



**BHARAT SANCHAR NIGAM LIMITED
A GOVERNMENT OF INDIA ENTERPRISE)
SR CELL, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001**

No. BSNL/39-3/SR/2017

Dated, the 16th August , 2017

Sub: Minutes of the 35th meeting of the National Council held on 11th May, 2017 under the chairpersonship of Director (HR), BSNL Board.

The 35rd meeting of National Council was held at 11:00 AM on 11th May, 2017 in the Conference Hall, Bharat Sanchar Bhavan, New Delhi. The list of participants is available at Annexure-I.

2. The meeting was started with welcome address by GM (SR). He greeted the Chairperson, Leader Staff Side, Secretary Staff Side and all other members of the National Council. He congratulated the staff side members who have been nominated in the newly constituted National Council after the 7th Membership verification. He appreciated the voluntary contribution of the unions especially in the programme such as SWAS, Nalandana & Extra One Hour. He said that National Council is an important platform for resolving the issues amicably, therefore, this may be utilized fully by both side i.e. Management and the recognised Unions. This platform gives the opportunity to assess the views, sentiments & mood of unions/employees on the current issues/problems faced by the Company and its employees. He said that the common concern of both staff side and management is the growth of the company. He expressed his gratitude to veteran leaders from staff side for their positive contribution and guidance in the complex issues. They are not only playing their roles in national level issues but they are grooming a responsible leaders working at Circle and district levels. At the end of his welcome address he invited Chairperson, National Council to address the Council.

3. Director (HR), Chairperson National Council in her opening address extended warm welcome to all the Staff Side members of the National Council. She stated that this august meeting was overdue after successful conducting of the 7th Membership verification but for various reason it could not be held at the scheduled time. She mentioned that there were some legacy issues which BSNL had inherited from the Govt. Department. She expressed thanks to all the team of officers working in HR for their hard work in resolving the grievances of Staff Side. She stated that her present HR team is a cohesive group and hoped that they all use compassion and transparency in the dealings with the employees grievances. She also stated that there would be some people unhappy as it is not possible to solve all problems to the satisfaction of each and all. She stated that her HR team is open to scrutiny and criticism. She further stated that the programme like SWAS (Service With a Smile) launched by the employees of BSNL and

Officers of BSNL had met with resounding success and because of such participative programme BSNL had withstood the tough competition from private operators and now it is witnessing green shoots of revival. She urged upon all the participants to contribute their might for the growth of BSNL in the future endeavour also.

She also mentioned that new challenges are coming up in the form of Jio, Third Pay Revision Commission (3rd PRC) and some other issues like introduction of GST and new tax regime under Indian Accounting Standards. She urged the staff side for their unstinted support for overcoming these challenges and achieving good results for BSNL. In the end of her speech she hoped that with positive contribution of all concerned amicable solutions will emerge after the end of this meeting.

4. Leader, Staff side extended warm welcome to the Management side and the Members of the National Council. He mentioned that delay in holding of this meeting is not entirely due to the official (management) side, late submission of nominations and agenda items by Staff Side are also the reasons for the delay. He mentioned the following issues in his address:

- (a) SWAS & Customer Delight Month programme were successfully completed with the active participation of employees and the management on PAN India basis;
- (b) Pay loss of JE's cadre which arose in 2nd Pay Revision is yet to be resolved;
- (c) ATT/RM cadre employees pay loss and requested for granting one increment to such staff as TTAs.
- (d) undue delay in Compassionate Appointments in Circles and not maintaining of vacancies in proper fashion in Circles. He pleaded for clear directions in regard to compassionate appointments also
- (e) In some of the places NFTE-BSNL is not provided accommodation and provisioning of infrastructure even after being elected for the last four years as representative union.
- (f) In spite of clear orders of SR Cell, there are still some difficulties experienced in some SSAs in deduction of subscription;
- (g) He also stated that he was informed about Patiala House Court direction regarding holding of demonstrations in BSNL Bhawan and pleaded with Management that venue as far as two kilometers from BSNL Bhawan for dharna will be unfeasible/impractical. Hence he made a request to reconsider the decision.

5. Secretary, Staff Side endorsed the views of Leader, Staff side and mentioned that management, specially Director (HR) is very compassionate towards the genuine demands of the employees. He thanked Director(HR) for the orders for payment of medical allowance to retired BSNL employees. During his address he also raised following points for consideration:

1. Wage Negotiation Committee should be immediately constituted, so that negotiation can start soon after clearance is given by the DPE/DoT.
2. Night Free Calling should be extended to the serving employees also.

