



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2020/80

Dated: 14.08.2020

To

Shri P K Purwar,
Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi 110001.

Sub: Undue harassment and mental torture on some VRS-2019 retirees due to wrong execution of BSNL Corporate Office Order No. 3-32/2013/Estt.IV dated 22.12.2015 and revising their pay fixation, who are not covered under the Order, by Calcutta Telephones leading to huge recovery of several lakhs of rupees on their retirement under BSNL VRS-2019– Case of Shri Nilanjan Sinha, Retd JTO, Calcutta Telephones [HRMS No 199104468].

Sir,

We are constrained to bring to your kind notice that how the mindless *wrong application of the above stated Order of BSNL Corporate Office for "fixation of Pay of officiating JTOs under FR 22.1(a) (i) and reversion before sending them for Phase I training" under new scheme and syllabus*, as provided in the *new Recruitment Rules of Junior Telecom Officer (Telecom) 2014 issued on 14.10.2015*, by Calcutta Telephones on some executives promoted from TTA to JTO in 2008 as per the then JTO Recruitment Rules of 2001 and thus not covered under the ambit of the said Order dated 22.12.2015, just at the time of their retirement under BSNL VRS-2019 on 31.01.2020, led to undue recovery of several lakhs of rupees from their retirement benefits and thereby causing undue harassment and mental torture to them.

2.0 In this connection, we would like to submit the following few facts to bring out where Calcutta Telephones went wrong, which unnecessarily caused serious trouble to some Executives who are not even remotely connected with the BSNL order dated 22.12.2015: -

2.1. BSNL Corporate Office, vide its File No. 5-32/2013-Pers. IV had issued a new Recruitment Rules of Junior Telecom Officer (Telecom) on 14.10.2015 in supersession of the Recruitment Rules of Junior Telecom Officer (Telecom)-2001 (Please refer Para 1 (i) of the New Recruitment Rules). This new Recruitment Rules of JTOs were duly circulated by BSNL Corporate Office vide No. 5-32/2013-Estt.IV dated 14.10.2015 (Copy of the relevant pages of these Orders placed at Annexure-1).

2.2 BSNL Corporate Office, vide its No. 3-32/2013/Estt.IV dated 22.12.2015, issued Orders on the issue of "fixation of Pay of officiating JTOs under FR 22.1(a) (i) and reversion before sending them for Phase I training". **This Order clearly mentioned at its serial No. 1 regarding**

reversion of officiating JTOs under new scheme and syllabus. *The Order, nowhere, speaks of about reversion of officiating JTOs under the Old scheme and syllabus as per old Recruitment Rules (Copy of the Order placed at Annexure-II).*

2.3 The affected Executives, who were in the cadre of TTAs as non-executives at the time of revision of pay scales of non-executives w.e.f. 1.1.2007 but officiating as JTOs as per old Recruitment Rules, were also **offered an option vide Para 3.6 of BSNL Corporate Office Order No. 1-16/2010-PAT(BSNL) dated 07.05.2010 as "The non-executives can opt for the revision of pay on 01.01.2007, or from the date of promotion after 01.01.2007, or from the date of next increment in the existing scale.** The option under this shall be exercised in writing in the form as per Annexure-II so as to reach the authority within a period of three months from the date of issue of this Order. This option was available only to those non-executives who got promotion/financial upgradation between 1.1.2007 i.e. the date of effect of revised pay scales and 07.05.2010 i.e. the date of issue of orders for pay revision for non-executives. ***(Copy of the relevant pages of these Orders placed at Annexure-III).***

2.4 The above stated option, as mentioned at Para 2.3 above, offered to the non-executives vide Corporate Office Order dated 07.05.2010, has neither been withdrawn/modified nor been superseded at any point of time.

3.1 In accordance with the Option Offered at Para 3.6 of BSNL Order No. 1-16/2010-PAT(BSNL) dated 07.05.2010 ordering "Revision of Pay Scales for Non-Executives Employees in BSNL w.e.f. 01.01.2007", Shri Nilanjan Sinha, an affected pensioner in this case, who was a TTA as on 01.01.2007 opted for revision of pay from the date of his regular promotion as JTO. In fact, he was promoted as regular JTO on 12.02.2008 under the pre-revised Recruitment Rules for Junior Telecom Officer (Telecom)- 2001.

