

Items for discussion for the Formal Meeting

(1) Lift the ban imposed on Compassionate Ground Appointments.

BSNLEU is continuously pressing hard on the BSNL Management to lift the ban on Compassionate Ground Appointments. BSNLEU is also demanding that, job should be provided to one of the family members of the employees who have died in the Covid pandemic and also to the families of the employees who have died in accidents while on duty. In this connection, the Hon'ble Supreme Court of India has given an important judgement on 07.06.2022, in which it has been observed as follows:- ".....due to the untimely death of the employee, his family will be placed in financial hardship and making such families to wait for years is not compassionate on the part of the government." Through the above judgement, the Hon'ble Supreme Court of India has sent an unfailing message to the government, stating that, it is the duty of the government to provide jobs to the families of the employees, who have met untimely death and that it is not compassionate on the part of the government to make those families to wait for years together. BSNL is a government of India undertaking and certainly the Management has to listen to the judgement of the apex court of the country in providing compassionate ground appointments. Hence, BSNLEU demands that, the ban on CGA should be lifted / relaxed, so that the families of the Covid victims, as well as the employees who have lost their lives in accidents while on duty, get appointments on compassionate grounds.

(2) Non- extension of facilities to the OA level district unions.

Right from the days of the DoT, the Recognised Trade Union has been functioning at three levels, viz., All India, Circle and District. This system continued even after the formation of BSNL. Consequent to the consolidation of Business Areas, the erstwhile districts are now redesignated as BAs and OAs. The district units of the Recognised Union have long been existing in the redesignated BAs, as well as in OAs. However, of late, the Management has taken a position that, the units of the Recognised Union can function only at three levels, viz., All India, Circle and BA. It means the district unions functioning at the OA level have to be dissolved. In many OAs, BSNLEU is having paid membership in the range of 60 or 70. How the district unions in such OAs can be dissolved? Hence, BSNLEU has firmly demanded that, it's district unions functioning at the OA level with 15 or more paid members should be recognized by the Management and granted all the facilities of recognition.

(3) Non-declaration of JTO LICE results in Punjab circle for the Vacancy Years of 2015-16, 2016-17 and 2017-18.

JTO LICEs for the Vacancy Years of 2014-15, 2015-16, 2016-17 and 2017-18 were conducted in all the circles. The results of these examinations have already been declared in all the circles and the successful candidates have already been sent for training. On successful completion of their training, the candidates have already been appointed as JTOs. However, all these have not happened in Punjab circle. The results of the JTO LICEs conducted in Punjab circle for the Vacancy Years of 2014-15, 2015-16, 2016-17 and 2017-18 were not declared due to the pendency of court case. Consequent to the withdrawal of the court case on 11.10.2023, the roadblocks created for the declaration of the results of the JTO LICEs were cleared. Thereafter, result of the JTO LICE conducted for the Vacancy Year 2014-15 was declared and the successful candidates have been sent for training. At the same time, the results of the JTO LICEs conducted in Punjab circle for the Vacancy Years 2015-16, 2016-17 and 2017-18 are not yet declared. It is understood that the Management has taken a position that, results of the aforementioned JTO LICEs would not be declared since the vacancies of these Recruitment Years have already been abolished under the scheme of Restructuring of Manpower. This stand of the Management is most discriminatory and unfair. The JTO LICEs for the vacancy years 2015-16, 2016-17 and 2017-18 are already conducted. As such, it is the bounden duty of the Management to declare the results. Abolition of posts under the Restructuring cannot be an excuse for not declaring the results of an exam, already conducted. This has never happened in BSNL before. Hence, results of the aforementioned JTO LICEs conducted in Punjab circle should immediately be declared.

(4) Medical Reimbursement should not be treated as perquisite for Income Tax.

Reimbursement of medical expenditure incurred by the employee and also payment of medical allowance for pensioners are being presently treated as perquisite by the BSNL Management. These amounts are being reckoned for the purpose of Income Tax. In reply to an RTI query, the Principal Chief Commissioner of Income Tax, UP (East), vide letter no. F.No.Pr.CCIT/Tech./Lko/RTI/2019-20/2023-24 dated 27.10.2023, has clarified beyond doubt that, the sum paid by the employer in respect of any expenditure incurred by the

employees on his medical treatment, on treatment of any member of his family, should not be treated as perquisite and therefore is not taxable. The relevant portion of the aforementioned letter is quoted below:-

“Sub clause (a) of clause (ii) of the proviso to clause (2) of section 17 of the Income Tax Act, 1961 says that any sum paid by the employer in respect of any expenditure actually incurred by the employee on his medical treatment or treatment of any member of his family in any hospital maintained by the government or any local authority or any other hospital approved by the Government for the purposes of medical treatment of its employees; shall not be treated as ‘perquisite’ therefore not taxable under the head ‘salaries’.”