3. Disparities in facilities, between various Recognised Unions/ Associations should be removed.
4. The three pending HR issues of the Non-Executives, viz., promotion in E-I pay scale, one additional increment to the left out Non- Executives and Gratuity to casual labourers, should be settled without further delay.
5. Effective steps should be taken to get the approval from the DoT, to settle the issue of Pay Anomalies.
6. JE LICE should be notified without further delay.
7. The candidates, who qualified in the review of results done to the JAO, LICE , should get posting without any hurdle.
8. Recognised Unions of the Non- Executives should get representation in the Pension and Gratuity Trusts.
9. The restrictions imposed for conducting agitational programme within office premises should be removed. In response to the above, the Management Side stated that extension of Night Free Calling facility to serving employees is being processed by the Management. As regards settlement of Anomalies, it was assured that Management would take it up seriously with the DoT.

At the end of his speech, Secretary, Staff Side agreed that the list of agenda items is very long and it may not be possible to discuss all the items in this meeting. He suggested that in case all the items could not be discussed in this meeting then the meeting may be adjourned and an extended meeting may be conducted to discuss the remaining items. He also suggested that representatives from recognised unions may be nominated in the Gratuity Trust constituted for BSNL recruited.

6. In response to the addresses by Leader Staff Side and Secretary Staff side , the Management Side replied that extension of Night Free Calling facility to serving employees is being processed and it is hoped that orders will be issued shortly. As regards settlement of Pay Anomalies, it was assured that Management would take up it seriously with the DoT. On the pending HR issues in the BSNL Board, the Chairperson assured that efforts would be made to resolve them early.

7. Thereafter, the agenda items were taken up for discussion.

Item no.1: Withdrawal of BSNL Corporate Office letter no. BSNL/39-10/SR/2008 dated 21.10.2016 and formation of a cell at the Corporate Office level, for monitoring the implementation of Minimum Wages, EPF and ESI for the contract workers

Staff side members stated that the Corporate Office vide letter no. BSNL/39-10/SR/2008 dated 21.10.2016 is totally unwarranted and demanded that the same should be withdrawn. They have suggested that the Corporate Office should form a cell at the Corporate Office level, to monitor the implementation of the Corporate Office orders on payment of Minimum Wages, EPF and ESI. Secretary Staff side told the council that the Corporate orders on implementation of EPF and ESI are not implemented in 80% of SSAs.

Management side replied that BSNL CO had issued several letters to field units informing them of the statutory provisions and BSNL responsibilities being

Principal Employer for Contract Workers, towards Contract Workers. In past there were some complaints received in the Corporate Office from U.P. Circle for non-compliance of statutory provisions and a DGM level officer was deputed from Corporate Office to investigate the matter.

During discussions Dir(HR) suggested that the instructions issued earlier may be reiterated and Circles may be asked to send monthly compliance report on a check list of major points like EPF/ESI Contribution . Similarly Circles will take monthly compliances from the SSAs with a check list of major points/provision. She also asked the Staff Side to submit their suggestions to improve the compliance of statutory guidelines. It was also assured to the staff side that specific complaints received from them will be thoroughly investigated by the nodal cell of corporate office and corrective steps would be taken.

Secretary Staff Side expressed his satisfaction over the discussion on the item

Item No. 2 One time relaxation in eligibility conditions for appearing the Telecom Technician LDCE and Junior Engineer LICE.

Staff Side members requested that as a onetime measure, even those officials who are not possessing 10th standard qualification may be allowed to appear in the Telecom Technician LDCE.

Management side replied that the educational qualification of 10th standard for promotion to the post of Telecom. Technician through LDCE has been provided in the R.Rs taking into account the fact that T.M. is the lowest rung in Non-executive cadres and the minimum qualification of 10th standard is commensurate with the requirement of the post. Besides, the need to have minimum level of educational qualification is of utmost importance in view of fact of changing technology and to meet the challenges posed by competition from the private telecom Operators.

The council was informed that in view of the persistent demand from the representative Unions for granting relaxation in the educational qualification, a proposal for revision of the RRs of TTs for introduction of a Pre-qualification test for each LDCE for those candidates who do not possess 10th Std qualification is being considered.

After detailed discussion it was agreed that first number of TT vacancies will be assessed and thereafter, the demand of the Staff Side would be examined.

Meanwhile, the TT LDCE, already notified will be held as per existing RR.

Item no. 3 Implementation of the judgment of CAT Lucknow dated 05.05.2016 in T.A.No.14 of 2012 in W.P. No. 3579/2005 regarding the pay scale and status of Senior Accountants in BSNL.

Staff Side stated that Senior Accountants in BSNL cannot be downgraded from Group B to Group C and hence should be granted the status of Executive on their absorption in BSNL w.e.f. 1.10.2000 and granted E-1A pay scale as in the case of Assistants.

