

STAFF SIDE OF THE NATIONAL COUNCIL, BSNL

Dada Ghosh Bhawan, 2151/1, New Patel Nagar, New Delhi – 110008

NC/Staff Side/210

20.08.2020

To

**Shri A.M. Gupta,
Sr.GM (SR), BSNL C.O.,
Bharat Sanchar Bhawan,
Harish Chandra Mathura Lane,
Janpath, New Delhi – 110 001**

Sir,

Sub: - Submitting items for discussion in the 39th meeting of National Council –reg.

I am submitting herewith, items for discussion in the 39th meeting of the National Council. It is already demanded that the Management should arrange to hold the next meeting of the National Council as an online meeting, in view of the prevailing COVID-19 pandemic situation.

Further, it is also submitted that, no meeting of the National Council has been conducted, due to various reasons, after the 8th Membership Verification held in September, 2019. In view of this, I request you to kindly arrange to hold the 39th National Council meeting, as an online meeting, within the shortest possible time.

Thanking you,

Yours sincerely,



**(P.Abhimanyu)
Secretary, Staff Side,
National Council**

Encl: As above.

Items for discussion in the 39th National Council meeting.

(1) Resuming of the negotiations for revision of wages of the Non-Executives and signing of the agreement without further delay.

The 3rd Wage Revision of the Non-Executives of BSNL has become due from 01.01.2017. The DPE, vide it's OM No.W-02/0015/2016-DPE(WC)-GL-XXIV/17 dated 24th November, 2017, has already issued guidelines for the Wage Revision of the workers of the Central Public Sector Enterprises (CPSEs).

Based on the aforementioned letter of the DPE, the Department of Telecommunications, vide it's letter no.F.62-2/2016-SU dated 27th April, 2018, has already written to the CMD BSNL, conveying it's approval for starting the Wage Negotiations of the Non-Executives of BSNL. Vide para no.2, the DoT has also mentioned in it's letter that, the wage settlement arrived at after the negotiations, should be submitted to it before implementation.

In accordance with the aforementioned DoT letter, the BSNL Corporate Office, vide letter no.F.No.BSNL/38-1/SR/2016 dated 19.07.2018, has constituted the Joint Committee, to recommend the wage structure for the Non-Executive employees. Shri H.C. Pant, CGM (Legal), has been nominated the Chairman of the Joint Committee.

The Joint Committee has held several rounds of discussions and the negotiations have already reached an advanced stage. However, the Management, due to the reasons best known to it, has stopped calling the meetings of the Joint Committee. In view of this, both the Recognised Unions have made a representation to the Management, requesting to resume the wage negotiations.

Vide it's letter no.BSNL/12-1/SR/2019/pt. dated 15.07.2019, the Management has replied to both the Recognised Unions that, the wage negotiation could not be resumed in view of the fact that, there was no Recognised Union at that time. Further, it has also been assured in that letter that, the wage negotiations would resume with the Recognised Unions, once the Membership Verification process was over.

We wish to point out that, the Membership Verification of the Non-Executives was held on 16.09.2019 and that the results were declared on 18.09.2019. Based on the results of the Membership Verification, BSNLEU and NFTE BSNL have been recognised as the Main Recognised Union and the 2nd Recognised Union respectively. It is going to be one year since the Membership Verification is held. However, the Management has not kept it's assurance given in it's letter no. BSNL/12-1/SR/2019/pt. dated 15.07.2019 that the wage negotiations would resume after the Membership Verification.

Hence, it is demanded that, the wage negotiations should be resumed immediately and the Wage Revision Agreement should be signed.

(2) New Promotion Policy.

The NEPP (Non-Executive Promotion Policy) for the Non-Executive employees was implemented in March, 2010. In fact, the agreement for this promotion policy was signed between the Recognised Union, viz., BSNLEU and the Management way back in October, 2008. Hence, it is already 12 years, since the agreement for the NEPP was signed. During these 12 years, new technology has come in a big way in the Company, which is warranting increased efficiency from the employees. Moreover, the employees directly recruited by BSNL after 01.10.2000, are having a grudge that they are discriminated vis-a-vis the employees who are absorbed from the DoT. All these factors have necessitated the changing of the existing Promotion Policy. Hence, it is demanded that the Management should initiate steps for introducing a new promotional policy for the Non-Executives.

