

A.K.PATHAK
DY.DIRECTOR GENERAL(SR)

IMMEDIATE/BY FAX / POST

D.O.No.BSNL/4/SR/2000
Dated the 3rd January, 2001
4

Dear CGM,

Consequent upon the Corporatisation of the DTS / DTO vide DoT orders dated the 30th September, 2000, an agreement has been signed with the three Staff Federations of Group C & D employees regarding option for absorption in BSNL. A list of provisional terms and conditions for absorption in BSNL has also been finalized in consultation with the three Staff Federations.

2. A copy of the agreement signed with the Federations along with the proforma for exercising option for absorption in BSNL / retention of Government status is enclosed (six pages).
3. The exercise for giving options and their acceptance shall be at SSA level for the staff in the field and at the office of CGM for circle office staff. For other units like Metro districts of Calcutta and Chennai, project circles, civil, electrical and architectural wings, maintenance regions, specialized telecom units namely Data Network, NCES, T&D, QA (except TEC), training institutions, other units like telecom factories, stores, electrification etc., the concerned CGM will decide the level and nominate the concerned officer.
4. Four copies of the Option Form numbered 1 to 4 with one set of provisional terms and conditions will be sent to each employee of Group C and D latest by 15th January, 2001 and the process of exercising option completed preferably within a period of one month and in no case later than 28th February, 2001. All the four copies of the Option Form will be got filled by each employee and dealt as follows:
 - 1st copy to be kept by the Accepting Authority.
 - 2nd copy to go to the Service Book of the employee.
 - 3rd copy to be sent to the Circle Office for record, and
 - 4th copy to be acknowledged by a Group B officer and returned to the employee for his record.

The option exercised by the employee should be accepted by an officer not below the rank of Sr. Time Scale officer in charge of administration in the SSA. It should be ensured that the employee is not inconvenienced in the matter of exercising and acceptance of the option.

6. As per the strike agreement, the officials who opt for absorption in BSNL may be paid Rs.1000/- per month as adhoc payment w.e.f. 01.10.2000 to be adjusted against their IDA emoluments, perks and benefits admissible to them on finalization of the same in the revised IDA scales w.e.f. 1.10.2000, after taking necessary undertaking from the employee.

7. Efforts may be made to ensure that this adhoc payment along with arrears is paid to the optees only within 10 days of the acceptance of their option for absorption in BSNL. Necessary action for demanding required funds is to be taken to ensure payment as stated above. Suitable arrangements may also be made to ensure that there is no undue delay in acceptance of the options so exercised by the optees and adhoc payment along with arrears.

8. The list of optees for the BSNL and of those desiring to retain the Government status may be prepared SSA-wise and displayed prominently to rectify the inaccuracies, if any.

9. The figures regarding total number of optees in each SSA and those retaining Government status, should be consolidated circle-wise. These circle-wise figures should be furnished to Shri B Sharma, DDG(Pers.), BSNL (HQRS.) latest by 10th March, 2001 for record.

With regards,

Yours sincerely,

A K Pathak

(A K PATHAK)

To

All CGMs.

Copy to:

All Sr.DDGs/DDGs in DoT/BSNL

Bharat Sanchar Nigam Limited,
(A Government of India Enterprise)

No.BSNL/4/SR/2000
Dated the 2nd January, 2001

Sub:- Record of discussions held on 2.1.2001 in the meeting with the three Federations presided by CMD, BSNL regarding terms and conditions for absorption of Group C & D staff in BSNL.

In connection with the absorption of Group C & D staff working in BSNL, preliminary meetings were held with the three Federation(s). The decisions taken were discussed in the BSNL Board meeting held on 09.11.2000, which empowered the Management to negotiate with Unions. Accordingly, a meeting was held with the three Federations on 2.1.2001 and the following proposals were approved.

1. IMPLEMENTATION OF STANDING ORDERS OF THE INDUSTRIAL EMPLOYMENT ACT, 1946:

BSNL service rules are to be finalized after discussion with the recognized union formed by the optees of BSNL and the standing orders of Industrial Employment Act, 1946.

2. SERVICE RULES

In the meantime, it was agreed that Government will continue to apply existing rules / regulations. This is in line as per the provision of Rule 13B of Standing Orders of Industrial Employment Act, 1946. However, certain provisional terms and conditions for absorption are enclosed at Annexure I.

3. ABSORPTION OF CASUAL LABOURS

Orders have been issued by DoT for regularizing Ayahs & all casual labourers including part time casual labourers. Left out cases, if any, will be settled by BSNL in accordance with order No.269-94/98-STN-II dated 29.9.2000.

4. OPTION OF STAFF FOR ABSORPTION IN BSNL

The BSNL will absorb the optees on as is where is basis. A list of optees will be made available to the three federations/unions.