In view of the above letter issued by the Principal Chief Commissioner of Income Tax, UP (East), it is requested that, the Corporate Office may issue instruction to the circles for exempting Reimbursement of Medical Expenditures / Payment of Medical Allowance, etc., from calculation of Income Tax.

(5) Reviewing the ceiling fixed for the outdoor medical claim with voucher.

The Corporate Office, vide letter no. BSNL/Admn.1/15-12/18 dated 08.05.2020, has fixed 15 days' basic pay plus DA as of 01.04.2020, as the ceiling for the reimbursement of the expenditure incurred for outdoor treatment with vouchers. It is already 3 years, since the aforementioned ceiling has been fixed. During these 3 years, the cost of medicines have increased considerably. It is very unfair on the part of the Management, to keep the ceiling as 15 days' pay as of 01.04.2020. Hence, it is requested that the ceiling for outdoor medical claim with voucher may be re-fixed as 15 days' pay (basic pay + DA) as on 01.04.2023.

(6) Recovering employee's contribution of EPF from the backdate in the guise of GPF.

Shri Manoj Sharma, Sr.TOA(G), Ujjain, MP circle, was appointed on Compassionate Ground on 27th November, 2000. From the date of his appointment itself, the official is entitled only for EPF and not for GPF. However, GPF was wrongly implemented for the official until January, 2016. Having realised it's mistake, from January, 2016 onwards, the Management implemented EPF Scheme from the backdate. As per the order of the EPF Organisation, employee's share of the EPF contribution should not be recovered from the employee. However, in the case of Shri Manoj Sharma, the Madhya Pradesh circle administration, vide it's letter no.CSC/CO-BPL/GPF to EPF Conversion/2017-18/26 dated 01-11-2023, has intimated that an amount of Rs.4,26,620/- would be recovered from the salary of the employee, being recovery of GPF and interest portion. This amount of Rs.4,26,620/- is nothing but the employee's share of EPF contribution from the back date. Since Management cannot recover the employee's EPF contribution from the backdate, the same is being recovered from the employee in the guise of GPF and interest portion. As regards GPF scheme, the entire contribution is paid by the employee only. Thus, where comes the question of recovering the GPF amount from Shri Manoj Sharma? Hence, the decision of the Management to recover Rs.4,26,620/- from the salary of Shri Manoj Sharma is illegal. Hence, necessary instruction may kindly be issued to the MP circle administration.

(7) Implementation of the judgement of the Hon'ble High Court of Calcutta in respect of issuing of Presidential Orders for the 227 Regular Mazdoors of CNTx(East), (the erstwhile ETP circle).

The case relates to 227 Regular Mazdoors who are working in CNTx(East), the erstwhile ETP circle. Earlier, all these 227 Regular Mazdoors worked as Casual Labourers in DoT and were regularised as Regular Mazdoors after 01.10.2000. All these Regular Mazdoors are treated as BSNL Recruits and were not issued with Presidential Orders, under the pretext that, they were not conferred with Temporary Status prior to 30.09.2000. All these officials were eligible for the conferment of Temporary Status even prior to 30.09.2000. However, the same was not conferred on them, purely due to administrative lapse. This has been accepted by the ETP administration and the same has been given to Corporate Office in writing also. A great injustice has been meted out to these officials. Left with no other option, the affected 227 Regular Mazdoors approached the Court of Law. The Hon'ble High Court of Calcutta, in it's judgement order dated 19.04.2023 in the WPCT of 2016, has directed the Ministry of Telecommunication to consider the case of the 227 employees for the granting of Temporary Status on the same footing that of 387 Casual Laborers who have already been granted with Temporary Status. Further, the Hon'ble Court has directed to implement the judgement within 4 months from 01.09.2023. It is requested that the Corporate Office may kindly initiate appropriate action for the implementation of the order of the Hon'ble High Court of Calcutta.