Management side informed the Council that the Sr. Accountants had been absorbed in BSNL as Gr. C /non-executives vide orders issued by DoT. Since they were made Gr.B during the DoT period i.e. before their date of absorption 01.10.2000, their POs are to be revised by the DoT. It was , thereafter, agreed that DoT will be requested to revise the POs of Sr. Accountants absorbed in BSNL.

Staff side members requested that in the pending court cases on this issue , the courts may be informed that BSNL is referring the matter to DoT for revising the POs of Sr. Accountant as Gr. B. Management side replied that this will be examined in consultation with CS& CGM(Legal).

Item No.4 Relaxation in qualifying marks for SC/ST officials for the promotion exams for which the results were announced between 22.7.1997 and 3.10.2000.

Staff Side requested the results of SC/ST officials may be reviewed for the promotion exams whose results were announced between 22.7.1997 to 3.10.2000. They have also requested that the relaxed standards should be extended for the SC/ST candidates who appeared in 1999 exam alone and not appeared in 2000 exam, as in case of circles like AP. The relaxation should also be extended to SC/ST candidates in all promotional exams whose results were announced during the period 22.7.1997 to 3.10.2000.

The issue of relaxation in qualifying marks for SC/ST officials for promotional examination for promotion to the post of JTO(T) for which results were declared between 22.7.97 and 3.10.2000 has been examined with reference to Supreme Court order dated 15.7.2014 in C.A. No. 6046-6047 of 2004 and it has been found that DOP&T has not issued any general order for giving relaxation in qualifying marks subsequent to order of the Hon'ble Supreme Court. In absence of any general order of DOP&T relaxation in qualifying marks cannot be given at this stage for those results in which no relaxation was applicable at that point of time when the results were declared. Based on Hon'ble Supreme Court orders in a specific case, relaxation cannot be given

Both side agreed that it would be a complex job to reopen the 17 years old cases and it is not possible to reconsider all such cases . However, individual representations would be looked into.

Item No. 5 Unwarranted reluctance of BSNL management in implementing the concessions granted by DoPT orders in relaxing the qualifying marks for the SC/ST employees in promotional exams—Request to reconsider and cause justice.

Staff side stated that the revised guidelines issued on 28.7.2016 are not meeting the requirement of DoPT orders in implementing relaxed standards for SC/ST officials in promotion exams for filling up the vacancies allotted for SC/ST officials. Therefore the orders issued on 28.7.2016 may be modified given retrospective effect and be made applicable for all promotional exams.

Management side replied that a committee was constituted by Recruitment Branch to examine the issue of review of results of failed SC/ST candidates. Based on the recommendations of said Committee, Estt Branch had issued letter no. 250-22/2013-Estt-III dated 28.07.2016.

Staff Side expressed its dissatisfaction over the letter dated 28.07.2016 and strongly demanded that the DoT order number 22-5/91-NCG dated 30.11.92 should be implemented, which Accepts 20% marks for SC and 15% marks for ST. After detailed discussion on the issue it was agreed to review the matter in the light of DoT letter dated 30.11.92

Item No. 6 TTA LICE held in 2015 as per the TTA RR 2014—Request for reviewing the results based on relaxed standards.

Staff Side stated that In the TTA LICE held in 2015 various circles several vacancies remain unfilled for want of sufficient number of candidates who got the prescribed qualifying marks. They requested that the relaxation in qualifying marks in the said exam may be given so that all the unfilled vacancies can be filled up.

Management side informed that as per the relaxed standard for failed SC/ST candidates in the LICE for promotion to TTA cadre, prescribed by Rectt. Branch vide letter No. 25-1/2016-Rectt. Dated 10.06.2016, the SC/ST candidates should obtain 20% in each section. No further relaxation can be given.

Staff side quoted/cited a direct recruitment exam in which sufficient candidates did not pass, the standards were further relaxed to fill up the vacant posts.

It was agreed that the Staff side would provide the necessary details for reconsideration of this item

Item No. 7 Implementation of revised DCRG ceiling limit for BSNL absorbed DoT employees w.e.f 1.1.2016.

Staff side requested that the issue may be taken up with DoT for Implementation of revised DCRG ceiling limit for BSNL absorbed DoT employees w.e.f 1.1.2016.

Management side informed the council that orders for enhancement of maximum limit of Death/Retirement gratuity has been issued. It was agreed to close the item.

Item No. 8 Implement the assurance given in the meeting held by the management on 11.01.2016 as per the direction of the RLCC, New Delhi on the issue of stagnation.

