.06.2010 on some clarification sought by the field units by the Finance wing. Even though this is a violation of the Fundamental Rules, the Management refuses to revisit the clarification citing huge financial implications involved despite series of discussions. BSNL's orders for stepping up the pay of seniors to that of the Junior w.e.f from the date of the anomaly tantamount to denial of increment to the senior by a period as high as 11 months is a blatant violation of the provisions of the FR. Efforts are however continuing to resolve this anomaly.

### **c) Pay scale of JTO, SDE and equivalent cadres.**

On notification of the 2nd pay revision, the BSNL Management, through the Committee formed to study the implementation of 2nd PRC report, tried its impish best to downgrade the existing JTO, SDE pay scales of E1A and E2A to E1 and E2 respectively, forcing the Assn to serve notice for TU action in Dec 2008. Although the BSNL Management rescinded its decision and restored E1A and E2A, the scales could be temporarily fixed only in E1, E2 until concurrence from DOT/DPE. Immediate pay loss in the case of JTOs recruited in the year 2005 (who joined after 01-01-2007) on implementation of pay fixation in E1 scale was pronounced. While extending the benefit of 30% fitment, all the JTOs of 2005 year recruitment, regardless of their date of joining, were subject to huge pay losses. After unrelenting pressure from our side the Management issued orders fixing the Pay of all 2005 Batch JTOs who joined after 01-01-2007 at Rs.21620/- from the date of their joining, thus offsetting their pay losses. We had to vigorously pursue settlement of this issue.

Similarly the JTOs of 2007 & 2008 batches, who were recruited in the pre-revised pay scale of 9850- 250-14600, continued to lose heavily in similarly after they have been provisionally placed in the E1 scale of 16400- 40500.

The Assn fought the issue consistently from 2009 onwards and finally a Committee was formed to study and finalize the issue. Even though the Committee was fed with all relevant details, and the Committee appreciated the same, the solution was nowhere in sight. Our efforts at DoT also did not yield the desired result. This Assn, which has always been staunchly behind the legitimate interest of the young Comrades did not leave any door un-knocked to work out a reasonable solution for them. The Management failed to stand up to the cause, even though they always expressed understanding and sympathy. Our demand is that, as an interim measure, JTOs recruited in the pre-revised pay scale of 9850-14600 be fixed in the same scale, and action on war footing initiated by the BSNL Management to place JTO/SDE in standard pay scales of E2 and E3.

While the Committee was yet to come up with its final recommendations, the BSNL pronounced an atrocious clarification on 15.02.2011 that Personal Pay may be allowed to the JTOs recruited after 01.01.2007 but before 05.03.2009 and those appointed after 05.03.2009 may be fixed at the minimum of the E1 Scale. This was further confirmation of the fact that the BSNL Management was once again playing with the issue. The Association did not hesitate to serve Notice for Trade Union Actions and that was done on 16.02.2011, the very next day, keeping in view the critical importance the Association attached to the issue.

In the ensuing discussions the Management came up with the proposal of E1+5 increments to the JTOs and E2 for SDEs. This was not acceptable to us since this

was nothing short of agreeing to demotion and we decided to continue with further programs of agitation. The Management, thereupon, assured us that this was only an interim solution and very shortly action to address the issue in a holistic manner would be taken and all other possibilities for resolution of the issue would be explored. We have accepted E1+ 5 purely as an interim arrangement to protect JTOs of 2007/08 etc from incurring incredibly recurring huge pay losses.

**Finally, in view of our continued pressure to extend standard E2/E3 scales, real breakthrough was achieved when the United Forum of executives served notice for trade union actions in Jan.,12 and the Management responded positively and quickly by agreeing to constitute a committee with GSs of the affiliates of the United forum of executives also its members to address and resolve the issue of extending standard pay scales E2 and E3 for JTOs/SDEs. It is a huge opportunity for us to seize upon and a great challenge to get positive recommendations from the committee so as to ultimately pave the way for comprehensive resolution of the issue of extending standard IDA scales in tune with 2<sup>nd</sup> PRC recommendations.**

**d) Seniors promoted earlier getting less pay than the junior promoted later.**

**1. Senior promoted earlier getting less pay than junior promoted later.**

Absence of stepping up of pay provision in the recommendations of 2<sup>nd</sup> PRC and non existence of option for DNI in EPP while the pay is fixed under FR 22(1)(a)(1) on functional promotion without change of pay scale have led to anomalies.

**2. Reduction in pay on officiating and recovery on implementation of EPP.**

This anomaly has arisen because of clause 10 of clarification on EPP dated 30.05.2007 stating that "benefit of one increment under the executive promotion policy will be granted to executives only in case of adhoc or regular promotions by the Corporate office". Of course, the genesis of this can be tracked to judgment of Supreme Court which took very strong exception to fixation under FR22(1)(a)(1) without change of pay scale forcing DOT to withdraw double fixation i.e on lateral and functional promotions without change of pay scales.

One increment on functional promotions without change of scale was only because of intense lobbying by us in DOT at the time of finalization of EPP that convinced then Secy/DOT, Sh.D.S.Mathur, to direct BSNL to make suitable modifications in EPP. The issue is to protect the pay in the officiating period when fixation was regulated by FR/SR till the date EPP was introduced in Jan, 2007.

Both these cases are under consideration of the Committee headed by PGM (FP), formed under our pressure. We have had a series of positive interactions with the Committee and its head. We have to pursue these issues further.

**e) Issues related to JTOs recruited as Dept Outsider:**

Several justified issues of JTOs recruited as Dept Outsiders like pay protection, payment of salary and TA/DA, instead of stipend during trg period, carrying forward the accumulated leave in the previous cadre, exemption from police verification, exemption from execution of fresh bond were promptly taken up and vigorously pursued. We were able to get majority of these major issues resolved vide order No. 5-31/2001-Pers IV dated 23.6.2010 which covered 1) counting of past service for fixation of pay for JTO, 2) payment of salary during training period instead of stipend, 3) carry forward balance leave, 4) continue to be governed by Rule - 37A for BSNL absorbed TTAs, 5) payment of TA for training, 6) exemption of police verification, 7) exemption from further Bond etc.

f) Pay anomaly of TTAs, who joined as JTOs after 01.01.2007 on promotion, has been addressed by permitting them to continue in the pre-revised Non Executive pay scales till their promotion, fixing their pay in the pre revised scale in JTO cadre on their date of promotion and then changing over to revised IDA scale of JTOs with fitment. They have to forgo the pay arrears in the Non Executive cadre from 01.01.2007 to their date of promotion. This option is available in the Non Executive Time Bound Promotion policy finalized recently.

**XIV. ACP ISSUE IN CIVIL/ELECTRICAL ETC WINGS:**

After series of discussions with the committee constituted after great persuasion, benefit of ACP on upgraded scales was extended to executives of Civil, Electrical, TF, Architecture etc vide order no 15-70/2007-Pers II dated 20.05.2010, thus fulfilling commitment that this Association made to Comrades of Civil/Electrical wings etc. at the time of formation of SNEA(I) to bring about uniformity in promotion policy.

Also anomaly relating to Pay fixation of JTO (C) and equivalent cadres on grant of financial upgradation on 1st ACP was addressed by allowing them to get pay scale of 9850-14600 w.e.f 01.10.2000 and 11875-17275 from 01.03.2002.

**XV. PENSION REVISION**

The implication of pension payment on implementation of the VI CPC/ 2nd PRC has been stated and clarified by Govt Orders issued from time to time.

1. DOT vide order no 40-12/2007-Pen(T) dated 5th Jan. 2009 reiterated that the Govt shall take full responsibility of payment of pension (including family pension) to all the employees of DOT absorbed in BSNL under the statutory

provisions of sub rule 21 of Rule 37A of CCS pensionary rules 1972, regardless of whether BSNL is in a position to make pensionary contributions to DOT or not.

2. BSNL endorsed DOT order No: 40-31/2008-Pen(T) dated 04th May, 2009 regarding applicability of revised rules of pension calculation as per 6th CPC with regard to limit of DCRG, commutation table, emoluments, qualifying service etc to IDA pensioners of BSNL covered under rule 37A, w.e.f 01.01.2006.

3. Clarification regarding applicability of Revised CCS Pension Rules, 1972 consequent to the 6th CPC to Central Govt. Employees absorbed in BSNL. DOT issued orders vide F. No 40-31/2008-Pen(T) dated 12th August, 2009.

4. The revised provisions for calculation of pension in para 5.2 and 5.3 of the OM No. 38/37/08-&PW(A) dated 02.09.2008 shall come into force w.e.f 01.1.2006 and shall be applicable to the Govt servants retired/retiring after that date.

### **Revision of pension on IDA Scales prior to 2007:**

This was a very crucial issue whose resolution was accomplished after sustained effort on the part of JAC resulting in very personal and effective intervention of MOC&IT in April,2010. Then MOC&IT directed then Sec/DOT and the entire bureaucracy in DOT to prepare a self contained and comprehensive Cabinet note in consultation with concerned nodal ministries. Secy/DOT was asked to personally monitor the finalization of the Cabinet note.

Thereafter, bureaucracy in DOT initiated series of informal discussions with the concerned ministries. Such an issue needs great amount of follow up action with the concerned ministries so that the Cabinet note goes through. Serious and unrelenting efforts were made by concerned officers in DOT to convince DOP&(PW), DOP&T, M.O.F, Ministry of law and DPE to extend revision of IDA pension to those retired prior to 1.1, 2007. Finally, Cabinet approved the note on revision of IDA pension. This undoubtedly has been an outstanding breakthrough achieved by the JAC.

