



BHARAT SANCHAR NIGAM LIMITED

CORPORATE OFFICE
(PERSONNEL - I SECTION)

No.437-101/2011-Pers.I(pt)

Dated: February 01, 2012

Subject: BSNL SLD RR-2011- clarifications thereof.

This office has been receiving several questions related to the BSNL SLD RR-2011. The more pertinent issues are addressed as below:

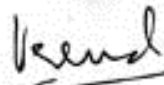
Srl	Question raised	Reply
1.	The inter se seniority among the present ITS officers is to be maintained as per their seniority in ITS cadre as on 01.01.2012 (1975 to 1994 batches are eligible to apply at E-9 level). In fact, there is no need of interview and we are selected by UPSC and has been working in BSNL for many years.	The addendum to the BSNL SLD RR-2011 issued vide dt.23-01-2012 is attached at Annexure-I
2.	If the Inter-se-seniority w.r.t. the already absorbed officers is to be maintained as per original seniority in ITS cadre as on 01.10.2000/08.11.2011, till the last date of absorption option. Clause 13.1 says that the absorbed officers in the respective grades will be en bloc senior to the executives recruited under these rules. Whether JAG level officers of ITS who are already absorbed will also be senior to the executives recruited through BSNL SLD RR. This provision is against the established provisions of UPSC & also natural justice, that having already worked in GM's grade for 8 to 10 years on regular basis, a candidate will be placed, below a candidate who has worked in GMs grade for only 1 year or so, or may not have worked as GM at all.	The issue of inter-se seniority among the executives to be recruited has been addressed vide addendum to the BSNL SLD RR-2011 dt.23-01-2012. The inter-se seniority between the absorbed ITS officers and those ITS officers to be recruited is presently governed by para 13.1 and 13.4 of the BSNL SLD RR-2011. Action is being taken by BSNL on DoT letter no. A-11013/33/2011-Abs Cell dated 17.01.2012 (copy enclosed at Annexure II)
3.	Clause 13.4 says that the seniority shall be subject to clarifications received from DoT & DOP&T, GOI. It is not clear what clarifications are awaited. Whether seniority will change again after receipt of said clarifications?	Same as at 2 above.
4.	The Spl RRs may be part of the BSNL MS RR-2009, which may be amended to incorporate recruitment of ITS officers on immediate absorption basis at E-6 and E-9 levels with due care of financial upgradation to pay scale E-7 and E-9 on entering of 13 years and 17 years combined service from 1 st January of the year following the year of UPSC examination. Similarly the scale of CGM may be allowed on entering of 25 years.	Necessary amendments /modifications/ additions in MSRR are under progress .

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1/2/12

Srl	Question raised	Reply
5.	As many allowances of 6 th CPC like Children Education allowance. Enhanced transportation allowance etc are not available in BSNL, to compensate those loses, commutable special allowance of Rs.10,000 (about 10% of basic +DA) may be given.	Allowances will be governed by the existing rules in BSNL.
6.	Will I be eligible to get Leave Encashment again to the tune of Maximum 300 days at the time of retirement/resignation from BSNL? Will I be eligible to get gratuity again for the service rendered in BSNL at the time of my retirement/resignation?	Yes. As per company rules.
7..	After taking service in BSNL, whether any pension benefits will be given from BSNL as PSU?	Terminal benefits applicable to executives recruited in BSNL will be admissible.
8.	Does the salary in BSNL be affected in any way due to the receipt of pension and Dearness Relief from Government? Whether on resigning from present service, both Govt. pension alongwith CDA and BSNL salary alongwith IDA will be given or not, as has been given in the past, because it is said that two DAs cannot be given simultaneously.	Salary in BSNL has no linkage with the Government Pension. Pay fixation in BSNL shall be done as per BSNL OM no.1-30/2011-PAT(BSNL), 03-01-2012(Annexure III)
9.	It may be clearly mentioned in the Spl RRs that the proposed recruitment of ITS officers is for "Appointment of Central Government Servants in the Central Public Enterprises on immediate Absorption basis" as per DOPT order No. 28016-5-85-Estt(C) dated 31.01.1986.	Copy of clarification issued by DoT vide letter dt.28-11-2011 at Annexure IV and 25-01-2012 are attached at Annexure V.
10	Life time CGHS Card	As per extant rules applicable.

This issues with the approval of CMD, BSNL.

