

Government of India
Department of Telecommunications

An online RTI appeal No.DOTEL/A/2018/60044 dated 13.3.2018 from Shri K.R.L. Sarma has been received in this office. JS (A) has desired the comments of DDG(Estt.) and DDG (E&T) to dispose of the appeal. A copy of the RTI appeal is attached.

Since JS(A) will be on leave next week, it is requested that the comments may be sent by this afternoon.

Lakshmi

(Lakshmi V)
PPS to JS(A)
6.4.2018

6188

PPS to DDG(Estt.)

PS to DDG(E&T)

317/DDG(E&T)
6/4/18
Dis (SEA)

614

~~*ADG(SEA)*~~

Uf (SEA)
mediate PG

272
6/6/18

668/DG(SEA)
6/4/18

72
4/4/18

Forwarded A&T
(SEA-II) for further
disposal please.

6/4/18

consultant (SEA-I)

A&T-SEA-II

6/4/2018

PTO

The RTI Reply of the applicant was dealt by P.S.V. Section (copy enclosed) Hence, comments may be obtained from them on the appeal.

The subject matter does not pertain to SEA-Section.

Sumit
Consultant 6/4/18
(SEA-II)

ACA (SEA-II) on leave

~~U.S. (SEA-II)~~

Bings
6/4/18

~~Director (SEA)~~

D
6/4/18

Band bk.

~~US (SEA)~~

Bings
6/4/18

PPS to SSCA — P
6/4/18

RTI APPEAL DETAILS (आरटीआई अपील विवरण)

Appeal Registration Number (अपील पंजीकरण संख्या) :	DOTEL/A /2018/60044	RTI Appeal Received Date (आरटीआई अपील प्राप्त की तिथि) :	13/03/2018
RTI Request Registration No. (आरटीआई अनुरोध पंजीकरण संख्या):	DOTEL/R /2018/50130	RTI Request Registration Date (आरटीआई अनुरोध पंजीकरण की तारीख) :	12/02/2018
Name (नाम) :	K R L SARMA	Gender (लिंग) :	Male
Address (पता) :	11TH STREET, POSTAL COLONY Near Naga devatha Temple Mini bypass road, ELURU		
Pin code (पिन कोड) :	534001		
State (राज्य) :	Andhra Pradesh	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	+91-9441687889
Email-ID (ईमेल-आईडी) :	krlsarma2000@gmail.com		
Status (स्थिति) :	Urban	Educational Status (शैक्षणिक स्थिति) :	
Citizenship Status (नागरिकता) :	Indian	Is Appellant Bellow Poverty Line ? (क्या अपील करनेवाला गरीबी रेखा से नीचे का है?) :	No
CPIO Approached (संपर्क सीपीआईओ) :	30261	Date of Receipt of CPIO's Order/Decision (सीपीआईओ के आदेश / निर्णय के रसीद की तारीख) :	Details not provided
CPIO's Order/Decision No. (सीपीआईओ का आदेश / निर्णय संख्या) :	Details not provided		
Ground for Appeal (अपील का आधार) :	Provided Incomplete, Misleading or False Information		

Respected sir,

I have made request under RTI Act 2005 for providing the following information (copies enclosed). instead of providing the information available in DoT office it is unknown why DoT has approached BSNL which is the subordinate authority. It is replied stating that the information sought is query nature, but it is not query nature. the information provided is misleading, knowingly giving incorrect information. So only I made my first appeal here. Kindly examine the following and provide information under RTI Act please.

**Text of RTI First
Appeal
(आरटीआई प्रथम
अपील का पाठ) :**

A. Whether DoT has given any approval for the preparing JAO RRs (which were continuing since 1977 for absorbed personnel from DoT to BSNL) and the changes/amendments made in JAO RRs especially in the case of JAO LICE eligibility conditions for those have absorbed from DoT. Kindly verify the records available in DoT (only) and say YES OR NO.

B. in case BSNL has approached DoT and got prior approval from their administrative Ministry i.e. Department of Telecom, copy of such approval may be provided please. Kindly verify the records available in DoT only and supply the copy if BSNL consulted and approval given or say NO BSNL not consulted.

C. in case BSNL has not approached their administrative ministry / department i.e. DoT and not get the prior approval, kindly intimate whether such amendments of RRs(which were continuing since 1977) are valid or not. Kindly verify the rules/records available in DoT and convey whether such amendments made by BSNL are Valid or not valid.

The all information requested is available in DoT office only and no need to forward to other authority otherthan DoT.

F.No. 77-14/2018-SU
Government of India
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi 110001
PSU- I Division

Dated, 12th March, 2018

To,

Smt. Bindu Roy, Addl GM (MIS) & CPIO, BSNL, Room No. 29, IR Hall,
Eastern Court Complex, Janpath, New Delhi – 110001

Subject: Transfer of online RTI application No. DOTEL/R/2018/50130 dated
12.02.2018 of K R L Sarma, seeking information under RTI Act 2005 – regarding.