### **XVI. OPTION TO CONTINUE IN CDA**

This issue was settled at our serious intervention way back in 2004 after which BSNL issued orders extending the option and fixing the pay in line with the spirit of the orders of DOP & (PW). However, because of unwarranted objections raised by CCA cells of DOT in Kerala/STR/WB etc. while fixing the pension at the time of retirement, reducing pension arbitrarily and considerably, the matter was referred to DPE by DOT a number of times. DPE maintained its stand consistently, upholding the objection raised by CCAs. The ground on which DPE persistently rejected the fixation criterion orders issued by BSNL was that such a fixation is not permitted where point to point fixation is given while changing over from CDA to IDA scales at

the time of absorption from government organization to a CPSU. This fact, DPE maintained, was contained in the minutes of Inter Ministerial Group meetings.

We continued our efforts to convince Secy/DOT, M(S)/DOT by giving extensive inputs to justify the decision of BSNL on mode of pay fixation. Series of continuous discussions coupled with favourable judgments from Kerala/Kolkatta/Chennai High Courts where our retired Comrades had approached for relief eventually culminated in DOT endorsing the orders of BSNL by directing its CCAs to fix the pension in accordance to orders of BSNL. This order is endorsed by M(F)/DOT, and, thus a very important issue was thus sorted out after prolonged persuasion and discussions.

#### **XVII. TIME BOUND PROMOTION POLICY - SOME LATEST DEVELOPMENTS:**

1. BSNL issued clarification on 23.06.2009 that "on post based promotion of an Executive to the scale in which he is already upgraded under time bound upgradation, only an additional increment is to be added to the basic pay ----. As the scale of the Executive is to remain unchanged, DNI fixed w.r.t. financial upgradation granted earlier also will remain unaltered".

2. The Association always encouraged the efforts of the Management to introduce an objective based mechanism for performance evaluation, and eventually link it to career growth. This system of linking objective performance to career growth would not only be consistent with the mechanism prevailing in other CPSUs but would also have an everlasting positive impact on the growth of the Company, besides motivating the performers by better career prospects. Also, existence of objective performance evaluation mechanism would greatly facilitate introduction of CPSU cadre hierarchy since evaluation of objective performance is the basic component of CPSU cadre hierarchy.

Keeping all these important facts in view, we have always supported introducing a fool-proof mechanism of objective performance evaluation. However, we maintained at every stage of the discussion that such mechanism should be introduced to at all the levels so as to link it to career growth at every stage. Even though we were being consistently assured that such mechanism would be introduced across the board, we, for obvious reasons, have had strong doubts, based on our past experiences, about the intentions of the management which eventually proved right.

Reforms are anathema to ITS management since reforms are going to expose their professional skills. That is why reforms are being defeated by them. This radical reform was also defeated when the Management took the narrow, parochial and counterproductive stand that objective assessment based on new stringent parameters would be restricted upto JAG only. We straightaway told them to go to hell.

3. DPC for financial up-gradation to be conducted twice in a calendar year. (a) the cases maturing during second-half (1st July to 31st December) should be taken up for consideration in the month of April of that year, and (b) the DPC in the month of October should process the cases maturing during the first- half (1st January - 30th June) of the next calendar year.

### **XVIII. CHANGE OF DESIGNATION ON LATERAL PLACEMENT**

The Committee constituted recently, after continuous persuasion from our side to keep up the commitment made to us and contained in the terms and conditions of absorption, has this issue also in its terms of reference. This, naturally, provides an ideal opportunity to get CPSU cadre hierarchy introduced in BSNL. The issue to be dealt with by the Committee requires a holistic consideration involving brainstorming deliberations and meticulous analysis. The challenge is how CPSU cadre hierarchy fits into our complex operational system inherited from monopoly. Nevertheless, challenges are challenges and must be embraced to create new avenues.

### **XIX. MEMBERSHIP VERIFICATION:**

Keeping in view the huge challenges relating to financial viability of our Company and the crucial unresolved issue of finalization of BSNLMS RRs, we thought it strategically important to put this issue to the backburner and concentrate ourselves on resolving some objective and critical HR issues. Had we accorded priority to the issue of membership verification, it is quite debatable if we could have succeeded in finalization of BSNLMS RRs and issuance of promotion orders from TES Gr B to STS, STS to adhoc JAG, besides addressing other issues together with AIBSNL EA.

**All said and done, verification has unavoidable repercussions on unity, and that is clearly visible after the latest membership verification of non executives. JAC's unity is adversely dented. Thus giving the highest priority to working out a comprehensive functional career growth blueprint along with AIBSNL EA and AIGETOA, which we eventually succeeded in finalizing, in the form of BSNLMS RRs, and has already been acted upon, membership verification was naturally pushed to the background for very obvious reasons. We are confident that this august house appreciates timely prioritization of issues. Consolidation of unity has overwhelming gains and this fact must never be undermined or lost sight of for insignificant and short term results. Incredible gains of unity cannot under any circumstances be compared to anything else. That was**

**precisely the only reason why we tried hard to get very close to AIBSNL EA. These efforts have to continue in view of challenges ahead.**

**XX. GROUP A ABSORPTION, REPATRIATION OF NON-OPTED ITS, SLD RR.**

The fact that deputationists, as we all know, having absolutely nothing at stake as far as the health of BSNL is concerned, have plundered BSNL need not be reiterated.

However, a real starting breakthrough on the issue is accomplished when about 390 ITS were repatriated to DOT in Nov.,11 and orders for sending the remaining to the surplus cell have also been issued. Meantime, BSNL has initiated hitherto inconclusive and rudderless process of recruitment of senior management, starting from Sr DGMs, a new functional hierarchy created to accommodate existing DGMs, up to CGMs, from amongst the existing ITS, with no tangible results so far.

While response towards recruitment of senior management from amongst ITS, through lateral induction process, even though a good number of their concerns on seniority, pay protection etc. are met, is extremely poor because of the hidden agenda (deemed deputation), we have not only to be vigilant that there is no dilution of BSNLMS RRs but also have to ensure that the state of uncertainty that has crept into the operational functioning of the Company and is eating into its vitals, ends immediately so that the Company is not damaged irreversibly.

**To safeguard our existing functional promotional path clearly defined by BSNLMS RRs, in the context of recruitment of Sr DGMs, a committee already constituted contains this issue also in its terms of reference. Our concerns that recruitment of Sr DGMs will encroach upon our existing functional cadre hierarchy and reduce the number of JAG posts in the process have got to be addressed comprehensively by incorporating appropriate provisions if necessary in the existing BSNLMS RRs, to safeguard both the existing hierarchy and the JAG posts.**

**As regards the very important issue of ending existing uncertainty, our response has to be strategically worked out. Both organizational and legal actions have to be considered in tandem. It is a very tough and complex situation calling for a calibrated response in terms of strategy and restraining emotions which of course never means compromising with the issue or the toughness of our stand. A calculated organizational plan of action without hampering the growth of the Company at the same time denying undue leverage to ITS has to be worked out. Legal options need to be vigorously explored and executed in the framework of the judgment of CAT ND based on the orders of DOP&Trg. The challenge for us is not as much in getting the issue resolved conclusively as it is in getting the issue resolved conclusively without impacting the interests and growth of the**

**Company which is reeling under intense financial strain. For ITS, interests of the Company have no significance. Thus, in this see saw battle and war of nerves, our bread and butter is at stake and the challenge before us is to emerge victors without losing our bread and butter.**

**We also wholeheartedly congratulate our brave comrades of Bihar Circle for their determined struggle on ITS absorption. Despite number of vindictive measures initiated by ITS, our valiant comrades stayed tough and are continuing their struggle. Hats off to Com Ratish Kumar, CS and his brigade.**

**We congratulate comrades of AP Circle for being vigilant to defeat legal actions initiated by ITS to stay the process of absorption in CAT/Hyderabad High Court.**

### **XXI. NEW CHQ BUILDING AT B-11/1&2, RAMESH NAGAR, NEW DELHI.**

#### **Moment of great pride and satisfaction- We own a Sprawling New Home.**

Association owns a new three storey, three side open 24 X 48 ft. (127 Sqyds) sprawling building just 300 Meters from Ramesh Nagar Metro station in the posh Colony of Ramesh Nagar. The new spacious home of the beloved Comrades of this Association faces two beautiful parks, has a 12 ft road in the front (adjoining park) and 10 ft road on the right side and a 6ft back line. The building has a big hall, a lobby and a bed room with luxurious wash room in the ground floor plus sufficient parking space annexed to the hall. First floor has two spacious bed rooms, wash room, kitchen, lobby and a huge balcony measuring 24 X 12 ft. The second floor has three bed rooms with attached wash room, lobby, wash room and balcony measuring 12X12 ft. On the top we have a terrace almost about the size of the plot. The structure of the building is quite sturdy and of quality material, has sufficient wardrobes styled with quality wood work and other exquisite furnishings. The building is facing North-East.

With this new spacious home at the National Capital, we are not only proud of having realized our dream but our comrades visiting National Capital now onwards will have a very comfortable stay along with their families in their own new home. In terms of connectivity, it is about 14 Kms from New Delhi Railway station and 6 KMs from the Airport. Purchase of this new building has been possible entirely because of painstaking and sincere efforts of our both AGSs at HQs, Com. Sebastian and Com Khan. Very tough and daunting job of renovation stretching over 6-7 months was possible because of strenuous efforts of our neighbour friend, Com Guljeet Singh and OA, Com Digamber, supported by Com Chandershekar, our AGS. Total furnishing and interior decoration of the building was undertaken in a painstaking and committed way by our CHQ treasurer, Com H.Muthu.