5. OPTIONS OF STAFF FACING DISCIPLINARY CASES

It was agreed that the employees with on-going disciplinary cases can also opt for absorption in BSNL but their absorption will be subject to the outcome of the vigilance case. Their pending cases will be expedited on a fast track mode by DOT. The appeal / petition cases for these employees will also be decided by DOT authorities.

6. PROMOTIONAL AVENUES

After absorption there will be negotiations with the newly formed recognized union regarding promotional avenues. Pending adoption of Standing Orders on promotional policy, the present OTBP/BCR/ACP (whichever is applicable) etc. will continue to be followed by BSNL.

7. CHANGE OVER TO IDA PAY SCALES

The pay scales and fitment formula will also be adopted through Standing Orders after negotiations with the recognized union in respect of non-executives. After detailed discussions, it was mutually agreed that pending fitment in the IDA pay scales, the Group C & D optees will continue in the Central Government (CDA) pay scales. In addition to this, they will also be paid an adhoc amount of Rs.1000/- per month w.e.f. 1.10.2000 which will be adjusted from their IDA emoluments, perks and benefits on fixation of the same in revised IDA scales. The revised negotiated IDA pay scales will be applicable from the date of absorption i.e. 1.10.2000.

8. TIME FRAME FOR VARIOUS POST ABSORPTION ACTIVITIES

It was agreed that the options will be called in January, 2001 providing about one month time to the employees to give their options and the entire activity is expected to be completed by the end of 28th Feb. 2001. A list of optees of BSNL will be exhibited to rectify inaccuracies, if any.

The existing system of informal meetings with applicant Unions, as on 30.9.2000 and formal meetings with the three Federations shall continue.


9. The employees who opt for permanent absorption in BSNL would be governed by the provisions of Rule 37-A of CCS Pension Rules, notification for which was issued by the Department of Pension & Pensioners Welfare on 30.9.2000. For the purpose of reckoning emoluments for calculation of pension and pensionary benefits, the emoluments as defined in CCS(Pension)Rules, in PSU in the IDA pay scales shall be treated as emoluments.

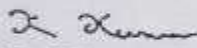
10. DoT has already clarified that the word "formula" mentioned in clause 8 of Rule 37-A means payment of pension as per Government Rules in force at that time. It has also been clarified by the DoT that BSNL will not dismiss / remove an absorbed employee without prior review by the Administrative Ministry / Department.


11. The Group C & D employees who appear for any promotional examination whether direct or departmental and qualify in such examinations / outsiders coming through direct recruitment process, would rank junior to all the other employees in the promotional cadre who had already been qualified in earlier examinations even though they get absorbed in BSNL subsequently.

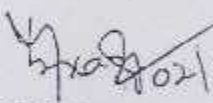
The above modalities have been worked out in consultation with the following three federations for termination of the deemed deputation status in BSNL and the parties have put their signatures in token of their consent and agreement on this date 02.01.2001.

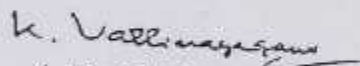
The Proforma for exercising the option is enclosed.


(DR. D. S SETH)
CMD, BSNL


(KRANTI KUMAR)
DIRECTOR (HRD) BSNL


(S P PURWAR)
DIRECTOR (FIN.) BSNL


(MALLIKARJUN)
SECRETARY GENERAL, BTEF.


(K VALLINAYAGAM)
SECRETARY GENERAL, FNTD


(O P GUPTA)
SECRETARY GENERAL, NFTE.

PROVISIONAL TERMS AND CONDITIONS

1. Residential Quarters:

The DoT staff who are allottee of BSNL quarters, will continue to occupy the same on as is where is basis even after permanent absorption in BSNL. Those staff who do not opt for BSNL would not be entitled to BSNL quarters.

2. Age of Superannuation:

Age of superannuation for all the non-Board level employees in BSNL will be regulated in accordance with Government rules.

3. Seniority :

The existing seniority in DoT will be maintained in BSNL after absorption. The service rendered by the staff in the DoT, as on date of permanent absorption in BSNL, will be counted. Their existing inter-se seniority in the concerned gradation list will be maintained.

4. Leave encashment:

The Government leave rules will be applicable in BSNL after absorption.

5. Para 38 transfers:

The para-38 transfers would continue to be applicable to the BSNL staff as in the DoT even after absorption.

6. Bonus:

The existing Productivity Linked Bonus scheme would continue to apply till BSNL decides its own scheme.

7. Compassionate appointment :

The DoT policy regarding compassionate appointments would continue in BSNL also.

8. Pending HRD issues:

The HRD issues referred to BSNL by DoT would be discussed with the three federations and decided at the earliest.

9. Medical benefits:

The existing DoT medical benefits would continue in BSNL till alternative arrangements are made in BSNL.