3.2 Shri Nilanjan Sinha, who retired as JTO, was promoted as regular JTO in 2008 as per pre-revised Recruitment Rules of Junior Telecom Officer (Telecom)-2001. Therefore, the BSNL Order No. 3-32/2013/Estt.IV dated 22.12.2015, which was issued for pay fixation in respect of the officiating JTOs under new scheme and syllabus following promulgation of new Recruitment Rules for Junior Telecom Officer (Telecom)-2014, is not applicable to him.

4.1 Therefore, the action of Calcutta Telephones in revising and re-fixing pay of Shri Nilanjan Sinha, Retd JTO, assumedly as per BSNL clarification vide letter dated 22.12.2015, is completely irregular and improper. This action has practically negated the option, that was allowed in BSNL Office Order dated 07.05.2010, to Shri Nilanjan Sinha to postpone his pay fixation in the revised pay scale as a non-executive at that point of time from the date of his regular promotion as JTO.

4.2 Further, the recovery of the alleged overpayment is also violative of DOP&T OM No. 18/03/2015-Estt (Pay-1) dated 2.3.2016, which stipulates that *"Recovery from retired employees, or employees who are due to retire within one year of the order of the recovery"* is **impermissible in law.**

5.0 In view of the above, we request that Calcutta Telephones be advised to immediately examine the case of Shri Nilanjan Sinha, Retd JTO in correct perspective of the Orders issued by BSNL Corporate Office and facts of the case as briefed above. Shri Nilanjan Sinha, Retd JTO, who was promoted as JTO as per pre-revised RR for JTOs-2001, needs to get back the benefit of option exercised under Para 3.6 of BSNL's Office Order No. 1-16/2010-PAT(BSNL) dated 07.05.2010 and all his subsequent pay fixations till the date of his retirement. The undue huge recoveries made from his retirement benefits may, accordingly, be refunded to him at the earliest.

With kind regards,

Yours sincerely,


(S Basu)

General Secretary

Enclosures: As stated

Copy to:

1. Shri Anshu Prakash,
Secretary (Telecom), DOT.
2. Shri Kshatrapati Shivaji,
Secretary (Pension), DOP&PW.
3. Shri Arvind Vadnerkar,
Director (HR), BSNL.
4. Dr Biswajit Paul,
Chief General Manager,
Calcutta Telephones.
5. Shri Kamalakanta Panda,
Pr. Controller of Communication Accounts,
Calcutta Telephones.
6. Shri Saurabh Tyagi,
Principal General Manager (Estt),
Bharat Sanchar Nigam Limited.
7. Smt Rupa Pal Chowdhury,
PGM (Finance), CTD.



Bharat Sanchar Nigam Limited

(A Government of India Enterprise)

Corporate Office
Establishment-IV Section

5th Floor
Bharat Sanchar Bhawan
Jan path, New Delhi-110001

No.5-32/2013-Estt.IV

Dated: 14.10.2015

To
All Heads of Telecom Circles of BSNL,
All Heads of Telecom Districts.

Subject: Forwarding of Recruitment Rules of Junior Telecom Officer (Telecom)-2014

In pursuance of the approval of the Board of Directors of BSNL, the undersigned is directed to forward herewith a set of Recruitment Rules of Junior Telecom Officer (Telecom)-2014 issued on 14.10.2015 for information and further necessary action. These recruitment rules shall come in to force with immediate effect.

Hindi version will follow

A.K. Singh
14/10/15
(A. K SINGH)

Assistant General Manager (Estt-IV)

Copy to:

1. P.S to MoC
2. The CMD, BSNL, New Delhi
3. All the Directors of BSNL
4. The CS & Sr.GM(Legal),BSNL CO, New Delhi
5. The DDG(Establishment)/Director(Staff) DoT
6. The GM(Personnel),BSNL
7. The DGM(Personnel)/DGM(Training)/DGM(Recruitment),BSNL
8. All the AGMs of Personnel branch of Corporate Office, BSNL.
9. The DM (OL) for Hindi version at the earliest.
10. Order Bundle.



BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

Recruitment Rules of Junior Telecom Officer (Telecom)

New Delhi, Wednesday, October 14, 2015

1. **Short Title and commencement:**

- (i) With the approval of BSNL Board and **in supersession of the Recruitment Rules of Junior Telecom Officer (Telecom)-2001**, the following rules regulating the method of recruitment to the post of Junior Telecom Officer (Telecom) in BSNL are hereby made, namely
- (ii) These rules may be called the Junior Telecom Officer (Telecom) Recruitment Rules, 2014.
- (iii) These rules shall come into force from the date of its publication and shall be applicable to all Limited Internal Competitive Examinations/Direct Recruitment Examination to be notified in future after publication of these Recruitment Rules by the Company.