We call this a home and not a house because this has not been built by hands but by hearts. In every piece of brick and mortar, we can smell the sweat of thousands of our members, present and past, who have greatly sacrificed not only for this Association but also for fructifying their dream of owning a real home at the National Capital. Today we are really proud of them and proud for them because we believe that we have not only realized their dream but also surpassed it. We are also extremely delighted that this beautiful edifice shall remain a monument of the toils of our Comrades and shall be the source of inspiration to the numerous Trade Union Programs to protect our own BSNL and further improve our career progression.

**Yes, Comrades, we are also happy that we have not belied the trust that you have reposed in us, because our home epitomizes the success of our numerous struggles, through which we have been able to carve out strong and strident strides towards achieving a bright career for our cadres. It is not a figment of mere fanciful imagination that our Comrades can now hope for reaching the top echelons of the hierarchy including the SAG, whilst our predecessors have had their ambitions shattered retiring as Sr. SDEs. This shall definitely remain a home of camaraderie and success, a humble symbol of success of our struggles of the past, reminding us all the time about the importance of unity and undeterred determination in the never ending struggles of tomorrow.**

The home was inaugurated on 11th Feb 2012 with grandeur by the hands of Com. W. Seshagiri Rao and Com S.L.Reddy in an exquisite function attended by senior Comrades like Com. M.K. Bagchi, Com K.D.Sebastian, Com. V.K. Tomar, Com. T. Issac, Com D.C.Sharma, Com A.K.Kaushik and GSs of other sister unions like BSNLEU, NFTE, BMS, SEWA, etc.

A seminar was conducted on 12th Feb on TELECOM POLICY: Damaging BSNL to Help Private Operators - Changing Licensing and Regulatory Regime to suit private operators and causing huge losses to BSNL, to commemorate the occasion of building inauguration. The extremely absorbing seminar where critical opinion and inputs were provided by the following eminent persons generated lot of animated discussion and heat towards the end.

1. Sitaram Yechury, Hon'ble Member of Parliament.
2. Dr.C.P.Chandrashekar, Jawahar Lal Nehru University.
3. Paranjay Guhathukurtla, Sr. Journalist.
4. Dr. Rekha Jain, IIM, Ahmedabad.
5. A.N.Rai, Director (HR), BSNL Board.

6. Prabir Purkayastha, Delhi Science Forum.

7. Ashok Rao, NCOA.

**The great challenge now lies in maintaining the quality of our “Home” in every aspect. The way the building exists today, it should continue to remain in this condition for all times to come. Our endeavour has to be not to allow any kind of deterioration in any way whatsoever. No excuses for deterioration in any way should be allowed or accepted.**

### **XXII.JAC:**

JAC a forum of BSNL executives/non executives constituted with the sole objective of safeguarding the interests of BSNL and promoting its growth continued to focus on all such issues that are critical and basic to its objective.

In the intervening period JAC had to go in for strike three times i.e 20th April, 2010, 7th Sept, 2010(call given by central trade unions), 1st and 2nd Dec.,10 and 15th Dec., 2011. Issues critical to growth of BSNL and important cadre issues were focused through these struggles. It is very relevant to mention here that BSNL's vital interests stand well protected today because of continuous struggle from this platform. **Government holding 100% equity in BSNL, no unbundling of copper, finalization of latest tender to procure 14.37 m GSM equipment, finalization of procurement of cables/BB modems, changeover to CDR billing platform, Revision of pension prior to 1.1.2007, pension contribution by BSNL on the basis of actual basic (not maximum of scale), real kick start on ITS absorption, refund of BWA spectrum, compensation from USO fund, stiff opposition to VRS, etc etc.** are direct consequences and fruits of sustained effort and struggle from the platform of JAC.

All the three strikes that we had during the intervening period had their positive impacts in their own way and led to some important breakthroughs. For instance, the strike on 20th April, 10 led to immediate intervention of the then MOC&IT and positive and concrete action was visible thereafter for firming up the Cabinet note on IDA pension revision prior to 1.1.2007 which was approved by the Union Cabinet.

**Thus what has to be recognized is that the platform of JAC is going to be the lifeline for survival of BSNL and every nerve has to be strained by each one of us at every level to strengthen this lifeline. Our Association in this regard has a very crucial responsibility and role to play. We have to be the cementing force and at the core of building and fostering unity within the JAC. A great challenge lies ahead for us to consolidate the unity of likeminded forces within BSNL to strengthen JAC.**

### **XXIII. UNITED FORUM:**

The United Forum of executives (only SNEA and AIBSNL EA) played a major role in forcing the bureaucracy in DOT and BSNL Management to take some decisive and positive actions to end the persisting stalemate on the issue of ITS absorption, and this has undoubtedly led to positive breakthroughs, even though not conclusive so far. The intervention from the UF on ITS absorption came through intense and consistent persuasion in the form of meetings with MOC&IT, Secy/DOT, concerned officers in DOT dealing with the absorption issue, and BSNL Management. Series of Organizational actions observed under the banner of UF produced desired results.

Besides, UF adopted an extremely proactive role in opposing and defeating arbitrary moves of the restructuring wing to reduce JTO/JAO, SDE, CAO and DGM posts and increasing SAG and HAG posts. Similarly sinister and retrograde moves to tighten the attendant conditions related to time bound promotions and functional promotions only up to JAG exempting the feudal lords from such stringent scrutiny met the treatment it deserved- we condemned outright the closed and narrow mindset of GM (rest) to restrict the introduction of a number of so-called reforms only to the executives up to JAG, leaving out the 'angels'.

In fact, the performance of the restructuring cell of BSNL, to say the least, has been disappointing, lacking objectivity, transparency and fairness. Thus when such a critical wing of the Company performs with a sense of huge prejudice, the outcome is bound to be extremely non productive. That is precisely why the restructuring wing of BSNL, the heart of reforms, lost its credibility and miserably failed in making any impact on the crucial reforms side. Besides, the top management fully exploited BCG to push its vested interests and the hidden corrupt agenda in the name of restructuring of board. The United Forum exposed and defeated the sinister designs of the restructuring wing.

BCG was, in totality, a huge failure and its credibility and whole approach towards introducing new reforms, both business and HR, was unprofessional and partisan. In fact, BCG, right from the beginning, was working to the specific tailor-made agenda of promoting the growth of ITS and suggesting restructuring at the top to facilitate reshuffling of the Board of Directors to enable corrupt directors to hold potential and key positions. BCG became the key tool in installing the present Director(CM) in the key position of CM and thereafter he played havoc with the business interests of Company. In all the huge scandals like roaming with Swan, Wimax, non standard BWA spectrum, derailing of all tenders to procure GSM equipment etc. etc., Director(CM) is the key person. His reshuffling to Director (CM) was designed by BCG in the name of restructuring.

**UF (including AIGETOA) recently had yet another remarkable breakthrough in terms of succeeding in the constitution of the Committee to address three vital issues of A) extending standard pay scales of E2 and**

**E3, B) introducing CPSU cadre hierarchy, and C) examine the implications of the recruitment of Sr DGMs on our promotional path and number of JAG posts, and suggest appropriate remedial action to offset such implications, if any. GSs of all the three affiliates of UF are also members of the Committee. It is going to be an excellent opportunity for us to make tangible beginnings towards resolution of these issues, even though the issue of introduction of CPSU cadre hierarchy is quite complex and needs detailed study vis-à-vis its application in a massive and diverse organization. Nevertheless, great challenge & opportunity awaits the affiliates of the UF in the committee.**

#### **XXIV. CONTINUING SOLIDARITY WITH OTHER CPSUS AND CENTRAL TRADE UNIONS:**

We lent our full support to our Comrades in other CPSUs as and when it was needed. When the Government came down heavily on the Comrades of the oil sector struggling to get their justified pay scales recommended by 2nd PRC, we extended our total solidarity on an All India Basis to their struggle. We stood with them solidly till the series of punitive actions like dismissals, indiscriminate suspensions and transfers were revoked and also their issues regarding extending new IDA scales and other issues were resolved.

In forcing the Oil sector management and the Government to revoke the victimization of large number of office bearers of ONGC, BPCL, SAIL, HPCL, OIL INDIA etc, we took the major initiative of holding a massive rally of Executives from Oil, Power, Telecom, Coal, Steel, Defence, FCI, Banking etc at New Delhi on 27th March, 2009 and submitting a memorandum to the Hon. Prime Minister regarding victimization of large number of Office bearers and urgent intervention to safeguard the growth of CPSUs. For the first time Officers from the Banking sector also joined the rally in large numbers. The struggle launched by the Forum in Defense of CPSUs met with huge success by getting the dismissal orders of two officers of ONGC converted to suspension and revoking the suspension of 10 officers of IOC and cancelling indiscriminate transfers. This has been entirely possible due to the sustained struggle of officers of all CPSUs under the banner of Forum in Defense of CPSUs of which GS SNEA(I) is the convenor and this Association continues to play a very dominant and central role.

CHQ also decided to join the one day strike called by Central Trade Unions CITU, INTUC, AITUC, BMS etc on 7th September, 2010 to safeguard the rights of workers. The response to this first ever Industrial strike call given by Central Trade Unions across the Country on 7th Sept.,10 by SNEA Comrades was remarkable.

