



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

**CENTRAL HEAD QUARTERS
AD-87B, Pitampura, Delhi-110088**

**President
K. BALASUBRAMANIAN**
Mobile : 094440000562

**Finance Secretary
V. GURUMOORTHY**
Mobile : 09444979555

**General Secretary
RAKESH SETHI**
Mobile : 9868210449

No. AIBSNLOA/CHQ/2012/73

Dated: 26th October 2012

To

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

**Subject: Non- grant of 1st Time Bound Financial Up-gradation due on
01.10.2004 under TBP Policy 2007 to the BSNL Executives
against whom no Vigilance Case was pending as on the due date.**

*Ref: 1. Our earlier letter No. AIBSNLOA/CHQ/2012/61 dated 7.9.2012
2. BSNL Letter No.400-164/2012-Pers.I dated 20.9.2012*

Respected Sir,

At the very outset, we profusely thank the BSNL Management for issuing the much needed clarification vide BSNL letter cited under reference-2 above on the issue raised in our letter cited under reference-1. However, we would like to point out the said clarification needs to be reviewed and a modification to be issued.

2. It has been clearly stipulated in the BSNL's letter at Para (b) of Page-2 that only the period of performance review leading to the due date of up-gradation may be assessed for vigilance clearance. **Sealed cover procedures will be applicable only if the relevant condition(s) is attracted on the due date of time bound IDA scale up-gradation/non-functional up-gradation or on the date of meeting of the Screening Committee/CPC if it is held in advance.**

3. As per Deptt. of Personnel & Training OM No. 22011/4/91-Estt.(A) dated 14.09.1992, the relevant condition(s) which will attract the sealed cover procedure are **(i) Government servants under suspension; (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and (iii) Government servants in**


respect of whom prosecution for a criminal charge is pending. The disciplinary proceedings in this context means both Minor and Major penalty proceedings. Also, vigilance clearance guidelines issued by the Central Vigilance Commission do not provide for any discrimination between minor and major penalty proceedings for the purpose of promotion. Therefore, the essence of Para (b) in BSNL letter under reference-2 is to be taken that sealed cover procedure will be applicable only if a disciplinary case either for minor or for major penalty proceeding is pending on the due date of time bound upgradation/NF upgradation **in respect of the cases where screening committee meeting / CPC is held much later** and on the date of meeting of the Screening Committee/CPC **if it is held in advance.**

4. Therefore, the stipulation in Para (c) of the BSNL letter dated 20.9.2012 that, "Disciplinary cases of minor penalty, emanating beyond the due date of time bound upgradation, may not affect the grant of time bound upgradation" implying that disciplinary case of major penalty emanating beyond the due date may affect the grant of time bound upgradation, is not only contradictory to Para (b) but also to existing guidelines on sealed cover procedure. No judgment of any Court has advised such discrimination/differentiation between minor and major penalty cases emanating after the due date.

5. In view of the above, it is requested that suitable modification to the BSNL letter dated 20.9.2012 may be issued, removing the stipulation mentioned in Para (c), so as to provide the relief intended to be given to concerned persons.

With kind regards,

Yours sincerely,


26/10/12
(Rakesh Sethi)
General Secretary

Copy to:

1. Shri A.N.Rai,
Director (HR), BSNL
2. Shri A.K.Jain,
Sr.General Manager (Pers), BSNL
3. Shri A.N.Sharan,
CVO, BSNL.