Enclosures:- Annexures I to V


[Virendra Prasad] 1/2/12
Addl. General Manager [Pers.I]

Annexure-2



BHARAT SANCHAR NIGAM LIMITED

CORPORATE OFFICE

(PERSONNEL - I SECTION)

4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110 001

No. 437-101/2011-Pers.I

Dated: 20th January, 2012

A D D E N D U M

Subject: - BSNL Special Lateral Direct Recruitment Rules-2011 of BSNL Management Services - regarding inter-se seniority in the recruitment made from ITS Offices of DoT.

This has reference to the **BSNL Special Lateral Direct Recruitment Rules-2011** notified vide No 437-101/2011-Pers.I dated 26th December, 2011. Para 13.3 of the said recruitment rules reads:

* Inter-se Seniority among newly recruited executives in their grade shall be fixed in accordance with combined weightage of educational qualification, length of relevant experience and interview performance".

The above condition shall henceforth be read with:

"The operation of Rule 9.12 for executives to be selected from ITS Group-A Officers in first round will be limited only to the extent of deciding their selection. The inter-se seniority amongst selected ITS Group-A Officers shall be in accordance with their extant inter-se seniority as maintained by Department of Telecommunications."

2. This has the approval of the BSNL Board.

Mani
23/1/12

(A. K. Jain)
Sr. General Manager (Pers.)

Annexure-II

F.No.A-11013/33/2011-Abs. Cell
Government of India
Ministry of Communications & IT
Department of Communications
Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001



Dated, the 17th January, 2012

OFFICE MEMORANDUM

Subject: Recruitment against the posts of Chief General Manager (CGM), General Manager (GM) and Deputy General Manager (DGM) in BSNL/ MTNL from amongst unabsorbed ITS officers- Inter-se Seniority of unabsorbed ITS Officers to be recruited now on immediate absorption basis vis-a-vis the employees (including absorbed erstwhile ITS Officers) of BSNL/ MTNL.

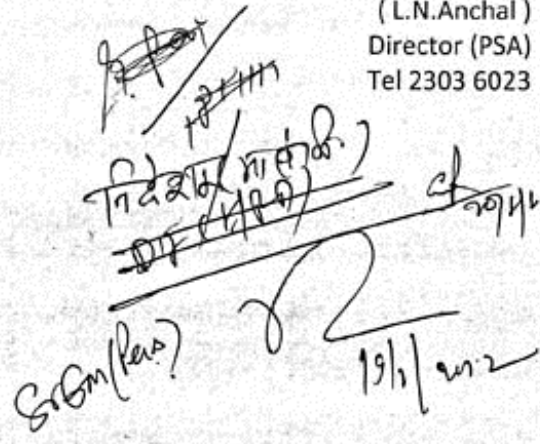


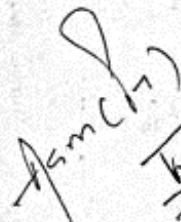
The undersigned is directed to forward a copy of DoP&T's O.M. No. 22034/4/2011-Estt. (D) dated 11th January, 2012, with its enclosure, on the subject cited above for appropriate further necessary action in the matter.

Encl: As above


(L.N. Anchal)
Director (PSA)
Tel 2303 6023

To
i) CMD, BSNL, New Delhi
ii) CMD, MTNL, New Delhi


Sd/- (Res) 19/1/2012


23/1/12

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F.No. 22034/4/2011-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 11th January, 2012

OFFICE MEMORANDUM

Subject : Recruitment against the posts of Chief General Manager (CGM), General Manager (GM) and Deputy General Manager (DGM) in BSNL/MTNL from amongst unabsorbed ITS officers-Inter-se Seniority of unabsorbed ITS Officers to be recruited now on immediate absorption basis vis-à-vis the employees (including absorbed erstwhile ITS Officers) of BSNL/MTNL.

The undersigned is directed to refer to Department of Telecommunication's O.M. No. A-11013/33/2011-Abs. Cell dated 30th November, 2011 on the abovementioned subject and to say that seniority of a Government servant is determined as per consolidated instructions issued vide this Departments O.M. dated 11.11.2010(copy enclosed). Separate instructions exists on appointment of Central Government Servant in the Central Public Sector Enterprises on immediate absorption basis(O.M. No. 28016/5/85-Estt.(C) dated 31.01.1986)

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2. DoP&T 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-cttee ITS officers, who are proposed to be appointed in the BSNL/MTNL on immediate absorption basis, would be governed by respective personnel policy of BSNL/MTNL.

