

UNITED FORUM OF BSNL/MTNL EXECUTIVES' ASSOCIATIONS
Central Headquarters
New Delhi.

No. UF/BSNL/MTNL/PMO/2012-13

Dated:31.08.2012

To

Shri (Dr.) Man Mohan Singh
Hon'ble Prime Minister of India
New Delhi-110001

Sub.- DoT / BSNL / MTNL should end deputation of ITS Officers in BSNL/MTNL for their survival-reg.

Hon'ble Sir,

We would like to bring to your kind notice that state-run Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL) came into existence w.e.f. 01.10.2000 and 01.04.1986 respectively by conversion of DoT/DTS/DTO Govt. department to a corporate entity (CPSUs). After formation of BSNL and MTNL majority of Group-'A' , 'B', 'C' and 'D' employees exercised their option in BSNL/MTNL and got absorbed. On the contrary, majority of ITS Group- 'A' officers don't exercise their option in BSNL/MTNL, they were allowed to remain only in DoT and permitted to work in BSNL/MTNL on deemed deputation basis. Their aversion not to take absorption in BSNL was that BSNL are sinking boat and they can't take decision to sink along with it. However they are eager to work in BSNL on deputation basis without taking the responsibility and having no accountability for the growth and prosperity of BSNL, they wanted to enjoy more perks and other financial benefits, which they will never get in DoT. Thus, they wanted to sail in two boats and enjoy the benefits of both.

They continued to enjoy the unmatched career progression of DoT against BSNL's posts illegally and rule over the BSNL employees; being the outsiders, and decided unquestionably financial benefits for themselves with this intention they continued to oppose their absorption in BSNL and MTNL on one pretext or the other. Thus, they moved in groups, and as an Association ITSA, to the various courts to stall the process of absorption. Their ultimate goal is to remain on deputation basis to BSNL/MTNL. Whereas, Union Cabinet decided their deemed deputation in BSNL/MTNL up to 30.09.2005 only and subsequently extended up to 31.12.2008. Their move to get approval of cabinet for further extension of deemed deputation period got rejected thrice. Thus, their continuation in BSNL/MTNL after 31.12.2008 is illegal. However, DoT allowed them to continue in BSNL/MTNL in contravention of decision of Govt and finally based on DOP&T orders and Hon'ble Principal Bench CAT New Delhi judgment ended their deemed deputation in BSNL/MTNL w.e.f. 03.11.2011 and DoT repatriated all unabsorbed officers from BSNL/MTNL. Accordingly, about 400 unabsorbed of ITS cadre and electrical wing were relieved from BSNL but till now about 1300 unabsorbed ITS Officers are not repatriated from BSNL/MTNL.

Meanwhile the Court case filed some ITS Officers and ITSA in the Hon'ble High Court Delhi demanding Prospective Date of absorption came for hearing on 17.04.2012 and decided cut of date of absorption as 08.12.2005 instead of 01.10.2000 and directed applicants to exercise their option in BSNL/MTNL upto 30th April'2012(Two Weeks time) and if they do not opt BSNL/MTNL then they are to be relieved before 16th May'2012.

The operative portion of judgment of Hon'ble High Court Delhi judgment dated 17.04.2012 in the case filed by some ITS Officers is as under:-

- The deemed date of absorption of the petitioners fixed as 1.10.2000, is held to be illegal, being contrary to Rule 37-A (4) of CCS (Pension) Rules;
- The deemed date of permanent absorption of such of the petitioners who seek permanent absorption in BSNL/MTNL shall be 8.12.2005;
- The petitioners before this Court are given an option, to be exercised within two weeks from the date of this order, to revert to the Government or to seek permanent absorption in BSNL/MTNL as the case may be;
- Those Government servants who have already accepted permanent absorption w.e.f. 1.10.2000 will not be entitled to exercise a fresh option in terms of this order;
- BSNL/MTNL shall relieve such of the petitioners, who opt to revert to Government service within 2 weeks of receipt of options from them;
- Such of the petitioners who opt to revert to the Government shall be appropriately redeployed by the Government in Government service through surplus cell of the Government. We have no doubt in our mind that the Government would not like to keep such of the petitioners who opt to revert to the Government idle and, subject to availability of the positions with it, give them such work as is deemed appropriate to be performed by them.