2. **Definition:** In these Rules unless the context otherwise required,

- (i) Company: Means Bharat Sanchar Nigam Limited (A Government of India Enterprise) having its Registered Office at Bharat Sanchar Bhawan, Janpath, New Delhi.
- (ii) Board: Means the Board of Directors of the Company and includes in relation to the exercise of powers, any Committee of the Board/Management or any other Officer of the Company to whom the Board delegates any of its power.

3. **Application:** These Rules shall apply to the posts as specified in Column (1) of the Schedule annexed to these Rules.

4. **Number of posts, Classification and scale of pay :**

The number of the said post, its classification and the scale of pay attached thereto shall be as specified in Column 2 to 4 of the Schedule annexed.

5. **Method of Recruitment, age limit, qualifications etc. :**

The method of recruitment, age limit, qualification and other matters relating to the said post shall be specified in Column 5 to 12 of the Schedule annexed.

**Bharat Sanchar Nigam Limited****[A Government of India Enterprises]****Corporate Office****5th floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110001.****[Establishment – IV Section]****No.5-32/2013/Estt-IV**

Letter no.3-32/2013/Estt-IV

dated 22 December, 2015

To,

All Heads of Telecom Circles,
All Heads of Administrative Units,
Bharat Sanchar Nigam Limited

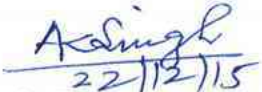
Subject: Fixation of pay of officiating JTO's under FR 22 1(a) (i) and reversion before sending them for Phase I training.

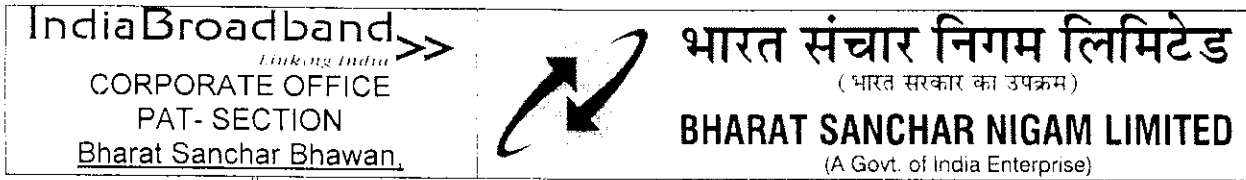
1. Various references are being received from circles asking for method of pay fixation of officiating JTO's under FR 22 1(a) (i) before and after 1.12.2007. References are also being received from circles whether to revert officiating JTO's before they are sent for JTO Phase I training under new scheme and syllabus.
2. The matter has been examined and it has been decided to revert the officiating JTO's before they are sent for Phase-I training. If they have been already sent for phase I training without reversion, they may be reverted from the post of officiating JTO from retrospective date.
3. As regards pay fixation of JTO's under FR 22 1(a) (i), it is clarified that pay of officiating JTOs for whom orders have been issued from this office for fixation of pay under FR 22 1(a) (i), may be fixed under FR 22 1 (a)(i) from the date they started to officiate in the grade of JTO. This is as per the earlier instructions' from this office. At the time of revision of pay w.e.f. 1.1.2007, their pay may be fixed in the substantive grade (i.e.TTA) and be refixed in the capacity of officiating JTO as per existing provision of pay fixation by grant of 3% of basic pay in the substantive grade. An example of pay fixation is enumerated below;

Substantive pay as on 31.12.2006 in the TTA pay scale of Rs.7100-200-10100	Rs.8300/-
Officiating pay fixed in 1.12007 in JTO pay scale of Rs 9850-2500-14600	Rs. 10100/-
Basic pay fixed on 1.1.2007 in TTA cadre in the scale of pay of Rs 13600-25420	8300*1.688*1.3=18220/- (Actual) 8300* <u>1.782</u> *1.3=19230/- (Notional) ✓Note :Instructions of letter no.1-16/2010-PAT(BSNL) dated 10.6.2013 may be seen
Officiating pay fixed on 1.1.2007 in the JTO cadre in the scale of pay of Rs.16400-40500	18220+546.60(3%of18220)=18770(Actual) 19230+576.90(3%of19230)=19810(Notional) Note :Instructions of letter no.1-16/2010-PAT(BSNL) dated 10.6.2013 may be seen

4. This clarification for fixation of pay and reversion of officiating JTO's before they are sent for Phase-I training super cedes all earlier instructions issued (including instruction issued vide letter no.5-20/2015/Estt-IV/RR2014 dated Nov.20,2015) on these subjects.

