

STAFF SIDE OF THE NATIONAL COUNCIL, BSNL

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

NC/Staff Side/210

11.10.2024

To

**Ms. Anita Johri,
PGM (SR), BSNL C.O.,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001**

**Sub: - Submitting items for discussion in the forthcoming meeting of National Council –
req.**

Madam,

I am submitting herewith items for discussion in the forthcoming meeting of the National Council. Items to be submitted by NFTE BSNL will also be communicated within a few days. I request you to kindly fix an early date for holding the National Council meeting.

Thanking you,

Yours sincerely,



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

Encl: As above.

**Items for discussion in the forthcoming
National Council meeting.**

1) Forcible recovery of the arrears of the employee contribution of EPF, from the salary of employees.

BSNL recruited employees are eligible for EPF. They are not entitled for GPF. However, in the case of certain BSNL recruits, the Management has wrongly implemented GPF. After many years, the BSNL Management shifted those employees from GPF to EPF. At that time, the Management is making forcible recovery of the arrears of the employee contribution of the EPF. For example, Shri Manoj Sharma, Sr.TOA(G), Ujjain, MP circle, was shifted from GPF to EPF. The CGM MP circle, has ordered recovery of Rs.4,26,620/ from the salary of Shri Manoj Sharma, "being recovery of GPF and interest portion".

Similarly, in the case of around 80 employees of Odisha and CNTx circles, initially Presidential Orders were issued. At that time, GPF was implemented for them. However, after 20 years, the DoT cancelled the Presidential Orders issued to them. After cancellation of the Presidential Orders, these employees are shifted from GPF to EPF. And these employees are being compelled to pay the arrears of the employee contribution of the EPF. The CGMs of these circles are compulsorily getting option forms filled up from the employees, based on which arrears of the employee contribution of the EPF will be recovered from their salary.

As per the order of the EPF commissioner, arrears of the employee contribution of the EPF can be recovered only in cases where "clerical errors" have taken place. In other cases, the arrears of the employee contribution of EPF should not be recovered from the employees. A copy of the order issued by EPF commissioner is enclosed for the kind perusal of the Chairman. In both the above instances, no clerical error has taken place. It is change of policy of the Management. Initially Management implemented GPF and subsequently they decided to implement EPF. Hence, in both the above cases the arrears of the employee contribution of the EPF should not be forcibly recovered from the salary of the employees. A copy of the letter of the EPF commissioner is enclosed as annexure.

2) Redeployment of TTs and ATTs in the FTTH segment.

The BSNL Management has taken a policy decision to close down the copper cable based landline and broadband connections. Consequent to this, the Telecom Technicians and Assistant Telecom Technicians will become redundant. These officials can be gainfully re-deployed and engaged in the activities of provisioning and maintenance of the FTTH connections. The Union is raising this demand in view of the fact that, presently, lakhs of BSNL's FTTH connections are getting disconnected every month. Poor maintenance is the primary reason behind the massive surrendering of BSNL's FTTH connections. It must also be noted that, the TIPs engaged by BSNL are getting 50% of the revenue of the FTTH connections. This money can be utilised for the procurement of equipments and engaging manpower, with which BSNL can provide excellent FTTH service to the customers.

3) Imparting training to the Non-Executives in computer operations.

The BSNL Corporate Office, vide it's letter dated 24.09.2024, has communicated its intention of imparting training to the Non-Executives, for gainfully utilising them in the areas of OFC maintenance, sales, etc. The Union has already demanded that, the TTs and ATTs should be redeployed in the FTTH segment. Hence, the requisite training may be imparted to the TTs and ATTs to enable them for carrying out their duties in the FTTH segment. Further, all the Non-Executives may be imparted training in computer operations, so that they can be better utilised to carry out skillful jobs.

4) Non-implementation of the DoT order on payment of retirement benefits, pending verification of caste certificate.

The DoT, vide its letter no.40-09/2022-Pen(T) dated 22nd March, 2022, addressed to the CMD BSNL, has stated that, the pensionary / retirement benefits of the retiring employees should not be withheld or delayed, on the ground of pendency of verification of caste certificate. The DoT has also stated that, the only reason for withholding of pensionary / retirement benefits can be pending departmental or judicial proceedings at the time of retirement. Despite this clear cut instruction, the pensionary / retirement benefits of the ST employees of Maharashtra circle has been withheld, on the ground of pendency of verification of caste certificate. It is requested that, the Corporate Office may issue necessary instruction to the CGM, Maharashtra, for the implementation of the aforementioned DoT letter.

5) Removal of the discrepancies between the NEPP of the Non-Executives and EPP of the Executives.

