



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

CENTRAL HEAD QUARTERS

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RAKESH SETHI**

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No. AIBSNLOA/CHQ/2012/61

Dated: 7th September 2012

To

Shri R.K. Upadhyay,
Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi 110 001.

Subject: Non- grant of Ist Time Bound Financial Up-gradation due on 01.10.2004 under Executive Promotion Policy (EPP) 2007 to the BSNL Executives against whom no Vigilance Case was pending as on the due date.

Sir,

I would like to bring to your kind notice that the first Time Bound up gradation under BSNL Executive Promotion Policy has not been granted to some of the executives from the due date i.e. 01.10.2004 on the plea that either disciplinary case was pending against them or punishment was in currency at the time of consideration by the Screening Committee at a much later date, after implementation of the EPP in the year 2007.

2. Unlike regular promotion which takes effect from a date after the meeting of the DPC, financial up-gradation is given from a retrospective date on which the Executive completes the prescribed qualifying service. Therefore pending disciplinary case or currency of punishment in respect of regular post based promotion may result in sealed-cover procedure but that does not hold good in respect of time bound up-gradation given from a retrospective date.

3. In fact ACRs/APARs taken for consideration by the Screening Committee for time bound up-gradation pertains to five years prior to the due date and not five years prior to the review date of financial up-gradation.


4. Time bound up-gradation due from 1.10.2004 is denied to an officer when there was no disciplinary case pending against him at that time, but purely on the basis of a disciplinary case which arose years later and pending at the time of meeting of the screening committee, the officer is put into disadvantageous position by denying the up-gradation whereas his juniors upgraded w.e.f.1.10.2004.

5. The Principal Bench of CAT, Delhi in an order dated 27.5.2011, in OA 3243/2010 – Shri Bal Kishan vs Union of India has also observed that, *“The Committee ought to have considered the case of the applicant for placement under the B.C.R. Scheme on its own merits having regard to the provisions of that Scheme as on that date without taking into consideration the factum of registration of an FIR after about more than a year of the crucial date, especially in the absence of any enabling provision to that effect. It needs to be noted that financial upgradation upon completion of prescribed period of service is distinct vacancy based regular promotion. As such financial upgradation is granted from the date due even though Screening Committee meeting has met at a later date. This is clear from the office orders dated 1.8.2008 at Annexures A-3 and A-4 whereunder placement under B.C.R. Scheme has been granted w.e.f. 1.1.2007. 1.7.2007 and 1.1.2008 though the DPC for this purpose has been held on 31.7.2008.”*

6. In view of the above, we earnestly request yours goodself to get suitable instructions issued so that the eligible executives in the above referred categories are granted the benefit of first financial up-gradation w.e.f. 1.10.2004 i.e. when it was due to them.

With kind regards,

Yours sincerely,


(Rakesh Sethi)
General Secretary

Copy to:

1. Shri A.N.Rai,
Director (HR), BSNL,
New Delhi
2. Shri A.K.Jain,
Sr. General Manager (Pers), BSNL,
New Delhi