Comrades of SNEA(I) from Haryana, UP(W), NTR and Corporate office attended the rally of thousands of workers organized by all Central Trade Unions BMS, AITUC, INTUC, CITU and other central trade unions. Number of MPs, like Com Gurudas Gupta, Com Tapan Sen etc. addressed the gathering. Participation of SNEA(I) was appreciated by Com Gurudas Gupta of AITUC. CHQ is extremely thankful to our Comrades from Haryana, Rajasthan, UP(W) for their participation in such programs.

#### **XXV. PRUNING OF 45.5 M LINES, ITS AFTERMATH, 2G SCAM AND OTHER SCANDALS:**

The scrapping of tender for 45.5 million GSM lines in 2007 may have faded into history, but what still remains and will remain forever is the irreversible impact it created on the growth of BSNL, virtually forcing BSNL out of competition for the top GSM slot, and thereby denting the prestige and revenues of the company to the lowest ever ebb. Yes, that was the beginning of the gradual but certain decline of BSNL, throwing the company into the present turmoil. However, what has to be recalled is that it was the timely intervention of our Organization that saved 22.5 m lines from being scrapped and thus helped us in capturing sizeable wireless market share, which would otherwise have depleted to single digits.

**Our singlehanded and vociferous uproar on the arbitrary and fraudulent allocation of 2G licenses to fictitious Companies like SWAN, UNITECH in 2008 having no infrastructure, network or foothold whatsoever in telecom operations in India and thus facilitating these fake Companies to enter into a roaming agreement with BSNL just to enable them to sell part of their equity of 2G licenses to foreign Companies like Telenor, Etisalat etc., so as to earn huge premiums, was fully vindicated when Supreme Court cancelled all 122 2G licenses. We thus stood very tall in the comity of trade unions and SNEA(I) is largely seen as real harbinger of change and a force to reckon with. This tall standing acquired by us over a period of time through intense and uncompromising struggles has to get further fortified in the days to come by holding on to principled stand on issues of policy and struggling untiringly to the end stage.**

Overwhelming vindication of our stand was not as much on cancellation of 2G licenses as it was on CBI filing a specific charge sheet against then MOC&IT and other officials of DOT for conspiring to facilitate SWAN and UNITECH to sell their equity to foreign Companies and thereby earn huge premiums at the expense of BSNL. Illegal and fraudulent roaming agreement with BSNL to allow these Companies to piggyback on the infrastructure and network of BSNL formed the basis for these Companies to sell 2G licenses to foreign Companies to earn huge premiums, and this was precisely the issue focused by us in 2008, spelling out the

dangerous implications of such a scandalous and fraudulent roaming agreement between these Companies and BSNL by mortgaging the interests of BSNL.

Then CMD and Board/directors in close nexus with then MOC&IT and his aides mortgaged BSNL only to ensure that SWAN & UNITECH earn premiums by selling their illegal 2G licenses. MOC&IT very strangely found strong support from trade Unions of BSNL, which were expected to rally around us, for inexplicable reasons. The scrapping of the tender for 45.5 million GSM lines in 2007 may have faded into history, but what still remains and will remain forever is the irreversible impact it created on the growth of BSNL, virtually forcing BSNL out of competition for the top GSM slot, and thereby denting the prestige and revenues of the company to the lowest ever ebb. Yes, that was the beginning of the gradual but certain decline of BSNL, throwing the company into the present turmoil. However, what has to be recalled is that it was the timely effort of our Organization that saved 22.5 m lines from being scrapped and thus to a great extent helped us in capturing sizeable wireless market share.

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Then CMD and Board/directors in close nexus with then MOC&IT and his aides mortgaged BSNL only to ensure that SWAN & UNITECH earn premiums by selling their illegal 2G licenses. Instead of supporting us, MOC&IT very strangely found strong support from trade Unions of BSNL for inexplicable reasons.

**XXVI RUTHLESS STAND OF THE ASSOCIATION TO OPPOSE PERSISTENT POLICY BREACHES BY THE PRIVATE OPERATORS AND HOSTILE POLICIES OF THE GOVERNMENT ADVERSELY IMPACTING OUR GROWTH AND EXPOSE THE CORRUPT DIRECTOR (CM):**

Our relentless singlehanded fight on all fronts, including legal , to oppose the breach of policies by private operators, discrimination meted out by DOT to BSNL on the policy front and exposing the corrupt practices of Director (CM), did not go unheeded but was instrumental in producing several positive results.

### **XXVI.1 Breach of policies by private operators:**

#### **3G roaming:**

BSNL paid pan India 3G license fees of Rs 10500 crores at the time of 3G auction since it was not offered any flexibility to decide the circles of its choice for operation. Depriving the BSNL to decide the circles of business potential was largely due to the most corrupt Director (CM) who always preferred to ignore the legitimate interests of BSNL and mortgage it in every possible way.

In sharp contrast, private operators were given total freedom to decide circles of their choice, thereby giving them scope to pay much much lesser 3G spectrum as compared to BSNL. These operators did not bid for pan India 3G since they had already reached an understanding at the time of the auction itself to provide 3G services by entering into so called roaming agreement strictly forbidden by the policy. That is precisely what they did- selling 3G services without 3G Spectrum in the name of so called roaming. BSNL was compelled to pay 3G Spectrum charges on a Pan India basis- Rs 5500 crores more than each of these operators i.e Airtel, Vodafone and Idea.

Two serious issues of this breach of policy are: a) huge loss of revenue to the government, and more importantly b) adverse impact on 3G business of BSNL.

We naturally raised the issue of adverse impact of this breach of policy on the business of BSNL at the highest level. BSNL Management, fully knowing that the business interests of BSNL are severely impacted by this violation, remained completely unmoved. We continued mounting tremendous pressure on DOT to act against these operators for their violations. However, DOT started acting only after we filed a writ petition in the Delhi High Court challenging not only this violation of policy but the adverse impact that it has on the commercial interests of BSNL. The single bench after admitting our petition issued notices to DOT/TRAI/BSNL and other respondents and also transferred the petition to the bench of the Chief Justice. Very strong opposition by counsels from DOT/TRAI regarding admission of our petition was overruled by the bench which got prima facie quite convinced about the serious impact this violation has on the business of BSNL.

After serving of notices on DOT/TRAI/BSNL by the High Court, real head start was visible. DOT issued notices to these operators asking them to immediately terminate 3G services in service areas they do not have 3G spectrum since it is a breach of

policy. Private Operators have challenged DOT's notice to terminate 3G services in TDSAT. BSNL on our strong insistence got impleaded in TDSAT. Initially, DOT questioned the jurisdiction of TDSAT to adjudicate on issues of policy which was rejected by TDSAT. Detailed arguments by DOT and private operators are over. BSNL is to argue.

However, we sense a huge conspiracy involving MOC&IT, since recently Secy/DOT has sent a note to MOC&IT on 20<sup>th</sup> Jan.,12 alleging that ASG/SUOI , Sh. As.S. Chandhiok, is handling the issue very casually in TDSAT. Also there are enough indications that TDSAT has put the issue to the backburner. Even on intervention application of BSNL, TDSAT is yet to decide. After conference we shall have to redraw our legal strategy to expose this nexus. In the meantime, we are in touch with some MPs and media friends to raise the issue of complicity.

In the meantime, Chief justice, Delhi High Court, on 29th Feb.,12, adjourned our petition sine die in view of the issue being heard by TDSAT. Depending on the outcome of the case in TDSAT, we are free to revive the petition in the High Court. It is only due to our filing the writ petition in Delhi High Court that both DOT and BSNL have swung into action, DOT issuing notice to terminate 3G services and BSNL seeking relief for adverse impact on its 3G Pan India business due to the violation of policy by private operators. Ultimately, if this breach of policy is legitimized by fresh policy provisions likely to be contained in NTP 2012, we shall seek the relief of allowing BSNL to decide circles of its commercial choice. That will enable BSNL to seek refund of Rs 5000 to 5500 crores since it does not have to pay for Pan India 3G spectrum. A protracted legal fight may be required. But we are happily in it because this alone can resuscitate the sagging resources of BSNL. Strong and committed support from Prabir Purkyastha of Delhi Science Forum in initiating and drafting the petition in Delhi High Court gave huge momentum and made all the difference.

## **XXVI.2 Policy discrimination by DOT:**

### **XXVI.2.1 Allocation of non standard 2.6 Ghz BWA spectrum in frequency band 7 having serious operational limitations and involving huge CAPEX &OPEX.**

After learning that BSNL has been allocated a non standard 2.6 Ghz BWA spectrum in redundant band 7 at market value of Rs 8313/- crores which restricts providing of only Wimax and does not have flexibility to offer services on "LTE" in sharp contrast to private operators allocated 2.3 Ghz BWA spectrum in highly competitive 38 band at the same value with incredibly distinct and overriding advantage of providing Wimax services and compatibility with evolution path to LTE, we lost no time in meeting Secy/DOT and apprising him in detail of this serious policy discrimination rather fraud on BSNL which has virtually resulted in freezing of Rs 8313/-crores of

BSNL at a time when it is completely depleted of resources and is struggling hard even to meet its day to day operational expenditure.

Secy/DOT, while expressing his complete ignorance of such a blatant violation, assured that he will get the whole issue examined and advised us also to take up the issue with BSNL/Management for appropriate corrective action. Director (CM), whose dubious integrity is now established, tried to convince us that the obsolete band that BSNL has been allocated will become highly competitive in another five years' time. We rubbished and brushed aside his ridiculous arguments and clearly impressed upon him to take necessary action to seek refund of the huge amount of Rs 8313/- crores by deciding to surrender the obsolete spectrum band. Director (CM) remained completely unmoved for reasons of his complete involvement in such all round corrupt practices that have crippled the growth of BSNL.

