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No. AIBSNLOA/CHQ/2012/4

Dated: 9<sup>th</sup> February 2012

To

Shri R.Chandrasekhar,  
Secretary,  
Department of Telecommunications,  
New Delhi 110 001

**Subject: Seniority of ITS officers to be directly absorbed in BSNL vis-à-vis officers already absorbed after deemed deputation – reg Ref: Our letter No. AIBSNLOA/CHQ/2011/40 dated 7<sup>th</sup> December 2011.**

Sir,

We had earlier drawn your kind attention, vide our letter cited under reference, regarding a communication purportedly written by Director (HR), BSNL vide No.400-146/2011-Pers.I(Pt.)dated 24.11.2011 and addressed to Joint Secretary, DoT, presumably in connection with the Recruitment Rules proposed by BSNL for recruiting higher level managerial personnel.

2. In connection with references made in the above letter to some OMs issued by Govt of India, we had also mentioned at Para 2 (2) of our letter that, **“However it is clear that all the said O&Ms relate to the seniority of a Govt. servant joining from one department of Govt. to another department of Govt. (Example. from Railways to P&T ) and are not applicable for a Government Servant directly absorbed in a PSU.”**

3. Our contention has been proved right by a DoP&T letter vide its F. No. 22034/42011-Estt. (D) dated 11<sup>th</sup> January 2012, wherein it has been categorically stated that, **“DoPT instructions are applicable for**

**determination of seniority of a Government Servant joining from one department of Government to another department of Government and do not apply to a Government Servant directly absorbed in a public sector enterprise.** The seniority of non-optee ITS officers who are proposed to be appointed in BSNL/MTNL on immediate absorption basis would be governed by respective personnel policy of BSNL/MTNL” and that **“BSNL may take appropriate decision to adopt or otherwise of the instructions mentioned above in consultation with DoT and Department of Public Enterprise.”**

4. The Special Lateral Direct Recruitment Rules – 2011 notified by BSNL also stated under Para 13.1 that, “The Group" A" officers absorbed from Indian Telecommunications service (ITS) Group"A" shall rank enbloc senior in their respective grade to any executive recruited under this special recruitment exercise in that grade.” Further, under Para 13.4, it was stated that, “Notwithstanding anything contained in the sub clause 13.1 and 13.2 above, the fixation of seniority shall be subject to the clarification(S) if any issued by the Department of Telecommunication (DoT) in consultation with DoP&T, Govt.of India and to the extant rules applicable.”

5. But throwing all the above to the wind, BSNL has now issued clarifications vide its letter No. 437-101/2011-Pers.I dated 3.2.2012 (copy enclosed) that, “The matter has been considered by the Management Committee of the BSNL Board and the following procedure has been approved for the fixation of seniority of ITS officers to be recruited in BSNL vis-a-vis the absorbed ITS officers under the BSNL SLD RR-2011:

'The seniority between ITS officers to be appointed in BSNL on immediate absorption basis through BSNL SLDRR-2011' hereafter called the 'New Appointee', and the absorbed ITS officers working in BSNL on regular basis, hereafter called 'Absorbed Officers, on the post in equivalent IDA grade shall be decided on the basis of the date from which ITS officer has already been holding the equivalent grade on regular basis in his parent Department (DOT) and the date of regular appointment of absorbed officer to the post in the equivalent grade in BSNL. If the date of regular appointment to the post in the equivalent grades is same for already absorbed officers and the new appointees then the absorbed officers of the earlier or same year of UPSC Exam shall be en-bloc senior to the new appointees.'

6. *After DoP&T has clarified that “BSNL may take appropriate decision to adopt or otherwise of the instructions mentioned above in*

*consultation with DoT and Department of Public Enterprise.”, BSNL has sought to modify the provision regarding seniority on its own, seeking to create a stalemate knowing well that this modification will not stand legal scrutiny.*

**7. We therefore request you to intervene urgently and direct BSNL to immediately withdraw its letter dated 3.2.2012, which has been issued without concurrence from both the DoT and the DPE.**

With kind regards,

Yours sincerely,



(V.P.Arya)  
General Secretary

Encl: As stated

Copy to:

1. Shri Kapil Sibal,  
Minister of Communications & IT,  
New Delhi
2. Shri S.R.Rao,  
Addl. Secretary (T), DoT, New Delhi
3. Shri R.K.Upadhyay,  
CMD, BSNL, New Delhi.