(8) Implementation of the DoP&T order in the case of requests for transfer under Rule-8 to join the spouse.

The DoP&T, vide its letter no. DOPT-1669289899529 ESTT.(Estt.A-IV) dated 24.11.2022, has issued detailed guidelines directing the Central Government Departments, as well as the Central PSU Managements to make it mandatory to post the husband and wife in the same station. The BSNL Management also, vide letter no. 5-21/2009-Pers.IV dated 13.02.2009, has issued direction to the Heads of the Telecom Circles, stating that, "As far as possible and within the constraints of administrative feasibility, request for posting of husband and wife at the same station shall be considered, if the employee's spouse is serving in Central / State Government or a Public Sector Undertaking (PSU)". However, despite the issuing of clear cut directions by the DoP&T and also by the BSNL Management, the Directly Recruited JEs are not getting transfers under Rule-8, despite their spouses working in the Central Government Department / State Government Department/ Public Sector Undertaking. Importantly, the request for transfer under Rule-8 are being rejected in case where the applicants are seeking transfer to the circles categorised by the Management as 'Surplus Circles'. While the Government of India has attached utmost importance to the enhancement of women's status in all walks of life and to enable them to lead a normal family life as also to ensure the education and welfare of the children, it is unfortunate that the BSNL Management is not considering the transfer requests of the JEs to the circles categorised as 'Surplus Circle'. In view of the foregoing, necessary action may kindly be taken to consider the requests of the JEs for transfer under Rule-8 on 'spouse grounds', even to the circles categorised as 'Surplus Circles'.

(9) Defining the duties and responsibilities of the cadre of Junior Engineer and other Non-Executive cadres.

Right from the days of the DoT, there have been well defined rules regarding the duties and responsibilities of various telecom cadres. Need has arisen to once again carry out a similar exercise in BSNL, especially in the backdrop of the implementation of the VRS. This is because, the JEs are being compelled to do various jobs of the other Non-Executive cadres, as well as the jobs of the Executives. A case in point is the post of Bharat Fibre Business Manager. It is a Managerial post in the FTTH segment. This post has been designed with administrative and financial responsibilities and it is purely structured for the Executives. Unfortunately, in many circles, JEs are being forcibly assigned with this responsibility without their consent. The BBM has the responsibility of issuing UC (Utilisation Certificate), which is directly related with the payment of commission to the TIPs in the FTTH segment. In spite of this fact, JEs are forcibly being assigned with this responsibility in many circles like in West Bengal, Kolkata, etc. hence, it is requested that the Corporate Office may issue necessary instruction to the circles to stop this practice of assigning the jobs of the Executives to JEs which is Non-Executive cadre. The Corporate Office may also fix the duties and responsibilities of the various Non-Executive cadres, including the JE cadre.

(10) Issuing Presidential Orders to the employees recruited by the DoT and sent for training prior to 01.10.2000 – non-implementation of the Supreme Court judgement.

BSNLEU, vide letter no. BSNLEU/511(Rectt.) dated 31.07.2023, has already demanded that the order of the Hon'ble Supreme Court of India, delivered on 26th July, 2023, on the above mentioned subject should be implemented. The case relates to the officials who were recruited on Compassionate Grounds by the DoT and were sent for pre-appointment training before the formation of BSNL, i.e., 01.10.2000. The Hon'ble CAT, Jaipur, Hon'ble CAT, Chandigarh, Hon'ble High Court of Rajasthan and Hon'ble High Court of Kerala have also given the judgement that 'the officials recruited by the DoT and sent for pre-appointment training, prior to the formation of BSNL should be issued with Presidential Order. Thereafter, the Hon'ble Supreme Court of India has delivered judgement on 26.07.2023, upholding the judgements delivered by the Hon'ble High Courts. It is going to be 7 months since the Hon'ble Supreme Court delivered its judgement. In view of this, it is requested that the BSNL Management may kindly initiated necessary steps for the issuing of Presidential Orders to all such officials who were recruited and sent for training by the DoT, before the formation of BSNL.

(11) Conducting TT LICE as Off-line exam.

