



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/2013/109

Dated: 6th May 2013

To

Shri R.K.Upadhyay,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi

Subject: Pay fixation under FR 22 (I) (a) (1) instead of FR 35 for TTAs officiating as JTOs – reg

Ref: 1. Our letter No.AIBSNLOA/CHQ/2010/2 dated 11.1.2010
2. BSNL letter No.3-8/2010/Pers.IV dated 30.4.2013

R/Sir,

We would like to draw your kind attention to our above quoted letter dated 11.1.2010 (copy enclosed), immediately after pronouncement of PCAT Delhi order on the above matter, upholding the rulings of CAT Ernakulam Bench on 15.7.2009 in T.A Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96 and 97 of 2008 directing BSNL to fix the pay of TTAs officiating as JTOs under FR 22 (I) (a).(i). We had requested the then CMD to advise the concerned authorities against going on appeal in this issue and to order fixation of pay under FR 22 (I).(a).(i) for these TTAs, as a gesture of goodwill and showing caring nature of the employer, if not as abiding by the court judgment. However, BSNL filed an SLP against the orders of PCAT Delhi.

2. After Hon'ble Supreme Court of India has upheld the orders of PCAT Delhi, BSNL, instead of extending the benefit of pay fixation under FR 22 (1)(a)(i) to similarly placed TTAs, has sought to highlight the observation of the Supreme Court that "if the writ petitions filed by the petitioner/corporation before the Kerala High Court are eventually allowed and the judgment of the Ernakulam Bench and the CAT is set aside, any benefit which the petitioner/corporation may have extended to its employees pursuant to the said judgment can be reversed not only qua those are parties to the said case but also qua all such employees as have on the analogy of said order obtained benefit from the petitioner/corporation with or without intervention of the CAT or the High Court."

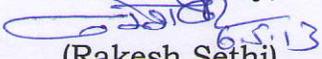
3. The observation of the Supreme Court about 'all such employees as have on the analogy of said order obtained benefit from the petitioner/corporation with or without intervention of the CAT or the High Court, clearly brings out the fact that Hon'ble Supreme Court is not opposed to granting the facility of pay fixation under FR 22 (1)(a)(i) to all TTAs officiating as JTOs.' The question of reversing the benefit comes only when the writ petitions by BSNL before Kerala High Court is allowed.

4. Therefore BSNL's advice to Circles/Units "to take appropriate steps for recovery of the amount paid to those of the officials who may retire in the intermittent period i.e. before the pronouncement of the final verdict of the Hon'ble High Court of Kerala at Ernakulam in the fourteen WPs pending before it", is ill-timed, unjust and uncalled for.

5. We earnestly request you to kindly intervene and to cause issue of orders granting the benefit of pay fixation under FR 22 (1)(a)(i) to all the TTAs officiating as JTOs, subject to the condition that the benefit will be reversed in case the writ petitions by BSNL before Kerala High Court is allowed. *As far as the retiring TTAs are concerned, an undertaking, similar to the one taken from retiring officers who got their pay in IDA scale fixed from the date of their promotion after 1.10.2000, can be obtained from them.*

With kind regards,

Yours sincerely,


(Rakesh Sethi)
General Secretary

Copy to: 1. Shri A. N. Rai,
Director (HR)

2. Shri R. K. Goyal
Sr.General Manager (Establishment)
BSNL CO ND-1