Staff side requested that following two issues may be considered sympathetically as discussed in the meeting held on 11.01.2016

- i. reduction in basic pay on NEPP promotion
- ii. stagnation increment every year on reaching the maximum of the scale,

Management side replied that the grievance of staff side relating to reduction in basic pay on NEPP promotion has been examined and it was observed that the issue has arisen on account of pay scale structure especially with regard to span of certain scales and inadequacy of the maximum of the promoted scales to accommodate the resultant increment on account of NEPP promotion to the Non-

Executives. It has been decided by the competent authority that the pay scale structure and NEPP are negotiated settlements and cannot be reviewed at this state especially when the next pay revision is round the corner. Similarly the demand of Annual Increment on stagnation was examined and the same was also not agreed by the Competent Authority.

Staff side agreed for the decision on the first point and requested that the second issue of stagnation may be referred to DoT. After detailed discussion it was agreed to revisit the issue.

Item no. 9 Open ended pay scales in the pay revision with effect from 1.1.2017 for avoiding the stagnation problem.

Staff side requested that the issue of collecting pension contribution on actual basic pay may be taken up with DoT so that open ended pay scales can be implemented in the wage revision from 1.1.2017 and the serious problem of stagnation is solved once for all.

Management side informed the Council that the issue of pension contribution on actual basic pay has already been taken up with the DoT and is being pursued vigorously. Hopefully the matter may be resolved and would pave way for open ended pay scales for non-executives in the pay revision w.e.f. 01.01.2017

Staff side expressed their satisfaction on the developments on this issue.

Item no. 10 Implementation of the Hon'ble Supreme Court order on recovery of over payment.

Staff side stated that Hon'ble Supreme Court in one of its judgements directed that , payments mistakenly made by the employer in excess of the entitlement of the employee should not be recovered. They requested to implement the said judgment of the Supreme Court in BSNL without any further delay.

Management side replied that the field units have been asked to furnish details of employees, the recovery to be made and the reasons for recovery. In this connection , East branch is holding a meeting with UP (E), PB and Maharashtra Circles on 15th May 2017. After this meeting the matter will be assessed and suitable interim instructions will be issued.

Item no. 11 Stopping of illegal recovery from employees in the name of EPF contribution arrears

Staff side stated that some cases of non-executives who were recruited during DoT period and appointed on or after 01.10.2000, initially EPF contribution was not recovered from the salaries of the employees on time, due to the wrong decision of the management for implementing GPF for them first and subsequent decision to implement EPF instead of GPF. They mentioned that as per the EPF Act if timely PF & Pension deductions are not made from the member's wages, the employer will have to pay the share of the Employees except when such recovery could not be made at the appropriate time due to accidental mistake or clerical error. Therefore EPF recovery in such cases may be stopped

After detailed discussion Management side replied that the issue would be reexamined.

Item no. 12 BSNL CDA rules-relevant clause barring employees from political activities be removed.

Staff side stated that BSNL is a CPSE and Trade Union Act 1926 is applicable in CPSEs. As per the Trade Union Act 1926, a Union can have political fund and hence the relevant clause in BSNL CDA rules barring employees from political activities is against the Trade Union Act 1926. Hence this clause needs removal from the CDA rules.

Staff Side demanded that they are registered under the Trade Union Act and the Act does not prohibits employees from political activities.

Management side replied that issue has been examined and DPE guidelines do not allow CPSEs employees to involve in the political activities. It is therefore, not possible to accede to the demand of staff side.

After detailed discussion the staff side was requested to provide the details of any other CPSE where union are allowed to participate in the political activities so that the matter could be re-examined. Staff side demanded that a detailed reply informing the DPE guidelines may be given by the management.

8. DGM(SR) expressed his gratitude to the Chairperson of National Council and all the participants from Staff Side and Official Side for their cooperation in smooth conduct of the National Council meeting. The meeting ended with a vote of thanks to the Chair.


(Shyam Arora)

AGM (SR), BSNL C.O.

To

All Members of the National Council (By Name)

Copy for information to:

1. ES to CMD, BSNL.
2. PPSs to All Directors, BSNL Board.
3. OL Section - For Hindi translation.
4. Guard file.

**List of Members who participated in the 35th meeting of National Council held on
11th May, 2017**

Management Side:

1. Director (HR) - **Chairperson**
2. PGM (Estt.)
3. PGM (Pers.)
4. GM (Admn.)
5. GM (Corporate Restructuring)
6. GM(FP)
7. GM(CA)
8. GM (SR)
9. DGM (SR)

Staff Side:

1. Shri Chandeshwar Singh - **Leader, Staff Side**
2. Shri P. Abhimanyu - **Secretary, Staff Side**
3. Shri Islam Ahmad
4. Shri Balbir Singh
5. Shri Animesh Chandra Mitra
6. Shri Swapan Chakraborty
7. Shri P. Asokababu
8. Shri Prakash Sharma
9. Shri Sunil Gautam
10. Shri D.K. Bakutra
11. Shri Upendra Singh Teotia