The TT LICE was held online on 27.08.2023. BSNLEU had already expressed its stiff opposition for holding the TT LICE as online exam. The main reason behind this opposition is that, most of the candidates appeared in the TT LICE are the ATTs. Most of the ATTs have not even touched the computer once in their lifetime. The purpose of holding the TT LICE is to ascertain the knowledge as well as the capability of the candidates to perform the job of the TT cadre. BSNLEU has already demanded that, the candidates who emerge successful in the TT LICE, should be imparted with course in computer familiarisation, so as to

make them fit to work on computers, for carrying out the jobs of the TT cadre. However, it is a matter of regret that, the BSNL Management has taken a stiff and unrealistic position of holding the TT LICE as online exam. BSNLEU has received inputs from a large number of candidates, who have appeared in the TT LICE, regarding the unwarranted hardships faced by them in appearing in the online examinations. In view of the foregoing, the Management is requested to revisit the issue and to conduct the future TT LICEs as offline exams.

(12) Restoration of the payment of Medical Allowance to the serving BSNL employees.

In the beginning, Medical Allowance was paid for both the serving employees as well as for the pensioners. However, in the year 2010, payment of Medical Allowance was stopped. Subsequently, payment of the Medical Allowance was restored for the pensioners. However, the same is not restored for the serving employees. Our Union is receiving a large number of requests and representations from the serving BSNL employees, requesting to take up the issue with the Management, for the restoration of payment of Medical Allowance to the serving employees also. It is needless for us to state that, even at present, the serving BSNL employees are provided with the facility of reimbursement of outdoor medical expenditures with vouchers. Thus, payment of Medical Allowance, in lieu of reimbursement of outdoor medical expenditures, with vouchers, will not bring much financial burden to the Company. Hence, it is requested that decision may kindly be taken for the restoration of the payment of Medical Allowance to the serving employees also.

(13) Non-implementation of the National Council decision on holding a Special JTO LICE for the draftsman cadre.

It was decided in the 26th meeting of the National Council held on 27th February, 2012 that, one more Special JTO LICE would be conducted for the draftsman cadre of Civil / Electrical / Telecom wings. Even though, BSNLEU is continuously taking up this issue with the Management, the decision of the National Council is not yet implemented. It is understood that, the CGM (BW), Corporate Office and the CGM (EW), Corporate Office have not sent their proposals to the Establishment Branch, for holding this Special JTO LICE. In view of the foregoing, it is requested to take needful action for the implementation of the aforementioned decision taken in the 26th meeting of the National Council.

(14) Denial of promotions and additional increments to sports personnel, which are already approved by the respective CGMs as per the previous Career Progression Policy.

The BSNL Management has implemented a Career Progression Policy for the sports personnel, vide the Corporate Office letter no.31-1/2007-BSNL(S) dated 01.05.2008. As per the terms and conditions of this Career Progression Policy-2008, promotions and additional increments have been recommended to the outstanding sports personnel, by their respective Chief General Managers. However, promotions and additional increments, as per the Career Progression Policy-2008, as recommended by the concerned CGMs, were put in cold storage by the Corporate Office. BSNLEU is repeatedly taking up this issue with the concerned officers in the Corporate Office. However, the issue is not yet resolved. Hence, it is requested that the issue may be resolved on a fast track basis.

(15) Upgradation of the pay scales of the cadres of Junior Engineer, Sr.TOA and Telecom Technician.

It is an undeniable fact that, technology is changing rapidly in the telecommunications sector. Especially, huge technological changes have taken place in the past one decade alone. Consequent to this, the job content of the Non-Executives has also undergone a sea-change. The one cadre which is completely handling these upgraded technologies, is the Junior Engineer. This cadre is manning all the vital equipments and installations in BSNL. This is the reason why the designation of the TTA (Telecom Technician Assistant) has also been changed as Junior Engineer. Even though, the entry level qualification of the JE cadre is 3 year diploma, it is an undeniable fact that, 99% of the Directly Recruited JEs working in BSNL are Engineering Graduates. The highly qualified Junior Engineers are immensely helpful to BSNL in manning the high-tech areas. In view of this, it is demanded that the pay scale of the Junior Engineer should be upgraded from NE-9 to NE-10 pay scale. Similarly, the technologies being handled by the Sr.TOA cadre and the Telecom Technician cadre have also undergone a vast change. Undoubtedly, these cadres are also work in high-tech areas. This has warranted upgraded pay scales for the cadres of Sr.TOA and the Telecom Technician also. Hence, BSNLEU has already demanded that the pay scale of the Sr.TOA cadre should be upgraded from NE 7 to NE 8 pay scale and that the pay scale of the Telecom Technician cadre should be upgraded from NE 6 to NE 7 pay scale.

