



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
OFFICERS' ASSOCIATION**

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No. AIBSNLOA/CHQ/2012/65

Dated: 20th September 2012

To

Shri Manmohan Singh,
Prime Minister of India,
New Delhi.

Subject: Implementation of orders of Hon'ble High Court of Delhi directing BSNL to relieve all those Group A officers who have not opted for Absorption in BSNL- regarding

Hon'ble Sir,

We are constrained to seek your kind and immediate intervention to stop BSNL/DoT from adopting a gross discriminatory approach regarding absorption of its Employees in Bharat Sanchar Nigam Limited.

2. When Bharat Sanchar Nigam Limited was formed on 1.10.2000, all the employees and officers of the erstwhile DoT were transferred on deemed deputation to BSNL. Later, all the Group C, D employees and Group B officers, barring a very few, opted for absorption in BSNL and have been permanently absorbed in BSNL. In respect of Group 'A' officers, options were first called for on 24.3.2005. Although various additional benefits were announced, very few ITS Group 'A' officers opted for absorption in BSNL while almost all Group 'A' officers belonging to TTS, TFS, IP&T, AFS, P&T BWS and GCS opted for BSNL and were permanently absorbed in BSNL. Option for absorption was again called for on 26.8.2008 from those who had not opted for BSNL during the first round. In spite of various measures announced by the DoT to woo the ITS Group 'A' officers, they again opted out of BSNL.

3. Although the deemed deputation of Group 'A' officers was initially approved for 5 years from 1.10.2000, it was periodically extended to keep these officers in continued deputation. However after 31.12.2008, no extension of deputation was got approved, but the unabsorbed ITS Group 'A' officers managed to remain on stated deputation even after that date, in violation of DoP&T guidelines on the subject.

4. Recently, following Hon'ble Principal CAT New Delhi orders dated 01.06.2011, options were called for from the Group 'A' Officers for absorption for the third time on 22.09.2011. As usual, the ITS Group 'A' officers, except a handful, opted to remain in DoT only. Subsequently, the DoT issued an order dated 3.11.2011 clearly stating that, "With the expiry of last date prescribed for exercising option (8.11.2011), the period of deemed deputation will end. As such, the officers who have either not exercised their option or have opted for Government Service or have exercised conditional option, therefore, **stand reverted to Government.**" Thereafter, BSNL relieved around 400 non-optee ITS officers on repatriation to DoT in two batches. The remaining officers are yet to be relieved back to DoT. BSNL's efforts to recruit back the unwilling ITS officers through Special Lateral Direct Recruitment in Sr.DGM and GM/PGM grades has also failed as the ITS officers did not respond to the Recruitment notification. ***However, no effort was initiated to recruit in these grades from open market though the recruitment rules have provision for the same.***

5.1 Meanwhile, while disposing off a batch of petitions, the Hon'ble High Court of Delhi, on 17.4.2012, ordered relieving of the non-optee ITS Group A officers within four weeks of its order. BSNL filed a Miscellaneous Petition seeking extension of the time by 25 months. After hearing the arguments, the Hon'ble High Court of Delhi ordered completion of the relieving before 30th September 2012.

5.2 But the ITS dominated BSNL Management has made no effort to relieve them, unmindful of the deadline given by Hon'ble Delhi High Court. Instead, it has successfully persuaded DoT to moot a proposal to further retain these officers who had refused to get absorbed in BSNL even after given three opportunities for exercising their option. *Now, as per media reports, a proposal has been mooted to allow them to remain in BSNL on permanent deputation/foreign service/encadrement.*

6. BSNL is a large organization, next only to Indian Railways and such a large organization with 3 lakhs and odd employees and officers already absorbed, cannot be allowed to be remote controlled by a few hundreds of Group A officers from outside. Never in the history of free India has any Government/State Government organization or any CPSE been allowed to be managed by entirely officers on deputation. No organization can survive and grow without people who hold the mantle totally committed to its cause and have a sense of belongingness. Therefore, the above stated present proposal to allow the unabsorbed Group 'A' Officers of DoT to remain in BSNL on permanent deputation/foreign service/encadrement, as planned by BSNL/DoT, is harmful to BSNL and is totally unethical.

7. Apart from the ethical issues involved, such proposal will not stand legal scrutiny since DPE vide its letter No.18 (6)/2001-GM-GL-77 dated the 28th December 2005, has reiterated that **"deputation of Government officers including those belonging to Defence Services, to posts (whether Board**


level or below Board level) in Central Public Sector Enterprises (CPSEs) is not permitted", except "for the posts of Chief Executives and Regional/Zonal Chiefs of CPSEs." In respect of encadrement, DoPT vide its Letter No. 11031/6/87-AIS (II), dated 20.4.1987 has emphasized that, **"The question whether the posts in Public Sector Undertakings could be encadred in the AIS has been examined further and the Government of India have been advised that such posts cannot be encadred in the cadre schedules of the All India Services as cadre posts."**

8. Sir, the above move to allow a section of the Group A Officers to continue on deputation in any form in BSNL is not only discriminatory towards the other Employees who have already got absorbed w.e.f 1.10.2000, and in violation of the provisions in Article 14 and 16 of the Constitution of India but also will give rise to many complications and legal problems. This is certainly an injustice to those who cooperated with the Government.

9. We would, therefore, earnestly appeal to you to kindly advise Department of Telecommunications to abandon the move. Alternatively, all Employees including the Group 'A' Officers who took absorption earlier should also be considered with the same generosity and be treated as on deputation to BSNL on the same lines as is being proposed for the non-optee Group A officers.

With kind regards,

Yours sincerely,


(Rakesh Sethi)
General Secretary

Copy to:

1. ShriKapil Sibal,
Minister of Communications & IT,
GOI, New Delhi
2. ShriP.Chidambaram,
Minister of Finance,
GOI, New Delhi
3. Shri Praful Patel,
Minister of Heavy Industry & Public Enterprises,
GOI, New Delhi
4. Shri Milind Deora,
Minister of State for Communications & IT,
GOI, New Delhi
5. Shri V.Narayanasamy,
Minister of State for Personnel, Public Grievances & Pension,
GOI, New Delhi

6. Shri Ajit Kumar Seth,
Cabinet Secretary,
GOI, New Delhi
7. Shri R.Chandrasekhar,
Secretary, DoT, New Delhi
8. Shri O.P.Rawat,
Secretary, DPE, New Delhi
9. Shri P.K.Mishra,
Secretary, DoPT, New Delhi
10. Shri R.K.Upadhyay,
CMD, BSNL, New Delhi