Not only lack of flexibility to evolve to "LTE" platform on this obsolete band was the issue but international equipment manufacturers do not manufacture in this band. Thus it would mean unbelievably huge CAPEX and OPEX costs for BSNL, besides issues arising out of lack of coexistence with existing 2G and 3G technologies and interoperability issues like establishing roaming with other operators etc etc.

Thus we mounted a very strong offensive against Director (CM) and the decision of DOT to allocate non standard band thereby fleecing the BSNL of Rs 8313 cores, by seeking immediate intervention of the MOC&IT, Cabinet Secy, Finance Minister, CVC etc. We did not relent and maintained our focused attack against Director (CM) questioning his integrity and seeking refund of the BWA spectrum charges.

We mobilized political support meeting a number of MPs from various political parties and seeking their intervention. A good number of them strongly intervened. Immediately after the assumption of charge of the new CMD, we raised this issue and convinced him that BSNL/Board needs to decide to surrender the spectrum band and seek refund. CMD got convinced after series of discussions and finally acted.

Finally, BSNL/Board recently decided to surrender the spectrum band and sought refund of about Rs 7000 crores from nearly 17 circles. DOT has agreed in principle to refund the amount. But the big question that remains is that money has gone to the exchequer and has to be realized from finance ministry. This is the most formidable task now, not at all an easy one given the huge fiscal deficit that Government has to bridge. We have to continue our fight which is going to be a very tough one. Realizing money from the exchequer is going to be a daunting task needing strong political support and legal intervention at the same time. However, it is to be realised that due to our tough stand and taking the issue with the highest authorities in the Government, DoT has agreed in principle to refund Rs 7000 cores to BSNL. This nod of the government in principle has to be translated into reality. Rs 7000 crores would be a huge relief for BSNL at this point of time and can be

utilized in a very prudent manner to expand and make forays in new and potential business. A great fight it was thus far and has to be far greater to realize the money.

### **XXVI.2.2 BSNL restrained to procure GSM equipment from Chinese vendors:**

After our consistent efforts by seeking the intervention of the highest authorities in the Government against the serious discrimination meted out to BSNL by restraining it to procure GSM equipment from Chinese vendors on grounds of "National security" and giving complete freedom to private operators to procure from any vendor, the DOT finally allowed BSNL also to procure equipment GSM from ZTE and Huawei. This is a big relief for BSNL considering the huge difference in costs of GSM equipment with the Chinese coming out with much cheaper rates compared to their European or US counterparts. We have had to strain our nerves in every way over a period of time to force DOT to end discrimination met out to BSNL and allow BSNL level playing ground on procurement of GSM equipments.

### **XXVI.2.3 BSNL forced to pay license fees and spectrum fees on AGR inclusive of revenues earned from non telecom activities while private operators are exempted.**

This was yet another issue where BSNL was subject to intense discrimination. Private operators, after getting favourable interim Judgment from TDSAT exempting them from including revenues earned from non telecom functions while calculating AGR for purposes of payment of license fees etc, pay license fees on AGR excluding revenues from non telecom functions. BSNL was neither extended the benefit of this interim Judgment of TDSAT by DOT nor permitted to approach TDSAT to seek similar relief. Instead, BSNL was forced to pay license fee on AGR inclusive of revenues from non telecom activities like revenues earned from interest etc.

Our continued fight against this grave discrimination produced tangible and positive results when DOT finally allowed BSNL similar relief subject to the outcome of the appeal filed by DOT in Supreme Court challenging interim order of the TDSAT.

### **XXVI.3 Exposing the integrity of Director (CM).**

Right from the first day in 2008, BCG was only used by vested interests, including then MOC&IT and his cronies, to inflict huge and irreversible damage on BSNL. The first grave manipulation at the behest of BCG was restructuring the Board of Directors only to facilitate the then Director(planning) to take over as Director(CM). This had the blessings of the then MOC&IT since integrity of Sh R.K.Agarwal is suspicious and superficial, vested interests thought it appropriate to induct him in the key position of Dir (CM) so that they can conveniently manipulate with the interests of the Company. MOC&IT, obliged the corrupt forces in every manner by

virtually robbing the Company and mortgaging it. Sri. R.K. Agarwal was in fact, assured of CMD's berth by Chandolia and Company. It is really unfortunate that Trade Unions never raised the issue of ouster of Director(CM) and sought his head.

However, we built a very strong opinion against Director(CM) since he was emerging a potential contender for CMD's post. We first exposed him on the Wimax scandal. Our strong and irrefutable submission of evidence to the CVC and continuous persuasion finally led the CBI to investigate the whole issue of WiMax project and very recently CBI filed an FIR accusing the officials of "dishonestly and intentionally withholding the sale of tender documents in a fraudulent manner, and, allegedly diluting the eligibility conditions " to favour Starnet Communications, which won the contract. The CBI said BSNL suffered an "estimated wrongful loss of approximately Rs 535.50 crore" because of the deal and Starnet also "did not have the required qualification of Rs 100 crore annual turnover for the last two years."

Very recently, CBI raided the premises of Director(CM), ex-CMD, Kuldeep Goyal, Pradip Nagpal, CGM/Haryana, besides others, on the fraud relating to Wimax. We will be continuing our fight to ensure that Director(CM) is relinquished of his present position and finally he along with ex-CMD and other officials are handcuffed. We mean it.

#### **XXVI.4 Association's detailed submission to the JPC on major policy violations by private operators and legitimization of these policy breaches by the successive governments beginning from 1999:**

Association submitted a detailed memorandum to Sh P.C.Chacko, Chairman JPC, bringing out comprehensively serious policy violations by private operators and their legitimization by successive governments since 1999 to date that have jeopardized the growth of BSNL. The memorandum also urges upon the JPC to thoroughly probe the role of the Directors of BSNL Board who, in collusion with ex Telecom Minister and his aides, mortgaged the interests of the Company by taking business decisions that have completely paralyzed the growth of BSNL. In this connection, we have had discussions with a number of MPs on the Standing Committee of Telecom Ministry.

#### **XXVII. NEW TELECOM POLICY 2012:**

On the pretext of ensuring Telecom growth in India in a more rapid and dynamic manner, telecom policy makers are struggling to bolster the growth of the Private Sector and that too at the expense of the 100% Govt. owned PSU, the BSNL. In the name of optimum utilization of 3G spectrum, the policy aims to legitimize the ongoing blatant policy violation in 3G segments by allowing private operators to offer 3G services without 3G spectrum. This, we understand, is going to be the major policy provision of NTP 12.

Veiled provisions on mandatory local loop unbundling, network sharing etc., earlier opposed and defeated by this Assn are included in the garb of progressive Policies to catalyze and vitalize the growth of the Telecom sector. Reforms and changes are needed and we will definitely welcome such reforms if they are well placed and well meant to boost up the Telecom growth in the country. But we will oppose tooth and nail any move to destabilize BSNL to improve the fortunes of the Private Sector. We will not compromise in our duty to safeguard the National Assets that belong to the people of this democratic Nation and BSNL is one such strategic institution. No one has the right to unsettle them or unbundle them, even if they belong to the highest echelons of power.

Accordingly we dutifully stood up to the National conscience opposing all prejudicial provisions and exposing these diabolical provisions before well-meaning Parliamentarians, eminent public men and the media through our comprehensive response to the draft Policy.

NTP 12, in short, is completely devoid even of minimal policy concern that policy makers should mandatorily have had for BSNL while drafting the policy. BSNL is today in a barren state primarily because of the continuous policy violations by private operators resulting in a lopsided telecom environment in which BSNL was and is being forced to operate. Also arbitrary abdication of policy commitments by the Government contained in the past policy documents has irreversibly jeopardized the growth of BSNL.

It is unfortunate that policy makers today need to be reminded that they have a huge and fundamental responsibility towards reviving a company which played and continues to play herculean and unprecedented role in the development of telecom infrastructure in the Country and singularly contributed and continues to contribute towards meeting the social responsibilities of the Government at incredibly huge costs. If policy makers have any concern towards rebuilding a stable and formidable state owned Telecom Company, they need to have a fresh look at the policy they have drafted, in its entirety, simply because it abounds with severe deficiencies as regards the growth of BSNL. If the Policy has to maintain its so called forward looking face it has to take into serious concern the pivotal role that the BSNL is to play and only BSNL can play in the growth of telecom in the days to come

**XXVIII. HOLDING THE TWO CRUCIAL BUSINESS HEADS OF BSNL FULLY ACCOUNTABLE AND RESPONSIBLE FOR THEIR TOTALLY ABYSMAL, UNPROFESSIONAL AND PATHETIC PERFORMANCE IN THEIR RESPECTIVE BUSINESS SEGMENTS- CM & CFA:**

CM segment- WiMax debacle, 3G failure, MNP failure, incredibly failing quality of wireless services, non finalization of crucial MLLN/NMS tenders, procurement process

of GSM frozen, potential wireless wing reduced to shambles. These are the issues on which we exposed Director(CM) and ensured his is out of race for the post of CMD .

