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EXECUTIVES' ASSOCIATION
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No. AIBSNLEA/CHQ/Sr. GM(Pers.)/2012-13

Dated:18.10.2012

To

**Shri A.K. Jain
Sr. General Manager (Pers)
BSNL Corporate Office
New Delhi-110 001**

Sub: Protection of revised restructured replacement IDA pay scale granted to the 59 PAs of Kerala Circle on implementation of 1st time bound upgradation under EPP by way of Option or otherwise.

Ref: Discussions held on 11.10.2012 in your chamber.

Sir,

Kindly refer to the discussions on the above subject during the meeting held with your goodself on 11.10.2012, wherein it was directed to submit the details of grievances in respect of 59 PAs of Kerala Circle who were granted 2nd financial upgradation under ACP Scheme up to 31.12.2003 and placed in the revised restructured IDA pay scale of Rs.11875-300-17275. Accordingly the following are submitted for kind consideration and early favorable disposal.

1. As per the assurance vide Corporate Office letter No. BSNL/26/SR/2002 dated 07.08.2002 – Para 9 - General (a) **[ANNEXURE-1]**, the cadre of Stenographers were entitled to get time bound promotion under ACP scheme, till BSNL finalizes its own promotion policy. Accordingly these **59 PAs were granted 2nd financial upgradation under ACP Scheme up to 31.12.2003** (prior to the restructuring in the cadre of stenographers) **along with other Grade III Stenographers on completion of 24 years** of service.
2. Consequent upon the restructuring of the cadre of Stenographers in the field units of BSNL, there are three categories viz., Steno in Non-Executive Grade (declared as dying cadre), Personal Assistant (by merging Stenographer Grade II and Stenographer Grade I) and Private Secretary, both in Executive Grade, with effect from 01.01.2004 as per Order No.20-8/2002-Pers.II dated 20.02.2004 **[ANNEXURE-2]**.

3. DoP&T vide F.No.35034/1/97-Estt(D)(Vol.IV) dated 18.7.2001 against point no.55 has clarified that “financial upgradation under ACP scheme is to be allowed under the hierarchy existing as on 9.8.1999 or at the time one become eligible. Since a new hierarchy has come into being, financial upgradations may be allowed only in the restructured hierarchy.....”. [ANNEXURE-2A].
4. Vide BSNL Corporate Office order No.15-07/2011-Pers.II dated 7th July 2011, it was clarified that “on restructuring of stenographer cadre with effect from 1.1.2004 a new hierarchy in the cadre emerged viz. Steno – P.A. – P.S.” (ANNEXURE - 13). Accordingly based on the orders and clarifications contained in Corporate Office letter No. 25-5/05-Pers.II dated 12.09.2005 [ANNEXURE-3] and No. 15-70/2007-Pers.II dated 21.04.2009 [ANNEXURE-4] all the Stenographers and PAs, who have been granted second time bound upgradation under ACP scheme on completion of 24 years upto 31.12.2003 were replaced in the revised restructured IDA scale of Rs. 11875-300-117275 with effect from 01.01.2004 scheme based on the hierarchy as on 1.1.2004 in the cadre.
5. Subsequently, Executive Time Bound Promotion Policy was notified in BSNL on 18.01.2007. The implementation date was either 01.10.2004 or 01.10.2006, as the case may be [ANNEXURE-5].
6. Taking into consideration the OM No. 400-61/2004-Pers.I dated 24.08.2007 regarding counting of residency period with effect from 01.10.2000 for first TBP [ANNEXURE-7], CGMT, Kerala Circle, vide Order No. ST-II/50-20/2009/Pt. I/69 dated 24.03.2010, has implemented 1st Time Bound Promotion under ETBP in respect of 81 PAs in total. [ANNEXURE-6]. The 59 P.As out of 81 were granted 1st time bound upgradation under EPP with effect from 01.01.2004 in the pay scale of Rs.11875-300-17275.
7. Subsequently BSNL Corporate Office has issued a clarification vide No. 15-84/2000-Pers.II dated 13.10.2010 stating that “first time bound upgradation given to 81 P.As, counting their residency period with effect from 01.10.2000, seems to be not in order” [ANNEXURE-8]. It may kindly be noted that out of the 81 PAs, 59 PAs were already granted 2nd financial upgradation under ACP Scheme prior to 01.01.2004, for one PA the same was granted on 5.3.2004 (between 1.1.04 to 1.10.2004) and for the remaining PAs the same was granted after 1.10.2004 but before 18.1.2007 (date of issue of EPP).
8. Citing the above clarification dated 13.10.2010, CGMT, Kerala Circle vide letter No. HR II/50-20/2010/Part-II/7 dated 19.10.2010 has reverted the pay scale of all the 81 P.As to the pay scales they were drawing prior to the introduction of EPP [ANNEXURE – 9]. On 27.10.2010 vide letter No. HR II/50-20/2010/Part-II/14, it was also ordered that the pay scales of all the PAs/PSs are reverted to the pay scales they were drawing prior to the introduction of the upgradation i.e., to the “restructured IDA pay scale of Rs.9850-250-14600 (Rs.16400-40500-Revised) with effect from 01.01.2004 [ANNEXURE- 10].
9. In this context, it may be noted the junior Stenos, who have been granted 2nd financial upgradation under ACP Scheme and placed in the revised restructured IDA pay scale of Rs.11875-300-17275 from 01.01.2004 to 23.03.2010 along with above 59 PAs are allowed to continue the same scale up to 23.3.2010. Whereas the pay scale of the 59 PAs who are seniors to the Stenos was downgraded to the entry scale of 9850-250-14600 w.e.f. 01.01.2004.

