



ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
OFFICERS' ASSOCIATION
CENTRAL HEAD QUARTER
AD-87 B, PITAMPURA, DELHI-110034

PRESIDENT
P. RAMACHANDRAN
MOBILE: 9444903777
No. AIBSNLOA/CHQ/2019/17

FINANCIAL SECRETARY
V. K. SHARMA
MOBILE: 9868174965

GENERAL SECRETARY
RAKESH SETHI
MOBILE: 9868210449
Dated: 24th April 2019

To

Shri Arun Kumar,
Pr. General Manager (Pers),
BSNL Corporate Office,
New Delhi.

Subject: Improper reporting procedure for APAR in Finance wing of Tamilnadu Circle – regarding

Ref: 1. Our letter No. AIBSNLOA/CHQ/2018/26 dated 16th October 2018
2. Our letter No. AIBSNLOA/CHQ/2019/4 dated 24th January 2019

Sir,

We had brought to your kind notice, vide letters cited under reference, the improper reporting procedure being followed for APAR in Finance wing of Tamilnadu Circle, wherein a DGM (F) & IFA of SSA acts as Reporting Officer for a Regular DGM holding the portfolio of Telecom Revenue, for immediate intervention and corrective action. The issue still remains unresolved and therefore we resubmit the following:

2. As per CGM Tamilnadu Circle letter No. TSA [F]/RULINGS-CR/APAR/12-13/30 dated 28th April 2012 (copy enclosed), IFA in DGM (F) grade has been made the Reporting Officer for DGM (TR) of the SSA with GM of the SSA, the Reviewing Officer. The said letter misquotes Para 4.2 of BSNL CO letter No.4-2/2010-restructure dated 20.9.2010 in this regard and states that "First line of reporting [DGM (F) in this case indicates the officers who are directly reporting to SSA heads and second line of reporting [DGM (TR), wherever posted or CAOs indicates the officers reporting to the first line [DGM (F)]. BSNL letter dated 20.9.2010 nowhere says that a DGM (Finance) should report to another DGM (Finance).

3. Our Circle Association took up the issue with PGM (F) Tamilnadu Circle, citing a specific case where a regular DGM (TR) of Trichy SSA was asked to submit his APAR to the DGM (F) of the SSA for reporting. They argued that the CGMT order dated 28.4.2012 is against the reporting structure for Executives and the contents of the Corporate Office letter. But PGM (F) stands his ground and has reiterated that there is no change in the procedure.

4. CGMT Tamilnadu Circle has reiterated his stand vide letter dated 16.4.2019 (copy enclosed). **We fail to understand the rationale of CGMT Tamilnadu Circle letter, wherein even CAOs acting as IFA of the SSA will report to SSA Head but a regular**

and senior DGM will report to DGM (F) of the SSA for the only reason that he is handling Telecom Revenue.

5. BSNL CO letter No.400-106/2011/Per.I/94 dated 12.12.2012, under Para 2 (c) has clearly mentioned that "In Appeal cases only, **in respect of all the JAG & SAG officers**, Sr.GM (Pers) BSNL Corporate Office New Delhi will be authorised to enter/edit APAR grading in the APAR module **since the Appellate authority in such cases is Area Director or CMD (BSNL) as the case may be.**"

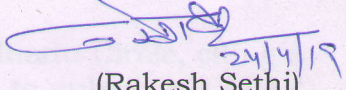
6. In our letter we had pointed out that an Executive cannot be directed to report to another Executive of the same rank. The action of PGM (F) Tamilnadu Circle is against all norms and procedures and also is legally untenable.

7. We had also drawn your attention to a judgment of Hon'ble Supreme Court of India **State Bank Of India Etc vs Kashinath Kher & Ors.** [(1996) 8 SCC 762] that "It would appear that the confidential reports and character rolls are being prepared by the officers of the same rank in the same MMGS II working in the establishment department over the same cadre officers working elsewhere and the reporting officers are the same. Ms. Nisha is right and the High Court is well justified in holding that such a procedure is violative of the principles of natural justice. Such procedure and practice is obviously pernicious and flagrant with prejudices and manipulative violating the principles of natural justice and highly unfair", **"Confidential and character reports should, therefore, be written by superior officers higher above the cadres"** and **"Therefore, they should be written by superior officer of high rank, who are such high rank officers is for the appellant to decide. The appellants have to prescribe the officer competent to write the confidential. There should be another higher officer in rank above the officer who has written confidential report to review such report."** Link: [https://indiankanoon.org/doc/1009952]

8. We once again request you to kindly do the needful early for correcting the improper reporting procedure for APAR in Finance wing of Tamilnadu Circle. Appropriate modifications in the ERP module may also be kindly ordered.

With kind regards,

Yours sincerely,


(Rakesh Sethi)
General Secretary

Copy to: 1. Ms. Sujata Ray, Director (HR), BSNL