For the Executives, time bound upgradation of pay scale is being given on completion of every 5 years, as per the Executive Promotion Policy (EPP). Whereas, for the Non-Executives, time bound upgradation of pay scale is being given, as per the Non-Executive Promotion Policy (NEPP), only on completion of every 8 years. This is a very big discrimination in the matter of promotions, between the Executives and the Non-Executives, working in the same company. In the last National Council meeting held on 07.08.2023, it was assured by the Chairman of the National Council that, the aforementioned discrimination would be looked into. Hence, it is requested that early step may be taken by the Management for the removal of the discrepancies between the EPP of the Executives and NEPP of the Non-Executives.

6) Granting of Festival Advance.

Earlier, the Non-Executive employees working in BSNL were getting Festival Advance from the Company. However, this system of sanctioning Festival Advance to the Non-Executives has been somehow stopped by the Management. Frequent demands are being raised by the employees, for the payment of Festival Advance. It is to be mentioned that, the amount sanctioned by the Management in the form of Festival Advance, will be deducted from the salary of the employees. Hence, it will not create any financial burden to the Company. Keeping this into account, it is demanded that, the Management should pay Rs.20,000 as Festival Advance to the Non-Executive employees.

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

The DoP&T, vide 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'. This practice of the BSNL Management is a violation of the DoP&T instructions and it causes extreme difficulties to the young employees who are unable to join their spouse. Hence, it is requested that, as a onetime measure, all the pending requests for transfer under Rule 8, to join the spouse, maybe approved.

8) Requesting to grant relaxation/ grace marks for the TT and JE LICEs.

TT and JE LICEs are conducted on 08.09.2024. Complaints are received from the field units stating that, the questions asked were of very high standard. As all are aware, it is the employees at the lowest rung of our Company, viz., the ATTs, who appear in the TT LICE. As per the reports received, the standard of the questions is very high. Even to us, the questions set for the TT LICE appear to be the questions set for the JE LICE. Many candidates have expressed the view that, the questions have been set with the view to ensure that, no employee qualifies in the TT LICE. There is all round disappointment and frustration among the candidates who have appeared in the TT LICE. Same report has been received in respect of the JE LICE also. The questions are of very high standard and there are also numerous questions which are out of syllabus, etc. In view of this, it is demanded that, Management may kindly consider granting relaxation / grace marks for the TT LICE and the JE LICE.

9) Relaxing the stringent conditions inserted in Rule 9 of BSNL Transfer Policy - requesting to include the representatives of Unions / Associations in the Committee.

It is learnt that, the Management has constituted a Committee for reviewing the BSNL Transfer Policy. It is the long pending demand of the Union that, the stringent conditions inserted through amendments to Rule 9 of the BSNL Transfer policy should be removed.

In the meeting held between the CMD BSNL and the unions and associations on 27.10.2021, the CMD BSNL has assured that a Joint Committee, consisting of the Management Side and 4 members from the Unions / Associations, would be formed to review the amendments done to the BSNL Transfer Policy. Minutes for this meeting was issued wide BSNL F.No.BSNL/7-3/SR/2018 dated 29.10.2021.

The relevant portion of the minutes issued for the meeting held on 27.10.2021, reads as follows:-

“6. Removal of stringent conditions incorporated in Para 9 of BSNL Transfer Policy:

It was informed that a committee comprising PGM(Pers.), Sr.GM(Estt.), Sr.GM(SR) and four members from Unions/Associations shall be formed to include other genuine/emergency conditions requiring Rule-9 transfer.”

The CMD BSNL had categorically assured that, four members of the unions and associations would be included in the committee to be formed for reviewing the BSNL transfer policy. However, the Management has now formed a committee without including any member from the unions and associations, which is a violation of the agreement reached between the CMD BSNL and the unions and associations. Hence, it is requested that four members of the unions and associations may be co-opted in the committee. It is also demanded that, the following amendments may be considered to the BSNL transfer policy.

Clause 9 (a) I

As per this new clause, temporary transfer will be considered only in the case of medical emergency, having cancer, renal failure, poliomyelitis (for children), Cerebral palsy, spastics, TB, Thalassaemia Major.

It is requested that, these stringent conditions should be removed. Employees with other ailments should also be considered for temporary transfer.

Clause 9 (a) II

Till recently, employees who met with accidents and who sustained serious injuries / fractures were getting temporary transfer. But the above clause says that, the employee becomes eligible for temporary transfer, only if he / she sustains permanent disability. As per this clause, even an employee who sustains serious injuries in accidents, will not get temporary transfer, if he does not sustain permanent disability.

It is requested that, this stringent condition should be removed. Employees who sustain injuries in accidents should be considered for temporary transfer.

Clause 9 (a) (iv)

As per this amended clause, an employee will become eligible for temporary transfer only on completion of 3 years of service. Earlier, officials who have completed 2 years of service were getting temporary transfers.

It is requested that, the above amendment should be removed and the employees who have completed 2 years of service should be considered for temporary transfers.

Clause 9 (b)

Earlier, the temporary transfer of an official could be extended upto 5 years. However, as per the amendment incorporated, the temporary transfer of an official will not be extended beyond 2 years.

It is requested that, the temporary transfer should be extended upto 5 years in genuine cases, as was the practice earlier.