CFA segment – No plan of action for retention of land line services, Revenues of BSNL collapsed because of disastrous impact of CDR billing project due to total lack of strategy, plan of action, thought process and coordinated plan of action to implement CDR, continuing abnormal delay in finalization of NGN tender, no strategy on broadband penetration, sluggish progress on ERP etc. Because of our sustained focus on these issues, some of them like the crucial CDR reached a virtually conclusive stage, NGN tender is getting finalized, broad band modem procurement got accelerated, whereas on ERP a real final push is needed to get it implemented.

### **XXIX PROCUREMENT OF GSM EQUIPMENT.**

The BSNL Board, in its meeting on 30.12.2009, decided to put on hold the 93 million GSM tender, the world's largest ever equipment order primarily because of THE very unprofessional handling of the issue by Director(CM). Vested interests of the Director(CM) coming into play to sabotage this tender cannot be ruled out in view of his suspected integrity.

Besides, in the objections raised by the government nominees on the BSNL/Board, the dissenting note of one of the Board member said "However, it appears that BSNL's market share in mobile services, which has today come down to less than 13% from 18% a few years back, may ultimately stabilize (at) between 6% and 8% with increased competition in a total market of about 1 billion mobile phones". The motives and the vision of the concerned director can be easily made out from his obscure observations. Director(CM) holds the conviction that BSNL has to reconcile to a market share of just 6% in a vastly expanding wireless segment.

Strong protest launched under the banner of "JAC" against this arbitrary cancellation of tender resulted in procurement of 5.5 GSM m lines for North and East zones. Continued efforts from the "JAC" forum has finally led to finalization of tender for procurement of 14.5 m lines more.

### **XXX) PENSION CONTRIBUTION UNDER FR 116 ON ACTUALS.**

Right from the day BSNL was asked to pay pension contribution on maximum of IDA scale by DOT instead of on the actual basic as recommended by 6th CPC and approved by the Government for Central Government employees, we took up the issue of parity. Since pension provisions for BSNL are covered under 1972 pension rules, there cannot be any discrimination in this regard. We had very strong grounds to plead for parity with Central govt. Departments with regard to pension contribution by BSNL and that enabled us to push the matter.

Finally, BSNL CO issued instructions, even though formal orders from DOT are yet to be issued, to its field units to follow the orders of DoP&T dated 19-11-2009 w.e.f 1.12.2011 with regard to payment of pension by BSNL on the basis of the actual basic instead of on maximum of IDA. This is applicable for those absorbed in BSNL from DOT. Further persuasion is required to give effect to the orders from 1.1.2007. By this arrangement the pension contribution given by BSNL will be reduced by 50% with a consequent saving of about Rs 550 Cr per year. This also strengthens our demand for extending standard pay scales of E2 and E3 since the main opposition from the Management against introducing standard pay scales of E2 and E3 was the financial implications of pension contribution linked to maximum of IDA scale.

### **XXXI. MARKET SHARE:**

The chart presented below depicts a clear picture on the Wireline and Wireless market slice of the different operators in play:

#### **The BSNL Market share:**

a) Landline: 23003774 as on 31st Dec 2011 with 72.65 % share, which is much less compared to previous years. However in the Rural wireline sector it still stands on the peak with 99.44% and the reason is quite obvious, something that still does not open the eyes of the Govt , the policy makers or even the USOF Administrators.

b) Wireless: 96.76 million with a market share of 11.98% ranking 5th after Bharati with 175.65 million, Reliance with 150.07 million, Vodafone with 147.75 million and Idea with 106.38 million. In March 2011 Idea, which was running behind us with 89.50 million (BSNL-91.83 Million) has rushed way ahead of us beating us with a comfortable margin of over 10 million connections, which means that during the 9 months from Mar 2011 to Dec 2011, Idea has provided 17 million connections against our performance of less than 5 million.

From Mar 2010 to Mar 2011, in wireless segment, BSNL records 32.23% growth, Idea -40.23%, Vodafone- 33.42%, Reliance-32.51% and Bharti- 27.10%.

Analyzing the growth in the Wireless sector from Mar 2006 to Mar 2011, BSNL has grown from 17.65 million to 91.83 million, whereas Airtel, the market leader, has grown from 19.56 million to 162.20 million. It is interesting to note that BSNL was in the race for the top position in 2006 and was within striking distance. It would have achieved the distinction of being the market leader but for the brutal interference by the then MOC& IT in 45.5 m lines procurement at the most critical stage.

C) In the internet, both narrow & broad band sectors, we still retain the top position with a market share of 57.52%. It is here we have to establish further lead. But we have to remain on constant vigil against unbundling of copper under any circumstances as this appears to be a prominent item on the agenda of MOC&IT .

### **XXXII REVENUE AND PROFIT:**

Our revenue of 32045 crores in 2009-10 came down to 29685 crores in 2010-11. In the same period, Airtel has gone up from 38390 to 41138 and Vodafone from 26080 to 30123, bringing us down to the 3rd spot. It is once again interesting to note that while all the private operators have increased their revenue during the period, only the two CPSUs, BSNL & MTNL, have registered declines. This undoubtedly calls for a serious debate and introspection on the quality of service and customer interface. We continue to be the casualties of poor customer interface and quality of service.

Ex-CMD, kuldeep Goyal, and Director(CM), wrecked havoc with the finances through corrupt practices in collusion with ex-MOC&IT and his principal aide Chandolia. Huge reserves of the Company was withered away by handing over reserves to fraudulent companies like starnet, Swan, Unitech, derailing every tender to procure GSM equipment because of vested interest, freezing Rs 8313 crores for allocation of BWA spectrum having no utility, not standing up at the time of 3G auction to bid only for business circles and thereby easily save about Rs 6000 crores paid for 3G spectrum charges. It was a virtual loot of public money. Even though this Association singlehandedly exposed these two, yet what should have been done by trade unions together to send both of them behind bars did not unfortunately happen.

### **XXXIII. NEW STAFFING NORMS.**

We rejected outright the move of the restructuring wing to introduce new staffing norms up to the level of JAG only. The proposal to reduce posts of JTOs/SDEs and DGMs considerably and increase the posts of SAG and HAG reiterated the narrow mindedness of ITS, nothing more than that. It is ridiculous on the part of GM (Rest), rather condemnable, to defeat important reforms just on class considerations.

Be it new staffing norms, linking performance to career growth, introducing stringent objective performance evaluation parameters and linking these to career growth etc. etc., all these radical reforms got derailed because of the parochial outlook of GM(Rest). Unless these reforms are implemented at all the levels, particularly from HAG downwards, their implementation will have absolutely no meaning and that is why we have never accepted nor will accept any HR reform in future which excludes ITS.

### **XXXIV VRS:**

In pursuance to Telecom Commission's decision "VRS across the board may not be required. BSNL could examine option of VRS for select categories, examining financial burden and cost / benefit to the company", BSNL constituted a committee to come out with response to this decision of TC.

Thereafter, the BSNL management firmed up a proposal to send home nearly 1/3rd of the absorbed employees. False assurances given by BSNL management that the Government would meet the entire expenditure to be incurred on VRS were very shortly exposed when management started justifying taking of "Loan" to meet the expenditure on VRS. We categorically impressed upon the management that mechanisms like VRS, freezing of wages, curtailment of incentives etc etc. have absolutely no potential in turning around organizations and that not a single organization so far has been ever revived through such draconian measures.

The real issues that have paralyzed growth of BSNL are policies of the Government, non existence of level playing field, huge expenditure being incurred on meeting the social objectives of telecom policy, denial of freedom to BSNL to bid competitively on business lines, forcing non standard BWA spectrum on BSNL at cost of Rs 8313 crores etc, we maintained. Besides, the policies of the BSNL Management, completely devoid of professionalism, business focus, optimum utilization of Human resources, and total absence of new business policies, procurement mechanisms etc. have largely contributed towards the downslide of BSNL, the Association strongly and convincingly explained. Unless the issues of policy are comprehensively addressed, both by the Government and Management, revival of BSNL would remain a dream. Besides, the widespread corruption that has plagued the Company continues to be one of the formidable reasons for its downslide, we reiterated.

Latest reports reveal that the fiscal deficit for the year is expected to be as high as 5.46% of GDP as compared to 4.5% of GDP in 2010-11. With such a high fiscal deficit, the Finance Minister is mulling the idea of selling the stakes in CPSUs since disinvestment in the present economic climate is not going to yield resources that are needed to bridge the widening budget deficit. It is thus impossible in view of the drastic steps being contemplated by the Finance Minister to overcome the widening fiscal deficit that the Government will at all even remotely finance the VRS proposed by BSNL Board. It is quite likely, and sufficient indications have been given in this direction by BSNL Management, we maintained, that the BSNL management will eventually be forced to accept the deadly proposal of "Loan" to cushion the VRS and thereby plunge company in a crisis from which it can never come out. Thus we are determined to oppose VRS.

Companies which have fallen into such "Debt Traps" never have recovered. We are fortunate that as of now we do not have a market liability. Inviting ourselves into such a deadly situation means nothing but the end of the road.

By taking loan, those who go home may not have problems (even though in their case too pension is going to be a serious issue because of 60:40 % sharing orders of DOT) but those who stay back shall be in a terrible mess. Getting salaries will become a huge issue once market liability is created in a company which is already reeling under the impact of heavy losses. It is therefore for us to clearly understand that the problems of financial viability of BSNL are entirely different, related to the hostile policies of the Government coupled with an inefficient and corrupt Management. And it is there that we have to work out drastic changes through sustained struggle, political campaign, and media support. We should not get carried away by such seemingly populist temptations.