(3) Requesting to extend the benefit of payment of compensation of Rs.10 lakh to the employees of BSNL who succumb due to COVID-19.

The DoT, vide it's letter no.36-11/2015-SR dated 6th December, 2016, addressed to the CMD BSNL and other heads of the PSUs coming under the Department of Telecommunications, issued guidelines for granting compensation to the families of the officials, deceased due to accidents while on duty. As per this letter, an amount of Rs.10 lakh is to be paid as compensation to the families of the persons who died while on duty, in accidents.

The Department of Posts, vide its letter number 100-4/2020-Pen. dated 17.04.2020 has laid down that, an amount of Rs.10 lakhs is to be paid to the departmental employees, who succumb to COVID-19 while brought on duty. The Ministry of Home Affairs O.M. number 14-3/2020-DM-I (A) dated 15.04.2020 has been cited in this letter, which declares the postal service has an essential service.

It is needless to state that the aforementioned O.M. of the Ministry of Home Affairs has declared Telecommunications also as an essential service.

During this period, when the nation is experiencing the fury of the COVID-19, the BSNL employees are carrying out the jobs of operating and maintaining the networks and installations of BSNL. With the view to provide the much required assistance to various authorities, for fighting the COVID-19 menace, the employees of BSNL are also engaged in the provisioning of FTTH and other connections, for which they are visiting the hospitals and various other places, loaded with the Corona Virus. Hence, it is needless to state that the BSNL employees are having the risk of contracting the Corona Virus infection.

Under these circumstances, it is demanded that, the BSNL Management should also to take immediate steps, for bringing the BSNL employees who succumb due to the COVID-19, under the coverage of payment of the compensation of Rs.10 lakh. Since the Department of Posts, which is coming under the Ministry of Telecommunication, has put in place such a scheme to its employees, the BSNL should also introduce the scheme to its employees.

(4) Non-declaration of the results of the JTO LICEs conducted in Punjab circle.

The results of the JTO LICE under 50% quota, held on 26.05.2019 in Punjab circle, have not been declared so far. This is due to the pending court cases. Further, the results of the JTO LICE, held under 50% quota, in December, 2016, are also not declared so far. Besides, the candidates who got qualified in JTO LICE, held in September 2016, are also not deputed for training till date, due to the legal wrangling. Since, the future of a substantial number of Non-Executives, who are aspiring to get promoted as JTOs, is in jeopardy, an intervention at the Corporate Office level is very much required to bring the litigations to an end. The following is an overview of the issue: -

The JTO LICE under 50% quota, for the vacancy year 2013-14 was held in May, 2016. However, the Punjab circle administration reduced the number of vacancies, after the results were declared, stating that their earlier calculation was wrong. Since the vacancies were reduced, many candidates are affected. Hence, the affected JTO LICE candidates approached the Hon'ble CAT, Chandigarh.

In the Hon'ble CAT, the BSNL Management verbally submitted that it would not implement SC / ST reservation in the JTO LICE. Taking cognisance of the submission of the BSNL Management, the Hon'ble CAT directed the BSNL Management not to extend the benefit of reservation and to depute the qualified candidates for training. Consequent to this, the Punjab circle administration restored the JTO LICE vacancies that it had reduced earlier.

However, after deputing the qualified candidates for training, the Punjab circle administration made an appeal in the Hon'ble Punjab and Haryana High Court. In its appeal, the Punjab circle administration submitted that, being a PSU, BSNL had to implement the rules regarding SC/ST reservation. In response to this, the Hon'ble Court observed that, similar cases are going on in many parts of the country and stated that everyone has to wait till the Supreme Court delivers its judgement on the issue.

JTO LICE, under 50% quota, for the vacancy year 2014-15, was held in September, 2016. The number of vacancies declared for this exam in Punjab circle were 21 vacancies for OC candidates and 8 vacancies for SC candidates. However, 56 vacancies of SC /ST category and 18 vacancies of OC category, which were unfilled vacancies of the JTO LICE held for the vacancy year 2013-14, were not carried over to the JTO LICE held in September, 2016.