This issues with the approval of competent authority.


 22/12/15
 (A.K. Singh)
 Asstt. General Manager (Estt-IV)
 Phone No.23734152,
 Fax No: 23734051



5th Floor, Harish Chander Mathur Lane, New Delhi –110001.

OFFICE ORDER

(No. 10 of 2010)

File No. 1-16/2010-PAT(BSNL)

Dated 07-05-2010

Sub: Revision of Pay Scales for Non-Executives Employees in BSNL w.e.f. 01.01.2007.

- 1.0 In pursuance of Agreement dated **07-05-2010** signed on behalf of the BSNL Management with the representative union of non-executives employees of BSNL in terms of Department of Public Enterprises OM No. 2(7)/2006-DPE(WC)-GL-XIV dated 09-11-2006, the undersigned is directed to convey the approval of the competent authority that the revised IDA Pay Scales in replacement of existing IDA Scales of Non-executive employees of BSNL, effective from 01-01-2007, will be as under :

Sl.No.	Grade	Existing IDA Pay Sales(Rs.)	Revised IDA Pay Scales (Rs.)
1	NE1	4000-120-5800	7760 – 13320
2	NE2	4060-125-5935	7840 – 14700
3	NE3	4100-125-5975	7900 – 14880
4	NE4	4250-130-6200	8150 – 15340
5	NE5	4550-140-6650	8700 – 16840
6	NE6	4720-150-6970	9020 – 17430
7	NE7	5700-160-8100	10900 – 20400
8	NE8	6550-185-9325	12520 – 23440
9	NE9	7100-200-10100	13600 – 25420
10	NE10	7800-225-11175	14900 – 27850
11	NE11	8570-245-12245	16370 – 30630

2.0 Fitment Method :

- 2.1 Non-executives who were in the pre-revised non-executive pay scales before 01.01.07 will be placed in the corresponding revised non-executive pay scales as per the fitment formula given in para 2.3 below.
- 2.2 Non-executives joining on or after 1.1.2007 will be placed in the initial stage of the revised pay scale in which they are appointed. In cases where emoluments in the pre-revised pay scale (s) on the date of joining BSNL [i. e. **Basic Pay +DP/DA applicable on the date of joining**] exceeds the sum of the pay fixed in the revised pay scale and applicable IDA thereon on the same date, the difference will be allowed as Personal pay and it will be absorbed in future increments.



2.3 Fitment in the revised scale shall be made applicable as per following formula :

a) Basic Pay in the Pre-revised pay scale as on 01.01.2007

Plus

b) IDA neutralisation @ 68.8% on Basic pay

c) Fitment benefit @ 30 % on [Basic Pay + IDA (68.8%)]

d) The amount so arrived at, rounded off to the next multiple of 10 Rupees, shall be the Basic Pay in the revised pay scale.

2.4 Where non-executives drawing pay at two or more consecutive stages in the existing pay scales get bunched, then, in the revised IDA pay Scale for every two stages so bunched, benefit of one increment will be given.

2.5 As per the fitment method mentioned in para 2.3 and para 2.4 above, scale-wise tables as on 01.01.2007 are enclosed as **Annexure-I**.

3.0 Annual Increment/ Stagnation Increment/ Pay Fixation on Promotion.

3.1 Annual increment will be at the rate of 3% of the revised basic pay and will be rounded off to the next 10 Rupees.

3.2 Stagnation increment will be @ 3% of the revised basic pay and the non-executive will be allowed to draw maximum 3 stagnation increments, one increment after every two year upon reaching the maximum of the revised pay scales.

3.3 On promotion, one notional increment equal to 3% of the existing basic pay rounded off to the next multiple of Rs. 10/- would be granted and pay fixed in the promoted scale.

3.4 The annual increment which falls on 01.01.2007 will be granted in the revised pay scale on 01.01.2007.

3.5 The extra increment granted to those non-executives who were unable to get BCR 10% promotion one year prior to their retirement, in terms of BSNL CO order No. 27-8 / 2003-TE-II (i) dated 18.11.2003, before 01.01.2007, shall be added to the pre-revised basic pay for calculating the revised pay. In case this extra increment falls on or after 01.01.2007, then this increment will be granted in the revised pay scale @ 3% of the revised basic pay.

3.6 The non-executives can opt for the revision of pay on 01.01.2007, or from the date of promotion after 01.01.2007, or from the date of next increment in the existing scale. The option under this shall be exercised in writing in the form as per Annexure- II so as to reach the authority within a period of three months from the date of issue of this order.