### **XXXV.RECOMMENDATIONS OF PITRODA PANEL TO TURNAROUND BSNL.**

The Association's persistent efforts to impress upon the highest authorities in the Government to set up an expert panel to suggest measures to turn around BSNL and also induct professionals to lead the Company led the PM to constitute a high power committee with Sam Pitroda and Deepak Parekh as its members.

In our discussions with Sam Pitroda, we underlined the importance and pressing need of inducting professionals from the market to lead the Company out of the deep crisis it is in, since ITS does not have the professionalism to lead a business organization in stiff competition. We had discussions on other important issues and critical reforms that need to be introduced in the Company. Sam Pitroda was in complete agreement with us on the issue of inducting professionals from the market since ITS cannot lead BSNL.

Soon after, the panel came out with set of recommendations that needed strong political will to be brought into effect. The Panel said at the beginning: "BSNL can once again be positioned as a dominant player in the telecom sector in India in terms of services and market share provided Government takes bold initiatives and hard decisions".

Bold decisions that he recommended the Government should take was to induct 30-50 professionals from the market and pay them at market value to oversee implementation of other major and sweeping business reforms that he had recommended. The basic recommendation of inducting professionals from the market was defeated by then MOC&IT by constituting a committee under M(S)/DOT to take a call on this recommendation. An ITS officer was asked to sit and decide on the crucial and basic recommendation of inducting market professionals to lead BSNL.

Quite expectedly, this recommendation, which was the nerve centre of the whole report, was consigned to flames by the Committee headed by ITS and consisting of ITS. Objective of the then MOC&IT to defeat the entire report was thus achieved

when the Committee said that induction of professionals from the market to lead BSNL will have an adverse impact on the morale of HRs in other CPSUs. Thus the entire report was sent to the dustbin, serving to the dirty desires of the then MOC&IT and the ITS. Potential procurement and business reforms like adoption of managed capacity model, sale of bandwidth, creation of land bank, diversification of business etc. etc. also sunk along with it.

#### **XXXVI. SELECTION OF NEW CMD:**

Our repeated pleas to the PM that selection of CMD/BSNL should not be restricted to ITS or made through outdated mechanism of PSEB met with success when PM decided to constitute a search committee under the chairmanship of Cabinet Secretary to select CMD/BSNL. From the day search committee was constituted, Chandolia and company started a parallel search process, thus making a mockery of the search committee under Cabinet Secretary and reducing it to a complete farce. Eligibility selection criterion was manipulated not only to exclude best talent not only from the market but also from within BSNL from the purview of selection.

At this point of time, the Association along with Telecom Watchdog, an NGO along with which we filed a petition in Delhi High Court in 1999 challenging NTP 1999, allowing change over from fixed license fees to revenue sharing arrangement, filed a PIL in Delhi High court challenging the whole selection process on malafide grounds. Chief Justice, Delhi High Court, after serious objections raised by UOI regarding admissibility of the petition finally admitted our PIL and issued notices to UOI.

In the meantime, the Government sensing serious trouble did a somersault when PM constituted another panel comprising Sam Pitroda and Nandan Nilenkani to decide the selection of CMD/BSNL, thus abandoning the selection made by the panel headed by Cabinet Secy. With the UOI filing an affidavit in Delhi High Court, that since PM has constituted a new panel for selection of CMD/BSNL, our PIL be set aside, our objective of getting the selection process under the Cabinet Secretary nullified, was achieved.

Thereafter, we have had detailed discussions with Sam Pitroda and Nandan Nilenkani on the crucial issue of selection of CMD, impressing upon them to decide on someone who is a top grade telecom professional with wide ranging exposure in telecom business and operations. Unfortunately, none of the high grade professionals from the market who were approached by Nandan Nilenkani and Sam Pitroda to take over the reins of BSNL accepted to take the responsibility, thus considerably narrowing down the zone of selection. Fear of political interference and resistance from trade unions to introduce reforms for revival of BSNL were cited as the principal reasons by them for declining to accept the leadership of BSNL.

#### **XXXVII. TRANSFER POLICY:**

After detailed discussions with the Management on the pressing needs to incorporate certain changes in the existing transfer policy, the United Forum of BSNL Executives' Associations comprising SNEA(I) and AIBSNL EA submitted following suggestions on the proposed changes in the Transfer policy.

- (a) On completion of tenure, the official should be relieved without further delay. In order to ensure relieving immediately after completion of tenure it may be made mandatory that the "Executive from the tenure station will be the first mover".
- (b) On promotion, junior most Executives are posted to tenure Circles and other stations irrespective of the fact that he/she completed the tenure. It is suggested that an Executive completed his tenure in a tenure station may be given a cooling period of 5 years in the same Circle. On promotion and posting, he may be exempted from posting outside the Circle for 5 years and outside the SSA for 3 years (in the case of inter SSA posting). He may be exempted from further posting to tenure circles. After 5/3 years, he may be posted to non tenure Circle/station as the case may be.
- (c) In the case of Executives recruited for tenure circles, their stay in the tenure Circle in the All India cadre stay as SDE may be counted as tenure period.
- (d) To transfer all categories of staff the transfer policy implementation should be uniform to all categories of BSNL Executives including BSNL Corporate Office as well as non-absorbed officers in BSNL.
- (e) Bulk / Mass transfers may be avoided at all levels i.e. SSA/Circle/All India to limit the huge cost of frequent transfers.

**A) Request transfer at own cost and transfers at Company's cost- review of guidelines:**

**Proposed action plan**

- No request transfers to be entertained till three years in a station. (Not applicable for tenure stations which will continue to be governed by existing guidelines).
- Request transfer after three years and before completion of four years in a station to be at own cost of the employee concerned.
- Request transfer after completion of four years in a station to be at Company's cost. In order to incentivize good performance, high performers at any post/place may be considered for extension beyond prescribed 4-year tenure, if requested by the executive.

Note:- The above proposals shall not affect the Company's right to transfer any employee, at any time, in the interest of service.

**Suggestions:**

In the case of posting on promotion or transfer to meet the shortages etc, the request transfers back to the home station/ circle to be entertained after two years in a station. However, till the company becomes profitable, such transfers will be at company's cost only after 3 years in a station.

**(B) Review of Tenure posts of one year duration**

S. No.	TENURE	CIRCLE	AREAS
1.	One year Tenure	J&K	1. Leh SSA, 2. Areas of Srinagar SSA outside Srinagar city
2.	One and half year tenure (eighteen months	J&K NE-II	Srinagar city area Nagaland and Manipur States

**(C) Review of guidelines on Other Tenure Areas (in Circles other than J&K, NE states and A&N Islands)**

**Proposed action plan**

In view of the premises explained in preceding paras and the inputs available in this regard, it will be appropriate to

- a. designate the 'Other Tenure Areas' more specifically as 'Soft Tenure Areas'
- b. enhance the tenure of the 'Soft Tenure Areas' from the existing two years to three years.
- c. Allow an extension of three years in Circle Tenure of an executive who completes a soft tenure in the Circle.
- d. Introduce a 'Capping Plan' for longest possible stay in a Circle having 'Soft Tenure Areas'.

The Capping Plan may be suitably made applicable to non-territorial circles having tenure areas.

**Suggestions:**

- The term "soft tenure" should be limited to the declared tenure stations within the Circle (excluding Lakshadweep Islands and the State of Sikkim which has to be treated as 2 year tenure). In other words, the tenure stations in a particular Circle will be a soft tenure station for the executives of that particular Circle.
- These stations will be continued to be treated as tenure stations for the Executives posted from other Circles.
- In the case of posting on promotion or transfer to meet the shortage etc to a soft tenure station, the request transfers to be entertained after two years in a station. However, till the company becomes profitable, such transfers will be at company's cost only after 3 years in a station.

- The capping plan will affect the executives who are voluntarily going to a soft tenure station within the Circle. So that may not be required. The Executive who worked at a soft tenure station may be exempted from further posting to any other tenure stations in the Circle or inter-Circle transfers.

In the case of non recruiting units like project circles, QA and Inspection Circle which are sensitive in nature, the Executives should be repatriated to the respecting recruiting Circles or to some other non sensitive units after a specified period.

The suggestions on A) and C) are agreed by the Management in principle and are under consideration. The proposal at B) is already implemented.

**XXXVIII. WELFARE CLAIMS :** Since Kanyakumari AIC in April 2003 till Nanded AIC. 30<sup>th</sup> March.,12, 387 welfare claims have been settled, with following breakup.

Period	Number of cases settled	Amount paid
From 1.3.2003 to 31.12.2005	133	Rs 26, 60,000/-
From 1.1.2006 to 15.11.2008	116	Rs 23, 20,000/-
From 16.11.2008 to 30.3.2012	138	Rs 46, 80,000/-
From 1.3.2003 to 30.3.2012	387	Rs 96, 60,000/-

Thus a total of Rs Ninety Six Lakhs Sixty Thousand ( Rs 96, 60,000/-) has been paid towards settlement of all welfare claims since AIC Kanyakumari till date. Even welfare claims received a couple of days before have also been settled.

This should give all of us here incredible satisfaction of having very successfully and smoothly implemented the welfare scheme providing timely succour to the families of our departed Comrades at the time of distress, even though meagre. Not a single dispute has arisen so far and not a single welfare case is pending with CHQ.

This house in view of the spiralling inflation could consider further improvements in the scheme considering Rs 40,000/- these days is rendered too insignificant to provide reasonable relief at the time of distress.