10. On 27.04.2011, BSNL Corporate vide letter No. 400-61/2004-Pers.I (pt.I) has issued a clarification stating that *“Corporate Office order dated 24.08.2007 regarding counting of residency period applies to those executives, as on 01.10.2000, whose pay scales were upgraded at a later date. The cadre of stenographer Grade I and II in field units, being considered non-executive prior to 01.01.2004, does not get covered under the above rule”* **[ANNEXURE – 10A]**.
11. Subsequent to the intervention of this Association, an Expert Committee has been set up at Corporate Office to look into the applicability of benefits of counting of residency period with effect from 01.10.2000 for the purpose of first time bound IDA scale upgradation under EPP in respect of Stenographers Grade I and Grade II of BSNL field units.
12. Based on the recommendation of the said Expert Committee, BSNL Corporate Office vide order No. 400-61/2004-Pers.I (pt.I) dated 23.08.2011, has clarified that *“it has now been decided with the approval of the Competent Authority that the benefit of counting of residency period is applicable to those Stenographers Grade I and Grade II of BSNL field units who were made PAs (i.e. Executive) w.e.f. 1.1.2004 as a result of restructuring of the cadre”* **[ANNEXURE-11]**.
13. The reason for the reversion of pay scale of the 81 PAs from Rs. 11875-300-17275 to Rs.9850-250-14600 by CGMT, Kerala Circle was based on the clarification dated 13.10.2010 & 27.04.2011 **[ANNEXURE- 8 & 10A]** that *“first time bound upgradation given to 81 PAs, counting their residency period with effect from 01.10.2000, seems to be not in order”*. **As such, on communication of the approval of the competent authority based on the recommendation of the Expert Committee, the benefit of counting of residency period is applicable to the stenographers Grade I and Grade II who were made P.As in the Executive Grade w.e.f. 01.01.2004, the reverted pay scale of the 59 P.As must have been restored by CGMT, Kerala Circle. But the same has not been done so far.**

In addition it is needless to mention that:

- a) As per the provisions contained in para 1(l)(d)(7) of Time Bound IDA Scale Up-gradation Policy issued vide No. 400-61/2004-Pers.I/308 dated 18.01.2007, ***“any upgradation due to the Executive on or before 01.10.2004 based on earlier time bound policies, such upgradation will be granted to the executive on the basis of options as one time relaxation”***. As far as the 59 PAs are concerned they can be treated as Executives for granting first time bound upgradation under EPP by counting residency period as per clarification dated 23.08.2011 **[ANNEXURE – 11]**. The 2nd financial upgradation under ACP Scheme and placement in the revised restructured IDA pay scale of Rs.11875-300-17275 was made prior to 01.10.2004. Hence they are eligible for exercising option for the scale they got prior to 01.10.2004 as applicability of residency period for first upgradation under EPP includes the right for exercising option also.
- b) Further, Vide Para No. 10 of BSNL Corporate Office letter No. 400-175/2004-Pers.I dated 19.02.2010 **[ANNEXURE-12]**, it was clarified that ***“if any executive has got time bound scale upgradation (including ACP/LA) during 01.10.2000 to 30.09.2004, it would be treated as his 1st time bound scale upgradation and subsequent upgradation would be considered after 5 years”***. As per this clarification also 59 PAs are eligible for exercising option for the scale they got prior to 01.10.2004 as applicability of residency period for first upgradation under EPP includes the right for exercising option also.