Against the above judgment BSNL /MTNL filed review application seeking twenty five months time to make alternative arrangement on the grounds that relieving so many ITS Officers at a single stroke would rub them of their senior managers and ring in organizational collapse but Hon'ble High Court Delhi did not accept the same and allowed retention of ITS officers in BSNL/MTNL upto 30.09.2012.

BSNL/MTNL Managements are further dragging the repatriation process of unabsorbed ITS Officers but finally they have to be withdrawn from BSNL/MTNL as per DOP&T instructions, Cabinet decision and Hon'ble Court judgments and redeployed in Govt. Department through surplus cell. They are thinking who would take over their positions in BSNL/MTNL. **But the fact remains that there are many competent Officers/Executives in BSNL/MTNL who are already manning the HAG/SAG/JAG level posts on adhoc/regular basis. Given the opportunity, the Officers/Executives of BSNL/MTNL would be able to discharge these functions more effectively with full commitment and dedication.**

Thus the entire episode of absorption process has turned to be a murky affair, thanks to the inept handling by the DoT in collusion with the ITS friendly handlers in BSNL/MTNL. By now it almost turns to be a decade since when the absorption process was initiated by DoT. It is still inconclusive even though the relevant rules have been bent again and again to accommodate the wishes and whims of these 1300 ITS Officers who are unwilling to be absorbed in BSNL/MTNL. They even dare to opt out of the fields of BSNL/MTNL and walk into DOT. When it is a matter of "option", there is no point to blame these otherwise defiant officers except that they, being at the helm of affair, were instrumental in luring the remaining officials to be absorbed in BSNL/MTNL which they now feel as inappropriate places for the placement of the Govt. Officials.

In this situation, DOT is systematically and willingly trapped by the ITS dominated DOT top brass and ITS brethren sitting in the top management of BSNL/MTNL who feel homely with their cadre men and feel in secured in joining the professionals managers from outside.

What should DoT do in this most unenviable situation? Should DOT change the format for option now as follows :

- (1) Opt for BSNL
- (2) Opt for MTNL
- (3) Opt for DOT with posting in DOT
- (4) Opt for DOT with posting in BSNL on an ending deemed deputation basis
- (5) Opt for DOT with posting in MTNL on an ending deemed deputation basis.

If it so decided, to be fair in the policy, similar options need to be opened to the entire lot of DOT officials including those since absorbed in BSNL/MTNL.

Left to us, we would urge the DOT/Govt as follows:

EITHER

Muster adequate courage to complete the still pending absorption process in true sense as already decided and even directed by the Hon'ble High Court of Delhi

OR

Abandon the half-baked absorption process of absorption of DOT employees in BSNL/MTNL and revert back all employees to DoT set up.

DoT cannot escape from the harsh truth that by keeping these unwilling officers in the key positions of BSNL/MTNL for a decade long period, almost irreparable damage has been inflicted in these two organizations. Let it not continue further.

With Kind regards,

Yours Sincerely,

(Prahlad Rai)
GS, AIBSNL EA
(BSNL)
9868278222

(K. SEBASTIN)
GS, SNEA (I)
(BSNL)
9868266200

(R.P.Shahu)
GS, AIGETOA
(BSNL)
9424051555

(V.K. Tomar)
GS, MEA
(MTNL)
9868133336

(A.K. Kaushik)
GS, TEAM
(MTNL)
9868136363

Copy to:

- Shri. Kapil Sibal, Hon'ble MOC&IT, Govt. of India, New Delhi.
 - Shri. Milind Deora, Hon'ble MOSC&IT, Govt. of India, New Delhi.
 - Shri. Ajit Kumar Seth, Cabinet Secretary, Govt. of India, New Delhi.
 - Shri. R. Chandrashekar, Secy(T), DoT Govt. of India, New Delhi-110001.
 - Shri. P.K. Misra, Secretary, DOP&T, Govt. of India, New Delhi-110001.
 - Shri. O. P. Rawat, Secretary, DPE, Govt. of India, New Delhi-110001.
 - Shri. Devendra Kumar Sikri, Secretary, Ministry of Law & Justice, Govt. of India, New Delhi.
 - Shri. R.K. Upadhyay, CMD, BSNL, New Delhi-110001.
 - Shri. A.K. Garg, CMD, MTNL, New Delhi-110001.
-