Demanding to carry over the unfilled vacancies of the Recruitment Year 2013-14 to the JTO LICE held in September, 2016, some candidates approached the Hon'ble Court. Consequent to this, the 29 candidates, who got qualified in the JTO LICE held in September, 2016, were also not deputed for the training by the BSNL Management.

Apart from this, some SC/ST candidates have also approached the Court with the prayer that, the SC/ST candidates who passed the exam on merit, should be shifted to the OC quota. In addition to this, some OC candidates have also approached the Court. Their contention is that, after submitting to the Hon'ble CAT, Chandigarh, that it would not implement SC/ST reservation, the BSNL has implemented SC/ST reservation in the JTO LICE held for the vacancy year 2014-15.

As a result of all these Court cases, the results of the JTO LICES held in December, 2016 and in May, 2018, have not been declared so far. In addition to this, the candidates who have got qualified in the JTO LICE, held in September, 2016, have not been deputed for training. Since, the above mentioned litigations are likely to drag on for quite some time, the future of many employees, aspiring to become JTOs, is being ruined. Hence, it is requested that, the BSNL Corporate Office should find a solution to bring the Court cases to an end.

At this juncture, a compromise formula could very well be worked out, for bringing the court cases to an end. In this connection, it is brought to the notice of the Management that, the OC candidates, as well as SC/ST candidates, have already submitted affidavits to the Punjab circle administration, wherein they have promised that they would withdraw their cases, provided the results of the JTO LICE held in September, 2016, are revised by carrying over the 56 unfilled SC/ST vacancies and 18 unfilled OC vacancies of the recruitment year 2013-14.

Considering the future of the aspiring JTO candidates and also the interest of the Company, it is requested that the Management may kindly consider the above proposal submitted by the JTO LICE candidates and thereby help to bring the litigations to an end.

(5) Restoration of the Compassionate Ground Appointments.

The Corporate Office, vide it's letter no.273-18/2013/CGA/Estt-IV dated 09.04.2019, has kept the Compassionate Ground Appointments under abeyance for a period of 3 years. The stressed financial condition of the Company was cited as the reason for keeping the Compassionate Ground Appointments under abeyance. BSNLEU, vide it's letter no.BSNLEU/512(CGA) dated 10.04.2019, has opposed the above mentioned decision of the Management and requested to review the decision and to restore the Compassionate Ground Appointments.

It is already one year since the Compassionate Ground Appointments are kept under abeyance. It is also not out of context to mention here that, a Voluntary Retirement Scheme has also been implemented in BSNL in January,2020 and as much as 79,500 employees have been retired. Thus, when half the strength of the employees of the Company has been reduced, we strongly feel that there is no necessity to continue to keep the Compassionate Ground Appointments under abeyance.

It is also a fact that, in the present circumstances, only a negligible number of persons will get appointment under Compassionate Ground and it will not be a big burden to the Company. Rather, by restoring the Compassionate Ground Appointments, the Company will be rendering justice to the families of the employees who die in harness.

In view of the foregoing, it is requested that the Compassionate Ground Appointments may be restored.

(6) Non-payment of wages to the contract workers.

BSNLEU has already drawn the attention of the Management on various occasions, to the issue of non-payment of wages to the contract workers, for the past one year. However, not much improvement has come on this issue. Barring some small amounts released to some circles by the Corporate Office, the problem remains by and large unchanged throughout the country.

We agree that BSNL is undergoing severe financial strain. At the same time, the sufferings of the families of the contract workers, due to non-payment of wages for the past one year should not be downplayed. It is a fact that, 13 contract workers have committed suicide, due to the crisis created by non-payment of wages. It will not be an exaggeration to state that the families of the contract workers are in starvation.

Under these circumstances, once again it is requested that necessary funds may be allotted to the circles, for the immediate payment of wage arrears to the contract workers.

(7) Curtailment of the existing medical facility by reducing the ceiling for outdoor medical claim from 23 days to 15 days – demanding to restore the ceiling of 23 days.