(16) Reviewing results of the failed SC/ST candidates, by adopting lesser standards of evaluation.

BSNLEU has already written many letters to the BSNL Management with regards to the review of the results of the failed SC/ST candidates, by adopting lesser standards of evaluation. However, the matter remains unsettled. The DoP&T, vide letter No.36012/03/96-Estt.(Res.)-Vol.II dated 03rd October, 2000 has categorically stated as follows:-

“..... It has now been decided to restore, with immediate effect, the relaxation / concessions, in the matters of promotion for candidates belonging to SCs / STs by way of lower qualifying, lesser standards of evaluation that existed prior to 22.07.1997.....”

In this connection, we would like to bring to your kind notice that, the Recruitment Branch of the BSNL Corporate Office has also issued direction to the CGMs, vide letter no.52-1/2016-Rectt. dated 17.10.2017 intimating ***to incorporate the reduced qualifying marks to review the failed SC/ST candidates in each required qualifying sections / parts of a paper or papers as per schemes and syllabus for the LICEs / LDCEs, etc., notified on or after 02.12.2014.*** It is regretful that, despite clear cut instructions of the DoP&T, as well as the compliance letter issued by the BSNL Corporate Office, results of the failed SC/ST candidates are not being reviewed by applying lesser standards of evaluation. Hence, strict compliance of the aforementioned DoP&T order is requested.

(17) Denial of the facility of Immunity from Transfers.

BSNLEU is the Main Recognised Trade Union in BSNL. As such it's office bearers, as stipulated in the Corporate Office orders, are entitled to avail the facility of "Immunity from Transfers". However, it is noted that in the case of the District Secretary of BSNLEU, Vadodara district, this facility of "Immunity from Transfers" is denied, on the ground that our District Secretary is an Executive. The Management needs to get some clarity in this regard. According to the provision contained in the Indian Trade Unions Act-1926, outsiders can become office bearers of BSNLEU. In accordance with this provision, retired employees, as well as Executives, can very well become office bearers of BSNLEU. There is no bar for the Executives of BSNL to become office bearers of the Non-Executives' Union. As such, wherever Executives become office bearers of BSNLEU, they are also entitled to avail the facility of immunity from transfers. Hence, it is requested that the Corporate Office may kindly issue necessary instructions in this regard, to the field units.

(18) Non-implementation of EPF in respect of the 73 employees of CNTxE working in Odisha whose Presidential Orders are cancelled by the DoT.

Presidential Orders, that had been issued to 73 officials working in CNTxE, Bhubaneswar, as well as in various BAs of Odisha circle, were cancelled by the DoT. Those Presidential Orders were issued nearly 20 years back. Due to the cancellation of the Presidential Orders, these employees are treated as BSNL recruits now. The names of the 73 officials, the unit they belong to and their PO cancellation order number are already submitted along with the letter addressed to the Director (HR). It is very unfortunate to note that, the BSNL Management has not taken action despite the Main Recognised Union repeatedly writing letters. When the Presidential Orders of the aforementioned 73 officials are cancelled, naturally they are not entitled to continue in GPF. All of them should have been migrated to the EPF. However, the Management has not taken any action in this respect. In this connection, it is pertinent to bring to your kind notice that, many among the aforementioned 73 officials are going to retire shortly and they will face a lot of hardships if they are not immediately shifted to the EPF Scheme. Hence, it is requested that necessary action may immediately be taken at least at this late stage, so that the 73 aforementioned officials are saved from facing complications.

(19) Discriminating the Non-Executives in the allotment of IQs.

It has been brought to our notice that, allotment of IQs is being denied to the Non-Executives. Whereas, the Executives have no problem in getting the allotment of IQs. This is a discrimination prevailing in our Company which needs to be removed immediately. Some of our Non-Executives go to the cities in connection with very urgent works like medical treatment, interviews for their children, etc. However, even in such cases IQs are not being allotted to the Non-Executives. This policy prevailing in BSNL is highly discriminatory and needs to be removed. In view of the foregoing, BSNLEU earnestly urges upon the Management to take the necessary policy decision at the earliest, for undoing the discrimination and for ensuring the allotment of IQs to the Non-Executives also.