- c) As per Para No. 7 of BSNL Corporate Office letter No. 15-07/2011-Pes.II dated 07.07.2011 [ANNEXURE-13], it was clarified that “.....**whereas PAs who has opted for ACP Scheme during the period 01.01.2004 to 30.09.2004, it would be treated as their 1st time bound scale upgradation and subsequent upgradation would be considered after 5 years**”. According to this clarification also, 59 PAs are eligible to exercise their option for the revised replaced IDA Pay Scale of Rs.11875-300-17275 during the period 01.01.2004 to 30.09.2004, as they were made PAs (Executives) with effect from 01.01.2004. Hence, the 59 PAs are having the right to exercise their option as per the provisions contained in para 1(l)(d)(7) of ETBP, clarification dated 19.02.2010, 07.07.2011 and 23.08.2011.
14. One PA, namely Smt. O.S. Leela was placed in the revised restructured IDA scale of Rs.9850-250-14600 w.e.f. 01.01.2004 due to restructuring the cadre of stenographers. She stands in the 60th position in the seniority list. On 05.03.2004 she got 2nd financial upgradation under ACP Scheme and granted the pay scale of Rs.11875-300-17275. As per the provisions contained in Para 1(l)(d)(7) of ETBP, clarification dated 19.02.2010 and 07.07.2011 she has the full right to exercise her option as per para 1(l)(d)(7) of ETBP. Accordingly, the 2nd financial upgradation granted to her on 05.03.2004 would be treated as her first time bound upgradation under EPP and her subsequent upgradation would be considered after 5 years. **In this context it is pertinent to mentioned here that this officer was also reverted to the pay scale of Rs.9850-250-14600 along with other 81 P.As without any justification.**
15. Whereas the 59 PAs who stand ahead of Smt. O.S. Leela in the seniority list and who were already granted 2nd financial upgradation under ACP scheme prior to 01.01.2004 were placed in the pay scale of Rs.9850-250-14600 by reverting them as per letter No. HR II/50-20/2010/Part-II/14 dated 27.10.2010.
16. This would lead to great disparity in the pay scales of seniors and the juniors. This issue has already been brought to the notice of BSNL Corporate office, by CGMT Kerala Circle vide their letter No. HR-II/50-20/2010-Pt.II/29 dated 08.03.2011 for clarification but the same has not been clarified yet [ANNEXURE-14].
17. As per Para No. 6.4 of the Non-Executive Promotion Policy issued vide No.27-7/2008-TE-II dated 23.03.2010 [ANNEXURE-15], **“Upgradation in Pay scale availed by a non-executive employee on the basis of existing OTBP/BCR/Grade-IV/ACP Scheme etc. or by way of conversion/restructuring/pay scale upgradation etc. after 01/10/2000 and before notification of this new policy will be treated as the first upgradation under the new policy”**. Stenos [Non-Executive cadre] are the feeder cadre of PAs [Executive cadre]. The Stenos who are junior to 59 PAs are permitted to continue / opt the 2nd ACP scale of Rs.11875-300-17275 from 01.01.2004 to 23.03.2010 whereas the 59 PAs senior to these stenographers are subjected to down gradation of pay scale to Rs.9850-250-14600 with effect from 01.01.2004 only due to the fault that they were restructured and made PAs in Executive Grade.
18. A Comparative statements showing the pay anomaly between Junior Steno drawing more pay than senior in the grade of PA and junior steno drawing more basic pension than senior in the grade of PA are attached herewith for ready reference [ANNEXURE-16 &17].
19. It was clarified vide letter No.20-08/2011-Pers.II dated 28.02.2011 [ANNEXURE – 18] that **“as per BSNL C.O letter No. BSNL/SECTt/90MC/EXTRACT/08 dated 16.01.2004 [ANNEXURE – 19] the restructuring in the Stenographer cadre of BSNL field units w.e.f. 1.1.2004 will not**

be treated as promotion". Hence the revised restructured IDA pay scale (Rs.11875-300-17275) granted to PAs w.e.f 01.01.2004 was not a promotion but only a replacement scale due to restructuring the cadre. It is, therefore, the bounden duty of the Management to retain and protect the revised restructured replacement IDA pay scale granted to the 59 PAs, especially when the same pay scale will be protected to the P.A at serial no.60 who is junior to these 59 P.As.

It may kindly be seen that due to the non-settlement of the issue, pension benefits of so many retired PAs are being withheld for more than 2 years resulting in huge loss of interest. Also they are in great difficulty to meet the expenditure for their family obligations like higher education of their children, marriage of their kith & kin, completion of their home, etc., etc. Hence an early action may kindly be taken to issue necessary clarification to CGMT, Kerala Circle favourably to settle the issue once for all.

With kind regards,

Encl: Annexure 1 to 21

Yours faithfully,
-sd-
(PRAHLAD RAI)
GENERAL SECRETARY

Copy to:

Shri A.N. Rai, Director (EB/HR), BSNL, New Delhi-110 001