The BSNL Corporate Office, vide it's letter number BSNL/Admn./15-12/18 dated July 10, 2018, has laid down that, the annual ceiling for reimbursement of Outdoor Treatment will be 23 days' salary (basic pay + DA). However, all of a sudden, the Corporate Office, vide it's letter no.BSNL/Admn./15-12/18 dated 08.05.2020, has arbitrarily cut down this ceiling from 23 days to 15 days. BSNLEU strongly protested this arbitrary and unilateral curtailment of the existing medical facility of the employees and demands that it should be immediately restored.

When the top officers of BSNL, are availing the luxuries at the cost of the Company, the Management is curtailing even the existing medical facility of the employees, in the guise of austerity measure.

It is not out of context to mention here that, the Management had earlier claimed that BSNL would be turned into a profit making company, through the implementation of the much 'tom-tommed' VRS-2019. However, it is ironical that, even after implementation of the VRS, the Management is searching for ways and means, like curtailing the medical facility of the employees, to manage the finance of the Company.

Hence, the Management is requested to immediately restore the ceiling for the outdoor treatment back to 23 days.

(8) Holding of LICEs for promotion to JAO, JTO, JE and TT cadres.

The LICEs for promotion of Non-Executive employees are overdue and the promises and assurances to Union for the same have not been honoured. The officials are being denied their due and justified promotions on one or the other pretext. It is disheartening.

It is, therefore, urged that the notifications for LICEs be issued on overriding priority basis.

(9) Payment of salary to employees on due date and clearance of claims and dues.

The salary of employees are not being paid on due dates causing sufferings and hardships to employees and their families. The Management is not depositing contribution of GPF, Pension and Superannuation benefits for absorbed employees and BSNL recruits respectively. The recoveries made in respect of LIC EMI, Cooperative Societies etc., from employees are not being deposited causing avoidable hardships. Medical and TA claims of employees including retired personnel are not being settled.

It was declared by Management from house top that the wage bill is very high in the PSU and after the exit of employees through VRS all will be set right but situation is proving otherwise.

(10) Regularisation of existing TSMs and revision of their wages.

The contingent employees conferred temporary status in DoT period are still not regularised even after 20 years. It is great injustice to poor employees. The TSMs be regularised in view of their contribution to the BSNL.

The pay revision of CG employees has been done long ago but the BSNL has still not revised their wages though BSNL has formulated a formula long ago for this.

It is urged that needful be done to redress the grievances.

(11) Settlement of the grievances of the VRS optees.

It is noticed that the various claims and issues viz., Leave encashment, Ex-gratia, Group Insurance, Provisional pension, etc., of VRS personnel are still not resolved although Management has been declaring day in day out to the effect that their exist from PSU will be with smiling face.

Leave salary and ex-gratia are not part of pensionary benefits and it's withholdment is against all conons of rules and justice. The pecuniary loss, if any, can be settled from pensionary benefits and last instalment of ex-gratia.

The BSNL must seek clarification from DoT relating to Pension Communication and grant of pension in Rule 37A in respect of VRS personnel. Doubts be clarified.

It is requested that all claims and issues be resolved forthwith.

(12) Review of last JTO LICE result.

The review of result was demanded in formal meeting granted to union wherein it was assured for early resolution. The union strongly hold the view that candidates must be compensated for incorrect, ambiguous and out of syllabus questions.

Expeditious decision is solicited.

(13) Worsening of Telecom Services in BSNL.

VRS-2019 has been implemented with single objective to downsize the staff strength. Huge number of employees have been thrown out through VRS without consulting even the Recognised Unions. The Management has not even prepared any alternative what to say of roadmap to run the services after exist of staff. The services have deteriorated as faults are not being rectified. The Exchanges are locked with no man power. The revenue earning services viz., BB, leased circuits, etc., are in pitiable condition and uncared. The speed of BB is very low due to with dissatisfaction amongst customers is developing. The call drops in mobile services are frequent. The outsourcing of services as declared could not see light of the day even after eight months. The provisions in the tenders wherever floated will only help the contractors to earn the wealth to distribute.

The FTTH services provided by BSNL is very poor and connections are being surrendered due to higher rates also. The services are very poor and never gives the assured speed.