3. BSNL/MTNL may take appropriate decision on adoption or otherwise, of the instructions mentioned above in consultation with DoT and Department of Public Enterprise. This will be subject to the outcome of court cases which may be pending in various courts.

Joint Secretary (Telecom)
Joint Secretary (Telecom)
Dro/Dy No. 240-L
दिनांक/Date. 13/1/12

This issues with the approval of Joint Secretary (E).

Virender Singh
(Virender Singh)

Under Secretary to the Government of India
Tel. No. 2309 3804

Department of Telecommunications & IT
(Shri Malay Shrivastava, JS (Telecom)),
Ministry of Communications and IT,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-110 001.

for perusal at Dept
stage please

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Pl. give me
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16/2/12

~~ASST~~

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Shri...
16/1/12

Dr. P. S. B.

ASST

16/1/12

11.1.12

भारत संचार निगम लिमिटेड
BHARAT SANCHAR NIGAM LTD.
(A Government of India Enterprise)



CORPORATE OFFICE
PAT SECTION
Bharat Sanchar Bhawan,
H. C. Mathur Lane, New Delhi-01

No 1-30 /2011-PAT(BSNL)

Dated, the 03 -01-2012

OFFICE MEMORANDUM

Subject:- Method of pay fixation of Executives recruited as per Special Lateral Direct Recruitment Rules, 2011 of BSNL Management Services.

This has a reference to the Special Lateral Direct Recruitment Rules, 2011 of BSNL Management Services for recruitment notified vide BSNL letter No.437-101/2011-Pers.I dated 26.12.2011. The undersigned is directed to convey the approval of Management Committee of BSNL Board for method of pay fixation to be followed in respect of ITS Group 'A' Officer on their appointment in BSNL in accordance with above Recruitment Rules will be as follows:

"On recruitment the basic pay in the admissible IDA pay scale will be fixed at the minimum of the scale. Further, this will be subject to the pay fixation methodology as follows:

- (i) The pay will be fixed in a manner, so that the basic pay and DA, as admissible in BSNL IDA pay scale, is equal to the basic pay plus grade pay if any, plus DA being drawn in the parent(previous) organization/department.
- (ii) The basic pay fixed under this methodology will not exceed the maximum of the scale of the pay of the post to which recruitment/offer of the appointment is made.
- (iii) The pay so fixed as above shall not make any candidate entitled for higher seniority by virtue of his/her higher pay."

(Sheo Shankar Prasad)
Asstt. General Manager(Pers.V)
Tel. No.23037475

Copy to:

- (i) PPS to CMD, BSNL.
- (ii) PPS to Dir.(HRD)/Dir(Opr.)/Dir(PL & NS)/Dir (C&M)/Dir(CFA), BSNL Board.
- (iii) All Executive Directors, BSNL Corporate Office.
- (iv) Jt. Secretary(T), DoT w.r.t. DoT OM No.A-11013/33/2011-Abs.Cell dated 28.11.2011.
- (v) All CGMs., BSNL.
- (vi) All PGMs/Sr.GM/GM/Addl.GMs/DGMs in BSNL Corporate Office.

Annexure-IV

IMMEDIATE

No. A-11013/33/2011-Abs. Cell
Government of India
Ministry of Communications & IT
Department of Telecommunications
(Absorption Cell)
20 Ashoka Road, Sanchar Bhawan, New Delhi




28th
Dated: November, 2011

OFFICE MEMORANDUM

Subject : Pay protection to Government servant on appointment in BSNL through technical resignation - clarification - regarding.

The undersigned is directed to invite a reference to BSNL letter no. 1-30/2011-PAT (BSNL) dated 24th November, 2011 on the subject noted above and to enclose a copy of DoP&T OM No. 28016/5/85-Estt.C dated 31st January, 1986 on the subject of terms & conditions of appointment of Central Government servants in the central enterprises on immediate absorption basis. Attention in particular is invited to para 3 of the aforesaid order dated 31st January, 1986 on pay fixation.