It is also submitted that, earlier, the power for sanctioning Temporary Transfers was vested in the Director (HR). Depending upon the genuineness of the problem faced by the employees, the Director (HR) would use his discretion for approving the Temporary Transfer. We request that, the 'discretionary power' of the Director (HR), for approving the Temporary Transfer, should be restored.

Encl: A copy of the order issued by EPF commissioner on 13.01.2021.



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. of India)
क्षेत्रीय कार्यालय / Regional Office

भविष्य निधि भवन, 59, अरेरा हिल्स, भोपाल - 462011
Bhavishya Nidhi Bhavan, 59, Arera Hills, Bhopal -462011

क्र/भनि/क्षेका/ Circle-III / भोपाल / प्रवर्तन / मप्र / 13490 /

दिनांक:- 13/01/2021

प्रति,

मुख्य लेखाधिकारी (सी.एस.सी.)
मेसर्स भारत संचार निगम लिमिटेड,
कार्यालय सी.जी.एम.टी., दूरसंचार भवन,
रूम नं. 202, द्वितीय तल, होशंगाबाद रोड,
भोपाल (मप्र)

विषय :- सदस्य श्री मनोज शर्मा की भविष्य निधि (अवधि 27/11/2000 से 01/2016 तक) राशि रु
4,26,620/- की वसूली के संबंध में ।

संदर्भ:- 1. संस्थान का पत्र क्रमांक NO: CGMT/EPF/MANOJ SHARMA/2017-18/18 Dated 17/12/2020 ।
2. सदस्य श्री मनोज शर्मा का पत्र दिनांक 24/12/2020 ।

महोदय,

उपरोक्त विषयांतर्गत, उक्त सदस्य द्वारा पत्र दिनांक 24/12/2020 के माध्यम से अवगत कराया है, कि संस्थान द्वारा उससे देय राशि रु 4,26,620/- की 36 मासिक किश्तों में वसूली करने हेतु संस्थान के स्थानीय कार्यालय, उज्जैन को निर्देशित किया गया है । इस संबंध में पुनः आपका ध्यानाकर्षण कर्मचारी भविष्य निधि योजना, 1952 के पैरा 32 की ओर कराना चाहेंगे जिसके अनुसार:-

(1) नियोक्ता (या ठेकेदार) द्वारा भुगतान किया गया सदस्य का अंशदान, इस योजना या किसी कानून या किसी समझौते के विपरीत प्रावधानों, जो कि फिलहाल लागू हो, के बावजूद सदस्य के वेतन से कटौती करके वसूल किया जा सकेगा, अन्य और तरीके से नहीं:

* परंतु उस अवधि या अवधि के किसी अंश के वेतन जिससे कि वह अंशदान संबंधित है, के अलावा अन्य वेतन से ऐसी कोई कटौती नहीं की जा सकेगी :

पुनः, नियोक्ता (या ठेकेदार) जिस अवधि के लिये सदस्य का अंशदान दिया गया है या देय है उससे भिन्न अवधि के वेतन से काट सकेगा, यदि कर्मचारी ने नियोक्ता (या ठेकेदार) के यहाँ नियोजन प्राप्त करते समय लिखित में यह गलत घोषणा पत्र देता है कि वह पहले कहीं सदस्य नहीं था:

पुनः, किसी आकस्मिक चूक या लिपिकीय गलती के कारण जहाँ ऐसी कटौतियाँ नहीं की गई हों, वहाँ निरीक्षक की लिखित सहमति से, (बाद के) वेतन से ऐसी कटौतियाँ की जा सकेगी ।

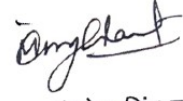
(2) सदस्य द्वारा दैनिक, साप्ताहिक, पाक्षिक या मासिक रूप से लिये भुगतान से की गई कटौतियों को मासिक कटौतियों के स्तर तक जोड़ा जावेगा ।

निरंतर2

(3) नियोक्ता (या ठेकेदार) द्वारा इस योजना के अंतर्गत कर्मचारी के वेतन से काटी गई राशियां जिसके लिये ये काटी गई है, उस अंशदान के भुगतान के लिये उन्हें न्यस्त (एण्ट्रस्ट) की गई मानी जावेगी। "

अतः उक्त सदस्य के मासिक वेतन से, पिछले वेतन के भविष्य निधि अंशदान (कर्मचारी अंशदान) की वसूली वैधानिक नहीं है।

भवदीय



(मुकेश सिंह रावत)
क्षेत्रीय भविष्य निधि आयुक्त- II
क्षेत्रीय कार्यालय, भोपाल

प्रतिलिपि:-

श्री मनोज शर्मा, वरिष्ठ कार्यालय सहायक,
मेसर्स भारत संचार निगम लि.,
द्वितीय तल, बी.एस.एन.एल. टेलीफोन एक्सचेंज,
देवास गेट,
उज्जैन-456006 (म.प्र.)