Kindly refer to online RTI application No. DOTEL/R/2018/50130 dated
12.02.2018 of K R L Sarma.

2.) The information sought in above RTI application vide point 2 and 3 is
related to BSNL as BSNL is the custodian of the information. In view of above,
RTI application is hereby transferred for further necessary action under Section 6
(3) of RTI Act, 2005.

3). It is requested that the information may please be sent directly to the
applicant.

Encl: As above.


12/3/18
(Pawan Gupta)
Director (PSU-I)
23372494

Copy to:

1). K R L Sarma, 11th Street, Postal colony, Near Naga devatha Temple,
Mini Bypass Road, PIN: 534001: with the request to communicate in future
with above mentioned CPIO.

F.No.77-14/2018-SU
Government of India
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi 110001
PSU- I Division

Dated: 12th March, 2018

To,

K R L Sarma
11th Street, Postal colony,
Near Naga devatha Temple,
Mini Bypass Road, Andhra Pradesh,
PIN: 534001

Subject: Supply of Information for online RTI application No. DOTEL/R/2018/50130 dated 12.02.2018 of K R L Sarma, under RTI Act 2005- regarding.

Kindly refer to your online RTI application No. DOTEL/R/2018/50130 dated 12.02.2018. The information sought by you vide point 1 is in the form of query. It is beyond the purview of the CPIO to furnish reply to such query. Point 2 and 3 pertains to BSNL as BSNL is custodian of the information; hence the RTI is transferred to BSNL for point 2 and 3.

2. Appeal, if any, may be preferred, within thirty days of the receipt of this letter to Shri Amit Yadav, Joint Secretary (A) & Appellate Authority, DoT, Room No. 315, Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001.


(Pawan Gupta)
Director (PSU-I)
23372494

RTI REQUEST DETAILS**Registration No. :** DOTEL/R/2018/50130 **Date of Receipt :** 12/02/2018**Type of Receipt :** Online Receipt **Language of Request :** English**Name :** K R L SARMA **Gender :** Male**Address :** 11TH STREET, POSTAL COLONY, Near Naga devatha Temple, Mini bypass road,, Pin:534001**State :** Andhra Pradesh **Country :** India**Phone No. :** Details not provided **Mobile No. :** +91-9441687889**Email :** krlsarma2000@gmail.com**Status(Rural/Urban) :** Urban **Education Status :** Graduate**Is Requester Below Poverty Line ? :** No **Citizenship Status :** Indian**Amount Paid :** 10) **Mode of Payment :** Payment Gateway**Request Pertains to :** Sanjeev Gupta, Dir(PSU-I)

Information Sought : With reference to the letter no. DEP-GM-14-0401/2017-GM (COPY enclosed for ready reference), it is clear that

1. DPE (Department of Public enterprises) has not given any guidelines to the Board of CPSE BSNL to amend the Recruitment Rules of JAO (which were continuing since 1977) etc. (especially in the case of those who are absorbed from DoT to BSNL).
2. The Board of CPSEs are empowered to amend RRs, only in consultation with their administrative Ministry/Department. with this it is clear that BSNL might have got your prior approval for 1. preparing their own RRs for JAO Direct Recruitment 2. Preparing their own RRs for JAO LICE and for amending the RRs of JAOs (which were continuing since 1977) especially in Limited Internal Competitive Exam (LICE) case i.e. while changing the educational qualification, age etc.
3. As per RRs of LICE as on 30.09.2000 there is qualification of 10 plus 2 / intermediate to write JAO LICE. In JAO RR 2001 by BSNL the qualification is changed as Graduation for both 40% and 10% quota LICE. JAO LICE exam objective and 6 chances give to complete JAO part-II. Two chances are given in 2010 and 2012. Again they made amendments that a single exam will be conducted for JAO LICE. Of course, there is no problem regarding whether it is objective or descriptive, single or double. for their facility they have chosen as objective, single. But BSNL has to show the same status for both JAO part-I passed candidates (whether exam conducted by DoT or BSNL) as there is no change in syllabus. in contra, BSNL says those who pass in JAO part-I (conducted by DoT) they are eligible to write JAO single exam irrespective of their educational qualification. but those who pass in JAO part-I (conducted by BSNL) must have Graduation to write JAO single exam. how the logic applied is unknown. Another amendment made for both LICE exams 40% and 10% quota same exam will be conducted but the qualification for 40% quota it is Graduation and for 10% quota there is no minimum educational qualification (what logic it is). Like that without safeguarding / considering the interest of employees especially those absorbed from DoT i.e. from your Department. in this respect the following information may be provided under Right to Information Act,2005.

A. Whether DoT has given any approval for the preparing JAO RRs (which

were continuing since 1977 for absorbed personnel from DoT to BSNL) and the changes/amendments made in JAO RRs especially in the case of JAO LICE eligibility conditions for those have absorbed from DoT.