2. This issues with the approval of Additional Secretary (T)


(L N Anchal)
Director (PSA)
Tel. 2303 6023

To

Director (HR)
(Kind attn : Shri A K Garg)
Bharat Sanchar Nigam Limited
5th Floor, Bharat Sanchar Bhawan
Janpath, New Delhi-110001

AM (EAT)
2 CM (Pers)
N/S/P/ 29/11/11
CM (ST)

APPENDIX 7

**GRANT OF *PRO RATA* RETIREMENT BENEFITS TO
GOVERNMENT SERVANTS PERMANENTLY
TRANSFERRED TO PUBLIC SECTOR UNDERTAKINGS,
AUTONOMOUS BODIES, ETC.**

(1)

**Permanent Transfer of Central Government Servants
to the Central Public Sector Undertakings**

[Government of India, Department of Personnel and Training,
O.M. No. 28016/5/85-Estt. (C), dated the 31st January, 1986.]

The modalities of appointment of Government servants in the Central Public enterprises after the issue of the instructions contained in O.M. No. 5 (25) 83-BPE (PESE), dated the 6th March, 1985 [See *Order (2) below*], as also the question of granting terminal benefits to the Government servants going over to the enterprises on immediate absorption basis has been under consideration of the Central Government and it has been decided that the appointment of Government servants in the Central public enterprises will be on the following terms and conditions:—

Release of the Government servants for appointment in the enterprises

¹[(1) (i) A Government servant who has been selected for a post in a Central public enterprise will be required to give his/her technical resignation before his relief from Government. The Government servant may thereafter be relieved by the respective Ministry / Department / Office to take up appointment in the PSU/autonomous body. The relieving order should indicate the period within which the officer should join the PSU. Normally, this period should not be more than 15 days. This period may be extended by the Competent Authority for reasons beyond the control of the official.

(ii) The period between the date of relief and the date of joining PSU/autonomous body can be regulated by grant of leave due and admissible and if no leave is due, by grant of extraordinary leave. The case of grant of retirement benefits / leave should be processed only after ascertaining from the PSU/autonomous body as to whether the officer had actually joined them. Thereafter, the necessary notification / orders accepting the resignation of the officer from Government service from the actual date of his/her joining the PSU/autonomous body should be issued. Specimen of the relieving order to be made use of is furnished in the Annexure at the end of this order.]

1. Modified, *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/15/88-P. & P.W. (D), dated the 13th November, 1991.

No retention of lien/quasi-permanent status

(2) No lien/quasi-permanent status of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in an enterprise and he will not be allowed to revert to his parent cadre.

Pay fixation

(3) A Government servant selected for a post in a Central public enterprise will be free to negotiate his emoluments with the enterprise. On appointment to a post in a public sector enterprise on immediate absorption basis, a Government servant will be at par with other employees of the enterprise and will be governed by the rules of the enterprise in all respects.

Pensionary benefits

(4) (i) Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organization.

(ii) [The officer eligible for pension will be entitled to draw pro rata monthly pension ²(with option to commute up to 40 per cent of pension wherever admissible) and retirement gratuity as admissible under the relevant rules.]

(iii) ***

(iv) ***

Leave

(5) A Government servant taking up an appointment in a Central public enterprise will be entitled to encashment of earned leave to his credit at the time of acceptance of his resignation from Government service, subject to a limit of 300³ days. Half-pay leave will stand forfeited.

Family Pension

(6) If there is no family pension scheme in a public enterprise, or if the officer does not become eligible to join family pension scheme in the enterprise, the family pension as admissible under the Central Government will be allowed to him. [See also Order (9) in this Appendix.]

1. Modified *vide* G.I., Dept. of Pen. & Pen. Welfare, O.M. No. 4/42/91-P. & P.W. (D), dated the 31st March, 1995 and takes effect from that date.

2. Enhanced to 40% of pension effective from 1-1-1996. *Vide* G.I., Dept. of Pen. & P.W., O.M. No. 45/86/97-P. & P.W. (A)-Part-I, dated the 27th October, 1997.

3. Enhanced to 300 days effective from 1-7-1997 *vide* Dept. of Per. & Trg., O.M. No. 14028/7/97-Estt. (L), dated the 7th October, 1997.

2. For the purpose of these instructions, immediate absorption means acceptance of resignation of an officer from Government service to enable him to take up an appointment in a Central public enterprise, for which he had applied with proper permission.

3. Since the terminal benefits mentioned above are admissible only to those officers who leave Government service to secure employment in the enterprise, with proper permission, a case of grant of these benefits may be processed only after ascertaining from the enterprise concerned that the officer has actually joined them.