**XXXIX . WEBSITE AND TESA FLASH:**

Com R. Rajan, our Jt Secy/South, and Com. K. Muthukumar, JTO(STR)/Nagercoil, did a magnificent job by innovatively formatting our new CHQ website. More than four months of hard work and complete involvement on their part enabled us to switch over to a new format which has been widely appreciated. Professional website designers sometime ago demanded Rs 50000 to format a new site, which we were not sure would meet our requirements. The job was done exceedingly well by both of them and we congratulate them for their dedication and hard work.

Regarding TESA flash, we feel the need to switch over to e-magazine. It appears that the magazine is becoming increasingly obsolete in view of the more attractive and instantaneous methods available for dissemination of information. This house should take a final and decisive call on this.

#### **XXXX. CONCLUSION:**

Comrades, you know that this report is not exhaustive but contains only the gist of the most important activities and events that have taken place during the period under Report. We definitely have the limitations of space and time. It is amply clear from what we have presented before you that we have not yet tided over from the difficult times both in terms of our beloved Company and therefore this Association. And this in simple terms means that total success does not come overnight. It has to be hunted down and chased in small but unflinching steps. And that is precisely what we have been doing. Life is a series of chain reactions. Each event affects the next one in line. We may only remember the end result, but it is all those little choices that we make each day that get us either closer to or further away from our goals. We believe that we have made all such little choices to get closer to the goal than ever before. And I feel that whatever we have been able to achieve, both the profit and the credit belongs to you and to the members of this great Association because it is you and they who fully deserve them.

But then there may still be some who believe that we have not achieved what we could. Yes, we take blame for that and seek your forbearance, because perhaps we had to make and take some decisions. We believe that making hasty decisions is like driving too fast, by which we may beat the spotlight but may not always make our destination. Yes, Comrades, we always believe that more than beating the spotlight reaching the destination is of higher priority. Even the most daunting tasks become attainable when broken down into several smaller jobs. Put the motives and priorities right and we are half way there. Without doubt we have been able to give the right direction to our fight. That is what counts for the posterity much more than instant success which may be so tempting. So, comrades, we are leaving you enough problems. Because we have great hopes in you, in each and every grass-root level member of this prestigious organization. We have seen your fighting spirit.

And that is why we have the fullest confidence in you – you know that intense struggle lies ahead – and great fighters in you will never, never say quits.

Before I conclude this report Comrades, I seek your kind tolerance. Yes, I am laying down the mantle of the Chief Executive of the greatest fighting unit, not only in BSNL, but perhaps in the whole Country. I have been fortunate to have such faithful captains, lieutenants and soldiers by my side. Whatever little I could achieve was only through your commitment, your dedication and not the least of all your sacrifice. My gratitude to you goes to unknown depths. And I, for one, feel that the

words that normally gush through my lips suddenly dry up because I understand the feebleness, the fragility of words to actually express my emotions to you. So for the time being let my silence ring out to you; echo in your minds and reverberate in your hearts so that they stay there and at the same time spread around, not for this moment alone but for a long long time to come.

I know that there was immense pressure on me to continue as the GS for another term from most parts of the Country. But then I have to politely decline, not because I don't love and respect your feelings but because I love and respect the constitution of Sanchar Nigam Executives Association (India) more. I believe this constitution is sacrosanct and it shall remain so. Neither I nor anyone else shall break its spirit now or in the future for any reason whatsoever. No reason is strong enough to undermine the sanctity or the spirit of this blueprint which is so dear to all of us.

Let me travel on some fleeting memories, which takes me back to the 80s and 90s, when I had the opportunity to serve this organization in its old form, where we together could pass so many rewarding years for our cadre. It was our earnest desire that we should be able to achieve better careers for our seniors as well. The Agitation of 90 sowed the seeds for such unity, and late Com James Paul, stalwart from Kerala, was at the centre of building this unity but then unfortunately selfish interests prevailed and derailed unity. Even though such unpleasant events are best forgotten, the issue and the message still stand and may be an example for the future. Therefore I cannot hide the fact that one man with unbridled ambitions never wanted to let the reins go from his hands. Unity was, therefore, anathema to him. Like some lords of old he wanted to cling on to his fiefdom. He suspected that unity was a threat to his crown and therefore tried to unbuild the blocks of unity, already built up, brick by brick. His un-satiated desire to hang on as GS sufficiently corroborates this lust for power when he contested elections for the post of GS/AIBSNL EA in 2005 with just 15 days to retire from BSNL.

But, comrades the spirit of unity or rather the fire of unity that was lit was left un-extinguished. With the absorption of Executives in BSNL we rekindled that fire once again, when some of us came out to form the BSNLEA. The huge support extended by the veteran Com W. Seshagiri Rao not only helped us to inflame the little fire into burning torches of unity but also gave us the required momentum to spread the fire across the country. Broad trade union vision and unparalleled selflessness that Com W. Seshagiri Rao exhibited towards achieving that huge and eventual milestone of Unity shall remain a bible for younger generations to emulate and take inspiration from. Whenever issue of unity is debated, veteran Comrade must be remembered.

Looking further back, when one does on such occasions, I fondly remember and bow my head with all my humility to all those great stalwart Comrades like Com A. Sugumaran, Com K.D.Sebastian, Com Gangadhar Rao, Com Com Hariharan Nair,

Com T. Issac, Com Govindrajan, Com Uniyal, Com V. Sunder, Com Munuswamy and Com Venkataraman who sacrificed so much to hold this torch burning high until finally we could come together on this platform of Sanchar Nigam Executives' Association (India) in April 2003 at the historic joint meeting at Kanyakumari under stewardship of the great visionary Com W.Seshagiri Rao. From then on you have showered me with your unwavering support, with your affection and with your guidance. Yes, Comrades, I should confess that I have been passing through the best part of my life as the chief Executive of the great Sanchar Nigam Executives' Association (India) for the last 9 years.

I know sincerely that I will badly miss your Company. But then all good things have to come to an end. And this shall be no exception as no one is indispensable. I would once again take this opportunity to salute our veteran leaders Com. W. Seshagiri Rao, Com A.Sugumaran and Com K.D.Sebastian whose astute guidance, wise counsel and timely corrections have grown me miles and miles. My gratitude to veteran Com M.K.Bagchi, under whose towering, inspiring and historical leadership as GS/JTOA(I), I have had the unique distinction of being groomed up.

Our dear CHQ President Com. S.L.Reddy was such a strong support. Unprejudiced and modest in his approach, he has been a great source of strength and his sacrifices in building erstwhile JETA(I), JTOA(I) and finally SNEA(I) are truly remarkable. May be we will be missing him very badly. I use this opportunity to wish him the very best, a most satisfying and peaceful period ahead. It is best remembered that nearly everything we accomplished today is the result of the toils, sacrifice and tears of men like Com. W. SeshagiriRao, Com M.K.Bagchi and Com. S.L. Reddy, the likes of whom are rare to find. I would gratefully remember all the office-bearers in the CHQ and convey my sincere thanks to them for their support. Com. Inderjeet Singh and Com H.Muthu whose simplicity is unmatched and commitment unparalleled have been sources of great inspiration and confidence building. Com A.Khan, and Com K.Sebastin, our AGSs at HQs, have done remarkably well in their own ways and very ably and usefully contributed towards and assisted me in my functioning at the Hqs. Com R.Rajan, our Jt Secy(south), was quite helpful and always forthcoming in updating our CHQ website particularly during very odd hours, and also sending quickly important information sometimes needed urgently. Com N.A Abraham, CP/kerala, has been of immense help in updating our CHQ site

Finally it is you my dear Comrades from the length and breadth of the country who deserve my unqualified gratitude for the love, devotion, commitment and support extended to me and the CHQ. You are truly great, because greatness seldom comes to those who seek it. It is those who unselfishly give of themselves who are remembered as having been truly great. The Association has been lucky to have you as its soldiers and I have been lucky to lead you. To lead this Association and you has been my privilege, which I have always taken seriously, proudly and honorably.

My approach has been simple giving everything to the Association, leading with dignity and upholding your trust, confidence and our constitution. The joy of bonding together and striving to achieve a goal is what made this Association special to me. I could never have imagined a journey so long and so fulfilling. I was fortunate to be part of a wonderful era when the Association faced the most formidable challenges and emerged successful, but it is now time for the new generation to make their own history and take the Association to greater heights. Comrades, I have failed at times, but I have never stopped trying and that is why I leave with sadness but also with pride.

I also fervently hope and seek that this Body decides on the best persons to lead and guide us in the future without fear or favour. Give your GS freedom to decide and act. Interrogate him creatively but not critically. Let our questions and queries be guidelines rather than impediments on his ability to decide and act. Yes, comrades, the times ahead are not the easiest; the roads ahead are not the smoothest. And therefore it is your duty and right to select the best and the best only. Let no other considerations rule your hearts and heads. But remember the red lines that we are entitled to draw as part of a healthy democratic process to decide who leads us have to instantly disappear and everything has to be taken in its stride once we travel back and share our experiences of this Conference with our grass root level, underlining the great importance of strengthening unity.

The road to success isn't a super highway. It's a rugged mountain trail found only by visionaries and travelled only by the most courageous and persevering. Let not fragilities or failings bother you in your march ahead. But remember – It is not where you were today but where you are going that counts. Wish you all, the best, happy, successful and a truly rewarding journey ahead. Finally, my profound thanks to veteran Com K.D Sebastian for helping me in compiling this report.

With Comradely regards,

G.L Jogi, GS, SNEA(India)

For and on behalf of CWC SNEA (India)

# JAI SNEA (India)