



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

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No. AIBSNLOA/CHQ/2018/27

Dated: 26th October 2018

To

Ms. Sujata T Ray,
Director (HR),
Bharat Sanchar Nigam Limited,
New Delhi

Subject: Extension of benefits to departmental officials selected against Direct Recruit JTO Quota who had applied through proper channel – option for fixation of pay in revised scale on date of promotion-reg

Ref: 1. Our letter No.AIBSNLOA/CHQ/2017/33 dated 16th August 2017
2. Our letter No.AIBSNLOA/CHQ/2018/02 dated 2nd February 2018

R/Madam,

This is in continuation of our letters cited under reference [copy enclosed] wherein we had drawn your kind attention towards a long pending issue relating to TTAs selected against DR JTO Quota who had applied through proper channel as Departmental Outsider and have been denied the benefit of option for pay fixation in revised IDA pay scale on the date of their promotion as JTO.

2. In the letter cited under reference 1 above, we had drawn attention to the fact that **Council of Scientific and Industrial Research (CSIR)**, an autonomous body operating through Societies Registration Act 1860 under Ministry of Science & Technology, in its circular No.1/68/83-Finance, dated, the 24th January 1992, has conveyed the clarification by Department of Expenditure thus: "Certain cases of wrong fixation of pay of serving Scientists on their selection against an advertised post have come to the notice of CSIR. In this regard clarification was sought from the Ministry of Finance, **Department of Expenditure who have since clarified as follows:**

"When a serving employee applies for higher post through proper channel in response to an advertisement, his appointment to the post applied for cannot be treated as an initial appointment. In such cases the pay is fixed either under normal rules or as recommended by the Selection Committee. Both the benefits cannot be given at a time. If the recommendation of the Committee is to fix the pay under normal rules, the benefit of FR 22(C) is admissible, if the selected employee was holding the lower post. In case the Selection Committee recommends advance increments, in that case, neither pay protection is admissible nor benefit of FR 22(C) is admissible and instead only advance increments with reference to the minimum of the scale of post are admissible. This process is adopted even in cases where advance increment(s) are recommended by UPSC....." [Para 22.5.23 of Pay Fixation

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document of CSIR vide CSIR D.O. No. 1/68/83-Finance, dated, the 24th January, 1992 – link: <http://www.csir.res.in/document/pay-fixation>]

3. We had provided the copy of the said Department of Expenditure clarification referred to in CSIR circular mentioned in the previous para, vide our letter cited under reference 2 above.


4. Further to this, now we are providing copy of the OM No. F.2 (46)-E-III/60 dated 05.08.1960, issued by Department of Expenditure, Ministry of Finance, wherein at Para 4 it is mentioned that normally pay in the case of Government servants appointed in competition with outsiders in open recruitment should be fixed under the relevant rules regarding pay fixation. The **“relevant rules regarding pay fixation”** are FR 22-c. For reference we are enclosing copy of a note, which we obtained under RTI, received from CSIR, wherein it is clearly mentioned that *“when a serving employee applies for higher post through proper channel in response to an advertisement, his appointment to the post applied for cannot be treated as an initial appointment. In such cases the pay is fixed either under normal Rules or as recommended by the selection committee. Both the benefit cannot be given at a time. If the recommendations of the committee is to fix the pay under the normal rules, benefit of FR 22-C is admissible.”*

6. We once again want to draw your kind attention towards the fact that a large number of TTAs promoted as Departmental Outsider to JTO grade has been affected by the clarification issued vide BSNL letter No.1-07/2012-PAT (BSNL) dated 28.3.2012 resulting in continued frustration and heartburn.

7. We, therefore, requested that the issue may be re-examined and necessary direction for withdrawal of the clarification issued vide BSNL letter No.1-07/2012-PAT (BSNL) dated 28.3.2012 may be issue. Further, clarification may be issue to field units to fix the pay of departmental outsider JTO in accordance to Rule FR 22 (1) (a) (1). Further, it is also request to issue, so that the major discrimination against departmental outsider is remove.

With kind regards,

Yours sincerely,


(Rakesh Sethi) 26/10/12
General Secretary

Encl: As stated

Copy to:

1. Shri Saurabh Tyagi
Sr. General Manager (Estt) , BSNL CO, ND-1