4. The stipulation of 'immediate absorption' will apply to all appointments of Central Government servants in the Central public enterprises, irrespective of the level of appointment, the mode of recruitment, and whether an appointment is in public interest or otherwise, but subject to the exceptions made in the OM, dated 6-3-1985, referred to above [vide *Order* (2)].

5. For the purpose of these orders, a Central public enterprise is an undertaking wholly or substantially owned by the Government of India, and which is accepted as such by the Bureau of Public Enterprises.

6. The terminal benefits, etc., enumerated in Para. 1 above will be admissible to all Central Government servants, who secure appointments in Central public enterprises with proper permission. A Government servant selected for appointment in an enterprise on the basis of an application submitted by him before joining the Government service will be deemed to have applied with proper permission for the purpose of these orders.

7. All existing instructions on the subject will stand amended/superseded to the extent indicated in the preceding paragraphs.

8. All cases of grant of pensionary benefits, etc., to Government servants, who are appointed in the Central public sector enterprises on immediate absorption basis, shall be decided by the Administrative Ministries/Cadre Controlling Authorities/Authorities competent to accept resignation of a Government servant in accordance with provisions of this OM. All other cases not covered under the provisions of this OM or which require relaxation of any provision should continue to be referred to the Bureau of Public Enterprises with necessary service particulars. Cases of doubtful nature also should continue to be referred to the Bureau of Public Enterprises.

9. The Ministry of Home Affairs, etc., may please bring these orders to the notice of all concerned including the public enterprises under their administrative control.

10. So far as the officers serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consulting the Comptroller and Auditor-General of India.

11. These orders take effect from 6-3-1985.

12. This issues with the concurrence-of the Ministry of Finance (Department of Expenditure) and the Department of Public Enterprises.

Formats to be used for sanction of pro rata retirement benefits on absorption in Central Public Sector Undertakings — See Order (11) in this Appendix.

Annexure-V

Government of India
Ministry of Communications & IT
Department of Telecommunications

No. A-11013/33/2011-Abs. Cell

Dated: 25th January, 2012

OFFICE MEMORANDUM

Sub: Recruitment of ITS Group 'A' officers to the post of Sr. DGM and GM/PGM/CGM in Telecom Operations stream in BSNL on immediate absorption basis.

Kindly refer letter No. 23-2/2011-Rectt. dated 20th January, 2012 received from GM, Recruitment, BSNL addressed to Secretary (Telecom). As requested by BSNL the Recruitment Rules received through aforesaid letter is being brought to the notice of Cadre Controlling i.e. Member (Services), Telecom Commission for bringing to the notice of all concerned. He is also being requested that application forms of the eligible officers after due verification along with their ACRs/APRs for the last 5 years (2006-07 to 2010-11), may be arranged to be forwarded to BSNL Corporate Office expeditiously.

2. A copy of your letter is also being endorsed to CVO, DOT with a request to take necessary action for vigilance clearance in respect of selected officers. However, CVO, DOT would be in a position to process such cases only upon receipt of relevant details of the selected ITS officers from BSNL.

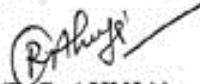
3. CMD, BSNL, during his discussion in DOT, sought clarification with regard to the applicability of para (vi) of the letter of Absorption Cell, DOT dated 7th October, 2011 regarding eligibility of Group 'A' ITS officers to apply for recruitment to be carried out by BSNL. In this regard, it is clarified that Group 'A' ITS officers irrespective of their current status i.e. whether in BSNL/ MTNL/ DOT/ any other assignment may apply for the post they are eligible for. Further, these officers can apply through their Cadre Controlling Authority with advance copy of their applications directly to BSNL for consideration.

Contd..

4. In this context, it may also be relevant to bring to your notice the provision of Deptt of Personnel and Training OM No. 28034/25/87-Estt 'A' dated 11th February, 1988 which reads as under:

'A Government servant who has been selected for a post in a Central Public Enterprise/Central Autonomous Body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in a Central Public Enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organization.'

5. This issues with the approval of Secretary, Telecom.


(R.C. AHUJA)
Under Secretary (Abs. Cell)

Shri V.K. Gupta,
General Manager (Rectt.), BSNL

Copy to:

1. Member (Services)/ DDG (Estt.)/ CVO, DOT with a copy of above said letter dated 20.01.2012 and request for arranging action as requested above
2. CMD, BSNL/MTNL for information

Copy also to:

1. Member (T)/ Member (Finance), DOT for information