B. in case BSNL has approached DoT and got prior approval from their administrative Ministry i.e. Department of Telecom, copy of such approval may be provided please.

C. in case BSNL has not approached their administrative ministry / department i.e. DoT and not get the prior approval, kindly intimate whether such amendments of RRs(which were continuing since 1977) are valid or not.

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RTI Reference No. DPENT/R/2017/80277 dated 03-12-2017	
From: suryasomayajulu@gmail.com	
Information Sought	Reply
With reference to your RTI application received in GM Division of DPE through DoPT ref. No. DOP&T/R/2017/55404 dated 03-12-2017, the information pertaining to Department of Public Enterprises (DPE) is furnished as under:	
<p>As per constitution and article all matters relating to methods of recruitment, principles to be followed in making promotions and transfers from one service to another etc. framed by your Department i.e. Department of personnel and Training, in all Central Government / Central Public sector undertakings PUSs, are to be followed. in these lines BSNL is deemed to be followed the principles made by your Department. But, BSNL prepared its own JAO Recruitment rules 2001 and changed the qualification and age conditions rapidly and also for the same post under 10% quota there is Graduation is qualification and later on it is amended as no qualification is required for 10% LICE quota. under 40% quota it is decided graduation is qualification. As per the Article 320 Department of personnel & Training to be consulted for any amendments or framing Recruitment Rules etc. but BSNL has never taken such steps before framing or amending Recruitment rules and changed rapidly as per will and wish. kindly supply the information under Right to Information Act 2005 for the the following please.</p> <ol style="list-style-type: none"> 1. Whether BSNL being a Central Government PSU is competent to frame its own Recruitment rules Group B posts i.e. especially Junior Accounts Officer posts under Departmental quota (LICE), without following the guidelines of Department of Personnel & training. 2. Whether BSNL being a Central Government PSU is competent to Amend Recruitment rules of Junior Accounts Officer under LICE without consulting your Department i.e Department of personnel & training / UGC. 3. if any deligation is given to BSNL to frame or amend the recruitment rules of Junior Accounts Officer especially departmental exams (LICE), kindly supply the copy of the same. 	<p>1-3: The rules and regulations formulated by Ministry of Personnel, Public Grievances and Pensions (DoPT) regarding recruitment/transfer/promotion are not applicable to the Central Public Sector Enterprises (CPSEs). As per the Memorandum of Association (MoA) and Article of Association (AoA) of the company, The Board of CPSEs are empowered to frame their own policy on recruitment/promotion and transfer for below Board level posts keeping in view the specific requirement of the post(s), in consultation with their administrative Ministry/Department, if any. Department of Public Enterprises (DPE) has not issued guidelines in this regard.</p>

Signature Not Verified

Digitally signed by JA NATH PRASAD
Date: ... :: IST
Reason: Approved



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77-14/2018-SU
Government of India
Department of Telecommunications
Ministry of Communications
Sanchar Bhavan, 20 Ashoka Road, New Delhi-110001

Date: 6th April, 2018

APPELLATE AUTHORITY ORDER ON THE APPEAL OF SHRI K.R.L. SARMA DATED
13.3.2018 UNDER RTI ACT, 2005

An online RTI appeal No.DOTEL/A/2017/60044 dated 13.3.2018 from Shri K.R.L. Sarma has been received in this office on the ground that the CPIO has provided misleading information to his RTI application No.DOTEL/R/2018/500130 dated 12.2.2018.

2. In his RTI application the applicant had sought the following information:
- (i) Whether DoT has given any approval for preparing JAO RRs (which were continuing since 1977 for absorbed personnel from DoT to BSNL) and the changes/amendments made in JAO RRs especially in case of JAO LICE eligibility conditions for absorbed employees. (YES/NO)
 - (ii) In case BSNL got prior approval from DoT, copy of such approval.
 - (iii) If BSNL has not approached DoT, whether such amendments of RRs are valid or not.
3. I have gone through the appeal, the reply of CPIO and original RTI application and accordingly my observations are as follows:

In the appeal, the appellant has sought information, some of which are interrogatory in nature. Applicants may seek information only in respect of categories of information mentioned in section 2(f). Thus, the CPIO is not required to respond to such queries/questions under the RTI Act 2005. Further, there is no information available regarding the framing of RRs for the post of JAO in BSNL, with the Director (PSU-I) & CPIO.

4. In view of above, the appeal is disposed of.
5. In case the appellant is not satisfied, he may prefer a second appeal before the Chief Information Commissioner at the following address, within 90 days of receipt of this order:

O/o. Chief Information Commission,
2nd floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi 110066


(Amit Yadav) 6/4/2018
1st Appellate Authority & Joint Secretary

To

Shri K.R.L. Sarma,
11th Street, Postal Colony,
Near Naga Devatha Temple,
Elluru – 534001
Andhra Pradesh